

Town of Waterford
Proposed ATV/UTV Trails & Routes

Proposed By:
Tichigan Sno-N-Go
Jason Kawczynski- Committee Chair

Prepared for review by:
Town of Waterford Board

Updated
June 23rd, 2017

Updates to ATV/UTV Proposal

6-15-2016

Summary of changes:

- Many routes through town have been eliminated. Only key routes required for travel between the potential off trail development in western Waterford on DNR land, through town to connect to future Wind Lake area routes. (See updated Map) Roads Include:
 - o Marsh Road in entirety
 - o Fox River Road in entirety
 - o North Lake Drive in entirety
 - o Territorial Drive in entirety
 - o Town Line Road in entirety

- Suggested amendment of the golf cart ordinance to allow ATV's and UTV's to operate on roads where speed limits are 25mph or less (Same roads that are currently authorized for golf cart use). All vehicles must now obtain yearly permit, including golf carts, at cost of \$20 and agree/sign contract of limited allowed use on these roads. This permit system is currently in use by the Town of Geneva (Lake Como area in Walworth CTY) and has proven to be successful for years.

- Update of proposed ATV/UTV ordinance including route changes and required process to open additional routes.

- Inclusion of submission request.

- Inclusion of current and amended Golf Cart Ordinances

- Inclusion of OHV authorization form required to obtain local use pass

- Permission obtained from owner of 6936 Tichigan Road for OHV's to access lake Tichigan Ice during winter months via his private land.

Town of Waterford ATV/UTV Trails & Routes Overview

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Section 1(a)

Tichigan Lake Sno-N-Go
PO Box 216
Waterford, WI 53185

May 30th, 2017

To Town of Waterford Board,

I am writing this letter today to convey our club's interest in developing an All Terrain Vehicle/Utility Task Vehicle (ATV/UTV) system within our town boundaries.

The proposal was initially brought to our club's attention during the winter months by some of our members as a potential extension or cooperation between the Sno-N-Go snowmobile club and a proposed ATV/UTV club in the Tichigan Area. After discussions within our club we feel that this system has a significant benefit to our town as well as the snowmobile club. The majority of our 105 member families enjoy both snowmobile and ATV/UTV as a recreational sport. In addition, by offering dual use trails, our club could potentially gain significant additional funding to better our snowmobile trail system. In the past years, ATV/UTV registrations have eclipsed snowmobile registrations by a 2 to 1 margin, so we feel confident that not only our club members would enjoy the use of such routes/trails but we would also attract interest in other town residents to become active within the clubs.

At the April 12th 2017 meeting, the Sno-N-Go passed a motion to offer formal support for this initiative. As a club we agreed that not only would we submit the proposal on behalf of our club to the Town Board but also plan on assisting wherever possible in areas such as but not limited to- signing, new trail creation, and even potential funding for startup capital needed to fund any needed resources.

Please find our attached documentation regarding the proposal as per requested. Any further questions on the matter can be directed to our club member and town resident who is in charge of this effort, Jason Kawczynski. He can be reached by telephone at (414)788-1040 or by email- Jason@racinecountytrails.com

Thank you for your consideration in this matter.

Regards,

Donny Kompas

Tichigan Sno-N-Go Snowmobile Club
Donny Kompas- Vice President

Section 1(b)

General Objectives:

- Create designated trails & routes that will allow for ATV/UTV travel.
- Address potential solutions for ATV/UTV access from non-routes within class B roads (25mph) for means of getting to and from residences to ATV/UTV routes.
- Limit travel on routes to vehicles defined by the WI DNR as permitted types to use ATV/UTV trails & routes in the State of Wisconsin. (No dirtbikes, vehicles wider than 65"....etc)
- Develop off road trails where possible
- Expand trails & routes to access/connect to other adjacent areas

Process:

1. Pass ordinance getting roads open (and modify #7-11-2005)
2. Create a new ATV/UTV club
3. Obtain route signage from DNR
4. Install all necessary signage and open routes
5. Develop of off road trails, possibly permanent trails for both ATV/UTV use in summer and Winter use.

Support:

- Snow-n-Go- Club agrees to support the initiative, passed resolution on 4/12/17 to support and potential funding of new ATV/UTV club.
- Sign up sheets list 51 names of prospective members to a new ATV/UTV club (as of 4/27/17)
- Captain Missy's, Tichigan Mobil, What about Lindas , River City lanes owners all support initiative and access to their establishments.

