

SUGGESTED GUIDELINES FOR WRITING LOCAL SNOWMOBILE ACCESS ORDINANCES

This guideline and attached model ordinance is provided to assist you in developing your local ordinance. You may be more restrictive, you do not have to include lodging establishments and additional snowmobile regulations such as snowmobile routes can be included. Please feel free to utilize all or portions of this model.

State law allows Towns, Cities and Villages to enact local regulations allowing snowmobilers to travel between a residence or lodging establishment to travel along roadways and/or shoulders of highways to the closest snowmobile route or trail. The authority to enact local snowmobile residential access regulations is found in Chapter 350.18(3)(a) of the Wisconsin Statutes.

1. Section I. Intent

State the specific name of the (Town/City/Village) covered by the ordinance. The law gives you the option to allow residential access and lodging access (only if residential access is also allowed) within your jurisdiction to operate their snowmobiles on a roadway or shoulder of a highway. Specify which activities you are allowing.

2. Section II. Statutory Authority

Your authorizing statute is s.350.18(3)(a)

3. Section III. Designating Roadways and/or Highways

You have authority to open all the roadways and shoulders of highways within your jurisdiction for residential/lodging establishment access. This includes state and county trunk highways within your jurisdiction. Even though this authority exists, you also have the right to omit these major roadways from your ordinance. You are encouraged to open up only those roadways that will suit the needs of the snowmobilers in your community. Once determined, list the specific roadways to be open to snowmobilers.

The authorizing law gives you two options on where snowmobiles may be operated. One is the roadway which is the traveled portion of a highway or on the shoulder. Specify in this section where you are authorizing snowmobile operation.

4. Section IV. Conditions

Except for speed limits, the authorizing law does not grant additional authority to regulate snowmobile operation. (Municipal snowmobile ordinances are subject to the limitations of s.350.18, Wis. Stats.) However, you have the right to establish

conditions on the right to use the roadways. The following is a list of conditions for your consideration:

1. Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
2. Snowmobiles are to be operated in single file.
3. Headlights should be on at all times.
4. Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.

Snowmobiles violating any of the above conditions would be subject to the underlying violation of operating on the roadway.

5. Section V. Speed

Section 350.18 Wis. Stats., allows municipalities to adopt certain ordinances in strict conformity with state law. This language mirrors that found in founding s. 350.02(2)(a)6, Wis. Status.

6. Section VI. Enforcement

The law enforcement officer(s) within your jurisdiction should be listed as the enforcement authority. State Conservation Wardens do not have authority to enforce local ordinances.

7. Section VII. Penalties

The appropriate penalty section to be adopted would be s.350.11(1)(a), Wis. Stats.

8. Consideration should be given to include in your ordinance a seasonal effective date to eliminate problems that might occur because of early/late snowfalls. This would also eliminate any prospects of snowmobile use during non-winter seasons.

Snowmobile activity is constantly growing and local regulation can be responsive to the public need. Through regulation, a safe, enjoyable snowmobiling environment can be provided while at the same time controlling undesirable conflict. Understanding is needed by everyone involved in the process.

Once your ordinance is adopted, you are required to submit a copy to the Department of Natural Resources, Bureau of Law Enforcement, Attn: Snowmobile Section, PO Box 7921, Madison WI 53707 and to the office of the law enforcement agency of the municipality and county having jurisdiction over such streets or highways.

SNOWMOBILE ACCESS MODEL ORDINANCE

An ordinance to allow snowmobile access from a residence or residence and lodging establishment to a snowmobile route or trail in the (Town/City/Village) of _____, _____ County, Wisconsin and prescribing penalties for violation thereof.

The (Town/City/Village) Board of the (Town/City/Village) of _____, _____ County, Wisconsin do ordain as follows:

Section I. Intent

- A. The intent of the ordinance is to provide a means for persons to travel from a residence within the limits of (Town/City/Village) of _____, _____ County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence.

OR

- B. The intent of this ordinance is to provide a means for persons to travel from a residence and lodging establishment within the limits of (Town/City/Village) of _____, _____ County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and lodging establishment.

Section II. Statutory Authority

This ordinance is adopted as authorized under s.350.18(3)(a).

Section III. Designated Roadways and / or Highways

No person shall operate a snowmobile on a roadway or shoulder of a highway not designated as a snowmobile route other than the following:

- A. All roadways or shoulders or,
B. The following listed roadways or shoulders below:

Section IV. Conditions

This ordinance designates the roadways and/or shoulders of specific highways for snowmobile travel by persons residing in or staying at a lodging establishment within the limits of the (Town/City/Village) of _____, _____ County, Wisconsin to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment subject to the following conditions:

Section V. Speed

A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this ordinance shall comply with posted snowmobile speed limits. If no snowmobile speed limit has been established, snowmobile operators shall comply with roadway speed limits.

Section VI. Enforcement

This ordinance shall be enforced by any law enforcement officer of the (Town/City/Village) of _____, _____ County, Wisconsin.

Section VII. Penalties

Wisconsin state snowmobile penalties as found in s. 350.11(1)(a), Wis. Stats., are adopted by reference.

Section VIII. Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the (Town/City/Village) Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VIII Effective Date

This ordinance will become effective upon passage and publication.

Adopted this _____ of _____, 20_____
(day) (month)

(Town / City / Village) Chairman
