

CHAPTER 11 SNOWMOBILES

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Title 10, Traffic-Chapter 10.08, "Snowmobiles-Dirt Bikes-ATV" is repealed in its entirety, Codification 2001

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11.01 AUTHORITY. This Chapter is enacted by the Village Board under authority granted by §§350.1 l(a) and 350.18(3)(a), Wis. Stats.

11.02 PURPOSE AND INTENT. This chapter is adopted to promote the safe and orderly operation of snowmobiles within the Village of Brownsville, County of Dodge, Wisconsin and to further provide for regulations allowing snowmobilers to travel between a residence or a lodging establishment along roadways and/or shoulders of highways to the closest snowmobile route or trail.

11.03 WISCONSIN STATUTES ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provision describing and defining regulations with respect to snowmobiles in subs. (1) and (2), with the enumerated sections of the Wisconsin State Statutes following, are hereby adopted and by reference made a part hereof with the same force and effect as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this chapter.

(1) APPLICABILITY: RULES OF THE ROAD. In accordance with §346.02(10), Wis. Stats., the operator of a snowmobile upon a roadway shall in addition to the provisions of ch. 350, Wis. Stats., be subject to §§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) and (9), Wis. Stats.

(2) APPLICABILITY: SNOWMOBILES. The operator of a snowmobile shall in addition to the provisions of sub. (1) be subject to the following provisions of Ch. 350, Wis. Stats.

350.01	Definitions
350.01	Operation of snowmobiles on or in the vicinity of a highway
350.03	Right of way
350.04	Snowmobile races, derbies and routes
350.0354	Public utility exemptions
350.05	Operation by youthful operators restricted
350.055	Safety certification program established
350.07	Driving animals
350.08	Owner permitting operation
350.09	Head lamps, tail lights and brakes

350.10	Miscellaneous provisions for snowmobile operation
350.101	Intoxicated snowmobiling
350.102	Preliminary breath screening test
350.1025	Application of intoxicated snowmobiling law
350.103	Implied consent
350.104	Chemical tests
350.106	Report arrest to department
350.107	Officer's action after arrest for operating a snowmobile
350.12	Registration of snowmobiles
350.13	Uniform trail signs and standards
350.13	Uniform trail signs and standards
350.135	Interference with uniform trail signs and standards prohibited
350.15	Accidents and accident reports
350.17	Enforcement
350.19	Liability of landowners; (m.fr.§10.08.010, Ord. 211, 1994, as amended by codification 1998)

11.04 DEFINITIONS. As used in this chapter:

- (1) "Headlamp" has the meaning designated in §340.01 (21), Wis. Stats.
- (2) " Headlamp barrier" means a fence, natural growth, difference in elevation or other means of restricting the view that users of an adjacent roadway have of headlamps on a snowmobile trail.
- (3) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in § 115.01 (1), Wis. Stats., and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (9).
- (4) "Hours of darkness" has the meaning designated in §340.01 (23), Wis. Stats.
- (5) "Intoxicated snowmobiling law" means §350.101 (1), Wis. Stats. or a local ordinance in conformity therewith, §350.101 (2), Wis. Stats. or, if the operation of a snowmobile is involved, §§940.09 or 940.25 , Wis. Stats.
- (6) "Law enforcement officer" has the meaning specified under §165.85 (2) (c), Wis. Stats. and includes a person appointed as a conservation warden by the department under §23.10 (1), Wis. Stats.

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(7) "Lodging establishment" means any of the following:

- (a) A bed and breakfast establishment, as defined in §254.61 (1), Wis. Stats.
- (b) A hotel, as defined in §254.61 (3), Wis. Stats.
- (c) A tourist rooming house, as defined in §254.61 (6), Wis. Stats.

(8) "Operate" means the exercise of physical control over the speed or direction of a snowmobile or the physical manipulation or activation of any of the controls of a snowmobile necessary to put it in motion. "Operate" includes the operation of a snowmobile.

(9) "Operator" means a person who operates a snowmobile, who is responsible for the operation of a snowmobile or who is supervising the operation of a snowmobile.

