

From: Dan Meyer
Sent: Tuesday, August 11, 2026 7:08 PM
To: Steven Chesebro <schesebro@whitewater-wi.gov>
Cc: Brad Marquardt <bmarquardt@whitewater-wi.gov>
Subject: ATV/UTV questions

Steven,

A few items listed below to run by you after the ATV/UTV discussion at PWC tonight. PWC wants this brought back at their next meeting with some additional info, so if you have 15 minutes or so to discuss, let me know a time that works for you. I cc'd Brad as he'll be the one bringing it back.

- 1) The request to extend the ATV/UTV restricted hours from 10p-5a to midnight-5a received some pushback at the PWC meeting tonight due to the increased potential for intoxicated operation. The discussion then went to how the penalties for intoxicated operation of an ATV/UTV on a roadway amount to a DNR violation under statute 23.33 instead of an OWI under statute 346.63 and without the DL restrictions. The question that came up was whether it would be possible to add a restriction in our ordinance that increased the penalty and essentially would make the penalty for operating an ATV/UTV equivalent to an OWI...I deferred to you on that and let them know that we'd bring it back to PWC once we had a researched legal answer as to if/how that could be accomplished. I can't see how it could be done (other than possibly the financial penalty increasing). **State statute prohibits creating a municipal ordinance that is more restrictive or has higher penalties than that laid out in 23.33. Due to that, maintaining the current process of enforcing this as a DNR violation is the best course of action.**
- 2) Regarding ordinance 11.45.030, the consensus was to remove subsection 3 (requirement to operate on extreme right side of roadway), which I did not have an issue with. Please let me know if you see any unintended consequences. **No concerns with removing 11.45.030(3).**
- 3) The PWC also discussed potentially removing subsection 4 (restriction of operating on paved surfaces only), but I believe they removed that request. On this one I think it would be a mistake to remove that as we could then see people operating in public spaces like parks without recourse. Again, curious to get your thoughts. **Recommendation is to keep 11.45.030(4) as removal would technically allow ATV/UTV operators to drive in the right-of-way which in some cases includes lawns of homeowners.**