



Miller & Miller, LLC
LAW FIRM

311 DeWitt Street | P.O. Box 200 | Portage, WI 53901
P (608) 742-8585 | F (608) 742-2501
jmiller@portagelawyers.com | www.portagelawyers.com

January 24, 2018

Jesse Pittsley, Town Chair
Town of Quincy
2321 County Rd Z
Friendship, WI 53934

RE: ATV/UTV Proposed Ordinance
Our File No.: 32,226G(3)

Dear Chairman Pittsley:

I had the opportunity to write to you on August 21, 2017 in regard to the proposed "ATV ordinance" that was being presented to the Town Board for its consideration. At that time, I provided my comments. I know that a similar ordinance has now been brought to the Town Board with the request that the Town Board adopt it. In this letter, I will follow up on my earlier comments.

First, as you have pointed out, a portion of the proposed ordinance is not consistent with Wisconsin law. With any ordinance, the Town Board, before adopting it, should confirm that, as drafted, it fully complies with state law.

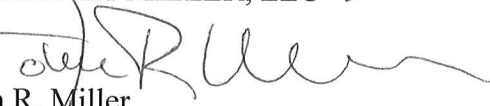
Again, I point out that this proposed ordinance adopts state law dealing with a number of safety measures that relate to ATV use. I am sure that there would be general agreement that if ATV's are to be used on the designated areas within the Town, that it is important for ATV users, and for the general public, that those safety provisions be enforced. The problem arises in regard to enforcement in towns that do not have a constable who is empowered to enforce Town ordinances. It is unlikely that state or county officials will be monitoring enforcement of those safety rules on the rural roads of the Town of Quincy. Further, state and county officials do not enforce town ordinances. Accordingly, with the Town having no constable, it is unlikely that there would be anyone in a position to monitor compliance with the safety provisions, or any other provisions, that are included in that ordinance.

I am always hesitant to recommend to a town to adopt an ordinance that permits particular activities, provided that certain safety measures are taken, when the Town Board is fully aware that it has no means or intention to enforce those safety provisions. I believe proceeding in that manner opens up the Town Board to criticism and also possibly to liability.

I would be happy to answer your questions and discuss these concerns with you in more detail.

Very truly yours,

MILLER and MILLER, LLC ✓



John R. Miller
JRM/kr/jjc