(10) "Private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than public schools, as defined in §115.01 (1), Wis. Stats. and institutions under the jurisdiction of the county board of supervisors.

(11) "Purpose of access from lodging" means for the purpose of traveling for the shortest distance that is necessary for a person operating the snowmobile to go between a lodging establishment and the snowmobile route or snowmobile trail that is closest to the lodging establishment.

(12) "Purpose of residential access" means for the purpose of traveling for the shortest distance that is necessary for a person operating the snowmobile to go between a residence and the snowmobile route or snowmobile trail that is closest to that residence.

(13) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(14) "Snowmobile" has the meaning designated in §340.01 (58a), Wis. Stats.

(15) "Snowmobile route" means a highway or sidewalk designated for use by snowmobile operators by the governmental agency having jurisdiction as authorized under this chapter.

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(16) "Snowmobile trail" means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding highways except those highways on which the roadway is not normally maintained for other vehicular traffic by the removal of snow.

(17) "State trunk highway" has the meaning designated in §340.01 (60), Wis.

(18) "Street" means every highway within the corporate limits of the Village except alleys.

(19) "Tail lamp" has the meaning designated in §340.01 (66), Wis. Stats.

11.05 REQUIREMENTS AND RESTRICTIONS.

(1) **PROHIBITED ON PUBLIC PROPERTY.** Except as provided in §§350.02 and 350.045, Wis. Stats., or for snowmobile events authorized in accordance with §350.04 Wis. Stats., no person shall operate a snowmobile unless expressly authorized upon any public right of way, or on any other public property in the Village of Brownsville except upon the snowmobile route(s) designated in sub. (2).

(2) DESIGNATED SNOWMOBILE ROUTES).

(a) The Village Board may by resolution establish designated snowmobile route(s), with the same being an amendment to this section. Any such designations made shall be adopted by reference hereto as if fully set forth herein.

(b) The use of any snowmobile route designated under par. (a) shall be specifically limited to ingress and egress to and from the Village to access designated snowmobile trails. Said ingress and egress from either route above designated is specifically governed by the enumerated restrictions in §350.04(2)(c), Wis. Stats.

(3) **TEMPORARY ROUTES.** The Village Board, from time to time, may designate, by resolution or amendment hereto, certain roads as temporary snowmobile routes and such routes shall be abandoned as soon as said routes are of such condition as to be unsuitable for snowmobile traffic or on a date as the Village Board may establish_

(4) VILLAGE REGULATIONS ESTABLISHED.

(a) **Speed Limit.** All snowmobiles traveling on designated Village roads shall travel single file, on the extreme right side of the road, at a speed not to exceed 10 mph or the posted speed limit of the road, whichever is lower.

- (b) **Valid Driver's License.** Only operators holding a valid state driver's license shall use Village streets as routes under this chapter.
- (c) **Unattended Snowmobiles.** No person shall leave or allow a snowmobile to remain unattended on any public highway or upon public property while the snowmobile motor is running or while the snowmobile has the starter key in the ignition.

11.06 SPECIFIED STATE STATUTES ADOPTED. State Snowmobile Laws relating to the operation of snowmobiles on highways for the purpose of certain types of access contained in §§350.091 (9m), 350.01 (10d), and 350.01 (10m), Wis. Stats., and any amendments thereto are hereby adopted by reference and are made a part hereof with the same force and effect as if fully set forth herein. "Residence" in this chapter shall be defined as follows: "The place where one resides".

11.07 SNOWMOBILE ACCESS. The following are designated as "access from lodging snowmobile routes" or as "residential access snowmobile routes" in accordance with authority granted by §350.18 (3) (a), Wis. Stats.:

(1) **DESIGNATIONS.** All roadways and/or highways in the Village are designated as residential/lodging snowmobile access routes except the roadways designated as "snowmobile routes" by the Village of Brownsville under §11.03, of this code.

