

**AMENDED: MARCH 18, 2026 9:30 a.m.**  
**Added Items 5 & 6**  
**& Corrected New Item 7**



Village Hall, 262-567-2757  
Fax, 262-567-4115  
Highway Dept., 262-567-2422  
Police Dept., 262-567-1134  
Building Inspector, 262-490-4141  
[www.villageofsummitwi.gov](http://www.villageofsummitwi.gov)

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Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

**AGENDA**  
**Special Village Board Meeting**  
**Thursday, March 19, 2025 3:30 p.m.**  
At the Summit Village Hall, 37100 Delafield Road

1. CALL TO ORDER
2. ROLL CALL AND CONFIRM POSTING
3. PUBLIC COMMENT
4. Discussion and action on approval of an amended Village of Summit Ordinance relating to All-Terrain Vehicles and Utility Terrain Vehicles
5. **Discussion and action on an Agreement Between Waukesha County and Village of Summit for an ATV/UTV Test District on County Trunk Highways within the Village of Summit**
6. **Discussion and action on submittal of an application and \$500 fee to Waukesha County Highway Department for ATV/UTV Route Designation**
7. **ADJOURN ~~SPECIAL JOINT~~ VILLAGE BOARD ~~AND PLAN COMMISSION~~ MEETING**

Respectfully submitted,

Debra J. Michael, WCMC  
Administrator-Clerk/Treasurer

**Posted: March 18, 2026**

\*\*\*\* Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service contact the Village Hall at 567-2757.  
It is possible that members of and possible a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any other governmental body except by the Village Board and/or Plan Commission noticed above.



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## MEMORANDUM

To: Village Board

From: Kamron Nash, P.E., Village Public Works Director

Date: March 18, 2026

Re: Discussion and Action on Ordinance No. 147-2026 to Repeal and Recreate the Text of Chapter 26, Article I, Section 26-7, Subsection (c) Related to Designation and Authorization of ATV Routes

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### PURPOSE:

To present a revision to the ordinance language to the Village Board pertaining to designated and authorized ATV/UTV routes in the Village of Summit.

### BACKGROUND:

The Village continues to work with Waukesha County on an agreement that would allow ATVs and UTVs to operate on certain segments of county trunk highways (CTHs). A draft agreement to implement a test district in the Village for 2026 will be presented to the Village Board for consideration on a later agenda item. The County has included a provision in the agreement to repeal a section of our existing ordinance regarding "Authorized routes," which currently includes several segments of CTHs that are not included in the proposed test district.

The draft ordinance repeals and recreates the section of the ordinance regarding authorized and designated routes as follows:

**Subsection (c)(1):** This section regarding designated routes on Village-owned and maintained roads was updated to include the entirety of Mill Rd as an exception. The current ordinance allows ATV/UTV use on the short segment between CTH DR and Venice Park Rd. Since CTH DR is not on the County's approved route list in the Test District, it does not make sense to include any of Mill Rd as a designated route. The remainder of the road is shared jurisdiction with the City of Delafield and cannot be a designated route.

**Action/Direction Requested:** There are several "disconnected" Village roads and subdivisions in the Village that do not have any connectivity to Village, County, or State roads and highways where ATV use is allowed. The Village Board should consider if it would like to remove any of these Village roads from this section as designated routes. A map has been provided that depicts where these "disconnected" roads are located.

**Subsection (c)(2):** All reference to County highways under the “Authorized routes” subsection were removed. This section refers specifically to state highways where the Village may authorize the operation of ATVs and UTVs.

**Subsection (c)(3):** This subsection was added to include Waukesha County approved highway routes and refers directly to the Village/County agreement, listing the approved routes on CTHs. Village staff would like the ordinance to include all approved routes for clarity and to eliminate confusion. Should these routes change or be removed in the future, the ordinance would be amended.

**Subsection (c)(4):** This subsection was renumbered from (c)(3) to (c)(4). No additional changes were made.

**Subsection (c)(5):** This subsection was renumbered from (c)(4) to (c)(5). No additional changes were made.

**Subsection (c)(6):** This subsection was renumbered from (c)(5) to (c)(6). No additional changes were made.

The proposed ordinance was submitted to Waukesha County for review on March 18<sup>th</sup> to ensure it meets the intent of the language in the Test District agreement. The Village Attorney has not reviewed the draft ordinance. The Village Board may consider approving the proposed ordinance contingent upon review and acceptance by Waukesha County and the Village Attorney.

#### RECOMMENDATION:

Village staff recommend that the proposed ordinance amending the designated and authorized ATV/UTV routes in the Village is approved, contingent upon review and approval by Waukesha County. If staff provides direction related to removal of additional Village roads as “Designated” routes, these roads may be added as exclusions under Subsection (c)(1).

#### ATTACHMENTS:

Ordinance 147-2026 An Ordinance to Repeal and Recreate the Text of Chapter 26, Article I, Section 26-7, Subsection (c) of the Village of Summit Code of Ordinances (*DRAFT*)

Ordinance 129-2024 All-Terrain Vehicles and Utility Terrain Vehicles (*original 2024 ordinance*)

ATV/UTV Route Map (*unofficial*)

#### FISCAL IMPACT:

Costs related to Village Attorney review (if desired). All costs related to implementation of this ordinance, including signage procurement and installation, will be the responsibility of the Okauchee Area ATV/UTV Club.

**RECOMMENDED MOTION:** Motion to approve Ordinance 147-2026 to repeal and recreate the text of Chapter 26 entitled "Traffic and vehicles," Article I entitled "In General," Section 26-7 entitled "All-terrain vehicles and utility terrain vehicles," Subsection (c) entitled "Designation and authorization of ATV routes" of the Village of Summit Code of Ordinances, contingent upon review and approval by Waukesha County.

*Note: The Village Board may consider amending the motion to include modification of Subsection (c)(1) to exclude additional Village roads as designated routes.*

**ORDINANCE NO. 147-2026**

AN ORDINANCE TO REPEAL AND RECREATE THE TEXT OF CHAPTER 26 ENTITLED “TRAFFIC AND VEHICLES,” ARTICLE I ENTITLED “IN GENERAL,” SECTION 26-7 ENTITLED “ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES,” SUBSECTION (C) ENTITLED “DESIGNATION AND AUTHORIZATION OF ATV ROUTES” OF THE VILLAGE OF SUMMIT CODE OF ORDINANCES

WHEREAS, the Village of Summit recognizes that surrounding communities permit the use of non-traditional vehicles, including all-terrain vehicles and utility terrain vehicles, on their roadways; 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, Waukesha County and the Village of Summit intend to enter into an agreement for a Test District on County Trunk Highways (CTHs) within the Village of Summit boundaries; and

NOW, THEREFORE, the Village Board of the Village of Summit, Waukesha County, Wisconsin do ordain as follows:

SECTION 1: Chapter 26 of the Village of Summit Municipal Code entitled “Traffic and Vehicles,” Article I entitled “In General,” Section 26-7 entitled “All-terrain vehicles and utility terrain vehicles,” Subsection (c) entitled “Designation and authorization of ATV routes” is hereby repealed and recreated to read as follows:

- (c) *Designation and authorization of ATV routes.* Except as otherwise specifically provided in Wis. Stats. § 23.33, and subject to the conditions and limitations hereinafter set forth:
- (1) *Designated routes.* All village-maintained roads, streets, and highways which are signed in accordance with Wis. Stats. § 23.33(8) and department of natural resources rules, with a speed limit consistent with subsection (e)(1)b of this section, will be designated as ATV routes in accordance with Wis. Stat. § 23.33(8)(b)(2). Village-owned parking lots are also designated as ATV routes, unless otherwise posted. The following roads are excluded as designated routes within the village municipal boundaries:
    - a. N Dousman Road\*, from Valley Road (CTH B) to approximately 1,670 feet south of Delafield Road (CTH DR).
    - b. Mill Road\*, from Delafield Rd (CTH DR) to Valley Road (CTH B).

*\*Exclusion due to shared jurisdiction of roadway with another government agency that does not permit ATV/UTV operation on public roadways.*
  - (2) *Authorized routes.* The Village of Summit authorizes the operation of ATVs and UTVs on all state highways with a posted speed limit of 35 mph or less within the territorial boundaries of the Village of Summit, as authorized under Wis. Stat. § 23.33(11)(am)(4), except as otherwise posted.

- (3) *Waukesha County approved highway routes.* As provided in the Agreement Between Waukesha County and Village of Summit for an ATV/UTV District on County Trunk Highways within the Village of Summit, Waukesha County has designated the following approved routes for ATV/UTV operation on CTHs:
  - a. CTH P from CTH DR (west leg roundabout) in the Village south to USH 18 for 13,700 feet.
  - b. CTH DR from CTH P in the Village west for 1,000 feet. Accommodation for Park and Ride use.
  - c. CTH BB from Village municipal border south to USH 18 for 18,200 feet.
- (4) *Temporary closure or suspension of ATV routes.* The village chief of police, at his or her discretion, shall have the authority to temporarily close or suspend operation of ATVs and UTVs on any road, street, or highway on an ATV route designated or authorized herein for a period of 90 days or less due to hazard, construction, or emergency conditions.
- (5) *Permanent closure of ATV routes.* The village board may permanently restrict operation of ATVs and UTVs on any ATV routes designated or authorized herein at any time, for any reason, through removal of route signage and by providing notice to the public.
- (6) *Review of ordinance.* The village board shall review this section one year after the date of initial adoption. Said review shall include a report from the public works department regarding highway damage. In addition, the police department shall give a report on ATV and UTV violations, crashes, and safety concerns. Periodic reviews may be completed thereafter as deemed necessary by the village board.

