



WATERTOWN POLICE DEPARTMENT

David Brower, Chief of Police

Date: 05/30/24

To: Public Safety and Welfare Committee Members

From: Chief Dave Brower

RE: ATV/UTV ordinance proposal

Committee Members,

My first reaction to the possibility of allowing ATV/UTV use in Watertown, years ago when it was brought up was, “Maybe ... I mean, increasing liberties - why not?” After all, increasing liberty is generally a good thing. But in this case, the increase of liberty would come with serious problems.

We imagine the stately, calm, gentrified use of large, well-equipped and expensive UTV machines, being driven by sober, retired, mature and responsible members of UTV clubs that we occasionally see tooling around nearby towns and county roads. After all, who else can afford these \$20K-plus machines? If that were the reality we could expect, I would be all for it.

But what I reasonably expect is for much less expensive machines to be in prolific use (machines so cheap anyone can have two). They will be driven by people of any age, and any responsibility level. These machines will be loud and obnoxious and will be frequently driven in an obnoxious way (as they were designed and intended) and will prompt many unhappy calls to the police department and, eventually, to elected officials.

To say, “we’ll solve all these problems by writing an ordinance that penalizes those many things” is not a valid solution to the many problems that will arise – it will not significantly deter poor behavior. The people who will irresponsibly use ATVs in our city will not suddenly decide to be responsible because there’s a fine attached – instead, they will take the chance on getting caught, driving a machine that’s much easier to escape on. Frankly, I foresee a serious increase to the call volume for our police department. Incorporating this ordinance would be like writing an ordinance that requires ten percent more paved roadway from the Street Dept., without giving them more manpower or materials to work with. This ordinance will make our policing job much more difficult, and divert resources and attention away from the things we would all prefer we spend police time on.

ATV’s will be used by many who are looking to get away with driving drunk, and they will choose to drive an ATV to avoid the much more serious consequences of Operating While Intoxicated in a passenger vehicle. A driver might serve significant jail time for a 5th offense OWI in a car, lose his license, have to install a device to prove he isn’t driving drunk in the future (IID), etc., but only pay a fine for the same offense while operating an ATV. I think we will see a significant increase of intoxicated drivers on our streets, once they learn they can drive drunk on an ATV with much less chance of serious consequence.

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A drunk driver of an ATV is extremely dangerous to the rest of the traffic on the road, easily able to cause crashes as other drivers attempt to avoid him. In addition, he is much more likely to be seriously injured himself because of how significantly less safe ATV/UTVs are. I don't care how many seatbelts and roll bars are added to the ATV or UTV, it is clearly more dangerous than a normal passenger vehicle.

Under current ordinance, an officer can immediately stop any ATV/UTV use in the city, and because intoxicated drivers can expect to be quickly discovered and stopped, they don't routinely attempt that method. Once it's legal to drive an ATV/UTV, they will quickly begin using that method to drive drunk.

We can expect ATVs to be used to run from and escape from police – up and over a curb, through a back yard, and gone. I have personally witnessed how easy it was for an ATV to escape me, just a couple years ago.

As the prior two chiefs, Roets and Kaminski, both opined, I agree. Watertown is not a small, quaint village. We are a city, we have reached a size where UTV/ATV use simply will not work well.

I have checked with my administrative team, and no one was in favor of adding ATV/UTV problems to our city. Here are some excerpts:

I'm not a fan of the UTV ordinance. It's seems set up to be a giant enforcement pain with minimal consequence for OWI or for even open intox. I understand that people will argue that the UTV is safer than an ATV, they still don't have the crush zones or other safety features of a car.

Attached are some graphs and figures that I pulled from the DNR's website. They involve crashes both fatal and non-fatal with UTVS. The first 3 pages are all of the ATV and UTV fatalities from 2023. I understand that they are "different" machines in a sense, however if you look at the data in the last 3 columns there appears to be a trend with both of them. First highlighted column is if they are Wisconsin Safety Certified, which I believe they need to be if they are born after 1988. Second column, is if there was a seatbelt or helmet used. UTV operators don't need one if they are an adult but must use the seatbelt. Final column is if alcohol was involved.

The first column, overwhelmingly no one is Safety Certified. In the second, rarely was a helmet or seatbelt used. In the third column, alcohol was involved in over 50% of the fatal crashes. There seems to be no pattern of it being just a ATV or UTV problem, but equal on both fronts.

