

## CHAPTER 3

### Snowmobiles

#### **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 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 this Code.

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 Utility Exemption.
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.
350.09	Head Lamps, Tail lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation.
350.12	Registration of Snowmobiles.
350.125	Completion of Application for Registration by Snowmobile Dealers.
350.13	Uniform Trail Signs and Standards.
350.15	Accidents and Accident Reports.
350.17	Enforcement.
350.18	Local Ordinances.

#### **SEC. 10-3-2 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.**

No person shall operate a snowmobile upon any street, highway or alley within the City of Menasha 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 SPEED; HOURS OF OPERATION; EQUIPMENT.**

- (a) **SPEED.** No person shall operate a snowmobile within the City or on any trail designated in Section 10-3-6 of this Chapter at a speed in excess of fifteen (15) miles per hour.
- (b) **HOURS OF OPERATION RESTRICTED.** Except on a designated trail, no person shall operate a snowmobile or other off-highway vehicle anywhere within the City between the hours of 10:00 p.m. and 7:00 a.m., except for returning home via the most direct route.
- (c) **RESTRICTION ON EQUIPMENT.** No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer. Each snowmobile must display a lighted headlight and taillight at all times and said lights must conform to the requirements of Section 350.09 of the Wisconsin Statutes.

#### **SEC. 10-3-4 UNATTENDED VEHICLES.**

No person shall leave or allow a snowmobile owned or operated by him 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 City, except as specifically authorized by Sec. 10-3-6 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

#### **SEC. 10-3-6 SNOWMOBILE AND OTHER OFF-HIGHWAY VEHICLE OPERATION RESTRICTED.**

- (a) **OPERATION ON PRIVATE PROPERTY.** Except as permitted by this Code of Ordinances, it shall be unlawful to operate any snowmobile or any other motor-driven craft or vehicle principally manufactured for off-highway use on the City streets, alleys, parks, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the express consent of the owner before operation of such craft or vehicle on private property not owned or controlled by him.
- (b) **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 state law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous narcotic drug.

- (c) **OPERATION WHILE UNDER INFLUENCE PROHIBITED.** Sec. 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the City.
- (d) **OPERATION IN PARKS.** No person shall drive a snowmobile in any park within the City except upon designated snowmobile trails as shall be designated by the Common Council.

Cross Reference: Section 10-1-54

**SEC. 10-3-7 RESTRICTIONS ON OPERATORS.**

- (a) No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he 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 of Natural Resources.
- (b) No person shall operate any snowmobile upon any street, alley or other public right-of-way in the City unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

**SEC. 10-3-8 ACCIDENTS AND ACCIDENT REPORTS.**

- (a) If he can do so without serious danger to himself or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the City shall stop his 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 name and address and identification of his 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 department on forms prescribed by it.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant in the snowmobile at the time of the accident capable of making the report, he shall make such report.
- (d) "Snowmobile accident" means a collision, accident or other casualty involving a snowmobile.

**SEC. 10-3-9 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.**

- (a) **ROUTE DESIGNATED.** Except as provided in Sections 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Section 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, golf course or any other public municipal property in the City of Menasha except upon those snowmobile routes and trails designated and shown in that certain map entitled "Snowmobile Routes and Trails in the City of Menasha," a copy of which is on file in the offices of the City Clerk and Police Department and which is incorporated herein by reference as through fully set forth.

- (b) **TRAIL MARKERS.** The Director of Public Works is directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the State Department of Natural Resources under Section 350.13, Wis. Stats. The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.
- (c) **MARKERS TO BE OBEYED.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.

Cross Reference: Section 10-1-54.

### **SEC. 10-3-10 PENALTY.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, 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. 10-3-11 ENFORCEMENT.**

- (a) **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.
- (b) **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.
- (c) **OTHER VIOLATIONS.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), 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. 66.12, Wis. Stats. Such deposits shall include a Fifteen Dollars (\$15.00) Clerk's fee and costs of prosecutions.
- (d) **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 by the Chief or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the City Clerk.

(e) **FORFEITED PENALTIES AND DEPOSITS.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of County Judges, required forfeited 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 Common Council.