## SECTION 2: SEVERABILITY.

The several sections and portions of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision 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 are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

## SECTION 3: EFFECTIVE DATE.

This ordinance shall become effective in full force and effect from and after its passage and publication/posting.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

VILLAGE OF SUMMIT

\_\_\_\_\_  
Jack Riley, Village President

ATTEST:

\_\_\_\_\_  
Debra J. Michael, Village Administrator-Clerk/Treasurer

Published and/or posted this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

This instrument drafted by  
Kamron Nash, P.E., Village Public Works Director

DRAFT

**ORDINANCE NO. 129-2024**

**An Ordinance Repealing and Recreating Chapter 26, Article I, Section 26-7 Relating to All-Terrain Vehicles and Utility Terrain Vehicles of the Code of Ordinances of the Village of Summit**

**WHEREAS**, the Village of Summit 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 Village of Summit recognizes that there is interest in allowing the use of such vehicles on roadways within the Village; and

**WHEREAS**, the Village of Summit 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.

**NOW, THEREFORE**, the Village Board of the Village of Summit, Waukesha County, Wisconsin do ordain as follows:

**Chapter 26 – Traffic and Vehicles, Article I, Section 26-7** of the Village Municipal Code is hereby repealed and recreated to read as follows:

**All-Terrain Vehicles and Utility Terrain Vehicles**

**Section I – Authority**

The Village Board of the Village of Summit adopts the provisions of this Ordinance pursuant to the authority of § 23.33, § 61.34, and § 349.11(11), Wis. Stats., and Wis. Admin. Code Chapter NR 64, to regulate, control, prevent and enforce certain uses, activities, and operations by persons that may affect all-terrain use and traffic in the Village of Summit, and has the power to designate all-terrain routes and trails by § 23.33, Wis. Stats.

**Section II – Regulation of All-Terrain Vehicles (ATV and UTV)**

Except as otherwise specifically provided in this Ordinance, the statutory provisions of Wis. Stats. § 23.33, Wis. Stats. § 340, Wis. Admin. Code NR § 64, describing and defining regulations with respect to all-terrain vehicles are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions, or modifications of the statutes of administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

### Section III – Designation and Authorization of ATV Routes

Except as otherwise specifically provided in Wis. Stats. § 23.33, and subject to the conditions and limitations hereinafter set forth:

- (a) *Designated Routes.* All Village-maintained roads, streets, and highways which are signed in accordance with Wis. Stats. § 23.33(8) and Department of Natural Resources rules, with a speed limit consistent with Subsection V(a)(2) of this Ordinance, will be designated as ATV Routes in accordance with Wis. Stat. § 23.33(8)(b)(2). Village-owned parking lots are also designated as ATV Routes, unless otherwise posted. The following roads are excluded as designated routes within the Village municipal boundaries:
  - (1) N Dousman Road\*, from Valley Road (CTH B) to approximately 1,670 feet south of Delafield Road (CTH DR)
  - (2) Mill Road\*, from Venice Park Road to Valley Road (CTH B)  
*\*Exclusion due to shared jurisdiction of roadway with another government agency that does not permit ATV/UTV operation on public roadways.*
- (b) *Authorized Routes.* The Village of Summit authorizes the operation of ATVs and UTVs on all county and state highways with a posted speed limit of 35 mph or less within the territorial boundaries of the Village of Summit, as authorized under Wis. Stat. § 23.33(11)(am)(4), except as otherwise posted. The following roads are excluded as authorized routes within the Village municipal boundaries:
  - (1) Valley Road (CTH B)\*, from approximately 65 feet west of Mission Road to approximately 365 feet west of N Cedar Ridge Road
  - (2) Valley Road (CTH B), from approximately 250 feet east of N Dousman Rd to approximately 55 feet west of N Silver Lake Drive
  - (3) Valley Road (CTH B)\*, from approximately 250 feet west of Saint Andrews Drive to approximately 1,680 feet west of N Silver Lake Road (CTH Z)
  - (4) N Sawyer Road (CTH P), from Pabst Road to Nashotah Road (CTH P)
  - (5) Nashotah Road (CTH P)\*, from N Sawyer Rd (CTH P) to approximately 695 feet west of N Sawyer Rd (CTH P)  
*\*Exclusion due to shared jurisdiction of roadway with another government agency that does not permit ATV/UTV operation on public roadways.*
- (c) *Temporary Closure or Suspension of ATV Routes.* The Village Chief of Police, at his or her discretion, shall have the authority to temporarily close or suspend operation of ATVs and UTVs on any road, street, or highway on an ATV Route designated or authorized herein for a period of ninety (90) days or less due to hazard, construction, or emergency conditions.
- (d) *Permanent Closure of ATV Routes.* The Village Board may permanently restrict operation of ATVs and UTVs on any ATV Routes designated or authorized herein at any time, for any reason, through removal of route signage and by providing notice to the public.
- (e) *Review of Ordinance.* The Village Board shall review this ordinance one year after the date of initial adoption. Said review shall include a report from the Public Works Department regarding highway damage. In addition, the Police Department shall give a

report on ATV and UTV violations, crashes, and safety concerns. Periodic reviews may be completed thereafter as deemed necessary by the Village Board.

#### **Section IV – Signage**

All ATV Routes shall be signed in accordance with Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64.12(7).

- (a) The Village of Summit Public Works Department shall have the sole responsibility for ATV/UTV signage on Village roads, streets, and highways. The Public Works Department 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 Route.
- (b) ATV clubs shall be responsible for the cost of all required designated route ATV/UTV signage, and shall work with the Village of Summit Public Works Department 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 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 V – Operation of All-Terrain Vehicles and Utility Terrain Vehicles on Designated and Authorized ATV Routes**

- (a) Conditions and Restrictions on ATV and UTV Operation. The operations of an ATV or UTV on a roadway that is a designated or authorized ATV Route and signed in accordance with Wis. Stat. § 23.33(8)(e) by the Village of Summit shall be subject to all provisions of Wis. Stats. § 23.33, Wis. Stats. § 340, and Wis. Admin. Code NR § 64, which are adopted as part of this ordinance by reference. In addition, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:
  - (1) On all designated and authorized ATV Routes that are roadways shared with

another jurisdiction, the more restrictive Ordinance shall apply.

- (2) ATVs and UTVs shall not be operated at a speed greater than the posted speed limit, except that no ATV or UTV may be operated at a speed greater than 35 miles per hour.
- (3) ATV and UTV operators shall comply with all applicable rules of the road governing motorized vehicles operating on municipal roadways in accordance with Wis. Stats. 23.33, Wis. Admin. Code Chapter NR 64, Wis. Stats. Chapter 346, and all other applicable traffic and parking laws, local ordinances, and Wisconsin Department of Natural Resources regulations.
- (4) No persons under the age of sixteen (16) may operate an ATV or UTV on designated or authorized ATV Routes in the Village.
- (5) All ATV and UTV operators born after January 1, 1988 are required to have an ATV Safety Certificate.
- (6) No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in Wis. Stat. § 347.485(1)(a) and with the chin strap properly fastened, unless one of the following applies, pursuant to Wis. Stat. 23.33(3g):
  - (i) The person is at least eighteen (18) years of age.
  - (ii) The person is traveling for the purposes of hunting or fishing and is at least twelve (12) years of age.
  - (iii) The ATV or UTV is being operated for an agricultural purpose.
  - (iv) The ATV or UTV is being operated by a person on land under the management and control of the person's immediate family.
  - (v) The person is being transported for medical reasons while under the care of emergency personnel.
  - (vi) The person is an emergency responder who is responding to an emergency that is directly related to the function of a city, town, village, county, state agency, federal agency, federally recognized American Indian tribe, or public safety corporation.
- (7) All ATV and UTV operators shall ride in single file on the extreme right-hand side of the paved portion of the roadway, unless otherwise marked for operation on the shoulder or in the right-of-way. Left turns may be made from any part of the road or highway that is safe given prevailing conditions.
- (8) All ATVs and UTVs shall have fully functional headlights, tail lights, and brake lights while operating on designated or authorized ATV Routes in the Village. Every ATV and UTV operator on any highway must display a lighted headlight and tail lights at all times.
- (9) Approved hand signals are required whenever the operator intends to change direction if the ATV or UTV is not equipped with turn signals.
- (10) No person may drive or operate an ATV or UTV while under the influence of alcohol or a restricted controlled substance, including absolute sobriety by operators under the age of twenty-one (21).

- (11) Open intoxicants are prohibited for ATV and UTV operators or passengers while the ATV or UTV is in operation in the Village.
- (12) No person shall drive or operate an ATV or UTV on any designated or authorized ATV Route between the hours of 10:00 p.m. and 7:00 a.m.
- (13) Operation of an ATV or UTV within any municipal park is prohibited, with the exception of designated driving lanes and paved parking areas.
- (14) Operation of an ATV or UTV on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch, or other area of any public right-of-way other than on the paved roadway is prohibited, unless specifically designated and posted otherwise by the Village.
- (15) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (16) A golf cart is not an ATV or UTV. Operation of golf carts on Village roads is prohibited.

(b) Licensing, Insurance, and Registration.

- (1) *Driver's License.* Persons sixteen (16) years of age or older must possess a valid driver's license to operate an ATV or UTV on a designated or authorized ATV Route in the Village.
- (2) *Insurance.* No person may operate an ATV or UTV on designated or authorized ATV Routes in the Village unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for operation of a motorized vehicle by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.
- (3) *Registration.* All ATVs and UTVs shall be registered for public use in accordance with Wisconsin Department of Natural Resources regulations with proof of registration displayed as required by statute during all times of operation.

(c) Disturbing the Peace and Nuisance Activities.

