

Ordinance No. 17-1

**An Ordinance Regarding Snowmobile
Routes and Operations**

The Village Board of the Village of Elk Mound, Dunn County, Wisconsin, do ordain as follows:

SECTION I. REPEAL AND ADOPTION OF PROVISIONS.

Title 10, Chapter 3 of the Village of Elk Mound Code of Ordinances regarding snowmobile routes and operations is repealed and re-adopted to read as follows:

Title 10 ► Chapter 3

Snowmobiles

- 10-3-1** State Snowmobile Laws Adopted
- 10-3-2** Applicability of Traffic Regulations to Snowmobiles
- 10-3-3** Unattended Vehicles
- 10-3-4** Operation on Sidewalks Prohibited
- 10-3-5** Speed; Parking; Hours; Restrictions on Operators
- 10-3-6** Accidents and Accident Reports
- 10-3-7** Snowmobile Trails Designated
- 10-3-8** Penalty
- 10-3-9** Enforcement

Sec. 10-3-1 State Snowmobile Laws Adopted.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of the Village of Elk Mound Code of Ordinances.

- 350.01 Definitions
- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways
- 350.03 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.045 Public Utility Exemption
- 350.047 Local Ordinance to Be Filed
- 350.05 Operation by Youthful Operators Restricted
- 350.055 Safety Certification Program Established
- 350.06 Firearms and Bows
- 350.07 Driving Animals
- 350.08 Owner Permitting Operation

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- 350.09 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.10 Miscellaneous Provisions for Snowmobile Operation
- 350.101 Intoxicated Snowmobiling
- 350.102 Preliminary Breath Screening Test
- 350.1025 Application of Intoxicated Snowmobiling Law
- 350.104 Chemical Tests
- 350.106 Report Arrest to Department
- 350.107 Officer's Action After Arrest for Operating a Snowmobile
While Under Influence of Intoxicant
- 350.108 Public Education Program
- 350.12 Registration of Snowmobiles; Trail Use Stickers
- 350.125 Completion of Application for Registration by
Snowmobile Dealers
- 350.13 Uniform Trail Signs and Standards
- 350.15 Accidents and Accident Reports
- 350.155 Coroners and Medical Examiners to Report; Blood Specimen Required
- 350.17 Enforcement
- 350.18 Local Ordinances
- 350.19 Liability of Landowners
- 350.99 Parties to a Violation

Sec. 10-3-2 Applicability of Traffic Regulations to Snowmobiles.

No person shall operate a snowmobile upon any street, highway or alley within the Village of Elk Mound in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9), Wis. Stats.

Sec. 10-3-3 Unattended Vehicles.

No person shall leave or allow a snowmobile owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

Sec. 10-3-4 Operation on Sidewalks Prohibited.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village of Elk Mound, except as

specifically authorized by Section 10-3-7 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

Sec. 10-3-5 Speed; Parking; Hours; Restrictions on Operators.

- (a) **Traffic Flow and Speed.** Snowmobiles shall travel with the normal traffic flow using the right hand lane of traffic on all routes. The speed of a snowmobile shall be reasonable and prudent determined by existing conditions and shall at no time exceed twenty-five (25) m.p.h., unless otherwise posted, while on established routes. Snowmobiles using Village streets shall stop at every intersection and yield the right-of-way to all other vehicular traffic and pedestrians.
- (b) **Hours of Operation Restricted.** Except on a designated route, no person shall operate a snowmobile within the Village between the hours of 2:00 a.m. and 6:00 a.m., except for the purpose of gaining access to or leaving a designated trail/route the most direct route.
- (c) **Parking.** Parking of snowmobiles on the streets of the Village of Elk Mound is prohibited except that parking of snowmobiles out of the traffic lanes will be permitted on the snowmobile route portion.
- (d) **Travel.** Snowmobiles will operate on the right hand side of the street or thoroughfare, making a full stop before crossing over an intersecting street, highway, or thoroughfare, and yielding the right of way at all times. Snowmobiles will travel in single file.
- (e) **Prohibited Areas of Operation.** No person shall operate a snowmobile within the Village limits of the Village of Elk Mound, contrary to the following prohibitions:
 - (1) On an private property marked or signed prohibiting use by snowmobiles.
 - (2) Within fifty (50) feet of any dwelling or residential structure, except for the purpose of removing and returning a snowmobile to its place of storage and except when on a designated trail or authorized snowmobile access to a residence.
 - (3) On the following public ways, except to cross perpendicularly:
 - a. All sidewalks.
 - b. All alleys except on officially designated routes.
 - c. All terraces/boulevards.
 - d. All streets and alleys except on officially designated routes or accessing a residence as authorized by this Chapter.
 - (4) In all Village of Elk Mound parks except on marked snowmobile trails.
- (f) **Restrictions on Juvenile Operators.**
 - (1) **Age Restriction.** No person under the age of twelve (12) years may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over eighteen (18) years of age.
 - (2) **Snowmobile Safety Permit or Operator's License Required.** No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a

snowmobile unless he/she holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the department. Any person who is over the age of twelve (12) and under the age of sixteen (16) who holds a snowmobile safety certificate shall carry it while operating a snowmobile and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the department may operate a snowmobile in an area designated by the instructor.

