

## Chapter 382

### SNOWMOBILES AND ALL-TERRAIN VEHICLES

**[HISTORY: Adopted by the Town Board of the Town of La Pointe 12-10-2002 by Ord. No. 203. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Vehicles and traffic — See Ch. 425.

#### **§ 382-1. State snowmobile laws adopted.**<sup>1</sup>

Except as otherwise specifically provided in this chapter and as modified in this section, the statutory provisions describing and defining regulations with respect to snowmobiles in Ch. 350, Wis. Stats., are hereby adopted by reference and made a 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 chapter.

#### **§ 382-2. State all-terrain vehicle laws adopted.**<sup>2</sup>

The provisions describing and defining regulations with respect to all-terrain vehicles in § 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this chapter as if fully set forth herein. Any acts required to be performed by § 23.33, Wis. Stats., or which are prohibited by such section are required to be performed by this chapter or are prohibited by this chapter. All-terrain vehicles shall be operated in the Town in the manner prescribed in §§ 382-6 and 382-7.

#### **§ 382-3. Applicability of traffic regulations.**<sup>3</sup>

No person shall operate a snowmobile or all-terrain vehicle upon any street, highway or alley within the Town of La Pointe 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, 346.48, 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) and (9), Wis. Stats.

#### **§ 382-4. Unattended vehicles.**<sup>4</sup>

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

No person shall leave or allow a snowmobile or all-terrain vehicle 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.

**§ 382-5. Operation on sidewalks.**<sup>5</sup>

No person shall operate a snowmobile or all-terrain vehicle upon any sidewalk or pedestrianway or upon the area between the sidewalk and the curbline of any street in the Town, except as specifically authorized for the purpose of crossing to obtain immediate access to an authorized area of operation.

**§ 382-6. Snowmobile and all-terrain vehicle routes designated.**

- A. Limited right of operation. Snowmobiles and all-terrain vehicles may be operated only for the purpose of going to or returning from trails and routes.
- B. Designated routes. The following streets and alleys are hereby designated snowmobile and all-terrain vehicle routes:
  - (1) Griggs Ice Road approach to Sunny Slope.
  - (2) Sunny Slope to Whitefish Street.
  - (3) O'Brien Court to Whitefish Street.
  - (4) Whitefish Street to Colonel Woods Avenue.
  - (5) Colonel Woods Avenue to Library Street.
  - (6) Library Street to Rice Street.
  - (7) Rice Street to Middle Road.
  - (8) Ten feet north of Middle Road from Rice Street to Main Street.<sup>6</sup>
  - (9) Main Street from Middle Road to Old Fort Road.<sup>7</sup>
  - (10) Old Fort Road to Mondamin Trail.
  - (11) Mondamin Trail to South Shore Road.
  - (12) Old Fort Road to South Shore Road.
  - (13) All of South Shore Road.
  - (14) All of North Shore Road.
  - (15) Benjamin Boulevard.

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

(16) Schoolhouse Road.

- C. Additional routes. Residents or property owners within the Town without access to the routes designated in Subsection B and in need of such access may apply to the Town Clerk for the designation of a route providing such access. The Clerk may designate a route providing such access, subject to the following provisions:
- (1) A route may be designated only if the applicant is without access to a route designated in Subsection B and is in need of such access.
  - (2) The Clerk shall keep a written record of all applications and all routes designated under this section, which shall be open to public inspection.
  - (3) In lieu of acting upon an application, the Clerk may refer the application to the Town Board, which shall then determine whether it should be granted.
  - (4) Decisions by the Clerk designating or declining to designate routes under this section may be reviewed and affirmed, reversed, or modified by the Town Board, and the Town Board may at any time after a route has been designated under this section modify or terminate a route if the Board finds it is in the public interest to do so.
  - (5) Operation of snowmobiles or all-terrain vehicles on routes designated pursuant to this section shall not be permitted until such routes have been posted with signs in accordance with state regulations. The Clerk shall notify each applicant of this provision immediately upon granting his application.
- D. Markers. The Town Road Foreman is directed and authorized to procure, erect and maintain appropriate snowmobile route and limit signs and markers as approved by the State Department of Natural Resources under § 350.13, Wis. Stats. The Chief of Police shall have the power to declare the stated snowmobile routes either open or closed.
- E. Markers to be obeyed. No person shall fail to obey any route sign, marker or limit erected in accordance with this section.

