

CITY OF CEDARBURG ORDINANCE 2016-07
AN ORDINANCE AMENDING TITLE 10, CHAPTER 6
AND TITLE 10, CHAPTER 4
OF THE CITY OF CEDARBURG CODE OF ORDINANCES

WHEREAS, various community events and festivals use small motorized vehicles as part of their operations; and

WHEREAS, Wis. Stat. § 349.18(1m)(a) allows a municipality, by ordinance, to allow the operation of golf carts on any highway with a speed limit of 25 miles per hour or less located within the territorial boundaries of the municipality; and

WHEREAS, Wis. Stat. § 349.18(1m)(d) allows any ordinance passed under such a statute to include a definition of the term “golf cart”; and

WHEREAS, Wis. Stat. § 23.33(11)(am)(1) allows a municipality to enact an ordinance in strict conformity with Section 23.33 of the Wisconsin Statutes governing the operation of all-terrain vehicles and utility terrain vehicles;

THEREFORE, the Common Council of the City of Cedarburg do ordain as follows:

SECTION 1. Title 10, Chapter 6 of the City of Cedarburg Code of Ordinances shall be amended by changing the title of Chapter 6 to “Neighborhood Electric Vehicles and Golf Carts.”

SECTION 2. Section 10-6-2 of the City of Cedarburg Code of Ordinances shall be created to read as follows:

SEC. 10-6-2 GOLF CARTS

- (a) **DEFINITION.** “Golf cart” means a self-propelled vehicle with a steering wheel that is designed to have a maximum speed of no more than 25 miles per hour on a flat, level surface.
- (b) **GENERAL RULE.** No person may operate a golf cart upon any public highway of the City except as allowed in subsection (c).
- (c) **GOLF CART USE PERMITTED AS PART OF SPECIAL EVENT OPERATIONS.** A person may operate a golf cart only upon any highway enumerated in subsection (d) and only if such operation is in connection with the operations of a concert, fair, festival, or other special event taking place within the City.
- (d) **CITY STREETS ENUMERATED.** Operation of a golf cart under subsection (c) is allowed only upon the following highways:
 - 1. Upon Bridge Road between Evergreen Boulevard and Mequon Avenue
 - 2. Upon Center Street between Washington Avenue and Hanover Avenue
 - 3. Upon Cleveland Street between Washington Avenue and Evergreen Boulevard
 - 4. Upon Columbia Road between Mequon Avenue and Washington Avenue

5. Upon Evergreen Boulevard between Cleveland Street and Bridge Road
 6. Upon Hanover Avenue between Cleveland Street and Western Road
 7. Upon Hilbert Avenue between Portland Road and Spring Street
 8. Upon Madison Avenue between Bridge Road and Cleveland Street
 9. Upon Mequon Avenue between Bridge Road and Columbia Road
 10. Upon Mill Street between Hanover Avenue and Portland Road
 11. Upon Portland Road between Columbia Road and Hilbert Avenue
 12. Upon Riveredge Drive between Bridge Road and the northern boundary of Boy Scout Park
 13. Upon St. John Avenue between Cleveland Street and Bridge Road
 14. Upon Spring Street between Hilbert Avenue and Washington Avenue
 15. Upon Turner Street between Washington Avenue and Hanover Avenue
 16. Upon Washington Avenue between Spring Street and Sheboygan Road
 17. Upon Western Road between Washington Avenue and St. John Avenue
- (e) **PENALTY.** Upon conviction for a violation of this section, the operator shall forfeit not less than \$30.00 nor more than \$500.00, plus all applicable statutory surcharges.

SECTION 3. The title of Title 10, Chapter 4 of the City of Cedarburg Code of Ordinances shall be amended to "All-Terrain Vehicles, Utility Terrain Vehicles and Off-Road Vehicle Operation."

SECTION 4. Section 10-4-1 of the City of Cedarburg Code of Ordinances shall be amended by adding the following text shown in bold:


SEC. 10-4-1 STATE ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE LAWS ADOPTED. The provisions describing and defining regulations with respect to all-terrain vehicles **and utility terrain vehicles** in the following enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section: [Remainder of section unchanged]

SECTION 5. Section 10-4-2 of the City of Cedarburg Code of Ordinances shall be repealed and recreated as follows:

SEC. 10-4-2 RESTRICTIONS ON ATV AND UTV OPERATION. No person shall operate any all-terrain vehicle within the City except for the purposes of testing, maintenance, or moving vehicles onto trailers or other means of transport. No person shall operate any utility terrain vehicle within the City except as allowed by Wis. Stat. § 23.33.

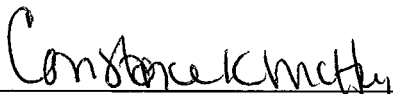
SECTION 6. This ordinance shall take effect and be in full force after its passage and publication as provided by law.

Passed and adopted by the Common Council of the City of Cedarburg on June 13, 2016



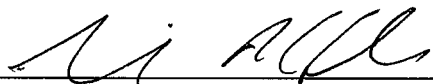
Kip Kinzel, Mayor

Attest:



Constance K. McHugh, City Clerk

Approved as to form:



Michael P. Herbrand, City Attorney