- (1) *Exhaust System/Muffler Modifications Prohibited.* Every ATV and UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise in accordance with all applicable provisions in Wis. Stat § 23.33(6m). No person shall operate an ATV or UTV on a designated or authorized ATV Route unless such ATV or UTV is equipped with a muffler or other noise suppression system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV or UTV in a manner such that noise is emitted by the ATV or UTV increases to a level higher than as originally manufactured.
- (2) *Radios, Sound Systems, and Electronic Sound Amplification Devices.* ATVs and UTVs equipped with radios, sound systems, or electronic sound amplification devices must be operated at a volume that is limited to within the personal space of the vehicle, unless the electronic sound amplification device is being used to request assistance or to warn against an unsafe condition.

- (3) *Cruising Prohibited.* No ATV or UTV operator shall engage in the practice of cruising on any authorized or designated ATV Route in the Village. Cruising is defined as running all or part of the length of a roadway multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging, departing or arriving at a place of business, or departing or arriving at a public boat launch.

#### **Section VI – Enforcement and Penalties**

- (a) Pursuant to Wis. Stat. § 23.33(12), any state traffic patrol officer under Wis. Stat. § 110.07(1), inspector under Wis. Stat. § 110.07(3), conservation warden appointed by the Wisconsin Department of Natural Resources under Wis. Stats. § 23.10, county sheriff, or municipal peace officer shall have authority and jurisdiction to enforce this Ordinance.
- (b) No operator of any ATV or UTV may refuse to stop after being requested to do so by a law enforcement officer or a conservation warden.
- (c) Penalties related to violations of this Ordinance as set forth in Wis. Stats. § 23.33(13), are incorporated herein by reference. In addition to, and not to the exclusion or prejudice of such other remedies as described herein and as may be allowed by law, any person or entity violating the provisions of this Ordinance shall be punished as provided in Section 1-7, Chapter 1 – General Provisions of the Summit Village Code.

#### **Section VII – Village Immunity from Liability**

- (a) ATV/UTV operation is at the risk of the operator and any passenger(s). In establishing ATV Routes under this Ordinance for recreational use, the Village of Summit intends to utilize the liability and immunity protections provided under Wis. Stats. § 895.52. provided, however, that the Village does not waive any other liability exemption(s) and/or limitation(s) afforded the Village under Wisconsin law.
- (b) Designation of segments of the Village highway system as ATV Routes does not impose upon the Village of Summit Public Works Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of Village highway. Operators of ATVs and UTVs on Village highways assume all the usual and normal risks of ATV and UTV operation.

#### **Section VIII – Village Clerk to Provide Required Notices**

Pursuant to Wis. Stat. § 23.33(11)(b), following adoption, the Village 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 Village Clerk shall also provide copies of this Ordinance to the Waukesha County Public Works Department and the Wisconsin Department of Transportation.

#### **Section IX - 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

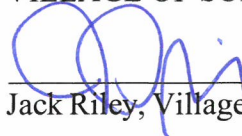
affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

**Section X – Effective Date**

This ordinance shall become effective upon its passage and publication/posting.


Dated this 4 day of April, 2024

VILLAGE OF SUMMIT

  
\_\_\_\_\_  
Jack Riley, Village President



Attest:

  
\_\_\_\_\_  
Debra J. Michael,  
Village Administrator-Clerk/Treasurer

Published and/or posted this 3 day of May, 2024.

## **Mailing of ATV/UTV Ordinance**

### **Wisconsin Department of Natural Resources**

101 S Webster St  
PO Box 7921  
Madison, WI 53707-7921

### **Wisconsin State Patrol**

Waukesha Post  
21115 E Moreland Blvd  
Waukesha, WI 53186-2985

### **Waukesha County Sheriff's Office**

Eric Severson  
515 W Moreland Blvd, AC260  
Waukesha, WI 53188

### **Waukesha County Public Works Department**

Allison Bussler, Director  
515 W Moreland Blvd Room 220  
Waukesha, WI 53188

### **Wisconsin Department of Transportation**

Southeast Region Office  
141 NW Barstow St  
Waukesha, WI 53188

5/7/24 mailed attached letters & ordinance @m.



COPY

Village Hall, 262-567-2757  
Fax, 262-567-4115  
Highway Dept., 262-567-2422  
Police Dept., 262-567-1134  
Building Inspector, 262-490-4141  
[www.summitvillage.org](http://www.summitvillage.org)

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Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

May 7, 2024

The Village of Summit recently approved an Ordinance that allows the use of All-Terrain Vehicles and Utility Terrain Vehicles on certain Village, State and County roads within its jurisdiction.

However, the ordinance will not go into effect until all required signage has been installed. A local ATV/UTV club will be fundraising for the cost of signage so we are unsure of the exact timing for completion of that but we'd anticipate that it will happen later this year.

**Per Section VIII** – Village Clerk to Provide Required Notices, I am enclosing Ordinance No. 129-2024 for your records.

Please feel free to reach out if you have any questions or concerns. My direct line is 262-468-5333 and my email address is: [administrator@summitvillage.org](mailto:administrator@summitvillage.org)

Sincerely,

Debra J. Michael, WCMC  
Administrator/Clerk-Treasurer



COPY

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May 10, 2024

Wayne Euclide  
Waukesha County District 2 Supervisor  
N63 W37858 Burtonwood Dr.  
Oconomowoc, WI 53066

Dear Supervisor Euclide:

At the Village of Summit Board meeting on April 4, 2024, the Village Board took action and approved an ATV/UTV Ordinance (see attached) that allows access on Village Roads. The Village Board is now petitioning Waukesha County to allow ATV/UTV access to segments of CTH P and CTH BB per the enclosed map. This access is required to interconnect and allow access to Jefferson County and the Town of Concord ATV/UTV roads.

Please work with Village Administrator Michael and Trustee Arenz through this process. You can contact them at: [administrator@summitvillage.org](mailto:administrator@summitvillage.org) and [trustee4@summitvillage.org](mailto:trustee4@summitvillage.org)

Thank you in advance for your consideration of this request.

Sincerely,

Jack Riley  
Village President



COPY

Village Hall, 262-567-2757  
Fax, 262-567-4115  
Highway Dept., 262-567-2422  
Police Dept., 262-567-1134  
Building Inspector, 262-490-4141  
[www.summitvillage.org](http://www.summitvillage.org)

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Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

May 10, 2024

James Heinrich  
Waukesha County Board Chairman  
18435 Harvest Ln.  
Brookfield, WI 53045-5446

Dear Chairman Heinrich:

At the Village of Summit Board meeting on April 4, 2024, the Village Board took action and approved an ATV/UTV Ordinance (see attached) that allows access on Village Roads. The Village Board is now petitioning Waukesha County to allow ATV/UTV access to segments of CTH P and CTH BB per the enclosed map. This access is required to interconnect and allow access to Jefferson County and the Town of Concord ATV/UTV roads.

Please work with Village Administrator Michael and Trustee Arenz through this process. You can contact them at: [administrator@summitvillage.org](mailto:administrator@summitvillage.org) and [trustee4@summitvillage.org](mailto:trustee4@summitvillage.org)

Thank you in advance for your consideration of this request.

Sincerely,

Jack Riley  
Village President

# VILLAGE OF SUMMIT OFFICIAL RIGHT-OF-WAY MAP MAP 4

**Legend  
VILLAGE OF SUMMIT  
PLANNED RIGHT-OF-WAY WIDTH**

0, Purchase	100, Arterial
66, Purchase	66, Collector
60/66 Arterial	80, Collector
80, Arterial	100, Collector
Private Road	Amended Width

Referred to as **ULTIMATE RIGHT-OF-WAY MAP** IN THE  
**2045 COMPREHENSIVE PLAN**