(2) **CONDITIONS.** Under this subsection the Village Board may designate the roadways and/or shoulders of specific highways for snowmobile travel by persons residing in or staying at a lodging establishment within the limits of the Village to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment subject to the following conditions:

- (a) Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
- (b) Snowmobiles are to be operated in single file.
- (c) Headlights should be on at all times.

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- (d) Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.
- (e) Snowmobile operation is not permitted on state trunk highways or connecting highways except as provided under §350.02, Wis. Stats.
- (f) No person shall drive or pursue any animal with a snowmobile, except as part of a normal farming operation involving the driving of livestock.

11.08 HIGHWAY SPEED LIMITS. All snowmobiles operated on a portion of the roadway or shoulder of a highway within the Village shall travel single file, on the extreme right side of the road, at a speed not to exceed 10 mph.

11.09 AVAILABILITY OF ACCESS ROUTES.

- (1) Snowmobile access routes shall be effective from December 1, through March 31. Operation of snowmobiles on snowmobile access routes between April 1 and November 30 shall be prohibited.
- (2) When conditions warrant, the dates established in subs. (1) may be temporarily modified by the Village Board.

11.12 ENFORCEMENT.

- (1) **ENFORCEMENT PROCEDURE.** This chapter shall be enforced according to §66.12, Chapter 300 and §§345.20 to 345.53, Wis. Stats.
- (2) **VILLAGE ENFORCEMENT AUTHORITY ESTABLISHED.** This chapter shall be enforced by the law enforcement officer/s of the Village of Brownsville, County of Dodge, Wisconsin. For the purpose of enforcement of this chapter, any law enforcement officer reserves the privilege of stopping any snowmobile being operated on any road in the Village of Brownsville to determine if it is being operated legally under this chapter and applicable state statutes.
- (3) **CITATION FOR HIGHWAY USE VIOLATIONS.** Except as otherwise specifically provided for herein, in accordance with the requirement of §345.11(lm), Wis. Stats., the citation form specified in §23.54, Wis. Stats. and as is authorized under §345.11, Wis. Stats., shall be used for violations of this chapter relating to highway use.
- (4) **CITATION: PARKING VIOLATIONS.** The special traffic citation described and defined in, in accordance with State Statutes, shall be used for enforcement of violations of rules of the road relating to parking of vehicles as adopted by reference in §11.03 of this chapter.

(5) ALL OTHER VIOLATIONS. All violations of this chapter not described in subs. (1) or (2) shall be enforced in accordance with §§66.114 and 66.12, Wis. Stats. Stipulations of guilt or no contest may be made as provided in §66.12(1)(b) Wis. Stats. in substantially the form provided in the uniform traffic citation within 5 days of the date of the citation. for such violation. Bail deposits shall also be made under §66.12(1)(a), Wis. Stats.

(5) DEPOSIT. Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the Clerk of Circuit Court for Dodge County or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall comply with §345.26, Wis. Stats., or, if the deposit is mailed, the signed statement required under §345.26, Wis. Stats., shall be mailed with the deposit. The arresting officer or the persons receiving the deposit shall notify the arrested person, orally or in writing that:

- (a) If the arrested person fails to appear in court at the time fixed in the citation, said person will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or
- (b) If the arrested person fails to appear in court at the time fixed in the citation, and if the court does not accept the deposit as a forfeiture, said person will be summoned into court to answer the complaint. The amount of the deposit shall be determined in accordance with the " Revised Uniform State Bond Schedule" as established by the Wisconsin Judicial Conference. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by §345.26(3)(b), Wis. Stats.
- (c) If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this Section.

(6) STIPULATION OF NO CONTEST. Any person charged with a violation of this chapter except §§346.62(1) and 346.63(1), Wis. Stats., may at the time of the alleged violation or within 5 days thereafter make a stipulation of no contest pursuant to §345.27, Wis. Stats. Such person shall at the time of entering into the stipulation make the deposit as required under Subs. (5). A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date.

11.13 PENALTIES. Wisconsin State Snowmobile penalties as found in §350.11, Wis. Stats., are hereby adopted and by reference made a part of this chapter with the effect as if fully set forth herein.