Positive Factors:

- Alternative means to get around town and to local establishments for residents.
- ATV/UTV registrations now double what snowmobile registrations in Wisconsin are. This will appeal to more of the population than snowmobiling does
- Better access to get on the lake ice in the wintertime with ATV/UTV's.
- Increased revenue for local businesses.
- Creating routes will generate funding from the state and can be used to improve trails & routes that can be used for ATV/UTV and Snowmobiles.

Submission Request

To Town of Waterford Board Members:

We ask the town board to review and enact the following changes to the town ordinances:

1. Repeal ORDINANCE# 7-11-2005 (Also know as the “Dirt Bike Ordinance”)- This ordinance effectively bans any operation of ATV’s and other vehicles from being used on any private property other than properties greater than three acres which are zoned agricultural. Keeping this ordinance would limit the use of ATV’s and similar vehicles to a very small minority of town residents and incriminate other residents simply for wholesome operation, yard maintenance, snow removal, etc. Existing state statutes 23.33 already prohibits operation of such vehicles on roadways unless on marked routes so no further additional conditions by the town would be necessary.
2. Replace Ordinance #3.06 (Also known as “Golf Cart Ordinance”) with updated OHV ordinance hereby attached. The current golf cart ordinance is not legally valid. It references a state statute that allows for “Low Speed Vehicles”, the statute definition of these vehicles specifically states that a “Golf Cart” is not considered a low speed vehicle. So as it stands, only other four wheel vehicles properly equipped and that are capable of less than 25mph could use these roads. (such as UTV’s, tractors, lawn mowers...etc)
3. Enact Ordinance #06-01-2017 (Also known as the ATV/UTV designated Routes)- These roads will be open to public operation of vehicles that are allowed by state Statues to use such routes. The primary purpose of these routes is to allow connection through town for future routes and trails such as access to DNR trail between Marsh Rd and Route access to Wind Lake area using Town of Norway Old Loomis Rd.

Section 1(c)

Adjacent Communities with existing ATV/UTV Routes

- Dover, Racine County- ATV routes mostly in neighborhood surrounding eagle lake
- Sharon, Walworth County- Road Routes
- Darien, Walworth County- Road Routes and trails

Section 2(a)

Wisconsin DNR ATV/UTV Contacts

Jason Roberts- Managing Warden, ATV/UTV Program
141 NW BARSTOW
WAUKESHA WI 53188
(262) 574-2169

Faith Murray- Grants and Funding
2984 SHAWANO AVE
GREEN BAY WI 54313-6727
(920) 662-5487

Marty Johnson- Property Manager, Tichigan Area DNR Lands
9531 RAYNE RD STE 4
STURTEVANT WI 53177
(262) 945-9561

Section 2(b)

From: "Roberts, Jason J - DNR" <Jason.Roberts@wisconsin.gov>
Date: Friday, May 26, 2017 at 12:51 PM
To: Jason Kawczynski <jason@racinecountytrails.com>
Cc: "Hirschboeck, Michael G - DNR" <Michael.Hirschboeck@wisconsin.gov>, "Burrow-Niemeyer, Jennifer C - DNR" <Jennifer.BurrowNiemeyer@wisconsin.gov>
Subject: RE: ATV Routes in Waterford

Jason,

See my responses to your questions below in red. I've also outlined some information for the board specific to the Road Route Process, Law Enforcement resources, and available ATV grants.

I cannot offer support or opposition to the establishment of a road route as this is an authority granted by the legislature to the local unit of government. I can however assist by providing information detailing the legal process of establishing a road route and some background information the board should consider when enacting such an ordinance. This legal process and background information can be found on the Departments website at the following link:

<http://dnr.wi.gov/Aid/documents/atv/Manual.pdf>

This information in this manual should be shared with the town board to give a clearer picture of the Road route process, and the many factors to consider when enacting a road route ordinance.

Road Route Process:

- When the road route ordinance has been passed/approved by the local jurisdiction, the clerk of jurisdiction MUST send a copy of the route/ordinance to the DNR.
- The clerk of jurisdiction MUST also send a copy of the route/ordinance to the law enforcement agency having

jurisdiction over the highway(s).

- The unit of government that designated the route SHALL post the proper route signs or ensure that it is done. Sometimes the county, town, city or village, while maintaining supervisory responsibility, designates this task to an ATV club or an ATV association. Ultimately the **designating unit of government is responsible for signing the route.**

Law Enforcement

Consider your law enforcement resources carefully prior to creating a road route.