Second set of printouts is from the same site. First highlighted columns show the top 3 factors in non fatal and fatal UTV crashes. Speed and alcohol are both in the top 3 for both types of crashes. Next page shows the amount of UTV crashes that were reported. If you look at the paragraph above, it states that only 54% of the crashes could be investigated by Law Enforcement and that crashes in general are under reported. Third page shows that UTV crashes and deaths are rising every year. Last page shows some more on alcohol use and that no one is wearing a helmet and that again 95% of fatal crashes there is no helmet worn.

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... any violations that are given out will really have no affect on their Class D (regular driver's license) and I am not sure what we can enforce anyways. ... If they are operating a UTV without a valid DL and are also revoked due to alcohol...is there anything we can do? Or do we just tell them not to drive anymore? Also, the state does not require UTVs to be insured, so can we enact an ordinance to enforce it? I am sure our city attorney could better answer enforcement questions.....below is from 346.02(11).

I have the rest of the data from the DNR or can send a link if needed. Personally I see zero benefit from having UTVs in town and they will just create more problems than they are worth.

There are other things in Alderman Lampe's proposal, such as the Facebook poll that raise concern. How many within that poll are actual residents that would be affected by this vs. people that are just interested in riding an ATV/UTV in the city.

In addition to the points already stated, we are extremely limited on any equipment that's a nuisance (tires, exhaust, lights etc). I really don't see a reason UTV/ATVs need to be driven throughout the city, especially downtown. There are no county trails in Jefferson county and there is one in Dodge County in the winter. If we're striving to get away from the "Watertucky" image I don't think a UTV/ATV ordinance is the "route".

Alder Lampe provided a very well thought out proposal for allowing the operation of ATVs and UTVs on designated roadways within the City of Watertown.

Lampe references a Facebook poll from 2019 in support of ATVs and UTVs within the city. Lampe states, "... an unofficial poll (suggests) that 85% of your constituents are in favor of new freedoms for UTVs." In addition, Lampe states, "... the Watertown Chamber of Commerce 'Collaboration Committee' (on which Ald. Board and I have participated) also considered and endorsed a UTV-friendly approach as a new way to encourage people to circulate throughout the city."

I don't believe Lampe's interpretation of the Facebook poll is accurate. There was no control for who submitted their response. People from outside the community could vote yes, and then share it with other people to skew the results. It's not a true reflection of the overall opinion of our residents.

Lampe hints that it may bring more business downtown. It may bring more people on ATVs and UTVs, but citizens who are against it may choose to no longer occupy the downtown to avoid the noise and unsightliness of groups of ATVs and UTVs. I'd recommend a more formal poll be done of not only businesses, but citizens who reside on the proposed routes for better accuracy.

I've attached a copy of the minutes from an April 3, 2019, Public Safety and Welfare Committee meeting. In the minutes it states, "Mr. Bill Blaska, the person from Lake Mills who contacted the Engineering Department, presented his views to the committee on allowing ATV/UTVs to use the

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city streets.” The notes also state, “Additional comments were received in support of this proposal by other members of the public in attendance.” Eleven citizens present for the meeting were from Watertown. Five were from outside of Watertown. Without researching, I’m assuming most of those who attended are connected to the “Quad County Runners ATV/UTV Club” or are avid ATV/UTV enthusiasts. The meeting notes tabled the idea until further research could be done. I suspect if it moved forward, more citizens in opposition would appear at Council Meetings when the ordinance got voted on.

The Quad County Runners ATV/UTV Club also appeared at a Public Safety and Welfare Committee meeting on July 7, 2021. The meeting notes state, “The focus of the club request was to develop a solution that would allow roadway access through the city, excluding the downtown area, to the city limits with possible stops for fuel and other necessities of the intended travel plan.” It is my understanding and recollection that the main purpose of the Quad County Runners ATV/UTV Club was to allow ATV and UTV access within the city to provide a shorter route from Dodge County to Jefferson County without having to drive entirely around the city. Lampe’s proposed plans are expanding on this, to allow access to side streets from the downtown, in addition to multiple travel routes throughout the city.

I agree with the safety concerns and enforceability of laws as others have mentioned. My greatest concern is the need and want of the residents of Watertown, especially those that reside along any proposed ATV/UTV roadway.

Dave Brower
Police Chief
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