



Council Agenda Item

Meeting Date: September 15, 2026

Agenda Item: ATV/UTV Operating Hours

Staff Contact (name, email, phone): Brad Marquardt, bmarguardt@whitewater-wi.gov, 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

The City enacted an Ordinance in November 2021 that allowed the operation of ATV/UTVs on City streets. Part of that Ordinance included a provision that ATV/UTVs could not be operated between the hours of 10:00 p.m. and 5:00 a.m. At the August 4, 2026 Common Council meeting, Alderperson Hicks asked for a review of these hours. The Police Department did a review of ATV/UTV complaints dating back to May 2025 which is attached. There were no complaints between 10:00 pm and midnight. The Public Works Department has had no issues with the use of ATV/UTVs on city streets.

At the August 11, 2026, Public Works meeting a few questions were asked that needed input from the City Attorney.

1. If the City could introduce an ordinance that would make the penalty for operating an ATV/UTV impaired equivalent to an OWI.
2. Removing subsection requiring the operation on the extreme right side of the roadway.
3. Removing subsection restricting of operation on paved surface only.

Included in the packet are the questions emailed from the Police Chief to the City Attorney along with the City Attorney's responses.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

In November 2021, the Common Council adopted Chapter 11.45 – Operation of all-terrain vehicles and utility terrain vehicles allowed. At the September 8, 2026 Public Works Committee meeting, the Committee, on a vote of 2 – 1, recommended

- changing the non-operating hours in subsection (8) from between the hours of 10:00 p.m. and 5:00 a.m. to 12:00 a.m.(midnight) and 5:00 a.m.
- removing subsection (3) ATVs/UTVs shall be operated on the paved surface on the extreme right side of the roadway.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

Based on the Public Works Committee recommendation, staff recommends a motion to approve Ordinance 2026-O-22 amending Section 11.45.030 by eliminating subsection (3), operation on the extreme right side of the roadway, and updating subsection (8) to the hours of 12:00 a.m. (midnight) and 5:00 a.m.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- | |
|--|
| <ol style="list-style-type: none">1. Complaint Log2. City Attorney Responses3. Chapter 11.45.030 – Limitations – Redline Version4. Amending Ordinance 2026-O-22 |
|--|
-