

## **8.32 Snowmobiles**

(1) STATE LAWS ADOPTED. Except as otherwise provided, 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 ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by the ordinance.

### **350.01 Definitions.**

- (1g) “Alcoholic beverages” has the meaning designated in s. 125.02.
- (1h) “Alcohol concentration” has the meaning given in s. 340.01(1v).
- (1i) “Approved public treatment facility” has the meaning specified under s. 51.45(2)(c).
- (1r) “Board” means the natural resources board.
- (2) “Controlled substance” has the meaning designated in s. 961.01(4).
- (2d) “Controlled substance analog” has the meaning given in s. 961.01(4m).
- (3) “Department” means the Department of Natural Resources.
- (3m) “Drug” has the meaning specified in s. 450.01 (10).
- (6) “Headlamp” has the meaning designated in s. 340.01(21).
- (6m) “Headlamp barrier” means a fence, natural growth, difference in elevation or other means of restricting the view that users of an adjacent roadway have of headlamps on a snowmobile trail.
- (7) “Highway” has the meaning designated in s. 340.01(22).
- (8) “Hours of darkness” has the meaning designated in s. 340.01 (23).
- (8m) “Immediate family” means persons who are related as spouses, as siblings, or as parent and child.
- (9) “Intoxicant” means any alcohol beverage, controlled substance, controlled substance analog, or other drug or any combination thereof.
- (9c) “Intoxicated snowmobiling law” means s. 350.101(1) or a local ordinance in conformity therewith, s. 350.101(2) or, if the operation of a snowmobile is involved, s. 940.09 or 940.25.

(9e) “Land under the management and control of the person’s immediate family” means land owned or leased by the person or a member of the person’s immediate family and over which the owner or lessee has management and control. This term excludes land owned or leased by an organization of which the person or a member of the person’s immediate family is a member.

(9g) “Law enforcement officer” has the meaning specified under s. 165.85(2)(c) and includes a person appointed as a conservation warden by the department under s. 23.10(10).

(9m) “Lodging establishment” means any of the following:

- (a) A bed and breakfast establishment as defined in s. 254.61(1).
- (b) A hotel as defined in s. 254.61(3)
- (c) A tourist rooming house as defined in s. 254.61(6).
- (d) A campground.

(9r) “Operate” means the exercise of physical control over the speed or direction of a snowmobile or the physical manipulation or activation of any of the controls of a snowmobile necessary to put it in motion. “Operate” includes the operation of a snowmobile.

(9w) “Operator” means a person who operates a snowmobile, who is responsible for the operation of a snowmobile or who is supervising the operation of a snowmobile.

(10) “Owner” means a person who has lawful possession of a snowmobile by virtue of legal title or equitable interest therein which entitles the person to possession.

(10d) “Purpose of access from lodging” means for the purpose of traveling for the shortest distance that is necessary for a person operating the snowmobile to go between a lodging establishment and the snowmobile route or snowmobile trail that is closest to the lodging establishment.

(10g) “Purpose of authorized analysis” means for the purpose of determining or obtaining evidence of the presence, quantity, or concentration of any intoxicant in a person’s blood, breath, or urine.

(10m) “Purpose of residential access” means for the purpose of traveling for the shortest distance that is necessary for a person operating the snowmobile to go between a residence and the snowmobile route or snowmobile trail that is closest to that residence.