**§ 382-7. Restrictions on operation.**

No person shall operate a snowmobile or all-terrain vehicle (hereafter "ATV") anywhere within the Town of La Pointe except in compliance with the following provisions:

- A. Operation of snowmobiles and ATVs shall be allowed only for the purpose of going to or returning from one of the following places from or to another of the following places:
- (1) The operator's residence or place of lodging.
  - (2) A place of business for the purpose of transacting such business.
  - (3) A designated snowmobile trail outside the Town limits.
  - (4) Lake Superior.

- B. The maximum speed of snowmobiles and all-terrain vehicles within the Town limits is 15 miles per hour. For the purposes of this chapter, the Town limits are defined as follows: commencing at the shore of Lake Superior due north of the northwest corner of Section 29, Township 50 North, Range 3 West, Ashland County; thence proceed due south to the northwest corner of said Section 29; thence proceed due south on the section line between Sections 29 and 30, Township 50 North, Range 3 West, to the southwest corner of said Section 29; thence proceed south to the northern boundary line of Mondamin Trail; thence follow and proceed along Mondamin Trail until Mondamin Trail intersects with the north boundary line of South Shore Drive; thence proceed due south from this point to the shore of Lake Superior, this area to include all of Mondamin Trail.<sup>8</sup>
- C. All snowmobiles and all-terrain vehicles shall come to a complete stop at all roads and alleyway intersections whether marked or not.
- D. All snowmobiles and all-terrain vehicles shall have headlights and taillights turned on at all times while operating within the Town limits.
- E. No person under the age of 16 years old may operate an ATV on any area open to the public in the Town of La Pointe unless that person possesses an ATV safety certificate showing completion of a Department of Natural Resources authorized/approved ATV course of instruction.
- F. No person who is at least 12 years of age and who was born on or after January 1, 1985, may operate a snowmobile on any area open to the public in the Town of La Pointe unless that person possesses a snowmobile safety certificate showing completion of a Department of Natural Resources authorized/approved snowmobile course of instruction.
- G. Owners of snowmobiles and all-terrain vehicles shall be responsible for the safe operation of their machines, whether they are on them or not. No owner or any person in possession of a snowmobile or ATV shall knowingly permit or allow the operation of such snowmobile or ATV within the Town of La Pointe in violation of this chapter.

**§ 382-8. Unauthorized off-road operation of motor vehicles.**

- A. Findings. The unauthorized off-road operation of motor vehicles has resulted in
  - (1) Serious damage to public and private lands, including damage or destruction of vegetation, animal life and improvement to the lands;
  - (2) The permanent scarring of land and an increase in both erosion and air pollution;
  - (3) Collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and

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<sup>8</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- (4) A loss of privacy, quietude and serenity to which the owners and users of the land are rightfully entitled.

B. Definitions. For the purposes of this section, the terms below shall be defined as follows:

**MOTOR VEHICLE** — Any vehicle that is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-carts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies, and tractors. "Motor vehicle" shall not mean any airplane, railroad train, boat, wheelchair, or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this section shall not be so defined while it is being operated:

- (1) Solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites, provided that such an operation is by persons having legitimate business on such lands or sites.
- (2) By or at the direction of public employees or utility company employees as part of their employment duties.
- (3) By the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

**OFF ROAD**

- (1) Any location which:
  - (a) Is not a paved or maintained public road or alley;
  - (b) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
  - (c) Is a private trail for use only by the owner or his permittees for any recreational or other vehicular use.
- (2) "Off road" shall not include any creek bed, riverbed, or lake; provided, however, that this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

**OPERATION** — The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

**UNAUTHORIZED** — Without express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

C. Unauthorized off-road operation prohibited.

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Town Board, it shall be unlawful

to operate any minibike, go-cart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Town roads, alley, parks, sidewalks, bikeways, 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 written consent of the owner before operation of such craft or vehicle on private lands.

**§ 382-9. Violations and penalties.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$20 and 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 the 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.

**§ 382-10. 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. The provisions of this chapter shall be enforced by a law enforcement officer of the Town of La Pointe, Ashland County Sheriff's Department, or by any other law enforcement officer having jurisdiction in Ashland County, Wisconsin.
- B. Parking violations. A Town of La Pointe parking citation shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in § 382-3 of this chapter.
- C. Other violations. All violations of this chapter not described in Subsection A or B shall be enforced in accordance with §§ 66.0111 and 66.0114, Wis. Stats. 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 costs of prosecution.
- D. Receiving stipulations and penalties. Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this chapter may be accepted at the La Pointe Police Department, La Pointe Town Clerk's office or the Ashland County Clerk of Circuit Court at the Ashland County Courthouse.
- E. 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

Town Board.<sup>9</sup>

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**9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**