DNR Law Enforcement...

The DNR has 4-position (FTE) equivalents that are dedicated to the ATV program. These equivalents translate into 7,320 hours. The hours are distributed among the entire warden service (209) and are used for a variety of ATV related duties; including law enforcement, safety education, court, maintenance, accident investigation, public relations, and other activities. Unfortunately, this breakdown also translates into roughly nine hours of enforcement work that is available per warden/year. The "DNR-hours dilemma" is that the agency is not authorized to work time beyond what the legislature has granted and there has been limited success in acquiring new FTE. Results: The DNR must rely heavily on county and local enforcement efforts.

County LE...

The DNR provides grant money to counties for ATV law enforcement purposes. However, the county sheriff's offices are the only law enforcement branch eligible for the grants. Of the 72 Wisconsin counties, only 18-20 have traditionally participated in the patrol grant process and only \$70,000 state dollars are available for distribution. Racine has not submitted for a patrol grant in several years for ATV patrol dollars.

Grants Reimbursement

The cost of the initial set of route signs (to and from a trail and/or from a trail to services and back to a trail) is eligible for grant funds. However, you should know that the DNR distributes available funds using a ranking system. Most of the grant applications (for route signs) do not rank high enough to receive priority during the grant distribution setting process. Therefore, the county, town, city or village is often left with paying for the signs completely. This result often places the unit of government in a difficult position to make a conscious decision "**To sign or Not to sign.**" Taking the later approach is tempting, especially when the all town roads have been opened as a route. The DNR discourages towns from managing routes in this manner. The cost for maintaining a route is not a reimbursable expense

Give me a call with any concerns or problems you may have. I have also contacted the local warden Mike Hirschboeck concerning this route consideration. He has been CC'd in the Email if you need to speak with him.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jason Roberts

