

**VILLAGE OF MARSHALL
ORDINANCE 2014-04**

**AN ORDINANCE TO AMEND TITLE 10, CHAPTER 3
SNOWMOBILES**

Ordinance introduced by: Police Chief and Village Administrator on behalf of the Marshall Sno-Drifters Snowmobile Club.

Purpose of ordinance amendment: To provide a means for persons to travel from a residence within the Village of Marshall 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.

The Village Board of the Village of Marshall, Dane County, Wisconsin ordain as follows that Title 10 Chapter 3 shall be amended as follows:.

(Double underlined areas are being added, strike through areas are being removed)

CHAPTER 3

Snowmobiles

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

**SEC. 10-3-1 STATE SNOWMOBILE AND ALL TERRAIN VEHICLES 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 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
350.19	Liability of Landowners
350.99	Parties to a Violation

The provisions of Section 346.02(10) & (11) Wisconsin Statutes are hereby adopted and incorporated herein as if fully set forth. Further, unless the terms and provisions of this Chapter are more restrictive, the provisions of Section 23.33 and Chapter 350 of the Wisconsin Statutes are hereby adopted and incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this Chapter. Any future amendment of any of these provisions that the Village could adopted as an ordinance are hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective day of that future amendment.

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 Marshall 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 10-3-2 SNOWMOBILE OPERATION.

- (a) **General Prohibition.** Except as otherwise provided in this Section, it shall be unlawful to operate any snowmobile on the Village streets, alleys, parks, and parking lots, or on any public land, private land, or parking lot held open to the public. The operator of the snowmobile shall at all times have the consent of the owner of land before operating a snowmobile on private lands.
- (b) **Permitted use of Snowmobiles.** Snowmobiles may be operated in the Village on public right-of-ways only as follows:
- (1) **Snowmobiles may be operated on public streets for the purpose of residential access. "Purpose of residential access" means for the purpose of traveling the shortest distance between the snowmobile operator's**

- residence and the Village or County snowmobile route or trail that is closest to that residence.
- (2) Snowmobiles may be operated in the Village on the marked snowmobile route.
 - (3) Snowmobiles may be operated in public parks and on other municipal property where their use is approved by the Village Board.
 - (4) Snowmobiles may be operated for law enforcement emergency purposes as permitted under Section 350.02 Wis. Stats., by public utilities as permitted under Section 350.45 Wis. Stats., and for snowmobile events authorized in accordance with Section 350.04 Wis. Stats.
- (c) Authority to Open and Close Snowmobile routes and Prohibit Residential Access.** The Chief of Police or Director of Public Works may declare any snowmobile route, or part thereof, in the Village closed at any time and may prohibit the use of snowmobiles for the purpose of residential access in the Village, or any part of the Village at any time. All snowmobile routes in the Village are closed, and the use of snowmobiles for the purpose of residential access in the Village are prohibited, when any Dane County snowmobile trail or route located within one mile of the Village is closed, except that the Chief of Police or the Director of Public Works may subsequently reopen any snowmobile route or street for the purpose of residential access irrespectively of a county trail or route being closed.
- (d) Operation on Sidewalks Prohibited** No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between a sidewalk and curb of any street, except for the purpose of crossing by the most direct route to obtain access to an area in which the snowmobile may be lawfully operated.

SEC. 10-3-3 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 10-3-3 HOURS OF OPERATION.

No person may operate a snowmobile between the hours of 12:00 a.m. and 7:00 a.m. except on an open, approved trail or on a Village-approved route for the purpose of gaining access to or from an open, approved trail.

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, except, as specifically authorized by Section 10-3-8 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

SEC. 10-3-5 10-3-4 SPEED LIMIT; UNATTENDED SNOWMOBILES.

- (a) Speed.** *(Rev. 4/00-Ord. 2000-03)* No person shall operate a snowmobile within the Marshall Village limits at a speed in excess of ten (10) fifteen (15) miles per hour. No person shall operate a snowmobile on any trail designated in Section 10-3-8 of this Chapter or in any public park or recreation area at a speed in excess of ten (10) fifteen (15) miles per hour or of the posted limit.

- (b) **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.

SEC. 10-3-6 10-3-5 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 Village 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. 10-3-7 10-3-6 ACCIDENT'S AND ACCIDENT REPORTS.

- (a) If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village 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 on 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. 10-3-8 10-3-7 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.

- (a) **Routes Designated.** (*Rev. 7/08'-Ord. 2008-06; Rev. 10/05'-Ord. 2005-07; Rev. 12/93'-Ord. 1993-18*) 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 skating rink on the Maunasha River or any public right-of-way, in any public park, or on any other public municipal property in the Village except snowmobiles may use the traveled portions of:

- Converse Avenue,
- Lewellen Street north from railroad tracks,

- Lothe Road,
- School Street
- Plaza Drive,
- Portion of Waterloo Road from Merrick Terrace to Phillips Drive
- Portion of Phillips Drive from the intersection of Waterloo Road and thence North approximately 400 feet on Phillips Drive.
- Portion of Langer Park

as snowmobile routes from December 1st, through March 15th each year.

(b)

Trail Markers.

(1) The Marshall Sno-drifters Club or its duly authorized agent shall be responsible for procuring, erecting and maintaining all necessary signs on all approved and designated club routes of the Village Board and the Marshall Sno-Drifters. All remaining routes not approved by the Marshall Sno-Drifters shall be the responsibility of those petitioning for the routes for procuring, erecting and maintaining all necessary signs. The Marshall Police Department shall approve same prior to December 1st each year.

~~(2) 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 10-4-2.

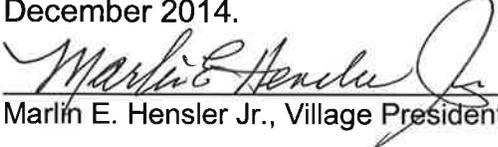
SEC. 10-3-9 10-3-8 PENALTY.

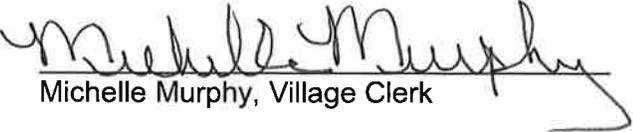
Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty Dollars (\$20.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail 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. 10-3-10 10-3-9 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(l)(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.
- (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.
- (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 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.

Adopted by a vote of 6 for, 0 against, 1 absent and 0 abstaining, this 9th day of December 2014.


Marlin E. Hensler Jr., Village President


Michelle Murphy, Village Clerk