



**TWO  
RIVERS**  
WISCONSIN

## POLICE DEPARTMENT

1717 E. Park Street  
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Two Rivers, WI 54241-0087



March 29, 2021

To: Gregory E. Buckley, City Manager  
From: Brian W. Kohlmeier, Chief of Police  
Ref: UTV Usage within City

The subject of allowing UTV/ATV use within the City of Two Rivers has been brought up a number of times in recent past. The most recent discussion came about shortly after the ordinance regulating golf cart use on roadways was created. Chief Collins addressed that inquiry in 2018/2019 and it was rejected by the City Council at that time. In May of 2020, this topic was brought before the City Council and after input from the police department in consultation with the WI DNR, the City Council voted not to allow such usage.

Most recently, this topic has been brought forward, however, excluding ATV use and focusing on UTV use only. Not much has changed in the 10 months since it was last discussed at Council. Attached to this memo is a listing of considerations that was put together last year. These are simply notes and do not include detailed information on each point. Please note there is some repetition as a result of further categorizing some of the points.

The Police Department does not recommend UTV usage on roadways within the City of Two Rivers based on a number of serious safety and regulatory factors. The Police Department does not believe that the few reasons a segment of the population may desire such usage in the City in any way outweighs the multitude of concerns supporting their prohibited use on city streets. Police Department staff along with a representative from the WI Department of Natural Resources will be present at the Council Meeting to answer any questions.



[www.two-rivers.org](http://www.two-rivers.org)



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# ATV/UTV USE ON ROADWAYS CONSIDERATIONS (2019 – 2020 - 2021)

## GENERAL CONSIDERATIONS

- **Majority of UTV/ATV fatalities are on roadways**
- **DESIGNED FOR OFF-ROAD USE!**
- Golf cart ordinances generally restrict operation on roadways with speed limits of 35mph or less
- The State of WI has never given permission to local jurisdictions to operate UTV/ATV on state roads
- No operation on State Hwy's except to cross to another trail
- Manitowoc County has not given permission for operation on County roads
- **No other community in WI of a population of approx. 11,000 or greater allows use of UTV/ATV openly on roadways.**
- Oconto area has reported numerous problems – In the area of schools
- Possible increase in traffic accidents & accidents w/injury
- MV's always have right away – UTV/ATV generally at fault in accidents
- ACT 183 allows street tires on UTV/ATV but most don't – this is a major factor in fatality accidents
- State law doesn't require helmets 18+
- Seatbelt laws not adequate - Seatbelts required for passengers only (not driver)
- 16 w/safety certificate for UTV/ATV on roads before 1988 exempt from safety certificate online courses (requirement)
- Significant additional training: Laws MV vs. UTV/ATV differences for enforcement (open intoxicants, licenses, OWI, etc.)
- All those w/o DL's could now operate (suspension/revocations due to OWI)
- Golf carts: Slow moving vehicle & can be held to MV laws-UTV's/ATVs can't
- Noise problems-State Statue –decibels (96) & Special procedure to enforce
- Only a few township routes in Manitowoc Co, no trails, county roads, state roads
- State doesn't require insurance for UTV/ATV
- Amplified sound potentially greater to rise above machine noise & wearing helmets
- Hours of operation?
- **No mandatory reporting of accidents for UTV/ATV's** - Accident data-greatly under reported
- If road not designated – not legal to operate an UTV/ATV
- Signage needed for UTV/ATV roads-trails per guidelines by DNR
- **Manufacture warnings against operation on roadways due to: soft tires, tire tread, rear differential lock, seating, high center balance vs golf carts**
- **Ability to operate at far higher speeds than golf carts.** Most UTV/ATV 's can do upwards of 65-70 MPH

- Road maintenance due to aggressive torque and tire treads - damage to road shoulders due to off-road design

### **Compared to Golf Carts**

- Golf carts can be allowed on both Cty Hwy's & State Hwy's
- Golf carts are more neighborhood friendly –quiet, slow moving
- Likely to have significantly less golf carts than UTV/ATV's
- Golf carts governed under Chapter 346 Rules of Roadway
- UTV/ATV governed under Chapter 23
  - UTV/ATV OWI has 500-600 forfeiture, no 2<sup>nd</sup> or sub across vehicles types (Boats-ATV-Car)
  - UTV/ATV OWI's do NOT count towards other OWI's
  - UTV/ATV - Open intoxicants allowed
  - UTV/ATV - No driver's license required if born after 1988-safety certificate (2 hr. online course)

### **Regulations to Consider for Ordinance**

- **Most penalties (IF included/added) would be at ordinance level ONLY**
- Tires
- Lights, markings, and mirrors
- Driver's license requirement
- Insurance mandate
- Sound deadening
- Alcohol use restrictions
- Safety gear & seatbelts requirements
- Hours of operation
- Speed limitations
- Road/street restrictions
- Park restrictions/grass areas
- Road position restrictions

### **OTHER CONSIDERATIONS**

- **Recent communities rejecting UTV/ATV use: Two Rivers, Oconto, and Suamico**
- No UTV/ATV routes or trails near Two Rivers, closest Kewaunee ATV Park & Newton
- Training requirements for officers (3 realms: Ordinance, Traffic Statutes, DNR Statutes)
- Additional enforcement obligations-----SIGNIFICANT
- Not attracting anyone to Two Rivers or contributing to economic development
- Not allowed in Point Beach State Park adjacent to Two Rivers