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**PUBLIC NOTICE OF A COMMITTEE MEETING
OF THE COMMON COUNCIL OF THE CITY OF WATERLOO**

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public & news media, that the following meeting will be held:

COMMITTEE: PUBLIC SAFETY AND HEALTH COMMITTEE
DATE: April 6, 2023
TIME: 6:00 p.m.
LOCATION: Municipal Building Police Training Room, 136 N. Monroe Street (In-person or remotely)

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING MINUTES: March 2, 2023
3. PUBLIC COMMENT
4. UNFINISHED BUSINESS
5. NEW BUSINESS
 - a. Hire a Full-Time Officer [NOTE: The Public Safety and Health Committee may meet in closed session per Wis. Stat. 19.85 (1)(c) "considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercise responsibility. Upon concluding a closed session, the Committee will reconvene in open session.]
 - b. ATV/UTV Hours of Operation- Ordinance §350-13

FUTURE AGENDA ITEMS, COMMUNICATIONS AND ANNOUNCEMENTS

6. ADJOURNMENT

PUBLIC SAFETY AND HEALTH COMMITTEE MEETING MINUTES

March 2, 2023

1. **Call to Order:**
The Public Safety Committee meeting was called to order by Alderperson Thomas at 6:00PM
2. **Roll Call:**
Committee members present – Alderperson Thomas, Griffin, Citizen Steve Parker, DPW Chris Hauptli, DPW Sup Chad Yerges and Chief Sorenson.
3. **Approval of Public Safety Committee Minutes of February 2, 2023.** Motion by Alderperson Griffin to approve Prior minutes, second by Thomas, motion carried.
4. **Public Comment:** None
5. **Unfinished Business:** None
6. **New Business:**
 - a. Event Trek/Macc Fund Special Event. Thomas recommended to send to Council for approval, second by Griffin, motion carried.
 - b. Request to hire part time officer. Griffin recommended to council to hire part time officer Christopher Regenauer, second by Thomas, motion carried.
 - c. Event Waterloo Business Association Wine & Beer Walk in May. Steve Parker presented application without having the beer tent. Griffin motioned to recommend the application to council with the exclusion of the beer tent, second by Thomas, motion carried.
 - d. Event Waterloo Business Association Farmers Market starting in June. Sup DPW Chad Yerges stated he would provide barricades for the first event and pick them up at the end of the Season. Steve Parker from the Waterloo Business Association said he would store them and put them in place prior to events and then take them down after the events. Motion by Griffin to recommend to council Farmers Market event license to Council, second by Thomas, Motion Carried.
7. **Future Agenda Items, Communications, and announcements:** None
8. **Adjourn:** Motion to Adjourn by Alderperson Griffin Second by Thomas, motion carried.

I Attest: *Chief Denis P. Sorenson*

ORDINANCE NO. 2021-01

Jefferson County - All-Terrain Vehicle (ATV) and Utility-Terrain Vehicle (UTV) Route Ordinance

Section 1 - General

Following due consideration of the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this ordinance is enacted pursuant to sections 59.02 and 23.33 Wis. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV operation, which is hereby incorporated and adopted.

Section 2 - Applicability and Enforcement

The provisions of this Ordinance shall apply to all county highways within the jurisdiction of Jefferson County and the provisions of this ordinance shall be enforced by the Jefferson County Sheriff's Office.

Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this section.

Section 3 - Limitations

The following limitations apply on all areas designated in this Ordinance:

Operators and passengers of all ATVs/UTVs shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including, but not limited to, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.

This Ordinance incorporates by reference all definitions under section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise.

ATVs/UTVs shall be operated on the extreme right side of the roadway on the paved surface.

ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

ATV/UTV operators are required to have applicable liability insurance.

ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.

ATVs/UTVs may not be operated on any county highway route without fully functional headlights, taillights, and brake lights.

ATVs/UTVs may not be operated on any county highway route between the hours of 10:00 p.m. and 5:00 a.m.

No person may operate an ATV/UTV on any county highway route without a valid driver's license and shall display the license upon demand from any law enforcement officer or official described in section 23.33(12) Wis. Stats.

7.10 - ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES. (Cr. #950; Rep & recr. #955; Am. #1011; Rep. & recr. #1096)