Recreational Saftety Warden

Phone: 262-574-2169

141 Barstown Street Rm 180

Waukesha, WI 53188

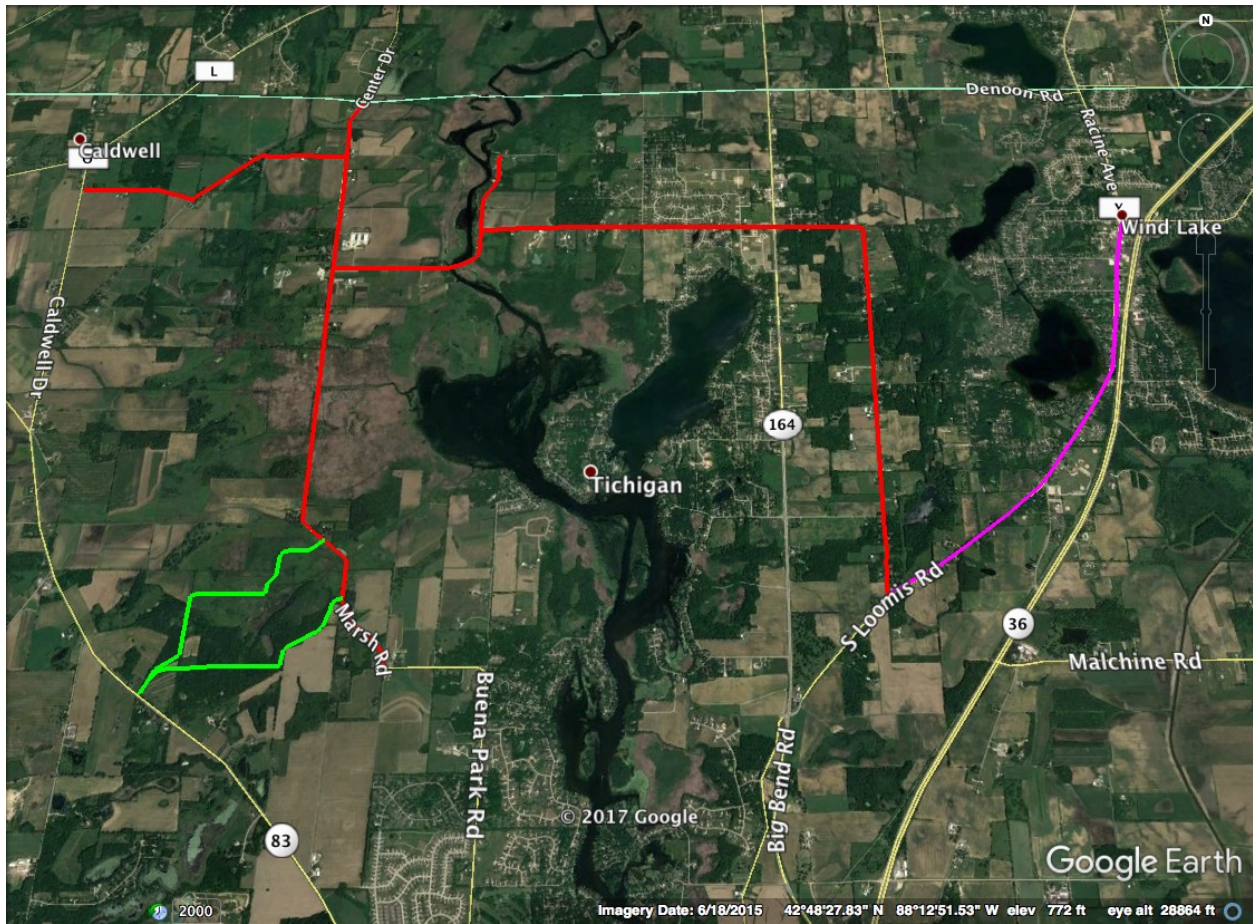
Jason.roberts@wisconsin.gov

Section 2(c)

See attached -Wisconsin Statute 23.33 ATV-UTV Regulations.pdf for complete statutes.


Section 3(a)

Trails and Routes Map-



 = Potential off road trails (Pending permission from DNR)

 = Proposed Town of Waterford Routes

 = Potential Route Development (Pending permission from Town of Norway)

Section 3(b)

Town Road Routes

- North Lake DR- From Town Line Rd to Fox River Rd (25mph)
- Fox River RD- From Raab Dr to Bridge Drive (25mph)
- Bridge DR- From Fox River Rd to Marsh Rd (25mph)
- Marsh RD- From Waukesha County Line to Ranke Rd (35mph)
- Territorial Dr- Marsh Rd to Caldwell Rd (35mph)
- Town Line Rd- North Lake Dr to Loomis Rd (25mph)

Section 3(c)

Potential off road Trails**

(**Pending to DNR and/or Landowner permissions)

HWY 83 Parking Lot to Marsh RD (DNR Land)

Section 4(a)

Safety Overview-

While inherent dangers are inevitable with ATV/UTV operations, we shall enact all established standard safety parameters that are established by Wis Stat 23.33

The following are key excerpts from Wis. 23.33-

1. Speed Limits- Town shall establish speed limits ranging from 25mph to 35mph for all road routes.
2. Age of Operation- All operators must be 16 yrs or older or hold valid ATV/UTV certificate from the State of Wisconsin
3. Helmets- All riders under 18 must wear D.O.T. approved helmet during operation on all trails and routes.
4. Seat Belts- All operators and riders of vehicles equipped with seat belts must have them fastened while operating.
5. Any vehicles operating on Road routes must have headlights and tail lights on and operational at all times.
6. Operation on road routes is limited to the extreme right side of the roadway and must yield to all automotive traffic.

Further beyond these restrictions set forward by the state statues, the Town of Waterford can make additional restrictions, such as lower speed limits, hours of operation, vehicle types allowed.....etc. However, the town would be required to enforce these ordinances on their own as the DNR/County law enforcement will not.

Section 4(b)

Trail Patrol Ambassadors

The town ATV/UTV club shall designate trail and route patrol ambassadors to assist in enforcement of the safe use of ATV/UTV trails & Routes.

Designated Trail & Route Patrol Ambassadors of the Town of Waterford shall patrol a minimum of ten hours per week from Memorial Day until Labor Day

The Trail & Route Patrol Ambassador program is a group of dedicated and trained volunteers who give their time to patrol our states ATV/UTV trails. We are not law enforcement officers however most of our clubs work directly with local law enforcement agencies.

Some tasks included:

- Educating the riders on the rules and regulations as well as ethical riding practices.
- Teach Wisconsin Department of Natural Resources ATV/UTV certification classes.
- Patrol the trails while watching for riders in distress or riders who are violating the law.
- Trail & Route clean up.
- Signage posting.