- (3) **Exceptions.** This Subsection does not apply to the operation of snowmobiles by an operator under the age of sixteen (16) years upon lands owned or leased by the operator's parent or guardian. As used in this Subsection, "leased lands" does not include land leased by an organization of which said operator or the operator's parent or guardian is a member.
- (4) **Definition.** For purposes of this Subsection, "accompanied" means being on the same snowmobile as the operator.
- (g) **Valid License Requirement.** Except under Subsection (f) above, no person shall operate a snowmobile upon a public right-of-way in the Village of Elk Mound unless such person has a valid motor vehicle operator's license.
- (h) **Permitting Operation by Improper Persons Prohibited.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under this Section or state law to operate such snowmobile, or who is under the influence of an intoxicant or a dangerous or narcotic drug.
- (i) **Operation While Under Influence Prohibited.** Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile under the influence anywhere within the Village.
- (j) **Equipment.** All snowmobiles operated on designated routes within the Village of Elk Mound shall while in operation be equipped with a muffler of the type installed by the original manufacturer of the snowmobile; expansion chambers are prohibited. Snowmobiles shall display a lighted headlight at all time per the requirements of Sec. 350.09, Wis. Stats.
- (k) **Firearms and Bows.** No person shall operate or ride a snowmobile with any firearm or bow in his/her possession except in compliance with state law.
- (l) **Driving Animals.** No person shall drive or pursue any animal with a snowmobile, except as a part of normal farming operations involving the driving of domestic livestock.

Sec. 10-3-6 Accidents and Accident Reports.

- (a) If he/she can do so without serious danger to his/her own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village of Elk Mound shall stop his/her snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his/her name and address and identification of his/her snowmobile to any person injured and to the owner of any property damaged in the accident.

- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the Police Department on prescribed forms.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he/she shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

Sec. 10-3-7 Snowmobile Routes and Trails Designated.

- (a) **Snowmobile Routes and Trails Designed.**
 - (1) **Restrictions.** Except as provided in Sec. 350.02 and 350.045, Wis. Stats., for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., or when accessing a residence pursuant to Subsection (f) below, no person shall operate a snowmobile upon any public right of way, in any public part, or any other public municipal property in the Village of Elk Mound, except upon designated snowmobile routes and trails established by resolution of the Village Board.
 - (2) **Markers to Be Obeyed.** All persons using snowmobiles on the routes designated shall obey all markers, signage or limitations indicated by trail signs or directions thereon, which are erected in accordance with the terms of this Chapter.
- (b) **Operation on Private Premises Restricted.** No person shall operate a snowmobile on any private property not owned or controlled by him/her within the Village of Elk Mound without the express consent or permission of the owner of said property.
- (c) **Trail Markers.** Area snowmobile clubs shall be responsible for procuring, erecting and maintaining all necessary signs on all approved routes by the Village Board.
- (d) **Rules of Operation.** Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wis. Stats., and Title 10 of this Code of Ordinances, which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by such laws is required or prohibited by this Section.
- (e) **Declaring Trails Closed.** Due to weather conditions or emergency, the Village President or Chief of Police may declare snowmobile trails closed within the Village.
- (f) **Snowmobile Access from a Residence or Lodging Establishment to a Snowmobile Route.**
 - (1) **Intent.** The intent of this Subsection is to provide a means for persons to or from travel from a residence or lodging establishment within the limits of the Village of Elk Mound, for the shortest distance that is necessary for a person to operate a

snowmobile to the snowmobile route or trail that is closest to that residence or lodging establishment.

- (2) **Statutory Authority.** This Subsection is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.
- (3) **Designated Roadways and/or Highways.** This Subsection shall allow the operation on the right-hand side of any roadway or the right shoulder of any highway in the Village of Elk Mound, except for U.S. Hwy. 12. Snowmobiles shall *not* be operated in any firelanes.
- (4) **Speed.** A snowmobile operated on a portion of the roadway or shoulder pursuant to this Subsection shall observe roadway speed limits.
- (5) **Penalties.** Wisconsin state snowmobile penalties as found in Sec. 350.11(1)(a), Wis. Stats., are adopted by reference.

Sec. 10-3-8 Penalty.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

Sec. 10-3-9 Enforcement.

- (g) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (h) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.
- (i) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Secs. 66.0111 and 66.0114, Wis. Stats. Stipulations of guilt or no contest may be made as provided in Sec. 66.0114, Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.0114, Wis. Stats.

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- (j) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices.
 - (k) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided together with costs under Sec. 345.27, Wis. Stats., and a penalty assessment, where applicable, as required under Sec. 165.87(2), Wis. Stats.

SECTION II. SEVERABILITY.


If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

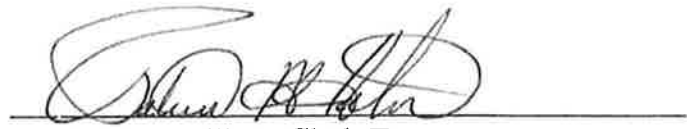
SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 4 day of October, 2017.

VILLAGE OF ELK MOUND, WISCONSIN


Village President



Village Clerk-Treasurer

INTRODUCED: 10-4-17
ADOPTED: 10-4-17
PUBLISHED: 10-11-17

State of Wisconsin:
County of Dunn:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Village of Elk Mound Village Board on the 4 day of October, 2017 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 4 day of October, 2017


Patricia Hahn, Clerk-Treasurer