- (1) TITLE. This Section shall be known as the Dodge County ATV/UTV Ordinance.
- (2) AUTHORITY. This Ordinance is adopted and enacted pursuant to the authority granted by § 23.33(8)(b) and (11), Wis. Stats. The relevant portions of § 23.33, Wis. Stats., and Wisconsin Administrative Code Ch. NR 64, including definitions, are incorporated herein by reference and adopted hereby. All references to the Wisconsin Statutes and the Wisconsin Administrative Code include the statute or code in effect at the time of the adoption of this Section 7.10, and as subsequently amended.
- (3) PURPOSE. The purpose of this Section is to regulate the operation of ATVs/UTVs, as defined in §§23.33, Wis. Stats., and Wisconsin Administrative Code Ch. NR 64, as amended from time-to-time on Dodge County Highways.
- (4) COUNTY HIGHWAY DESIGNATED ROUTES.
 - (a) All Dodge County Highways are approved ATV/UTV routes, subject to the installation of proper signage.
 - (b) Route or Segment Closure. The Highway Committee may temporarily modify or suspend the use of any route or permanently remove a route from use. The Highway Commissioner may without the approval of the Highway Committee, modify or suspend the use of any route whenever emergency conditions so require as determined by the Highway Commissioner.
- (5) OPERATION OF ATVS AND UTVS; LIMITATIONS.
 - (a) Operators must abide by all traffic laws unless further restricted by this Section.
 - (b) No ATV/UTV shall be operated at a speed greater than that established by the Highway Committee for the route or the posted limit applicable to automobiles, whichever is lower.
 - (c) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right-of-way.
 - (d) No ATV/UTV may be operated on any route without fully functional headlights, taillights, and brake lights.
 - (e) No ATV/UTV may be operated on any route between the hours of 11:59 p.m. and 5:00 a.m. daily, unless a different restriction on hours of operation has been specified by the Highway Committee for the open segment of County Trunk Highway and notice of the same is duly posted.
 - (f) All ATV/UTV operators shall ride in single file.
 - (g) All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right-of-way.
 - (h)

Public Safety & Health Committee and Common Council

§ 350-13 Off-road vehicles.

[Amended 4-6-2017 by Ord. No. 2017-02; 2-21-2019 by Ord. No. 2019-01]

Hours of operating ATV/UTV (ORV)

I am requesting the Public Safety & Health Committee consider changing the hours that ORV's can be operated in the City of Waterloo. Currently ORV use in Waterloo is from 07:00 A.M. to 10:00 P.M.

State statute 23.33 does not have any time restrictions stating when ORV's can be operated on public Rights of Way. I looked at several neighboring communities and there were a variety of time restrictions. Most of the communities restricted the time they could not be used rather than the times they could be used. Many of the municipalities are 11:59 P.M. to 5:00 A.M. including Jefferson County. However, the Town of Portland adopted state statute 23.33 without addressing any time constraints. It would be my preference to be aligned with the state statute and have no restrictions just like any other vehicle that can be operated on public ROW.

I understand there were concerns with allowing ORV use of public ROW. These concerns were unfounded, and I am not aware that there have been many issues with ORV use. I also understand that there are similar concerns with potentially extending the hours of use. These issues exist regardless of the vehicle. The City of Waterloo was one of the early communities in the region to allow use of ORV's on the City streets. Recently Lake Mills and Columbus passed ORV use on City public ROW. Jefferson County allows use of county roads County wide. I recently purchased a UTV because I can leave my residence without having to load it on a trailer to haul it someplace to be used. As of December 31, 2019, Wisconsin reported 321,201 ATV's, 91,515 UTV's are registered in the state. I am confident the total number of ORV registrations will only increase, and I feel it important to continue to support their use on public ROW's

In closing I appreciate your time and consideration of this matter.

Rich Weihert

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 350-13 Off-road vehicles.

[Amended 4-6-2017 by Ord. No. 2017-02; 2-21-2019 by Ord. No. 2019-01]

- A. Intent. The City of Waterloo adopts the following all-terrain vehicle trails and routes for the operation of all-terrain vehicles and utility terrain vehicles upon roadways and City-owned property throughout Waterloo. Following due consideration of the recreational value to connect trail opportunities and weighed against the possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes and trails have been created
- B. State laws adopted. The statutory provision in § 23.33, Wis. Stats., and Chs. **340** to 348, Wis. Stats., establishing definitions and regulations with respect to ATVs and UTVs, and Ch. NR 64, Wis. Adm. Code, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein is hereby required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALL ATV/UTV VEHICLE TRAIL

A marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways or highways, except those roadways that are seasonally not maintained for motor vehicle traffic.

ALL-TERRAIN VEHICLE (ATV)

A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on three or more tires.

[Amended 5-20-2021 by Ord. No. 2021-04]

OFF-ROAD VEHICLES

Shall include, but not be limited to, minibikes, all-terrain vehicles, and utility terrain vehicles.

UTILITY TERRAIN VEHICLE (UTV)

Any of the following:

- (1) A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all the following:
 - (a) A weight, without fluids, of 2,000 pounds or less.
 - (b) Four or more tires. **[Amended 5-20-2021 by Ord. No. 2021-04]**
 - (c) A cargo box installed by the manufacturer.
 - (d) A steering wheel.

