

## **Chapter 401**

### **SNOWMOBILES**

**[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 8, Ch. 3, of the 1987 Code of Ordinances). Amendments noted where applicable.]**

#### **§ 401-1. State snowmobile laws adopted.**

- A. 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.
- (1) Section 350.01, Definitions (pertaining to snowmobiles).
  - (2) Section 350.02, Operation of Snowmobiles on or in the Vicinity of Highways.
  - (3) Section 350.03, Right-of-Way.
  - (4) Section 350.04, Snowmobile Races, Derbies and Routes.
  - (5) Section 350.045, Public Utility Exemption.
  - (6) Section 350.047, Local ordinance to be filed.
  - (7) Section 350.05, Operation by Youthful Operators Restricted.
  - (8) Section 350.055, Safety Certification Program Established.<sup>1</sup>
  - (9) Section 350.07, Driving Animals.
  - (10) Section 350.08, Owner Permitting Operation.
  - (11) Section 350.09, Head Lamps, Tail Lamps and Brakes, Etc.
  - (12) Section 350.10, Miscellaneous Provisions for Snowmobile Operation.
  - (13) Section 350.12, Registration of Snowmobiles; trail use stickers.
  - (14) Section 350.125, Completion of Application for Registration by Snowmobile Dealers.
  - (15) Section 350.13, Uniform Trail Signs and Standards.
  - (16) Section 350.15, Accidents and Accident Reports.

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<sup>1</sup>. Editor's Note: In original Sec. 8-3-1 of the 1987 Code of Ordinances, the entry listing Section 350.06, Firearms and Bows, which immediately followed this entry, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (17) Section 350.17, Enforcement.
- (18) Section 350.18, Local Ordinances.
- (19) Section 350.19, Liability of Landowners.
- (20) Section 350.99, Parties to a Violation.

**§ 401-2. Applicability of traffic regulations to snowmobiles.** [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

No person shall operate a snowmobile upon any street, highway or alley within the Village of Hixton in violation of the traffic regulation provisions of §§ 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), 346.94(1) and (9), and 346.215(3), Wis. Stats.

**§ 401-3. Speed; hours of operation; equipment.**

- A. Speed. No person shall operate a snowmobile within the Village or on any trail designated in § 401-6 of this chapter at a speed in excess of 20 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 Village 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 § 350.09 of the Wisconsin Statutes.

**§ 401-4. 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.

**§ 401-5. Operation on sidewalks prohibited.**

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curbline of any street in the Village, except as specifically authorized by § 401-6 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

**§ 401-6. Snowmobile and other off-highway vehicle operation restricted.**

- A. Operation on private property. Except as permitted by this Code of the Village of Hixton, it shall be unlawful to operate any snowmobile or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village 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. Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village.
- D. Operation in parks. No person shall drive a snowmobile in any park within the Village except upon designated snowmobile trails as shall be designated by the Village Board.
- E. Written consent of owner required. The consent required under § 350.10(1)(f), (k), (L), and (m), Wis. Stats., 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 person, the consent of each must be obtained. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

**§ 401-7. 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 § 350.04, Wis. Stats., 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 Village except upon snowmobile routes and trails designated by the Village Board. The designated routes to be used within the Village limits shall be adopted by resolution by the Village Board, a copy of which shall be on file with the Village Clerk-Treasurer.
- B. Trail markers. The Village Board or its designee 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 § 350.13, Wis. Stats. The Village President 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.

**§ 401-8. Violations and penalties.** [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be subject to a penalty as provided in § 1-3 of this Code, provided that 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 Chapter 437, Vehicles.

**§ 401-9. Enforcement.**

- A. Uniform citation for highway violations. The uniform traffic citation promulgated under § 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 Chapter 437, Vehicles, of the Code shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in § 401-1 of this chapter.
- C. Other violations. All violations of this chapter not described in Subsection A or B shall be enforced in accordance with §§ 66.0114 and 66.0111 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in § 66.0114(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Bail deposits may also be made under § 66.0114, Wis. Stats. Such deposits shall include a \$3 Village-Clerk's fee and costs of prosecutions.
- D. Forfeited penalties and deposits. Except as otherwise provided in § 345.26, Wis. Stats., and the deposit schedule adopted by the Wisconsin Judicial Conference 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. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]