- (10r) “Refusal law” means s. 350.104(5) or a local ordinance in conformity therewith.
- (10t) “Registration documentation” means a snowmobile registration certificate, a validated registration receipt, or a registration decal.
- (11) “Roadway” has the meaning designated in s. 340.01(54).
- (11m) “Sanctioned race or derby” means a competitive snowmobile event sponsored by a county, town, city, or village by a promoter, by a chamber of commerce, or by a snowmobile club or other similar organization.
- (12) “Snowmobile” has the meaning designated in s. 340.01(58a).
- (13) “Snowmobile dealer” means any person engaged in the sale of snowmobiles for a profit at wholesale or retail.
- (13m) “Snowmobile distributor” means a person who sells or distributes snowmobiles to snowmobile dealers or who maintains distributor representatives.
- (14) “Snowmobile manufacturer” means any person engaged in the manufacture of snowmobiles for sale to the public.
- (15) “Snowmobile renter” means any person engaged in the rental or leasing of snowmobiles to the public.
- (16) “Snowmobile route” means a highway or sidewalk designated for use by snowmobile operators by the governmental agency having jurisdiction as authorized under this chapter.
- (17) “Snowmobile trail” means a marked corridor on public property or on private lands subject to public easement or lease designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding highways except those highways on which the roadway is not normally maintained for other vehicular traffic by the removal of snow.
- (18) “State trunk highway” has the meaning designated in s. 340.01(60).
- (19) “Street” has the meaning designated in s. 340.01(64).
- (20) “Tail lamp” has the meaning designated in s. 340.01(66).
- (21) “Test facility” means a test facility or agency prepared to administer tests under s. 343.305(2).

(22) “Validated registration receipt” means a receipt issued by the department or an agent under s. 350.12(3h)(ag) 1. a. that shows that an application and the required fee for a registration certificate has been submitted to the department.

### **350.02 Operation of snowmobiles on or in the vicinity of highways.**

(1) No person may operate a snowmobile upon any part of any freeway which is a part of the federal system of interstate and defense highways. No person may operate a snowmobile upon any part of any other freeway unless the Department of Transportation authorizes snowmobile use on that freeway.

- (2) (a) No person may operate a snowmobile on any highway except in the following manner or as otherwise authorized by law:
1. Directly across any roadway having fewer than 5 lanes, but only after stopping and yielding the right-of-way to all vehicles approaching on the roadway. Crossings under this subdivision may be made only at a place where no obstruction prevents a quick and safe crossing. For purposes of this subdivision, “obstruction” includes but is not limited to impairment of view and dangerous roadway condition.
    - 1m. Directly across a roadway having 5 lanes in the manner specified in subd. 1., but only if the Department of Transportation authorizes such a crossing.
  2. On any roadway that is not normally maintained for other vehicular traffic by the removal of snow.
  3. On the roadway of highways to cross a bridge, culvert, or railroad right-of-way unless posted by the maintaining authority but shall yield the right-of-way to all vehicular traffic.
  4. On the roadway of the Village streets for special snowmobile events authorized under s. 350.04.
  5. On the highways which have been designated as routes and which are required to be marked.
  6. On a portion of the roadway or shoulder of a highway for a purpose of residential access or for the purpose of access from lodging if the Village within which that portion of the highway lies, enacts an ordinance under s. 350.18(3) for that portion of the highway. A snowmobile operated on a portion of the roadway or shoulder of a highway under this subdivision shall observe roadway speed limits.
- (b) Snowmobiles may be operated adjacent to a roadway with due regard to safety in the following manner:

1. Along U. S. numbered highways, state, and county highways at a distance of 10 or more feet from the roadway. Travel upon the median of a divided highway is prohibited except to cross.
2. Along town highways outside of the roadway.

3. During daylight hours travel may be in either direction regardless of the flow of vehicular traffic.
4. At night travel shall conform to the direction of vehicular traffic in the nearest lane unless:
  - a. The snowmobile trail is located at least 40 feet from the roadway or is separated from the roadway by a headlamp barrier; and
  - b. The use of the snowmobile trail is approved by the Department of Transportation with respect to snowmobile trails located near or crossing state trunk highways or by the officer in charge of maintenance with respect to snowmobile trails located near or crossing other highways.
5. Whenever it is impracticable to gain immediate access to an area adjacent to a highway, other than a freeway, where a snowmobile is to be operated, the snowmobile may be operated adjacent and parallel to the roadway for the purpose of gaining access to and from the area of operation. Loading or unloading of the snowmobile shall be accomplished with due regard to safety at the nearest practical point to the area of operation.
6. Snowmobiles traveling adjacent to a roadway shall observe roadway speed limits.

(3) Snowmobiles may be operated for emergency purposes on any highway during a period of emergency when so declared by the governmental agency having jurisdiction.

