



## Legislation Text

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**File #:** 170819, **Version:** 1

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### 170819 SUBSTITUTE 1

ALD. PEREZ

A substitute ordinance relating to the operation of all-terrain vehicles on city streets.

101-1-2                      am

This ordinance adopts Wisconsin state laws regulating the operation of all-terrain vehicles.

Whereas, The operation of all-terrain vehicles is regulated under the Wisconsin State conservation code at s. 23.33, Wis. Stats.; and

Whereas, Under s. 23.33(4)(b), Wis. Stats., no person may operate an all-terrain vehicle or utility terrain vehicle on a highway (any public road) except as authorized under certain exceptions; and

Whereas, Under State law, one such exception is that a person may operate an all-terrain vehicle or utility terrain vehicle with a snow removal device attached on a roadway or adjacent to a roadway or on a public sidewalk during the period beginning on October 1 and ending on April 30 of each year for the purpose of removing snow if such operation is necessary to travel to or from a site where the snow removal device will be used; and

Whereas, The travel necessary to or from the site may not exceed 2 miles, and operation of such an all-terrain vehicle or utility terrain vehicle on a roadway or adjacent to a roadway is authorized only if the applicable roadway speed limit is 45 mph or less; and

Whereas, Under State law, another such exception is that a person may operate an all-terrain vehicle or utility terrain vehicle on roadways which are designated as all-terrain vehicle routes; and

Whereas, The City of Milwaukee has not designated any all-terrain vehicle routes on highways within the city limits; and

Whereas, Under State law, another such exception is that a person may operate an all-terrain vehicle or utility terrain vehicle on a roadway if the all-terrain vehicle or utility terrain vehicle is an implement of husbandry, is being used exclusively for agricultural purposes and is registered for private use; and

Whereas, Under State law, any person who violates s. 23.33(4)(b), Wis. Stats., shall forfeit not more than \$250; and

Whereas, Adoption of s. 23.33, Wis. Stats., into the Milwaukee Code of Ordinances permits the Milwaukee Police Department to issue citations for violations to the Milwaukee Municipal Court rather than the Wisconsin Circuit Court; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-1-2 of the code is amended to read:

**101-1. Title and Adoption of State Laws.**

**2. ADOPTION OF STATE LAW.**

The city of Milwaukee adopts >>s. 23.33 and <<chs. 340, 341, 342, 343, subch. 6 of ch. 344, 345, 346, 347, 348, 349, 941.01 and 941.03, Wis. Stats., and all subsequent amendments thereto defining and describing regulations with respect to vehicles and pedestrians and traffic for which the penalty is a forfeiture only, including but not limited to provisions for stipulation, conditions of deposit or bail, penalties unless another provision for such penalties, provisions for stipulation, conditions of deposit or bail is provided in this chapter.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Dana J. Zelazny  
LRB169749-2  
October 23, 2017