Section 5(a)

Summer Routes & Trails

Dates of Operation- May 1st to November 15th*

- Road Routes shall be open during these periods
- Trails shall be opened only after approval from both the town of Waterford and ATV/UTV Club
- *No ATV/UTV operations during the gun deer hunting season

Section 5(b)

Winter Routes & Trails

Dates of Operation- Dec 1st to April 30th

- Road Routes shall be open during these periods
- Trails shall be opened only after approval from Tichigan Lake Sno-N-Go if permitted for both dual use.
- Any dual use trails when open shall be limited to days where the high temperature does not exceed 28 degrees as forecasted by weather.com for the Town of Waterford, WI
- Operations on road routes with ATV/UTV equipped with a plow shall have yellow flashing indicator lights at all times. (Per Wis 23.33)

Section 6(a)

Proposed Ordinance

ORDINANCE# 6-12-2017

TOWNSHIP OF WATERFORD RACINE COUNTY, WISCONSIN

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE AND UTILITY TASK VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL TERRAIN VEHICLES AND UTILITY TASK VEHICLES WITHIN THE TOWNSHIP OF WATERFORD, RACINE COUNTY, WISCONSIN

THE TOWN BOARD of the Township of Waterford, at its regularly scheduled and duly-noticed meeting, does ordain and pass the following ordinance:

Section I - Intent

The Town of Waterford, Racine County adopts the following all-terrain vehicle and utility task vehicle route for the operation of all-terrain vehicles and utility task vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route(s) has been created.

Section II - Statutory Authority

This route is created pursuant to village authority under section 1.1.01 as

authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted.

Section III - Routes

The following roads are designated as routes

- A. North Lake DR- From Town Line Rd to Fox River Rd (25mph)
- B. Fox River RD- From Raab Dr to Bridge Drive (25mph)
- C. Bridge DR- From Fox River Rd to Marsh Rd (25mph)
- D. Marsh RD- From Waukesha County Line to Ranke Rd (35mph)
- E. Territorial Dr- Marsh Rd to Caldwell Rd (35mph)
- F. Town Line Rd- North Lake Dr to Loomis Rd (25mph)

Section IV - Conditions

1. As a condition for the use of this route, the following conditions shall apply to all operators (and passengers);

A. All ATV/UTV operators shall observe posted roadway speed limits.

B. All ATV/UTV operators shall ride single file.

C. All ATV/UTV operators shall slow the vehicle to 10-mph or less when operating within 150 feet of a dwelling unless on a designated route.

D. Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.

E. All ATV/UTV operating on road routes shall comply with equipment requirement in Wis. Stat 23.33(6)(6m)(6r); specifically requiring head lights and tail lights illuminated during operations, vehicle brakes, spark arresting muffler and noise limits not to

exceed 96 decibels.

Section V - Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

Section VI - Penalties

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

Section VII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person(s) circumstances shall not be deemed affected.

Section VIII - Effective Date

This Ordinance shall be effective from and after its adoption by the Town Board of Waterford and after its posting or publication thereof as provided by the Statutes of the State of Wisconsin. Passed this 10th Day of July, 2017

Thomas W Hincz, Chairman

ATTEST:

Tina Mayer, Clerk

Section 6(b)

Required Amendment of Town Ordinance #7-11-2005

The following existing ordinance will require amendment or repeal in order to allow for proposed 6-12-2017

ORDINANCE# 7-11-2005

AN ORDINANCE REGULATING THE USE OF GAS POWERED, MOTORIZED SPORT BIKES (INCLUDING BUT NOT LIMITED TO ATV (ALL-TERRAIN VEHICLES), DIRT BIKES, MINI-MOTORCYCLES AND GO-CARTS) WITHIN THE TOWNSHIP OF WATERFORD, RACINE COUNTY, WISCONSIN

THE TOWN BOARD of the Township of Waterford, at its regularly scheduled and duly-noticed meeting, does ordain and pass the following ordinance:

WHEREAS, the Town of Waterford is a municipality with established ordinances; and

WHEREAS, the Town of Waterford allows the usage of gas powered, motorized sport bikes (including but not limited to dirt bikes, go-carts, mini-motorcycles and all-terrain vehicles) in areas within the Town; and

NOW THEREFORE, the Town Board desires to enact and does enact this ordinance regulating the use of gas powered, motorized sport bikes (including but not limited to dirt bikes, go-carts, mini-motorcycles and all terrain vehicles) in areas within the Town to protect the public health, safety and welfare of the general public.

