

**--MEMORANDUM--**

**TO:** City Council

**FROM:** Gregory E. Buckley  
City Manager



**DATE:** August 12, 2022

**SUBJECT:** ATV'S and UTV'S on City Streets

Following public input at a well-publicized public hearing on Monday night, the City Council is expected to provide direction on any "path forward" for possibly allowing the operation of all-terrain vehicles (ATV's) and Utility Terrain Vehicles (UTV's) on City streets.

The purpose of this memo is to summarize City staff concerns about allowing such use, based both on citizen input to date and on research on what would be involved if such on-street operation is permitted.

**The staff recommendation, based on input not only from the Police Department but also from Community Development, Tourism and other City staff, is that the City Council not pursue an ordinance that would allow such operation.**

**1. Negative impacts on community quality of life.** Not to say that some local ATV and UTV owners might see the ability to operate on local streets as an enhancement to their quality of life, but many residents have expressed concerns about noise, unsafe operation, "cruising" neighborhoods and local attractions like the beach, that they perceive as negative.

Many of these concerns have been expressed in e-mails directed to the Council through the City Clerk's Office, which as of this Friday afternoon are running 47 to 3 **against** any change in the current prohibition on ATV's/UTV's on City streets.

While several area towns have allowed ATV and UTV use on town roads, we need to remember that **we are a city, not a town.** City streets are generally curbed and guttered, without gravel shoulders, neighborhoods are built with a much greater density, with smaller lot sizes than in the towns, and there are no large, open parcels that can be accessed by traveling along the shoulder of the road for a short distance, like "out in the town." Residents of cities tend to have greater concerns about issues like neighborhood noise, streets tracked up with dirt or mud, or vehicles parked on the grass in front yards than is the case out in the country. That is probably why most mid-sized cities in our part of Wisconsin—including Manitowoc, Sturgeon Bay, Sheboygan, Port Washington and plenty of others, do not allow such machines on city streets.

**2. Little perceived economic benefit.** As has been pointed out numerous times during the extended discussion of this topic, there are no ATV/UTV trails within nor even close to our city. There are no public ATV trails in Manitowoc County. Many of the cities and villages in Wisconsin that have opted to allow ATV's and UTV's on local streets are indeed located on or near to such trails—they want to facilitate access to and spending by trail users at local businesses.

In short, there is little to no economic benefit anticipated from allowing ATV's/UTV's on city streets. And they could detract from the experience of visiting some of our major visitor attractions, like the beach.

**3. You can't enter or exit the City on a route where ATV's/UTV's are "Street Legal."** ATV's/UTV's are not allowed on State highways outside of the City limits, nor are they allowed on County highways in Manitowoc County. The only "town road" that accesses any part of the City is Woodland Drive, which would access only a few properties on the City's far west side (hospital, Woodland Industrial Park).

(BTW, both the Manitowoc County Traffic Safety Commission and the County Highway Committee in the Fall of 2021 considered allowing ATV's/UTV's on county roads; both voted to **deny** the request.)

**4. State law severely limits the City's ability to regulate ATV's and UTV's locally, even if we do have some "great ideas" about how a local ordinance might be crafted.** Most significant is the language of Wis. Stats. 23.33(11)(am) 1., which states:

23.33 All Terrain Vehicles and Utility Terrain Vehicles

(11) Local ordinances.

(am)1. Any county, town, city, or village may enact an ordinance that is in strict conformity with this section and rules promulgated by the department under this section if the ordinance encompasses all aspects encompassed by this section, except as provided in subds. 2., 3., and 4. and s. 349.11 (11).

(NOTE: the exceptions cited in the language above relate only to use of highway bridges by ATV's/UTV's, to use of ATV's/UTV's for snowplowing, and to the ability of local units to allow ATV's/UTV's on local streets and roads)

This language is interpreted by both the Police Chief and the City Attorney to mean, among other things, that the City cannot impose local registration requirements for ATV's/UTV's, nor impose local licensing requirements for their operators.

Further, the State law requires that any law or regulation applying to ATV's must also apply to UTV's, and vice versa. You could not allow one on City streets without allowing the other.

**5. The Two Rives Police Department, which would be charged with enforcing any local ordinance, recommends against allowing ATV's and UTV's on City Streets.**

In addition to the various reasons cited above, Chief Kohlmeier has pointed out that ATV's and UTV's are not regulated under the State's Motor Vehicle Code, but under DNR statutes and regulations—a whole new body of law that officers would be required to be trained in and enforce if a local ordinance as proposed is enacted. Such an investment of City and TRPD resources does not seem appropriate, in light of limited resources and the other public safety issues already facing this city.

For all of the above reasons, the staff recommendation is to **not allow** the operation of ATV's and UTV's on streets in the City of Two Rivers.