

## Chapter 223

### SNOWMOBILES

§ 223-1. State snowmobile laws adopted.

§ 223-2. Applicability of traffic regulations.

§ 223-3. Speed; hours of operation; equipment.

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§ 223-8. Accidents and accident reports.

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§ 223-10. Violations and penalties.

§ 223-11. Enforcement.

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 10, Ch. 3 of the 1992 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Operation in parks -- See Ch. 198, § 198-1B(10).

Vehicles and traffic -- See Ch. 260.

#### § 223-1. State snowmobile laws adopted.<sup>1</sup>

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 ordinance to be filed
350.05	Operation by youthful operators restricted
350.055	Safety certification program established
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; trail use stickers

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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

**§ 223-2. Applicability of traffic regulations.<sup>2</sup>**

No person shall operate a snowmobile upon any street, highway or alley within the Village of Albany in violation of the traffic regulation provisions of W.S.A. ss. 346.04, 346.06, 346.11, 346.14(l), 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, and 346.92(1).

**§ 223-3. Speed; hours of operation; equipment.**

A. Speed. No person shall operate a snowmobile within the village or on any trail designated in § 223-6 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 W.S.A. s. 350.09.

**§ 223-4. 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.

**§ 223-5. Operation on sidewalks.**

No person shall operate a snowmobile upon any sidewalk, pedestrianway or upon the area between the sidewalk and the curblin of any street in the village, except as specifically authorized by § 223-6 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

**§ 223-6. Snowmobile and other off-highway vehicle operation restricted.**

A. Operation on private property. Except as permitted by this Code, it shall be unlawful to operate any snowmobile or any other motor-driven craft or vehicle principally

<sup>2</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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. W.S.A. s. 346.63 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 W.S.A. s. 350.10(6),(11),(12) and (13) 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.

#### **§ 223-7. Age restrictions; license requirements.**

A. No person under the age of 12 years may operate a snowmobile. No person over the age of 12 years but under the age of 16 years may operate a snowmobile unless he holds a valid snowmobile safety certificate or is accompanied by a person over 18 years of age or by a person over 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.

#### **§ 223-8. 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 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 \$200, every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within 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.

#### **§ 223-9. Snowmobile routes and trails designated.**

A. Routes designated. Except as provided in W.S.A. ss. 350.02 and 350.045, or for snowmobile events authorized in accordance with W.S.A. s. 350.04, no person shall operate a snowmobile upon any public right-of-way, in any public park or on any other public or private 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 Street Superintendent and Chief of Police are 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 W.S.A. s. 350.13. 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.

#### **§ 223-10. Violations and penalties.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than \$500, together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding 10 days, 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 260, Vehicles and Traffic.

#### **§ 223-11. Enforcement.**

A. Uniform citation for highway violations. The uniform traffic citation promulgated under W.S.A. s. 345.11 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 260, Vehicles and Traffic, shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in § 223-1.

C. Other violations. All violations of this chapter not described in Subsections A or B shall be enforced in accordance with W.S.A. s. 66.12 and 66.114. Stipulations of guilt or no contest may be made as provided in W.S.A. s. 66.12(1)(b), 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 W.S.A. s. 66.12. Such deposits shall include a Clerk's fee of \$3 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 Village Clerk-Treasurer.

E. Forfeited penalties and deposits. Except as otherwise provided in W.S.A. s. 345.26, 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.