### Village of Summit Road Right-of-Way Widths

Note: Any road not listed has a standard right-of-way width of 66 feet

Municipality	Road Type	Jurisdiction	Road Name	Secondary Name	Planned Width	Amendment Date
VILLAGE OF SUMMIT	Arterial	County	B	VALLEY RD	66	
VILLAGE OF SUMMIT	Arterial	County	B	VALLEY RD	80	
VILLAGE OF SUMMIT	Arterial	County	B	VALLEY RD	100	
VILLAGE OF SUMMIT	Arterial	County	BB	GOLDEN LAKE RD	66	
VILLAGE OF SUMMIT	Arterial	County	BB	GOLDEN LAKE RD	100	
VILLAGE OF SUMMIT	Arterial	County	DR	DELAFIELD RD	66	
VILLAGE OF SUMMIT	Arterial	County	P	SAWYER RD	80	
VILLAGE OF SUMMIT	Arterial	County	P	SAWYER RD	100	
VILLAGE OF SUMMIT	Arterial	County	Z	SILVER LAKE ST	66	
VILLAGE OF SUMMIT	Arterial	Local		PABST RD	66	
VILLAGE OF SUMMIT	Arterial	Local		S CONCORD RD	66	
VILLAGE OF SUMMIT	Arterial	Local		S UTICA RD	66	
VILLAGE OF SUMMIT	Arterial	State	'18	WISCONSIN AVE	60	
VILLAGE OF SUMMIT	Arterial	State	'18	WISCONSIN AVE	66	
VILLAGE OF SUMMIT	Arterial	State	'67	SUMMIT AVE	100	
VILLAGE OF SUMMIT	Arterial	US	'18	SUNSET DR	100	
VILLAGE OF SUMMIT	Collector	Local		S DOUSMAN RD	100	
VILLAGE OF SUMMIT	Collector	Local		N DOUSMAN RD	60	
VILLAGE OF SUMMIT	Collector	Local		N DOUSMAN RD	100	
VILLAGE OF SUMMIT	Collector	Local		N WATERVILLE RD	66	
VILLAGE OF SUMMIT	Collector	Local		S DOUSMAN RD	100	
VILLAGE OF SUMMIT	Collector	Local		S WATERVILLE RD	66	
VILLAGE OF SUMMIT	Collector	Local		S WATERVILLE RD	80	
VILLAGE OF SUMMIT	Purchase	County		DELAFIELD RD	0	
VILLAGE OF SUMMIT	Purchase	County	R	WISCONSIN AVE	0	
VILLAGE OF SUMMIT	Purchase	Interstate	'94		0	
VILLAGE OF SUMMIT	Purchase	Local		DELAFIELD RD	0	
VILLAGE OF SUMMIT	Purchase	State	'18		0	
VILLAGE OF SUMMIT	Purchase	State	'67	SUMMIT AVE	0	
VILLAGE OF SUMMIT	Purchase	State		67 BYP	0	
VILLAGE OF SUMMIT	Local	Local		N BREEN'S BAY RD	40	October 2, 2003
VILLAGE OF SUMMIT	Local	Local		N BREEZELAND RD	50	September 2, 2004
VILLAGE OF SUMMIT	Local	Local		ELM STREET	50	
VILLAGE OF SUMMIT	Local	Local		N VENICE BEACH RD	50	May 4, 2006
VILLAGE OF SUMMIT	Local	Local		OAK GROVE RD	30	June 3, 2004
VILLAGE OF SUMMIT	Local	Local		OAK GROVE RD	23x85'	July 1, 2004
VILLAGE OF SUMMIT	Local	Local		NORTH DRIVE	30	May 6, 2004
VILLAGE OF SUMMIT	Local	Local		DOUSMAN RD	66	March, 2004
VILLAGE OF SUMMIT	Local	Local		N SILVER CEDAR RD	33	January 6, 2005
VILLAGE OF SUMMIT	Local	Local		SILVER CIRCLE DRIVE	50	February 1, 2007
VILLAGE OF SUMMIT	Local	Local		SILVER LAKE DRIVE	50	April 5, 2007
VILLAGE OF SUMMIT	Local	Local		SILVER MAPLE LANE	60	October 4, 2007
VILLAGE OF SUMMIT	Local	Local		LAKE DRIVE	40	March 6, 2008
VILLAGE OF SUMMIT	Local	Local		GOLDEN CEDAR LANE	20	June 4, 2009
VILLAGE OF SUMMIT	Local	Local		GOLDEN CEDAR LANE	50	June 4, 2009
VILLAGE OF SUMMIT	Local	Local		DOUGLAS DRIVE	30	September 3, 2009
VILLAGE OF SUMMIT	Local	Local		HILL COURT	30	June 7, 2012
VILLAGE OF SUMMIT	Local	Local		VILLIAMS ST	30	June 7, 2012
VILLAGE OF SUMMIT	Local	Local		PENINSULA RD	30	April 5, 2012
VILLAGE OF SUMMIT	Local	Local		2ND LANE	30	March 7, 2013
VILLAGE OF SUMMIT	Local	Local		3RD LANE	30	March 7, 2013
VILLAGE OF SUMMIT	Local	Local		CEDAR LANE	33	August 7, 2014
VILLAGE OF SUMMIT	Local	Local		PARKWAY DRIVE	30	December 4, 2014
VILLAGE OF SUMMIT	Local	Local		FIRST LANE	30	December 4, 2014

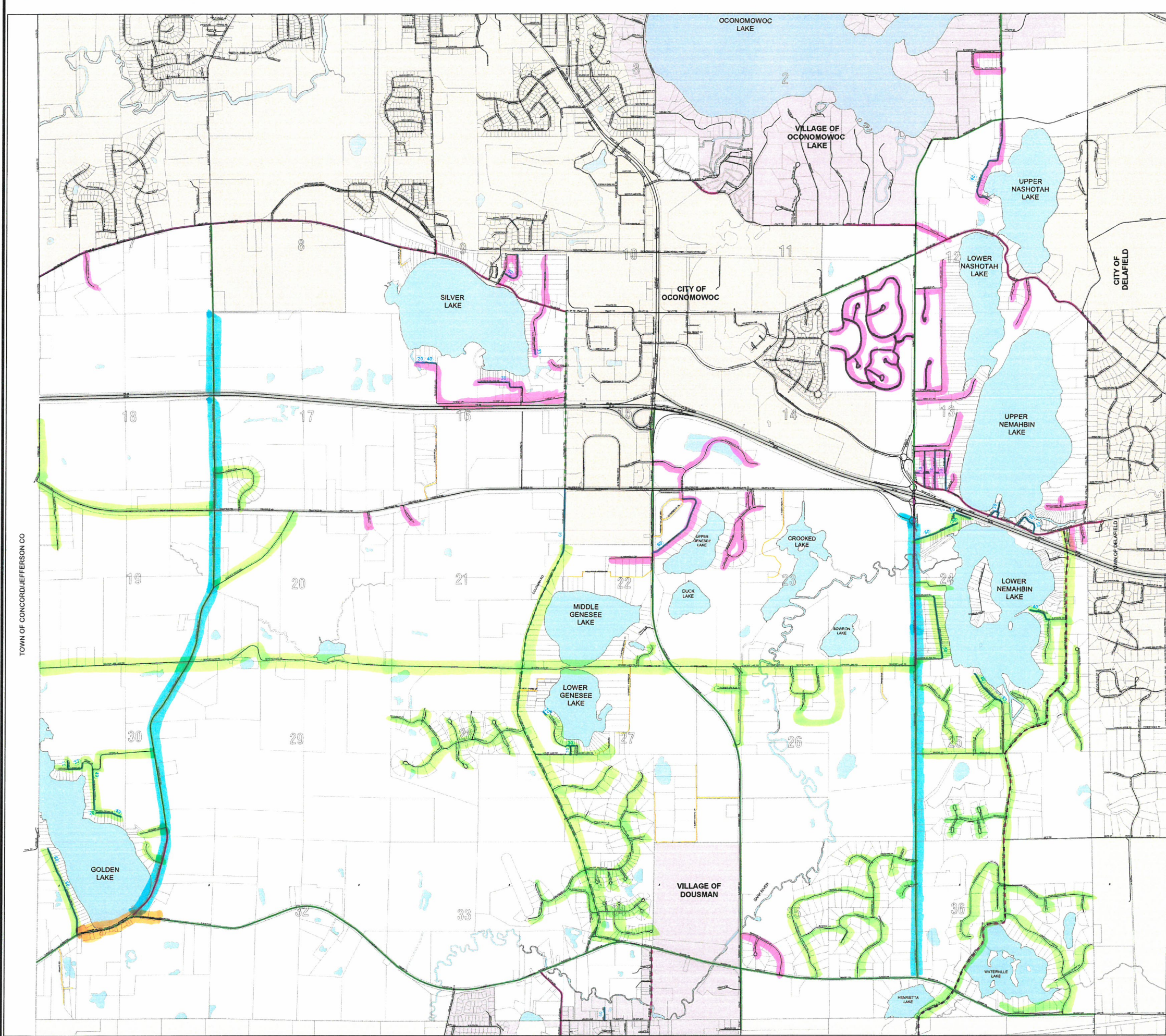
Designated Routes  
 "Disconnected" Designated Routes  
 Authorized Routes  
 County Approved  
 Test District Routes



1 inch = 1,333.33 feet  
 0 1,300 2,600 5,200 Feet



SEH #3308-178  
 Created November 2015





Village Hall, 262-567-2757  
Fax, 262-567-4115  
Public Works Dept., 262-567-2422  
Police Dept., 262-567-1134  
Building Inspector, 262-490-4141  
[www.villageofsummitwi.gov](http://www.villageofsummitwi.gov)

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Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

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**MEMORANDUM**

To: Village Board

From: Kamron Nash, P.E., Village Public Works Director

Date: March 18, 2026

Re: Discussion and Action on Agreement Between Waukesha County and Village of Summit for an ATV/UTV Test District on County Trunk Highways within the Village of Summit

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**PURPOSE:**

To present a draft agreement between the Village and the County to implement a test district on various segments of county trunk highways that would allow for ATV/UTV use on these roads in 2026.

**BACKGROUND:**

At the March 12, 2026 Village Board meeting, the Board acted to approve the County ATV/UTV agreement contingent upon Village of Summit President and Village Attorney review. At this time, the agreement was in rough draft form, and staff have had the opportunity to review the agreement and provide comments to and request clarification from the County. As a result, amendments were made by the County, and an updated draft agreement was provided for the Village's consideration. Those changes are tracked in the attached document for reference.

Section 3 (a) originally stated that the Village must repeal Section III (b) Authorized Routes from the Village's ATV Ordinance No. 129-2024, which includes county truck highways that the Village initially believed it was allowed to authorize as routes per state statutes. There remains one segment of USH 18 that will remain an authorized route in the Village, so the entire Section III (b) cannot be removed. The County has indicated that it would be open to the verbiage of this section changing to:

*Repeal Section III (b) Authorized Routes from Municipality's Ordinance No. 129-2024 and recreate as follows:*

*"(b) Authorized Routes. The Village of Summit authorizes the operation of ATVs and UTVs on all state highways with a posted speed limit of 35 mph or less within the territorial boundaries of the Village of Summit, as authorized under Wis. Stat. § 23.33(1)(am.)(4), except as otherwise posted."*

The County has also indicated that it is willing to reference the Village's ATV ordinance one it has been amended under Section 5 Regulation of ATVs/UTVs.

To meet the late May implementation deadline for the Test District, Waukesha County is requiring the Village to submit a completed application, application fee, and sign map no later than March 20<sup>th</sup>. Trustee Arenz is requesting that the Village Board forgo review of the agreement by the Village Attorney since there is limited time to meet this deadline. Waukesha County's corporate counsel has reviewed the agreement.

**RECOMMENDATION:**

This is a preliminary draft of an agreement that the Village Board may or may not take action on at this time. Approval may be made contingent upon review and agreement by the Okauchee Area ATV/UTV Club and the Village Attorney.

