

CHAPTER 7. SNOWMOBILE

SECTION 7.001 STATEMENT OF POLICY

(Amended 04/1986)

Snowmobile operators have unlawfully caused numerous and repeated invasions of privacy, unnecessary and unlawful noise and have frequently endangered the personal safety of individuals in the City of Mondovi. Enforcement of prior ordinances regulating snowmobile operation is not reasonably possible without the voluntary cooperation of every snowmobile operator. Snowmobile operators have not in the past cooperated with law enforcement personnel and there is no reasonable expectation that they will do so in the future. In order to protect the public safety and welfare, the council has determined that snowmobile operation within the City shall be prohibited except as provided in this chapter.

SECTION 7.01 STATE SNOWMOBILE LAWS ADOPTED

(1) Except as otherwise specifically provided in this ordinance, 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 ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this ordinance.

- 350.01 (Definitions)
- 350.02 (Operation of Snowmobiles on or in the vicinity of the Highway)
- 350.03 (Right of Way)
- 350.04 (Snowmobile races, derby's, and routes)
- 350.045 (Public Utility Exemption)
- 350.05 (Operation by Youthful Operators Restricted)
- 350.055 (Safety Certificate Program Established)
- 350.06 (Firearms and Bows)
- 350.07 (Driving Animals)
- 350.08 (Owner Permitting Operation)
- 350.09 (Headlamps, Tail lamps and Brakes)
- 350.10 (Miscellaneous Provisions for Snowmobile Operation)
- 350.12 (Registration of Snowmobiles)
- 350.13 (Uniform Trail Signs and Standards)
- 350.15 (Accidents and Accident Reports)
- 350.17 (Enforcement)
- 350.02(10)(Applicability of Rules of the Road to Snowmobiles)

(2) The adoption of s. 346.02 (10) of the Wisconsin Statutes by reference is intended to include the rules of the road therein enumerated which are as follows:

346.04, 346.06, 346.11, 346.14 (1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50 (1) (b), 346.51 to 346.55, 346.87 to 346.91, 346.92 (1) and 346.94 (1), (6), (6) (m) and (9).

SECTION 7.02 SNOWMOBILE ROUTES AND TRAILS DESIGNATED

(Amended 04/1986)

- (1) No person shall operate a snowmobile upon any public right-of-way, in any public park or on any other public municipal property in the City of Mondovi except upon the following designated snowmobile routes and trails:

(a) Routes

(Amended 11/1992)

- (i) The entire length of Water Street, McKinley Street, and Columbia Avenue.
- (ii) Howard Street from Howard Street to Hudson Street.
- (iii) Hudson Street from Howard Street east to the termination of Hudson Street.

(b) Trails

Operation of the snowmobiles in either direction on marked trails within the City limits is authorized only along the marked trail designated and approved by the Wisconsin Department of Natural Resources.

- (2) The chief of police is directed and authorized to procure, erect and maintain appropriate snowmobile routes, trails, and limit signs and marks as approved by the State Department of Natural Resources under s. 350.13, Wis. Stats.
- (3) No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this ordinance.

SECTION 7.03 ADDITIONAL REGULATIONS

(Amended 22/1986)

(1) Speed

No person shall operate a snowmobile upon any public highway within the City of Mondovi at a speed in excess of ten (10) miles per hour during the hours between 10:30 p.m. and 7:00 a.m. or in excess of twenty (20) miles per hour at other times.

(2) Hours of Operation

No person shall operate a snowmobile within the City of Mondovi between the hours of 10:30 p.m. and 7:00 a.m. except upon a public highway as authorized by the Wisconsin Statutes and this ordinance or for the purpose of gaining access to or leaving such highway.

(3) Unattended Snowmobiles

No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

(4) Operation on Sidewalks and Malls Prohibited

No person shall operate a snowmobile on any sidewalk, pedestrian way, or mall within the City except for the purpose of crossing to obtain immediate access to an authorized area of operation.