(3m) A law enforcement officer may operate a snowmobile on a highway in performance of his or her official duties if the snowmobile is equipped with a flashing, oscillating or rotating blue light.

(4) Under no circumstances, except as provided in this section, is a snowmobile to be operated on the main-traveled portion of a highway or on the plowed portion.

### **350.03 Right-of-way.**

(1) The operator of a snowmobile shall slow the vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not in or on a snowmobile except as provided in ch. 346 where applicable.

(2) Subsection (1) does not apply to any of the following:

- (a) The operator of a snowmobile on a privately owned raceway facility.
- (b) The operator of a snowmobile in a sanctioned race or derby on public land, a highway or a snowmobile trail if the sponsor of the sanctioned race or

derby marks the race or derby route or track to warn spectators from entering the route or track. In this paragraph, “public land” does not include the frozen surface of public waters.

#### **350.04 Snowmobile races, derbies, and routes.**

(1) The Village may block off the highways under its jurisdiction for the purpose of allowing special snowmobile events. No state trunk, highway, or connecting highway or part thereof, shall be blocked off by the Village for any snowmobile race or derby. The Village shall notify the local police department and the county sheriff’s office at least one week in advance of the time and place of any snowmobile race or derby that may result in any street or part thereof of the Village being blocked off. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race or derby.

(2) On state trunk bridges a sidewalk or, if no sidewalk exists, one lane of the bridge may be designated by the Village as a snowmobile route. The Village of Elkhart Lake may adopt ordinances designating highways as snowmobile routes for snowmobile operation subject to the following limitations:

- (a) Snowmobiles shall be operated on the extreme right side of the roadway.
- (b) Left turns shall be made as safely as possible from any position depending on snow cover and other prevailing conditions.
- (c) Snowmobile operators shall yield right-of-way to other vehicular traffic and pedestrians.
- (d) Highways designated for snowmobile operation shall be marked in accordance with s. 350.13.
- (e) Snowmobile operation is not permitted on state trunk highways or connecting highways except as provided under s. 350.02.

- (3)
- (a) The Village shall not be liable for any injury suffered in connection with a race or derby under this section, unless the injury is caused by the negligence of the Village.
  - (b) The Village shall post the provisions of par. (a) in a conspicuous place, readily accessible to all contestants and spectators, and shall assist in locating and identifying persons responsible for injuries that may occur.

#### **350.05 Operation by youthful operators restricted.**

(1) PERSONS UNDER 12. No person under the age of 12 years old may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over 18 years of age.

(2) PERSONS AGED 12 AND OLDER; SNOWMOBILE SAFETY CERTIFICATES AND PROGRAM.

(a) No person who is at least 12 years of age and who is born on or after January 1, 1985, may operate a snowmobile unless he or she holds a valid snowmobile safety certificate.

(b) Any person who is required to hold a snowmobile safety certificate while operating a snowmobile shall carry the certificate on the snowmobile and shall display the certificate to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the department may operate a snowmobile in an area designated by the instructor.

(3) EXCEPTIONS. This section does not apply to the operation of snowmobiles upon lands owned or leased by the operator's parent or guardian. As used in this section, "leased lands" does not include lands leased by an organization of which said operator or the operator's parent or guardian is a member.

(4) DEFINITION. For purposes of this section, "accompany" means to be on the same snowmobile as the operator.

**350.08 Owner permitting operation.**

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 s. 350.05, if the person is incapable of operating a snowmobile because of physical or mental disability or if the person is under the influence of an intoxicant.

**350.09 Headlamps, tail lamps, and brakes, etc.**

(1) Any snowmobile operated during the hours of darkness or operated during daylight hours on any highway right-of-way shall display a lighted headlamp and tail lamp.

(2) The headlamp on a snowmobile may be of the single beam or multiple beam type, but in either case shall comply with the following requirements and limitations.

(a) The headlamp shall be an electric headlamp and the current shall be supplied by a wet battery and electric generator, by a current-generating coil incorporated into the magneto or by a generator driven directly by the motor by means of gears, friction wheel, chain, or belt.