SECTION 1. REGULATION OF GAS POWERED, MOTORIZED SPORT BIKES (INCLUDING BUT NOT LIMITED TO ATV (ALL-TERRAIN VEHICLES), DIRT BIKES, MINI-MOTORCYCLES AND GOCARTS.

Sec 1. Definitions Unless the context clearly indicates otherwise, the words, combinations of words, terms, and phrases, as used in this Ordinance shall have the meanings set forth as follows:

a. “All-Terrain Vehicle” or “ATV” shall mean a motorized flotation-tired vehicle of not less than three (3) low pressure tires, but not more than six (6) tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 900 pounds.

b. “Established Riding Area” shall mean trails or area on a lot used by a Motorized Bike, Go-Cart and /or ATV.

c. “Go-Cart” shall mean a motorized miniature vehicle capable of achieving speeds in excess of ten miles per hour and commonly used on courses or race tracks specifically designed for such vehicles.

d. “Motorized Dirt Bike” shall mean a two (2) wheeled vehicle being capable of cross-country travel on natural terrain without benefit of a road or trail.

e. “Operate” means to ride in or on and have control of the operation of the motorized dirt bike, go-cart or ATV.

f.. “Right-Of-Way” means the entire strip of land traversed by any Road, street, county road or roadway easement for the purpose of vehicle travel, and includes the entire width of the land dedicated or acquired by law for right-of-away purposes.

g. “Roadway” means that portion of the improved right-of-way designed or ordinarily used for vehicle travel, including the shoulder. 2

Sec. 2. Operation It shall be unlawful for any person to operate a motorized dirt bike, go-cart or ATV within the Town, except as herein specifically permitted and authorized, under any of the following circumstances:

- a. On the portion of any right-of-way of any public Road, street, road, trail, or alley used for motor vehicle travel.
- b. On a public sidewalk provided for pedestrian travel.
- c. On private property of another without lawful authority or permission of the owner or occupant.
- d. On public grounds (with appropriate permission on identified DNR or State trails), outlots (subdivision or not), community (public or private) owned and/or maintained property, park property, playgrounds, recreational areas.
- e. In a manner so as to create loud, unnecessary or unusual noise due to modifications of factory muffler.
- f. In a careless, reckless or negligent manner so as to endanger, or be likely to endanger, the safety of any person or property of any other person.
- g. At any place while under the influence of alcohol or drugs as defined in WI Stats.

Sec. 3. The use of a Motorized Dirt Bike, Go-Cart and/or an ATV, or those items designated in Section 1, are not allowed on any residentially zoned lot or parcel of land or land owned in common or owned by any community association.

Sec. 4. A Motorized Dirt Bike, Go-Cart and/or ATV may be used on lots zoned agricultural, and greater than 3 acres in size, located within the Town on the condition that the riders shall adhere to the following:

- a. Dust and noise control measures are to be maintained by the property owner or occupant. These dust and noise control measures are to be enforced by the Town if other properties are unreasonably and adversely

affected by dust and noise due to Motorized Dirt Bike/Go-Cart and/or ATV use.

- b. A Motorized Dirt Bike, Go-Cart or ATV must have a federally approved spark arrestor, the noise emission may not exceed ninety-nine (99) decibels at a distance of 20 inches at idle, and mufflers may not be altered to increase motor noise, or have a cut out bypass, or similar device.
- c. No more than two (2) riders that are unrelated to the immediate household members that reside in the dwelling on the property may operate a Motorized Dirt Bike, Go-cart or ATV on the property. A Motorized dirt bike, Go-Cart, ATV may only be operated on the property during the following times: Monday through Friday, 9:00 a.m. through 7:00 p.m.; and Saturdays and Sundays, 10:00 a.m. through 5:00 p.m.
- e. Any un-vegetated Riding Area must be watered down before, during, and after usage as needed to limit dust.

Sec 5. The following uses are exempt from this Ordinance: Any agent or employee of any road authority, law enforcement or public safety agency, or any agent or employee of the Wisconsin Department of Natural Resources or any other governmental body in conducting official business. 3

Sec. 6. Violation Any person who violates any provision of this Ordinance shall be subject to a forfeiture not less than \$1.00 and no more than \$500.00. Each day that a violation exists shall be deemed a separate offense.