**ATTACHMENTS:**

Agreement Between Waukesha County and Village of Summit for an ATV/UTV Test District on County Trunk Highways within the Village of Summit (*DRAFT with tracked changes and notes*)

**FISCAL IMPACT:**

Costs associated with the application fee and signage will be recovered by the Village from the Okauchee Area ATV/UTV Club, per the Village's existing agreement with the Club for route signage.

**RECOMMENDED MOTION:**

**Motion to approve the Agreement Between Waukesha County and Village of Summit for an ATV/UTV Test District on County Trunk Highways within the Village of Summit.**

Agreement Between Waukesha County and Village of Summit for an  
ATV/UTV Test District on County Trunk Highways within the Village  
of Summit

This Agreement between Waukesha County and the Village of Summit for an ATV/UTV Test District on County Trunk Highways (CTHs) within the Village of Summit boundaries (“Agreement”) is made and executed by and between Waukesha County through its Department of Public Works, a governmental entity, with a principal place of business located at Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha, WI 53188 (“County”), the Village of Summit, a governmental entity, with a principal place of business located at 37100 Delafield Road, Summit, WI 53066 (“Municipality”).

1. General.

a. Purpose.

The sole purpose of this ATV/UTV Test District is to ascertain if County wishes to designate portions of its CTHs as ATV/UTV routes within the County while ensuring the safe and controlled use of All-Terrain Vehicles (“ATVs”) and Utility Terrain Vehicles (“UTVs”) on CTHs, balancing recreational opportunities with possible risks to public health and safety, terrain involved, traffic density, and history of automobile traffic on potential and existing routes.

b. Authority.

- i. The authority for the creation of this Test District is found in Wisconsin Statutes § 23.33(8)(b)2., Wisconsin Statutes § 59.02. and Wis. Admin. Code § NR 64.12.
- ii. Criteria for signage on all-terrain vehicle (ATV) and utility terrain vehicle (UTV) routes on County Trunk Highways is adopted pursuant to § 23.33(8)(e) and § 86.07(2), Wisconsin Statutes.
- iii. In addition, the provisions of § 23.33, Wisconsin Statutes, and the provisions of Wisconsin Administrative Code Chapter NR 64 regulating ATV/UTV operations are hereby adopted.
- iv. With respect to the portions of CTHs designated as ATV/UTV routes within the boundaries of the Municipality and only for the duration of the ATV/UTV Test District term, Waukesha County Code of Ordinances Section 15-85(a) shall not be enforced by the Waukesha County Sheriff.

c. Term.

The term of the ATV/UTV Test District is from May 29, 2026 through December 31, 2026 (“2026 Season”) and may be terminated at the discretion of County at any time. Upon conclusion of the 2026 Season, the County will evaluate the ATV/UTV Test District and take further action at its discretion.

d. Notices.

Any notice required or permitted by this Agreement must be in writing and be delivered personally; sent by certified mail, return receipt requested, and postage prepaid; or sent by nationally recognized overnight courier services, in each case to the following at the addresses indicated:

If to County: Allison Bussler, Director  
Waukesha County Department of Public Works  
515 W. Moreland Blvd., Room AC-220  
Waukesha, WI 53188

If to the Municipality::

Jack Riley, President  
Village of Summit  
37100 Delafield Road  
Summit, WI 53066

e. Compliance.

The parties agree to comply with all applicable federal, state, and local laws, regulations, and ordinances.

2. Designated Routes

a. Test District

- i. Proposed routes must undergo safety and impact assessments by County.
- ii. Proposed routes must be approved by county ordinance and are subject to review and temporary closure for safety or maintenance.
- iii. Proposed routes will be limited to those County Trunk Highways listed in 2. b.
- iv. County will furnish a map of the test district prior to the start of the 2026 season.

b. Approved Routes

The following routes are approved for ATV/UTV operation on CTHs as part of this Test District:

- i. CTH P from CTH DR (west leg roundabout) in the Village south to STH 18 for 13,700 feet.
- ii. ~~CTH DR from CTH P in the Village west for 1,000 feet. Accommodation for Park and Ride use.~~
- iii-ii. CTH BB from Village municipal boarder south to STH 18 for 18,200 feet.
- iv-iii. ~~CTH DR from CTH BB to Village jurisdictional maintenance road boundary west 300 feet.~~

**Commented [KN1]:** Removed from Village request due to uncertainty with access to Park and Ride.

3. Municipality Responsibilities.

In addition to the Municipality's responsibilities described elsewhere in this Agreement:

a. Repeal Section III (b) Authorized Routes from Municipality's Ordinance No. 129-2024 and recreate as follows:-

- a- "(b) Authorized Routes. The Village of Summit authorizes the operation of ATVs and UTVs on all state highways with a posted speed limit of 35 mph or less within the territorial boundaries of the Village of Summit, as authorized under Wis. Stat. § 23.33(1)(am.) (4), except as otherwise posted."

**Commented [KN2]:** Amended as recommended by Waukesha County (A Bussler email dated 3/9)

b. Application.

- i. Municipality shall apply to the Highway Commissioner requesting a portion or portions of CTHs, within the Municipality's jurisdictional areas, be designated as ATV/UTV routes.
- ii. Applications shall be completed on the form prescribed by the Highway Commissioner for the designation of ATV/UTV routes. Municipality must further commit to pay for the cost to make, install, and maintain the necessary ATV/UTV route signage.
- iii. Application Requirements: An application for designation of an ATV/UTV route, at a minimum, shall include the following:
  - 1. An application fee in the amount of \$500.00.
  - 2. A completed application form.
  - 3. A map showing the proposed ATV/UTV route(s) on the county highway system.
  - 4. A statement explaining why the proposed route should be designated as an ATV/UTV route.
  - 5. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV route signs.

c. Permit.

Municipality shall apply to the Highway Commissioner for a sign permit for the posting of signs designating the ATV/UTV routes on the CTHs within its boundaries.

Number of Signs \_\_\_\_\_ Cost of Signs \_\_\_\_\_

d. Signage of Routes on CTHs.

- i. Any ATV/UTV Route within the limits of County for ATV/UTV use must be posted with proper signage, as determined by County, on a CTH prior to use.
- ii. The municipality is responsible for all costs related to the acquisition and ongoing maintenance of the ATV/UTV route signage, in accordance with Wis. Admin. Code § NR 64.12(7), Wisconsin DNR Guidelines, and the Manual on Uniform Traffic Control Devices (MUTCD), including the Wisconsin Supplement (WMUTCD).

~~iii. The ATV/UTV route signs shall be  acquired by the Municipality or  made by the County's Department of Public Works and billed to the Municipality.~~

~~iii. The ATV/UTV route signs shall be acquired/made, installed, and maintained by the  County's Department of Public Works or  the Municipality and the costs will be billed to the Municipality.~~

~~iv. The County's Department of Public Works will install and maintain the route signs, and the costs will be billed to the Municipality.~~

e. Enforcement.

Municipality agrees to provide County with an annual report on local law enforcement activity related to ATV/UTV use on CTHs.

4. County Responsibilities.

a. Designation of Routes for Test District.

- i. County shall consider the Application received from Municipality for the designation of ATV/UTV routes on CTHs in accordance with the requirements of Wisconsin Statutes § 23.33, Wisconsin Administrative Code Chapter NR 64.
- ii. County shall designate which portions of CTHs are ATV/UTV routes.
- iii. County will create a GIS map of designated routes.
- iv. County shall ensure that all routes designated pursuant to this Agreement are properly posted.

b. Termination of Routes.

County may suspend any route at any time for any reason during the term of this Agreement.

c. Route Maintenance.

Designation of portions of CTHs as ATV/UTV routes does not impose upon the County a greater duty of care or fiscal responsibility for maintenance of those CTHs. Operators of ATVs/UTVs on CTHs assume all the usual and normal risks of riding that vehicle. County accepts no liability for the operation of ATVs/UTVs on any CTH under this Agreement.

5. Regulation of ATV/UTVs.

Except as otherwise provided herein, the statutory provisions of Wisconsin Statutes § 23.33 and Wis. Admin. Code NR 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Agreement as if fully set forth herein.

**Commented [KH2]:** Wis. Stat. sec. 23.33 references local ordinances at Wis. Stat. sec. 23.33(11); however, we can reference Summit's ordinance once it has been amended.

6. Rules of Operation.

The operation of an ATV/UTV on a portion of a CTH that is an ATV/UTV route in County designated pursuant to Wis. Stat. § 23.33(8)(b)1, is subject to the following rules of operation:

- a. Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin. Code Chapter NR 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33 and Wis. Admin. Code Chapter NR 64 are adopted and incorporated in this Agreement.
- b. Operators may only operate on a designated ATV/UTV route if route is properly signed in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code § NR 64.12(7).
- c. Speed Limit: Posted speed limit of the highway unless a specific ATV/UTV speed limit is posted.
- d. Operation on the unimproved right-of-way or ditch, outside of the regular traveled portion of the highway is prohibited.
- e. ATVs/UTVs shall yield the right-of-way to all other vehicular traffic and pedestrians.
- f. ~~Hours of operation~~ **Hours of allowed operation:** 7:00 a.m. to 10:00 p.m.
- g. No person under the age of 16 may operate an ATV/UTV on any designated route on a CTH, ~~unless the person is accompanied by their parent, guardian or by a person who is at least 18 years of age who is designated by the parent or guardian pursuant to Wis. Stat. § 23.33(5)(a)4.~~

**Commented [KH3]:** We will take it out of this test district, but it will be added universally if the County passes a permanent ordinance.

**Commented [KH4]:** This is for persons 12 to 15, 11 months and 29 days old on roadways which are designated ATV routes per the quoted statute section. This was discovered after our last meeting together.

7. Enforcement.

- a. Any act that is required or prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Agreement.