(b) The headlamp shall display a white light of sufficient illuminating power to reveal any person, vehicle, or substantial object at a distance of 200 feet ahead.

- (c) If the snowmobile is equipped with a multiple beam headlamp, the upper beam shall meet the minimum requirements set forth in par. (b) and the lower most beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead.
- (d) If the snowmobile is equipped with a single beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 25 feet ahead, projects higher than the level of the center of the lamp from which it comes.
- (3) The tail lamp on a snowmobile must display a red light plainly visible during darkness from a distance of 500 feet to the rear.
- (4) Every snowmobile shall be equipped with at least one brake operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver on a level hard-packed snow surface, or capable of locking the track on a level, hard-packed snow surface. The design shall permit simple and easy adjustment to compensate for wear. There shall be no other control linked to the brake which impairs braking operation.
- (5) All snowmobiles manufactured after July 1, 1972, and offered for sale or sold in this state shall be equipped with side marker reflectors meeting the visibility requirement of society of automotive engineers standards or reflex material standards in compliance with federal specifications.
- (6) No snowmobile shall be manufactured, sold, offered for sale, or operated unless it is equipped with a muffler in good working order, which blends the exhaust noise into the overall engine noise and is in constant operation to prevent excessive or unusual noise.
- (7) Every snowmobile manufactured after July 1, 1972, and offered for sale or sold in this state shall be so constructed as to limit total vehicle noise to not more than 82 decibels of A sound pressure at 50 feet, as measured by society of automotive engineers standards. No snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the snowmobile as originally constructed, regardless of date of manufacture.
- (8) Subsection (7) does not apply to snowmobiles competing in a sanctioned race or derby or to snowmobiles being tested by manufacturers, distributors, or dealers on lands under their control.
- (8m) No person may operate, offer for sale, or sell a snowmobile that is manufactured after May 7, 1994, if the width of the snowmobile exceeds 48 inches.
- (9) All snowmobiles competing in a sanctioned race or derby shall be equipped with a device wired into the motor's electrical system that will shut off the motor if the operator falls from the snowmobile or otherwise leaves the operator's position. The

device shall be capable of being attached to the body of the operator and shall be so attached when the snowmobile is being operated.

### **350.10 Miscellaneous provisions for snowmobile operation.**

- (1) 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) Without complying with all stop signs, yield signs, or other regulatory signs established by rule under s. 350.13 that are located along snowmobile routes, snowmobile trails, or other established snowmobile corridors that are open to the public.
  - (d) In such a way that the exhaust of the motor makes an excessive or unusual noise.
  - (e) Without a functioning muffler.
  - (f) On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.
  - (g) Between the hours of 10:30 P.M. and 7:00 A.M. when within 150 feet of a dwelling at a rate of speed exceeding 10 miles per hour.
  - (h) In any forest nursery, planting area, or on public lands posted or reasonably identified as an area of forest or plant reproduction when growing stock may be damaged.
  - (i) 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.
  - (j) On a slide, ski, or skating area except for the purpose of serving the area, crossing at places where marked, or after stopping and yielding the right-of-way.
  - (k) On or across a cemetery, burial ground, school, or church property without consent of the owner.
  - (l) On the lands of an operating airport or landing facility except for personnel in performance of their duties or with consent.
  - (m) On Indian lands without the consent of the tribal governing body or Indian owner. For purposes of this paragraph, "Indian lands" means lands owned by the United States and held for the use or benefit of Indian tribes, bands, or individual Indians and lands owned by Indian tribes, bands, or individual Indians which are subject to restrictions on alienation. Failure to post Indian lands does not imply consent for snowmobile use. Any other motor driven craft or vehicle principally manufactured for off highway use shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

(2) Subsection (1)(c) does apply to a person operating a snowmobile on land under the management and control of the person's immediate family.

### **350.12 Registration of snowmobiles; trail use stickers.**

(1) **REGISTRATION REQUIREMENT.** After January 1, 1979, no person shall operate, and no owner shall give permission for the operation of any snowmobile within this state unless the operation of the snowmobile complies with sub. (3)(a)(intro.) or (5)(cm) or is exempt from registration. No political subdivision shall have authority to register or license snowmobiles.