- (e) A taillight.
 - (f) A brake light.
 - (g) Two headlights.
 - (h) A width of not more than 65 inches.
 - (i) A system of seat belts, or similar system, for restraining each occupant of the device in the event of an accident.
 - (j) A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device.
- (2) A commercially designed and manufactured motor driven device to which all the following applies: All other applicable words or phrases defined within § 23.33, Wis. Stats., and Ch. 340.01, Wis. Stats., are incorporated within this section.
- (a) It has a weight, without fluids, of more than 900 pounds but not more than 2,000.
 - (b) It has a width of 50 inches or less.
 - (c) It is equipped with a seat designed to be straddled by the operator.
 - (d) It travels on tires. **[Amended 5-20-2021 by Ord. No. 2021-04]**
- D. Regulated. No person shall operate an off-road vehicle on any City street, alley, park, or parking lot; on any public lands or parking lots held open to the public; or on any land zoned residential within the City except as provided below: **[Amended 4-18-2019 by Ord. No. 2019-02]**
- (1) Designation of all-terrain and utility terrain vehicle routes. Pursuant to § 23.33(8)(b)2., Wis. Stats., all City-maintained streets, roads and alleys are designated as all-terrain and utility terrain vehicle routes unless posted.
 - (a) Under Wis. Stat., § 23.33(8)(b)1., the City of Waterloo designates STH 19 as an ATV route from the 25/40 MPH speed limit transition to Canal Road. The route shall not be effective unless the Department of Transportation approves the route under Wis. Stat., § 23.33(8)(b)3. **[Added 9-2-2021 by Ord. No. 2021-07]**
 - (2) Conditions of operation. In addition to the provisions in § 23.33, Wis. Stats., and Chs. 340 to 348, Wis. Stats, the following conditions apply:
 - (a) "ATV/UTV vehicle route" means a highway or sidewalk designated for use by allterrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.
 - (3) The City of Waterloo reserves the right to close or modify routes and trails at any time.
 - (4) The City of Waterloo or its designee shall maintain all route and trail signs within the City of Waterloo. The City of Waterloo shall maintain all route signs erected on state highways within the City of Waterloo.
 - (5) All ATV/UTV routes and trails shall be signed in accordance with Chs. NR 64.12 and NR 64.12(7)(c), Wis. Stats.

- (6) All City of Waterloo streets, roads and alleys are designated as ATV/UTV routes, not including county highways, state trunk highways, or connecting highways unless Jefferson County and/or the Department of Transportation approves or is required to approve the designation.
- (7) Per § 23.33 (11)(am)(4), Wis. Stats., the City of Waterloo authorizes the operation of ATVs/UTVs on all highways that have a speed limit of 35 miles per hour or less that are located within the territorial boundaries of the City of Waterloo.
- (8) Conditions of route use. As a condition for the use of these trails and routes, the following conditions shall apply to all operators and passengers as applicable:
 - (a) All ATV/UTV units shall be registered in accordance with WI DNR regulations.
 - (b) All ATV/UTV operators shall observe all applicable rules of the road governing motorized vehicles on municipal streets in accordance with Ch. 346, and § 23.33, Wis. Stats.
 - (c) No ATV/UTV shall be operated at a speed greater than the posted street speed limit unless posted otherwise.
 - (d) All operators of ATVs or UTVs are subject to Wis. Stats. and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements.
 - (e) No ATV/UTV may be operated on any designated trail or route without fully functional headlights, taillights and brake lights. Operators must display a lighted headlight and taillight at all times while on the trail or route.
 - (f) All ATV/UTV operators shall ride single file.
 - (g) ATV/UTVs may be operated on paved roadway surfaces only.
 - (h) No ATV/UTV may be operated on any designated route between the hours of 10:00 p.m. and 7:00 a.m. daily, unless otherwise authorized by the Chief of Police.
 - (i) ATV/UTVs that do not meet Wisconsin State or local noise pollution requirements may not be operated on any trail or route.
 - (j) Operation within any municipal park unless specifically designated is prohibited.
 - (k) Operation on any sidewalk unless specifically designated is prohibited.
 - (l) No person shall leave or allow any ATV owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition. Insurance is required for all ATVs/UTVs operated within the City of Waterloo.
 - (m) DOT. Approved protective helmets will be worn for all operators and passengers of any ATV/UTV for persons under the age of 18 years old.
 - (n) A valid Department of Transportation driver's license is required to operate any ATV/UTV.
- (9) In accordance with § 23.33 (11)(am)(3), Wis. Stats., the operation of ATVs and UTVs is authorized on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and is located within the territorial boundaries of the City of Waterloo, regardless of whether the City of Waterloo has jurisdiction over the highway. The City of Waterloo authorizes the operation of ATVs on STH 19 from the 35/45 MPH speed limit transition to Heil Street, under Wis. Stat., §§ 23.33(4)(d)3.b. and (11)(am)3. to cross over the Maunasha River tributary provided that a

person crossing a bridge shall do all the following: **[Amended 9-2-2021 by Ord. No. 2021-07]**

- (a) Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing;
- (b) Stay as far to the right of the roadway or shoulder as practicable;
- (c) Stop the vehicle prior to the crossing;
- (d) Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder; and
- (e) Exit the highway as quickly and safely as practicable after crossing the bridge.