- b. The County Sheriff's Office and local law enforcement agencies shall have authority to enforce this Agreement pursuant to Wis. Stat. § 23.33(12).

8. Insurance.

- a. County is a municipal body corporate that self-funds for liability under §893.80 and 895.46(1) of the Wisconsin Statutes, and automobile liability under Statute §345.05. County is also permissibly self-insured under Wisconsin Statute §102.28(2)(bm) for Workers' Compensation. Since this is statutory insurance, there is no liability policy as such that can extend protection to any others. County agrees to maintain appropriate insurance to cover the potential liability of its officers, employees, and agents while acting within the scope of their employment or agency. Such insurance may be provided through a self-insurance program.
- b. Municipality shall maintain the same insurance coverage requirements as the County, including self-insurance or appropriate policies, to cover the potential liability of their officers, employees, and agents while acting within the scope of their employment or agency.

9. No Indemnification.

The parties agree that each party is and shall solely be responsible for any claim or damage resulting from its own negligent acts or omissions. This Agreement shall not be construed to require a party to indemnify any other party, nor does it restrict the right of any party to pursue remedies in a court of law.

10. Termination.

This Agreement may be terminated as follows:

a. By Mutual Agreement.

County ~~and~~ Village, ~~and Town~~ may terminate this Agreement at any time and on any terms to which they agree in writing.

b. Cause.

This Agreement may be terminated with cause, as described below, in the event County ~~or~~ Village, ~~and/or Town~~ fails in any substantial manner to perform as required herein:

- i. Upon a material breach of any provision of this Agreement by a party(ies), the other party(ies) shall, not less than sixty (60) days prior to termination, provide written notice to the breaching party(ies) that states the intention of the non-breaching party(ies) to terminate this Agreement, the nature of the material breach giving rise to termination, and shall permit the breaching party

reasonable opportunity to cure such material breach during the sixty (60) day period.

- ii. If the material breach is not resolved to the satisfaction of the non-breaching party(ies) during the sixty (60) day period as provided above, the non-breaching party(ies) may immediately give the breaching party(ies) written notice of termination of the Agreement.

c. Change in Circumstances.

In the event there are changes within County ~~and/or~~ Village, ~~and/or~~ ~~Town~~ that materially and adversely impact the ability of such party(ies) to perform its obligations under this Agreement, the affected party(ies) may terminate this Agreement upon thirty (30) days' notice.

d. Effect of Termination.

No party shall have any further obligation after termination, except for obligations accruing under the terms of this Agreement prior to the date of termination.

11. Governing Law.

This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Wisconsin without regard to principles of conflicts of laws.

12. Assignment.

No party may assign any rights or obligations under this Agreement without the prior written consent of the other parties.

13. Amendments.

This Agreement may be amended at any time with the written approval of the parties. Such amendments or modifications shall be typed separately and signed by the parties and made a part of this Agreement.

14. Binding Effect.

This Agreement will be binding upon, and will inure to the benefit of, County ~~and~~ Village, ~~and~~ ~~Town~~ and their respective elected officials, employees, and agents.

15. Severability.

If any provision of this Agreement or any other agreement entered into pursuant hereto is contrary to, prohibited by, or deemed invalid under applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited, or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect so far as possible. If any provision of this Agreement may be construed in two

or more ways, one of which would render the provision invalid or otherwise voidable or unenforceable and another of which would render the provision valid and enforceable, such provision shall have the meaning which renders it valid and enforceable.

16. Final Agreement.

This Agreement terminates and supersedes all prior agreements (oral or otherwise) on an ATV/UTV Test District between County ~~and~~; Village, ~~and~~ ~~Town~~.

17. Counterparts.

This Agreement may be executed in multiple counterparts, each of such counterpart shall be deemed to constitute one and the same instrument and each of said counterparts shall be deemed an original hereof.

Each person signing this Agreement warrants that he or she has full legal authority to do so and that the signature binds the party for which he or she signs.

County:

\_\_\_\_\_  
Allison Bussler  
Director  
Department of Public Works Waukesha County

\_\_\_\_\_  
Date

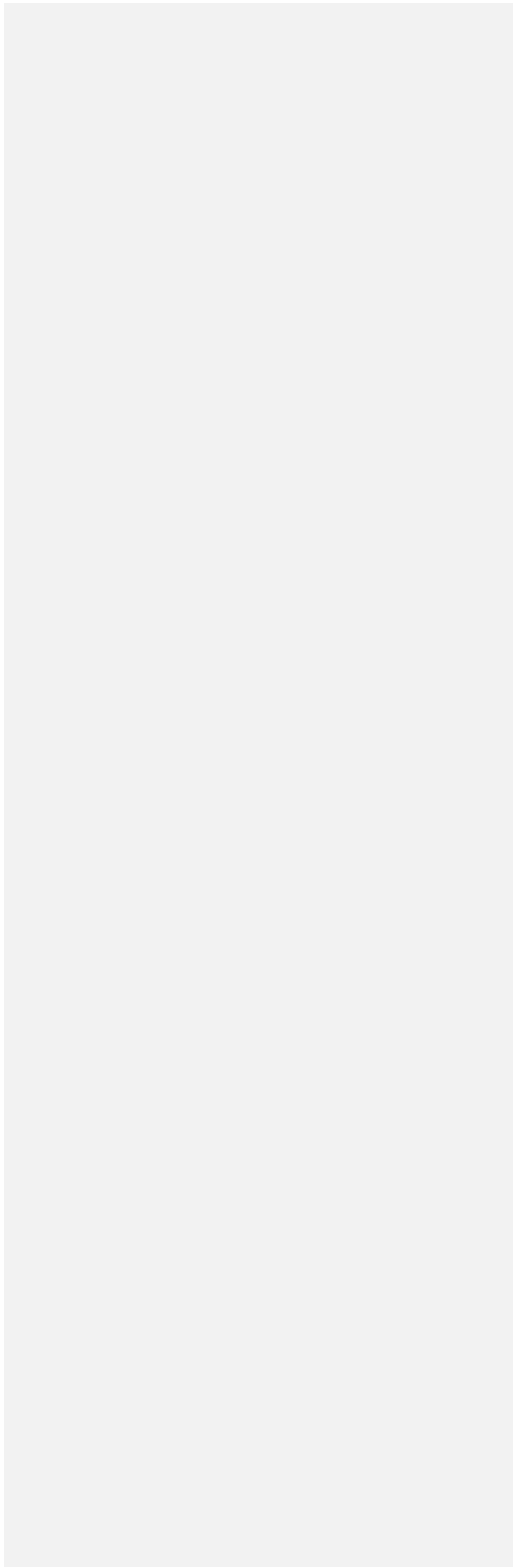
Municipality:

\_\_\_\_\_  
Jack Riley  
President  
Village of Summit

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Name) Date

DRAFT





Village Hall, 262-567-2757  
Fax, 262-567-4115  
Public Works Dept., 262-567-2422  
Police Dept., 262-567-1134  
Building Inspector, 262-490-4141  
[www.villageofsummitwi.gov](http://www.villageofsummitwi.gov)

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**MEMORANDUM**

To: Village Board

From: Kamron Nash, P.E., Village Public Works Director

Date: March 18, 2026

Re: Discussion and Action on Submittal of an Application and \$500 Fee to Waukesha County Highway Department for ATV/UTV Route Designation

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**PURPOSE:**

To receive approval from the Village Board to submit an ATV/UTV Route Designation Application Form and \$500 Application Permit Fee to the Waukesha County Highway Department.

**BACKGROUND:**

In order to implement a Test District within the Village on certain county trunk highways (CTHs), Waukesha County is requiring that the Village complete an ATV/UTV Route Designation Application Form and provide several supplemental documents as part of the application, including a \$500 application fee. The purpose of the application fee is to cover County staff's effort to review the request and the sign installation plan. To meet the late May implementation deadline for the Test District, Waukesha County is requiring the Village to submit a completed application, application fee, and sign map no later than March 20<sup>th</sup>.

Per the Village's existing agreement with the Okauchee Area ATV/UTV Club for ATV Route Signage, the Club is responsible for reimbursing all costs incurred by the Village associated with implementing ATV route signage. The Club has agreed to reimburse the Village for the \$500 application fee and has provided advanced payment by check. If payment is approved, this fee will be paid by the Village as a reimbursable expense that will be offset by the Club's payment.

**RECOMMENDATION:**

Village staff recommend that the Village Board authorizes Trustee Arenz to submit an ATV/UTV Route Designation Application on behalf of the Village and Village staff to submit a \$500 application fee to the Waukesha County Highway Department.

**ATTACHMENTS:**

Waukesha County Highway Department ATV/UTV Route Designation Application Form

Agreement Between the Village of Summit and the Okauchee Area ATV/UTV Club for ATV Route Signage (*executed*)

FISCAL IMPACT:

Costs associated with the application fee and signage will be recovered by the Village from the Okauchee Area ATV/UTV Club, per the Village's existing agreement with the Club for route signage.

**RECOMMENDED MOTION:**

**Motion to authorize Trustee Arenz to submit an ATV/UTV Route Designation Application on behalf of the Village and Village staff to submit a \$500 application fee to the Waukesha County Highway Department.**

**WAUKESHA COUNTY HIGHWAY DEPARTMENT  
ATV/UTV ROUTE DESIGNATION APPLICATION FORM**

PERMIT NUMBER: \_\_\_\_\_

Email application to [jmayer@waukeshacounty.gov](mailto:jmayer@waukeshacounty.gov); or Mail to: 515 Moreland Rd, Suite AC 220, Waukesha WI 53188

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**GENERAL INFORMATION**

Municipality: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**APPLICATION CHECKLIST**

- Attach a map(s) of the requested route. Indicate trail ends and approved municipal routes to be connected.
- Attach a statement explaining why the CTH segment(s) should be designated as an ATV/UTV route.
- Attach a statement that applicant will fund installation and maintenance for the proposed ATV/UTV route.
- Attach an Application for Waukesha County Sign Installation within the Right of Way.
- \$500 Application Permit Fee included.

