

## Chapter 382

### SNOWMOBILES, ALL-TERRAIN VEHICLES AND UTILITY TYPE 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. 1

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 (ATV)/Utility Type Vehicle (UTV) laws adopted. 2

The provisions describing and defining regulations with respect to ATVs and UTVs 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. ATVs and UTVs shall be operated in the Town in the manner prescribed in §§ 382-6 and 382-7 and Ashland County Ordinance #006-2016-85.

#### § 382-3. Applicability of traffic regulations. 3

No person shall operate a snowmobile, ATV or UTV 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. 4

No person shall leave or allow a snowmobile, ATV or UTV owned or operated by him/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.

#### § 382-5. Operation on sidewalks. 5

No person shall operate a snowmobile, ATV or UTV upon any sidewalk or pedestrian way or upon the area between the sidewalk and the curb line 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, ATV and UTV routes designated.**

A. Markers. The Public Works Director is directed and authorized to procure, erect and maintain appropriate snowmobile, ATV, and UTV route and limit signs and markers as approved by the State and paid for by the Madeline Island Snowmobile/ATV/UTV Club.

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 depending on the weather and road conditions. Snowmobile routes may be open from November 1 to April 1, depending on snow conditions.

B. 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, ATV or UTV anywhere within the Town of La Pointe except in compliance with the following provisions:

A. Operation of snowmobiles, ATVs and UTVs 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, ATVs and UTVs within the Town of La Pointe is as posted on all speed limit signs.

C. All snowmobiles, ATVs and UTVs shall come to a complete stop at all roads and alleyway intersections whether marked or not.

D. All snowmobiles, ATVs and UTVs 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 or UTV 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. Persons 12 to 15 years of age may operate at the completion of a Department of Natural Resources authorized/approved ATV course with the accompaniment of an adult over the age of 18.

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, ATVs and UTVs 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, ATV or UTV shall knowingly permit or allow the operation of such snowmobile, ATV or UTV 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
- (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 (ATV), Utility Type Vehicles (UTV), 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, ATVs and UTVs 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>

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