SECTION 2. EFFECTIVE DATE This Ordinance shall be effective from and after its passage, posting and publication according to law. PASSED AND ADOPTED this 11th day of July, 2005

Chairman ATTEST: _____
STRATTON Deputy Clerk

ROBERT E. LANGMESSER Town
HEATHER

Section 6(c)

Other Conditions of Approval

1. ATV/UTV Club must be created. This club will be charged with the responsibility for acquiring signage through private funding, marking and providing trail & route patrolling of no less than ten hours per week.
2. Routes & trails must be completely signed in accordance with Wis. Statutes NR 64.12, and NR 64.12(7)c. before route will be open to public use.
3. Established trail hotline or website shall be maintained to inform users of current trail conditions and openings

Section 7

Funding Required

The state of Wisconsin has established multiple programs for funding of such routes & trails for ATV/UTV use.

Deadlines for funding for 2017 have passed but initial funding will be allocated from private sources and/or a loan from the Tichigan Sno-N-Go Snowmobile club.

*** There will be no financial responsibility on behalf of the town of Waterford and/or its tax payers **

Overview of DNR County Trails Program

The distribution of all-terrain vehicle project aids is based upon the following priority list with the highest priority listed first:

1. Creation and Maintenance of existing approved all-terrain vehicle trails and use areas, including routes.
2. Purchase of liability insurance
3. Acquisition of land by easement, lease, or other agreements for the use of land
4. Major rehabilitation of bridge structures or trail segments; and
5. Acquisition of land in fee and development of new all-terrain vehicle areas and trails, including routes.

Should funds not be sufficient to satisfy the total request for a priority ranked purpose (i.e., either maintenance, insurance, or land acquisition), the funds shall be distributed to sponsors on a proportional basis for that purpose

Section 8

1(a)- Overview

Our request is to replace ordinance #3.06 (Also known as “Golf Cart Ordinance”) with updated OHV ordinance hereby attached.

The current golf cart ordinance is not legally valid. It references a state statute Stat. § 349.26(2), that allows for “low speed vehicles”, the statute definition of these vehicles specifically states that a “Golf Cart” is not considered a slow moving vehicle. Further, it requires head lights, tail lights and windshield which the majority of golf carts are not equipped with.

So as it stands currently, only other four wheel vehicles that are capable of less than 25mph could use these roads. (such as UTV’s, tractors, lawn mowers...etc)

Key excerpts from state statutes-

§ 349.26 (2) The governing body of any municipality may by ordinance allow the use of a low-speed vehicle on a roadway that has a speed limit of 35 miles per hour or less and that is located within the territorial boundaries of the municipality, regardless of whether the municipality has jurisdiction over the roadway.

340.01(27h) “Low-speed vehicle” means a motor vehicle that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR 571.3 (b) and 571.500. “Low-speed vehicle” does not include a golf cart.

§571.500 Standard No. 500; Low-speed vehicles.

S5. Requirements.

(a) When tested in accordance with test conditions in S6 and test procedures in S7, the maximum speed attainable in 1.6 km (1 mile) by each low-speed vehicle shall not more than 40 kilometers per hour (25 miles per hour).

(b) Each low-speed vehicle shall be equipped with:

(1) Headlamps,

- (2) Front and rear turn signal lamps,
- (3) Taillamps,
- (4) Stop lamps,
- (5) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear,
- (6) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror,
- (7) A parking brake,
- (8) A windshield that conforms to the Federal motor vehicle safety standard on glazing materials (49 CFR 571.205).
- (9) A VIN that conforms to the requirements of part 565 *Vehicle Identification Number* of this chapter, and
- (10) A Type 1 or Type 2 seat belt assembly conforming to Sec. 571.209 of this part, Federal Motor Vehicle Safety Standard No. 209, *Seat belt assemblies*, installed at each designated seating position.
- (11) Low-speed vehicles shall comply with the rear visibility requirements specified in paragraphs S6.2 of FMVSS No. 111.

8(b) Existing Golf Cart Ordinance

ORDINANCE#

**TOWNSHIP OF WATERFORD
RACINE COUNTY, WISCONSIN**

An Ordinance relating to the use of golf carts within the Town of Waterford.

THE TOWN BOARD, of the Township of Waterford, at its regular and duly-noticed monthly meeting, does hereby pass and adopt the following Ordinance permitting the use of golf carts on certain public roadways within the Town of Waterford.