SECTION 7.04 SNOWMOBILE RENTERS LICENSED

- (1) No person shall engage in the business of renting or leasing of snowmobiles to the public or of renting property to the public for the operation of snowmobiles thereon in the City of Mondovi unless he/she has first obtained a license therefore as provided in this section.
- (2) Application for snowmobile renters' licenses shall be filed with the Clerk and shall include the name of the owner of the premises on which such business will be conducted, the proposed period and hours of operation, of such commercial owner, if any, and the registration number of any snowmobiles to be leased by such business and such other information as the Common Council shall require to consider such application. The application shall be accompanied by a fee of \$15.00 to cover the cost of investigation and the issuance of the license.
- (3) No license shall be issued unless approved by the Common Council after public hearing. Notice of such hearing shall be given as a class one notice under Ch. 985, Wis. Stats. The Common Council shall approve assurance of the license only if it determines that the public health, safety, and welfare shall not be adversely affected thereby and that the following requirements are all met:
 - (a) The applicant must have on file with the City Clerk proof of liability insurance in force covering the premises to be licensed and the operation of any snowmobile thereon or to be rented or offered for use to the public by the business with limits of \$10,000.00/\$50,000.00/\$100,000.00.
 - (b) If snowmobiles are to be used on a licensed premises, such use must be restricted to areas located at least 150 feet from any dwellings not owned or occupied by the applicant.
 - (c) Snowmobiles shall be operated on the premises only between the hours of 7:00 a.m. and 10:30 p.m.
 - (d) The licensing period shall be one year from September 1st to August 31st.

- (e) The Clerk shall issue a renewal license to any person, firm or corporation holding a valid license under this section upon payment of the annual license fee, provided, however, that any such applicant who has been convicted within the preceding twelve months of a violation of this ordinance or any state statute regulating or restricting the use of snowmobiles or snowmobile renters shall not be entitled to license renewal until approved by the Common Council after public hearing is required under subsection (3) of this section.

SECTION 7.05 PENALTY

Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof forfeit not more than \$600.00 together with the costs of prosecution. However, no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed by the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture of parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Section 6.08 (5) of the City Traffic Code.

SECTION 7.06 ENFORCEMENT

(1) Uniform Citation for Highway Violations

The uniform traffic citation promulgated under s. 345.11 Wis. Stats., shall be used for violations of this ordinance relating to highway use except as herein provided.

(2) Parking Violations

The special traffic citation described and defined in section 6.08 (5) of the City Traffic Code shall be used for enforcement of violations of rules of the road relating to parking a vehicle adopted by reference in section 7.01 of this ordinance.

(3) Other Violations

All violations of this ordinance not described in subsections (1) or (2) shall be enforced in accordance with s. 66.12 and 66.114 and Ch. 299 of the Wis. Stats. Stipulations of guilt or no contest may be made as provided in s. 66.12 (1) (b), Wis. Stats., in substantially the form provided in the Uniform Traffic Citation within five (5) days of the citation for such violation. Deposits may also be made under s. 66.12, Wis. Stats. Such deposits shall include a \$2.00 Clerk's fee and costs of prosecution.

(4) Police Department to Receive Stipulations and Penalties

Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this ordinance may be accepted at the City Police Department offices by the Chief or officer designated by him/her. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the City Clerk.

(5) Forfeited Penalties and Deposits

Except as otherwise provided in s. 345.26, Wis. Stats., and the deposits schedule adopted by the State Board of County Judges thereunder, required forfeited penalties and deposits or bail not including costs of fees for violations of this ordinance shall be as follows:

<u>Offense</u>	<u>Deposit</u>
Section 7.01 violation, except	\$20.00
350.07 (Driving Animals)	\$200.00
350.08 (Permitting Operation by Incompetent)	\$100.00
Section 7.03 Violation, except	\$20.00
s. (3) (Unattended Vehicles)	\$10.00
Section 7.04 violation, each day	\$50.00

SECTION 7.07 ORDINANCE TO BE FILLED

The Clerk shall file a copy of this ordinance upon its enactment and publication with the Wisconsin Department of Natural Resources.