#### **(3j) TRAIL USE STICKERS.**

(a) 1. In this paragraph, "public snowmobile corridor" means a snowmobile trail or other established snowmobile corridor that is open to the public but does not include a snowmobile route.

2. Except as provided in par. (d), no person who is the owner of a snowmobile may operate, or give permission for another person to operate, a snowmobile on a public snowmobile corridor in this state unless a trail use sticker issued under this subsection is displayed on the snowmobile.

#### **(5) REGISTRATION DECALS AND TRAIL USE STICKERS TO BE DISPLAYED.**

(a) The owner of the snowmobile shall attach the registration decals to the snowmobile in a prominent place, and shall maintain the registration decals in a legible condition at all times. Decals shall be not larger than three inches in height and six inches in width. Registration decals are to be applied on both sides of the cowling of the snowmobile. The owner of the snowmobile shall attach the trail use sticker to the snowmobile in the manner promulgated by rule by the department.

(b) The registration certificate or, for an owner who purchased a snowmobile and who has received a validated registration receipt but who has not yet received the registration certificate, the validated registration receipt shall be in the possession of the person operating the snowmobile at all times.

(c) The registration certificate or, for an owner who purchased a snowmobile and who has received a validated registration receipt but who has not yet received the registration certificate, the validated registration receipt shall be exhibited, upon demand, by the operator of the snowmobile for inspection by any authorized to enforce this section as provided under s. 350.17(1) and (3).

(cm) A person may operate a snowmobile without having the registration decals displayed as provided under par. (a) if the owner has received a validated registration receipt and if the operator of the snowmobile complies with pars. (b) and (c).

(d) At the end of the registration period, the department shall send the owner of each snowmobile a renewal application. The owner shall sign the renewal application and return or present the application and the proper fee to the department or present the application and fee to an agent appointed under sub. (3h)(a)3.

(e) This subsection does not apply to any snowmobile to which a reflectorized plate is attached as required under sub.(3)(c)3.

(6) CHANGE OF ADDRESS. Whenever the owner of a registered snowmobile changes his or her address, the owner shall within 15 days thereafter notify the department in writing of the new address and of the registration numbers awarded to the owner. At the same time the owner shall endorse the new address on the owner's registration certificates.

(2) ADDITIONAL REGULATIONS. Except as provided in section 350.02, Wisconsin Statutes, no person shall operate any snowmobile upon any public park, street, alley, or sidewalk in the Village, or upon any private property without the express written consent of the owner of said property, except upon clearly marked trails as established by the Municipal Planning and Civic Development Committee.

(3) DESIGNATION OF SNOWMOBILE ROUTE. Except as provided in sections 350.02 and 350.04, Wisconsin Statutes, no person shall operate any snowmobile upon any public park or Village street or road in the Village of Elkhart Lake, or upon any private property without the express written consent of the owner of said property, except upon clearly marked routes as established by the Village of Elkhart Lake in cooperation with area snowmobile clubs. The designated route shall commence at the north limits of the Village of Elkhart Lake east of Highway 67 and continue to the south limits of the Village of Elkhart Lake. The route shall not coincide with any Village streets or roads with the exception that the said route shall cross Rhine Street. The route shall be clearly marked by area snowmobile clubs as designated by the Chief of Police of the Village of Elkhart Lake.

(4) On the snowmobile route as designated and marked in accordance with subparagraph (3), no person shall operate a snowmobile at a speed in excess of 25 miles per hour.

(5) PENALITIES.

(a) Any person who violates this section shall forfeit not more than \$250.00, together with costs of prosecution and may be ordered to pay restitution and complete community service, except as provided in subsections (b) and (c).

(b) Any person operating a snowmobile while intoxicated shall forfeit not more than \$550.00, together with costs of prosecution and may be ordered to pay restitution and complete community service.

(c) Any person operating a snowmobile without a trail use sticker shall forfeit not

more than \$1,000.00, together with costs of prosecution and may be ordered to pay restitution and complete community service.