WHEREAS, the Town Board of the Town of Waterford has determined that permitting the use and operation of gas and/or electric Golf carts on roadways within the Town of Waterford having a speed limit of 25 miles per hour or less, and will enhance the public health, safety and welfare of certain Town residents,

NOW THEREFORE, the Town Board of the Township of Waterford, pursuant to Wis. Stat. § 349.26(2), does hereby enact the following ordinance to be inserted as Section 3.06 of the Town of Waterford Ordinances as re-codified and revised May 13, 2003:

3.06 Golf carts

1. The use and operation of golf carts is authorized on roadways within the Town of Waterford having a speed limit of 25 miles per hour or less.
2. Requirements. In order to be used or operated on roadways within the Town of Waterford as stated above, the operator must have a valid non-probationary driver's license:

8(c) - UPDATE TO REPLACE GOLF CART ORDINANCE

Ordinance # 1234

TOWNSHIP OF WATERFORD RACINE COUNTY, WISCONSIN

An Ordinance relating to the use of Off Highway Vehicles (OHV) within the Town of Waterford.

THE TOWN BOARD, of the Township of Waterford, at its regular and duly-noticed monthly meeting, does hereby pass and adopt the following Ordinance permitting the use of OHV's on certain public roadways within the Town of Waterford.

WHEREAS, the Town Board of the Town of Waterford has determined that permitting the use and operation OHV's on roadways within the Town of Waterford having a speed limit of 25 miles per hour or less, and will enhance the public health, safety and welfare of certain Town residents, NOW THEREFORE, the Town Board of the Township of Waterford, pursuant to Wis. Stat. § 349.18(1m)(a) and § 23.33, does hereby enact the following ordinance to be inserted as Section 3.06 of the Town of Waterford Ordinances as re-codified and revised May 13, 2003:

3.06 Off Highway Vehicle Operation (OHV)

1. The use and operation of an OHV is authorized on roadways within the Town of Waterford having a speed limit of 25 miles per hour or less.
2. Requirements: In order to be used or operated on roadways within the Town of Waterford as stated above, the operator must obtain a yearly permit from the town for a fee, determined by the Town of Waterford and sign waiver of conditions to operate.

PASSED AND ADOPTED this 1st Day of August 2017, to take effect upon posting and / or publication as required by law.

Tom Hincz Town Chairman

ATTEST:

TINA MAYER Town Clerk

8(d) Suggested application for OHV Permit

Town of Waterford Off Highway Vehicle Access Permit

Valid Jan 1st 2017 to December 31st 2017

Cost- \$20.00

PERMIT #

Name(s)_____

Address_____

Telephone_____

Email_____

Operations of any OHV "Off Highway Vehicle" (Including Golf Cart, ATV or UTV) are permitted on all "Class B" town roads with speed limits of 25mph, under the following conditions:

1. All vehicles must display a valid permit endorsed with permit number on passenger side windshield or cowling of vehicle during operation.
2. Only operators that have signed this waiver are permitted to operate the OHV, however each OHV is only required to purchase one permit per year.
3. **25mph** speed limits on all town roads during the hours from 7am to sunset.
4. **10mph** Speed limit during the hours from sunset to 10pm, only when vehicle is equipped and displays both head lights and tail lights.
5. No operation of any OHV during the hours of 10pm-7am for any purpose.
6. OHV's must follow all traffic laws and yield to any automotive traffic by stopping on the far right shoulder and allowing vehicle to pass.
7. All OHV operators must hold a valid drivers license and be at least 16 years of age.
8. Operation is permitted **ONLY** for these specific uses:
 - a. To travel directly to and/or from a local residence
 - b. Travel from a residence to a pier or boat slip
 - c. To access Tichigan Lake ice during the winter months via signed access point at 6936 N Tichigan Rd or other via other private lands by permission.
 - d. For property maintenance purposes (Snow removal, yard work...etc)

Any operators found violating the above conditions will be subject to a \$50.00 fine after review from the OHV Association. If any operators receive three violations in any given season, their access permit shall be revoked and immediately surrendered and their permit information will be forwarded to the Town of Waterford Police department. Failure to pay fine any fines received within 30 days shall result in immediate revocation of access permit.

The undersigned agree to the following conditions of operation and agree that they will be subject to fines directly from the Town of Waterford OHV Association

Operator 1_____

Operator 2 _____