

Chapter 3

Snowmobiles

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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 this Code.

350.01	Definitions.
350.02	Operation of snowmobiles on or in the vicinity of highways.
350.03	Right-of-Way.
350.035	Meeting of snowmobiles.
350.04	Snowmobile races, derbies and routes.
350.045	Public utility exemption.
350.047	Local ordinances to be filed.
350.05	Operation by youthful operators restricted.
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.
350.101	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 while under the influence of intoxicant.
350.11	Penalties.
350.12	Registration of snowmobiles.

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- 350.125 Completion of application for registration by snowmobile dealers.
- 350.13 Uniform Trail Signs and Standards.
- 350.135 Interferences with uniform trail signs and standards prohibited.
- 350.15 Accidents and accident reports.
- 350.155 Coroners and medical examiners to report; require blood specimen.
- 350.017 Enforcement.
- 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 City of Onalaska 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 Standards for Operation

- (a) Operation restrictions. Operation of snowmobiles on the designated snowmobile route shall be subject to the following restrictions:
 - a. Stop/yield. Each snowmobile shall stop at each street or highway to be crossed and yield the right-of-way to all motor vehicles approaching on each such street or highway.
 - b. Yielding right-of-way, Travel on rights-of-way of City streets and highways shall be limited to those which are posted, and snowmobiles, at all times, yield the right-of-way when crossing streets and highways to all vehicular traffic.
 - c. Street operating rules. When traveling on the roadways of streets and highways, operators shall obey the following requirements:
 - i. Snowmobiles are to be operated on the extreme right side of the roadway.
 - ii. Left turns shall be made as safely as possible from any position depending on snow cover and other prevailing conditions.
 - iii. Operators are to yield the right-of-way to other vehicular traffic and pedestrians.
 - iv. The speed limit shall be 15 miles per hour.
 - d. Speed. No person shall operate a snowmobile within the City or on any designated snowmobile trail at a speed in excess of fifteen (15) miles per hour and shall yield the right-of-way when traveling within 100 feet of a person who is not in or on a snowmobile..
 - e. Hours of Operation Restricted. No person shall operate a snowmobile anywhere within the City between the hours of 10:30 p.m. and 7:00 a.m.

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- f. **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 shall be equipped with proper, operating headlamps, taillights and brakes and other required equipment to conform to the requirements of §350.09 of the Wisconsin Statutes.
 - g. **Statutory Requirements.** Operation of snowmobiles shall comply with such other and further conditions as are opposed upon operators under §350.02, Wis. Stats.
- (b) **Unattended Vehicles.** No person shall leave or allow a snowmobile owned or operated by him or 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.
- (c) **Operation on Sidewalks Prohibited.** No person shall operate a snowmobile upon any sidewalk or pedestrian way or upon the area between the sidewalk and the curb line of any street in the City of Onalaska, except for the purpose of crossing to obtain immediate access to an authorized area of operation or as permitted by this Code of Ordinances.
- (d) **Operation on Private Property.** Except as permitted by this Code of Ordinances, it shall be unlawful to operate any snowmobile or any other motor-drive craft or vehicle principally manufactured for off-highway use on the City street, 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.
- (e) **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.
- (f) **Operation in Parks.** No person shall drive a snowmobile in any park within the City except upon designated snowmobile trails as may be designated by the Common Council.
- (g) **Written Consent of Owner Required.** The consent required under Sec. 350.10(f) and in Subsection (a) above shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one (1) person, the consent of each owner must be obtained.
- (h) **Operation while Under Influence Prohibited.** Sec. 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the City.

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- (i) Age of 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.
 - c. No owner or other person having charge or control of a snowmobile may knowingly authorize or permit any person to operate the snowmobile if the person is prohibited from operating a snowmobile under Wisconsin Statutes or this chapter, or if the person is incapable of operating a snowmobile because of physical or mental disability, or if the person is under the influence of alcohol beverages or controlled substances or a combination thereof or under the influence of any other drug to a degree which renders him/her incapable of safely operating a snowmobile.
 - d. No parent or guardian of any child shall authorize or knowingly permit such child to operate a snowmobile if the child is prohibited from operating a snowmobile under Wisconsin Statutes or this chapter.
- (j) Pursuit of Animals. No operator shall violate §350.07, Wis. Stats. by driving or pursuing any animal with a snowmobile.
- (k) Miscellaneous Regulations. No person shall operate a snowmobile in the following manner:
 - a. At a rate of speed that is unreasonable or improper under the circumstances.
 - b. In any careless way so as to endanger the person or property of another.
 - c. In such a way that the exhaust of the motor makes an excessive or unusual noise.
 - d. Without a functioning muffler.
 - e. On the private property of another without the consent of the owner or lessee.
 - f. On the frozen surface of public waters within 100 feet of a person not in or upon a vehicle or within 100 feet of a fishing shanty unless operated at a speed of 10 miles per hour or less.
 - g. On a slide, ski or skating area except for the purposes of service the area, crossing at places where marked or after stopping and yielding the right-of-way.
 - h. On or across a cemetery, school or church property without consent of the owner.
- (l) Nonassumption of Liability. By enacting this chapter designated a snowmobile route through the City, portions of which may cross private properties or frozen surfaces, the City is assuming no responsibility for any property damage or personal injuries sustained by any persons as a result of operation of snowmobiles across those properties.

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Sec. 10-3-4 Accidents and Accident Reports.

- (a) If he/she can do so without serious danger to himself/herself or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the City 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/hers 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/she shall make such report.
- (d) "Snowmobile accident" means a collision, accident or other casualty involving a snowmobile.

Sec. 10-3-5 Snowmobile Routes and Trails Designated.

- (a) **Routes Designated.** Except as provided in §§ 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Section 350.04, Wis. Stats., or as provided in Subsection (b), 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 except upon snowmobile routes and trails designated by the Common Council. The designated routes to be used within the City limits shall be adopted by resolution by the Common Council, a copy of which shall be on file with the City Clerk.
- (b) **Trail Markers.** The Chief of Police 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.
- (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 Ch. 346, Wis. Stats. and Title 10, Chapter 1 of this Code of Ordinances, which are 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.

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Sec. 10-3-6 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. 10-3-7 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 66.0114 and 66.0111 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.0114(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. 66.0111, Wis. Stats. Such deposits shall include a Three Dollars (\$3.00) 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.