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**ROUTE INFORMATION**

County Highway: \_\_\_\_\_ Route Length (miles): \_\_\_\_\_

Starting Location (Intersecting Road): \_\_\_\_\_

Ending Location (Intersecting Road): \_\_\_\_\_

---

By: \_\_\_\_\_

Signature of Authorized Municipal Representative Title Date

---

Printed Name of Authorized Municipal Representative Phone Number

---

**DO NOT WRITE BELOW THIS LINE**

**ESTIMATED SIGNAGE PLAN & INSTALLATION COSTS**

*Note: Maintenance costs will be billed on an as needed basis. All work within County right-of-way to be done by the County.*

Labor: \$\_\_\_\_\_ Equipment: \$\_\_\_\_\_ Materials: \$\_\_\_\_\_

**TOTAL** (Estimated Route Cost to Applicant): \$\_\_\_\_\_ **(Note: Estimate only. Actual costs will be billed.)**

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**HIGHWAY DEPARTMENT REVIEW**

Recommendation:  Approve  Deny

By: \_\_\_\_\_

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

**PUBLIC WORKS COMMITTEE DETERMINATION**

Approved

Denied

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

**AGREEMENT BETWEEN THE VILLAGE OF SUMMIT AND THE OKAUCHEE AREA  
ATV/UTV CLUB FOR ATV ROUTE SIGNAGE**

This **Agreement** is made and entered into as of the 12 day of December, 2024, by and between the Village of Summit, Wisconsin (“Village”), and the Okauchee Area ATV/UTV Club (“Club”), to establish terms and conditions related to the installation and maintenance of ATV/UTV route signage on designated and authorized ATV routes in the Village of Summit.

**WHEREAS**, on April 4, 2024, the Village Board of the Village of Summit adopted Ordinance No. 129-2024 “An Ordinance Repealing and Recreating Chapter 26, Article I, Section 26-7 Relating to All-Terrain Vehicles and Utility Terrain Vehicles of the Code of Ordinances of the Village of Summit” (“Exhibit A”) authorizing the designation of approved public roads as ATV/UTV routes.

**NOW THEREFORE**, the Village of Summit Village Board does hereby enter into this agreement with the Okauchee Area ATV/UTV Club for the installation and maintenance of the route signage on designated and authorized ATV/UTV routes in the Village of Summit subject to the following terms:

**SECTION 1.** The Club shall be responsible for the following:

- A. Create a signage plan that indicates the location, sign type, sign size, and installation method (i.e., utilization of existing post or new post) of all ATV/UTV signs that comply with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code Chapter NR 64.12(7) for any new sign installations or changes in existing sign locations.
- B. Review quotes for ATV/UTV signage and associated hardware solicited by the Village in a timely manner, providing comments and/or approval notice to the Village Public Works Director within 30 days of receipt.
- C. Install, maintain, and replace all ATV/UTV signage as required to comply with all applicable laws, regulations, and standards, including but not limited to Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code Chapter NR 64.12(7).
- D. After signs have been installed, reimburse the Village in full for all costs incurred by the Village associated with the signage installation, maintenance, and replacement within 120 days of receipt of the invoice.
- E. Maintain a current inventory record of all ATV/UTV signage located in the Village which includes the sign type, post type, location, and installation date of each sign. This inventory shall be updated any time a sign is added, replaced, or removed, and all inventory record updates shall be provided to the Village Public Works Director promptly.
- F. At least annually, complete an inspection of all ATV/UTV signage located in the Village and provide inspection results to the Village Public Works Director promptly; upon discovery of signage that is damaged, missing, improperly

installed, or does not otherwise comply with all applicable laws, regulations, and standards, complete repair or replacement of such signage and associated hardware as soon as possible.

- G. At least annually, provide an appointed contact person and an updated mailing address for the Club.

**SECTION 2.** The Village shall be responsible for the following:

- A. Review and consider approval of the initial and any new signage plans or amendments to existing plans for designated and authorized ATV/UTV routes.
- B. When requested by the Club, solicit quotes for signage and associated hardware following the Village purchasing policy, providing results to the appointed contact person of the Club for review; and upon approval and request by the Club, procure signs and hardware.
- C. Prepare and submit a detailed invoice to the Club for all costs incurred by the Village associated with signage installation, maintenance, and replacement.
- D. Maintain a current list of designated and authorized ATV/UTV routes on the Village website ([www.summitvillage.org](http://www.summitvillage.org)) and a posted list at the Village Hall, 37100 Delafield Road, Summit, WI 53066.

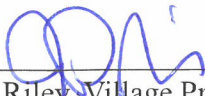
**SECTION 3.** This Agreement shall be effective upon execution by the Parties, and its term shall commence as of the Effective Date. The term shall continue for a period of ten (10) years unless renewed, revoked, or terminated in accordance with the provisions of this Agreement.

**SECTION 4.** Either party may terminate this Agreement without cause upon thirty (30) days written notice to the other party, and, if said Club dissolves without designation of a successor approved by the Village Board, this Agreement shall be considered null and void, and all signage shall remain the property of the Village.

[SIGNATURES TO FOLLOW]

Dated this 12 day of December, 2024

**VILLAGE OF SUMMIT**

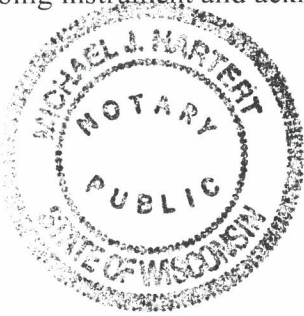
  
\_\_\_\_\_  
Jack Riley, Village President


ATTEST:

  
\_\_\_\_\_  
Debra Michael, Village Administrator-Clerk/Treasurer

STATE OF WISCONSIN     )  
  )ss.  
COUNTY OF WAUKESHA    )

Personally came before me this 12 day of December, 2024, the above-named JACK RILEY and DEBRA MICHAEL to me known to be the persons who executed the foregoing instrument and acknowledged the same.



  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission: 03-21-2028

Dated this 25<sup>TH</sup> day of OCTOBER, 2024

**OKAUCHEE AREA ATV/UTV CLUB**




\_\_\_\_\_  
Matt Thompson, Club President

STATE OF WISCONSIN )

)ss.

COUNTY OF WAUKESHA )

Personally came before me this 25<sup>TH</sup> day of OCTOBER, 2024, the above-named MATT THOMPSON to me known to be the person who executed the foregoing instrument and acknowledged the same.

 ROBERT A JONES

\_\_\_\_\_  
Notary Public, State of Wisconsin

My Commission: 1-12-2026



Drafted by Kamron Nash, P.E., Village Public Works Director  
Village of Summit  
37100 Delafield Road  
Summit, WI 53066

**"EXHIBIT A"**

**STATE OF WISCONSIN**

**VILLAGE OF SUMMIT**

**WAUKESHA COUNTY**

**ORDINANCE NO. 129-2024**

**An Ordinance Repealing and Recreating Chapter 26, Article I, Section 26-7 Relating to All-Terrain Vehicles and Utility Terrain Vehicles of the Code of Ordinances of the Village of Summit**

**WHEREAS**, the Village of Summit 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 Village of Summit recognizes that there is interest in allowing the use of such vehicles on roadways within the Village; and

**WHEREAS**, the Village of Summit 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.

**NOW, THEREFORE**, the Village Board of the Village of Summit, Waukesha County, Wisconsin do ordain as follows:

**Chapter 26 – Traffic and Vehicles, Article I, Section 26-7** of the Village Municipal Code is hereby repealed and recreated to read as follows:

**All-Terrain Vehicles and Utility Terrain Vehicles**

**Section I – Authority**

The Village Board of the Village of Summit adopts the provisions of this Ordinance pursuant to the authority of § 23.33, § 61.34, and § 349.11(11), Wis. Stats., and Wis. Admin. Code Chapter NR 64, to regulate, control, prevent and enforce certain uses, activities, and operations by persons that may affect all-terrain use and traffic in the Village of Summit, and has the power to designate all-terrain routes and trails by § 23.33, Wis. Stats.

**Section II – Regulation of All-Terrain Vehicles (ATV and UTV)**

Except as otherwise specifically provided in this Ordinance, the statutory provisions of Wis. Stats. § 23.33, Wis. Stats. § 340, Wis. Admin. Code NR § 64, describing and defining regulations with respect to all-terrain vehicles are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions, or modifications of the statutes of administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

### Section III – Designation and Authorization of ATV Routes

Except as otherwise specifically provided in Wis. Stats. § 23.33, and subject to the conditions and limitations hereinafter set forth:

- (a) *Designated Routes.* All Village-maintained roads, streets, and highways which are signed in accordance with Wis. Stats. § 23.33(8) and Department of Natural Resources rules, with a speed limit consistent with Subsection V(a)(2) of this Ordinance, will be designated as ATV Routes in accordance with Wis. Stat. § 23.33(8)(b)(2). Village-owned parking lots are also designated as ATV Routes, unless otherwise posted. The following roads are excluded as designated routes within the Village municipal boundaries:
  - (1) N Dousman Road\*, from Valley Road (CTH B) to approximately 1,670 feet south of Delafield Road (CTH DR)
  - (2) Mill Road\*, from Venice Park Road to Valley Road (CTH B)  
*\*Exclusion due to shared jurisdiction of roadway with another government agency that does not permit ATV/UTV operation on public roadways.*
- (b) *Authorized Routes.* The Village of Summit authorizes the operation of ATVs and UTVs on all county and state highways with a posted speed limit of 35 mph or less within the territorial boundaries of the Village of Summit, as authorized under Wis. Stat. § 23.33(11)(am)(4), except as otherwise posted. The following roads are excluded as authorized routes within the Village municipal boundaries:
  - (1) Valley Road (CTH B)\*, from approximately 65 feet west of Mission Road to approximately 365 feet west of N Cedar Ridge Road
  - (2) Valley Road (CTH B), from approximately 250 feet east of N Dousman Rd to approximately 55 feet west of N Silver Lake Drive
  - (3) Valley Road (CTH B)\*, from approximately 250 feet west of Saint Andrews Drive to approximately 1,680 feet west of N Silver Lake Road (CTH Z)
  - (4) N Sawyer Road (CTH P), from Pabst Road to Nashotah Road (CTH P)
  - (5) Nashotah Road (CTH P)\*, from N Sawyer Rd (CTH P) to approximately 695 feet west of N Sawyer Rd (CTH P)  
*\*Exclusion due to shared jurisdiction of roadway with another government agency that does not permit ATV/UTV operation on public roadways.*
- (c) *Temporary Closure or Suspension of ATV Routes.* The Village Chief of Police, at his or her discretion, shall have the authority to temporarily close or suspend operation of ATVs and UTVs on any road, street, or highway on an ATV Route designated or authorized herein for a period of ninety (90) days or less due to hazard, construction, or emergency conditions.
- (d) *Permanent Closure of ATV Routes.* The Village Board may permanently restrict operation of ATVs and UTVs on any ATV Routes designated or authorized herein at any time, for any reason, through removal of route signage and by providing notice to the public.
- (e) *Review of Ordinance.* The Village Board shall review this ordinance one year after the date of initial adoption. Said review shall include a report from the Public Works Department regarding highway damage. In addition, the Police Department shall give a

report on ATV and UTV violations, crashes, and safety concerns. Periodic reviews may be completed thereafter as deemed necessary by the Village Board.

#### **Section IV – Signage**

All ATV Routes shall be signed in accordance with Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64.12(7).

- (a) The Village of Summit Public Works Department shall have the sole responsibility for ATV/UTV signage on Village roads, streets, and highways. The Public Works Department 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 Route.
- (b) ATV clubs shall be responsible for the cost of all required designated route ATV/UTV signage, and shall work with the Village of Summit Public Works Department 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 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 V – Operation of All-Terrain Vehicles and Utility Terrain Vehicles on Designated and Authorized ATV Routes**

- (a) Conditions and Restrictions on ATV and UTV Operation. The operations of an ATV or UTV on a roadway that is a designated or authorized ATV Route and signed in accordance with Wis. Stat. § 23.33(8)(e) by the Village of Summit shall be subject to all provisions of Wis. Stats. § 23.33, Wis. Stats. § 340, and Wis. Admin. Code NR § 64, which are adopted as part of this ordinance by reference. In addition, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:
  - (1) On all designated and authorized ATV Routes that are roadways shared with

another jurisdiction, the more restrictive Ordinance shall apply.

- (2) ATVs and UTVs shall not be operated at a speed greater than the posted speed limit, except that no ATV or UTV may be operated at a speed greater than 35 miles per hour.
- (3) ATV and UTV operators shall comply with all applicable rules of the road governing motorized vehicles operating on municipal roadways in accordance with Wis. Stats. 23.33, Wis. Admin. Code Chapter NR 64, Wis. Stats. Chapter 346, and all other applicable traffic and parking laws, local ordinances, and Wisconsin Department of Natural Resources regulations.
- (4) No persons under the age of sixteen (16) may operate an ATV or UTV on designated or authorized ATV Routes in the Village.
- (5) All ATV and UTV operators born after January 1, 1988 are required to have an ATV Safety Certificate.
- (6) No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in Wis. Stat. § 347.485(1)(a) and with the chin strap properly fastened, unless one of the following applies, pursuant to Wis. Stat. 23.33(3g):
  - (i) The person is at least eighteen (18) years of age.
  - (ii) The person is traveling for the purposes of hunting or fishing and is at least twelve (12) years of age.
  - (iii) The ATV or UTV is being operated for an agricultural purpose.
  - (iv) The ATV or UTV is being operated by a person on land under the management and control of the person's immediate family.
  - (v) The person is being transported for medical reasons while under the care of emergency personnel.
  - (vi) The person is an emergency responder who is responding to an emergency that is directly related to the function of a city, town, village, county, state agency, federal agency, federally recognized American Indian tribe, or public safety corporation.
- (7) All ATV and UTV operators shall ride in single file on the extreme right-hand side of the paved portion of the roadway, unless otherwise marked for operation on the shoulder or in the right-of-way. Left turns may be made from any part of the road or highway that is safe given prevailing conditions.
- (8) All ATVs and UTVs shall have fully functional headlights, tail lights, and brake lights while operating on designated or authorized ATV Routes in the Village. Every ATV and UTV operator on any highway must display a lighted headlight and tail lights at all times.
- (9) Approved hand signals are required whenever the operator intends to change direction if the ATV or UTV is not equipped with turn signals.
- (10) No person may drive or operate an ATV or UTV while under the influence of alcohol or a restricted controlled substance, including absolute sobriety by operators under the age of twenty-one (21).

- (11) Open intoxicants are prohibited for ATV and UTV operators or passengers while the ATV or UTV is in operation in the Village.
  - (12) No person shall drive or operate an ATV or UTV on any designated or authorized ATV Route between the hours of 10:00 p.m. and 7:00 a.m.
  - (13) Operation of an ATV or UTV within any municipal park is prohibited, with the exception of designated driving lanes and paved parking areas.
  - (14) Operation of an ATV or UTV on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch, or other area of any public right-of-way other than on the paved roadway is prohibited, unless specifically designated and posted otherwise by the Village.
  - (15) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
  - (16) A golf cart is not an ATV or UTV. Operation of golf carts on Village roads is prohibited.
- (b) *Licensing, Insurance, and Registration.*
- (1) *Driver's License.* Persons sixteen (16) years of age or older must possess a valid driver's license to operate an ATV or UTV on a designated or authorized ATV Route in the Village.
  - (2) *Insurance.* No person may operate an ATV or UTV on designated or authorized ATV Routes in the Village unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for operation of a motorized vehicle by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.
  - (3) *Registration.* All ATVs and UTVs shall be registered for public use in accordance with Wisconsin Department of Natural Resources regulations with proof of registration displayed as required by statute during all times of operation.
- (c) *Disturbing the Peace and Nuisance Activities.*
- (1) *Exhaust System/Muffler Modifications Prohibited.* Every ATV and UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise in accordance with all applicable provisions in Wis. Stat § 23.33(6m). No person shall operate an ATV or UTV on a designated or authorized ATV Route unless such ATV or UTV is equipped with a muffler or other noise suppression system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV or UTV in a manner such that noise is emitted by the ATV or UTV increases to a level higher than as originally manufactured.
  - (2) *Radios, Sound Systems, and Electronic Sound Amplification Devices.* ATVs and UTVs equipped with radios, sound systems, or electronic sound amplification devices must be operated at a volume that is limited to within the personal space of the vehicle, unless the electronic sound amplification device is being used to request assistance or to warn against an unsafe condition.

- (3) *Cruising Prohibited.* No ATV or UTV operator shall engage in the practice of cruising on any authorized or designated ATV Route in the Village. Cruising is defined as running all or part of the length of a roadway multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging, departing or arriving at a place of business, or departing or arriving at a public boat launch.

#### **Section VI – Enforcement and Penalties**

- (a) Pursuant to Wis. Stat. § 23.33(12), any state traffic patrol officer under Wis. Stat. § 110.07(1), inspector under Wis. Stat. § 110.07(3), conservation warden appointed by the Wisconsin Department of Natural Resources under Wis. Stats. § 23.10, county sheriff, or municipal peace officer shall have authority and jurisdiction to enforce this Ordinance.
- (b) No operator of any ATV or UTV may refuse to stop after being requested to do so by a law enforcement officer or a conservation warden.
- (c) Penalties related to violations of this Ordinance as set forth in Wis. Stats. § 23.33(13), are incorporated herein by reference. In addition to, and not to the exclusion or prejudice of such other remedies as described herein and as may be allowed by law, any person or entity violating the provisions of this Ordinance shall be punished as provided in Section 1-7, Chapter 1 – General Provisions of the Summit Village Code.

#### **Section VII – Village Immunity from Liability**

- (a) ATV/UTV operation is at the risk of the operator and any passenger(s). In establishing ATV Routes under this Ordinance for recreational use, the Village of Summit intends to utilize the liability and immunity protections provided under Wis. Stats. § 895.52. provided, however, that the Village does not waive any other liability exemption(s) and/or limitation(s) afforded the Village under Wisconsin law.
- (b) Designation of segments of the Village highway system as ATV Routes does not impose upon the Village of Summit Public Works Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of Village highway. Operators of ATVs and UTVs on Village highways assume all the usual and normal risks of ATV and UTV operation.

#### **Section VIII – Village Clerk to Provide Required Notices**

Pursuant to Wis. Stat. § 23.33(11)(b), following adoption, the Village 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 Village Clerk shall also provide copies of this Ordinance to the Waukesha County Public Works Department and the Wisconsin Department of Transportation.

#### **Section IX - 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

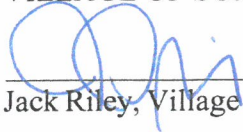
affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

**Section X – Effective Date**

This ordinance shall become effective upon its passage and publication/posting.


Dated this 4 day of April, 2024

VILLAGE OF SUMMIT

  
\_\_\_\_\_  
Jack Riley, Village President



Attest:

  
\_\_\_\_\_  
Debra J. Michael,  
Village Administrator-Clerk/Treasurer

Published and/or posted this 3 day of May, 2024.