

ORDINANCE NO. _____

**An Ordinance Repealing and Recreating Chapter 7 Entitled “Traffic Code,”
Section 7.09 Entitled “All Terrain Vehicles and Utility Terrain Vehicles,”
Section IV Entitled “Signage” of the Code of Ordinances of the Town of
Ottawa**

WHEREAS, the Town of Ottawa recognizes that surrounding communities permit the use of non-traditional vehicles, including all-terrain vehicles and utility terrain vehicles, on their roadways; and

WHEREAS, the Town of Ottawa recognizes that there is interest in allowing the use of such vehicles on roadways within the Town; and

WHEREAS, the Town of Ottawa also recognizes that such use, if permitted, requires appropriate regulation to ensure the safety of all citizens; and

WHEREAS, Wis. Stats. § 23.33 authorizes municipalities to designate municipal roads as all-terrain vehicle routes to allow all-terrain vehicles and utility terrain vehicles to operate on certain roads within the municipal boundaries; and

WHEREAS, the Town Board of the Town of Ottawa adopted Ordinance No. 9-24 repealing and recreating its ordinance regulating All-Terrain Vehicles and Utility Terrain Vehicles as approved by the Town Board on September 10, 2024, but the same does not become effective until the satisfaction of the conditions specified therein; and

WHEREAS, the Town of Ottawa seeks to clarify the procedure and requirements for signage of All-Terrain and Utility Terrain Vehicles routes as initially described in Ordinance No. 9-24.

NOW, THEREFORE, the Town Board of the Town of Ottawa, Waukesha County, Wisconsin do ordain as follows:

Section 1. Chapter 7 of the Town of Ottawa Municipal Code entitled “Traffic Code,” Section 7.09 entitled “All-Terrain Vehicles and Utility Terrain Vehicles,” Section IV Entitled “Signage,” is hereby repealed and recreated to read as follows:

Section IV – Signage

All ATV/UTV Routes shall be signed in accordance with Wis. Stats. § 23.33(8)(e)2.b. and Wis. Admin. Code NR § 64.12(7).

- (a) The Town of Ottawa shall have the sole responsibility for ATV/UTV signage on Town roads, streets, and highways. The Town Board or their designee shall coordinate the installation of any signage required on State or County highways with the respective agency that maintains jurisdiction of each segment of highway authorized or designated as an ATV/UTV Route.
- (b) Okauchee Area ATV/UTV club shall be responsible for the cost of all required designated route ATV/UTV signage, and shall work with the Town of Ottawa to ensure that ATV/UTV signage is uniform and in compliance with all applicable state and local regulations.
- (c) All signs shall be in compliance with the most current version of the Wisconsin Manual on

Uniform Traffic Control Devices.

- (d) No sign shall be mounted to an existing County sign post unless authorized by the Waukesha County Highway Commissioner or designee.
- (e) No sign shall be mounted to an existing Wisconsin Department of Transportation sign post.
- (f) ATV and UTV operation shall be subject to all provisions of Wis. Stats. § 23.33, which is adopted as part of this ordinance by reference. Pursuant to Wis. Stat. § 23.33(8)(f), no person may do any of the following in regard to signs marking ATV/UTV Routes:
 - (1) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign, if the sign is legally placed by the state, any municipality, or any authorized individual.
 - (2) Possess any uniform all-terrain vehicle route or trail sign of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign creates a rebuttable presumption of illegal possession.

Section 2. Town Clerk to Provide Required Notices. Pursuant to Wis. Stat. §23.33(11)(b), following adoption, the Town Clerk shall provide copies of this Ordinance to the Wisconsin Department of Natural Resources, the Wisconsin State Patrol, and the Waukesha County Sheriff's Office. The Town Clerk shall also provide copies of this Ordinance to the Waukesha County Public Works Department and the Wisconsin Department of Transportation.

Section 3. Severability. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section 4. Effective Date. This ordinance shall become effective upon the Okauchee Area ATV/UTV Club purchasing and staking out the placement of all signs required by State Law, and the Town Board approving the location of the signs and the signs having been fully placed and accepted by the adoption of a Town Board resolution.

Dated this ____ day of _____, 2025

TOWN OF OTTAWA

Cheryl Rupp, Town Chairman

Attest:

Lori Geyman, Clerk/Treasurer

Published and/or posted this _____ day of _____, 2025