

TITLE VIII

Chapter 38

SNOWMOBILES AND OTHER VEHICLES

- 38.01 Snowmobiles
- 38.02 Other Vehicles
- 38.03 All-Terrain Vehicles & Utility Terrain Vehicles on Certain City Streets

38.01 SNOWMOBILES.

(1) State Law Adopted.

- (a) Except as otherwise specifically provided in this ordinance, the statutory provisions describing and defining regulations with respect to snowmobiles in Wisconsin are hereby adopted by reference and made a part of this Ordinance as if fully set forth herein.
- (b) Specifically, Chapter 350, Wis. Stat. is adopted together with the following §§350.01(35)(58a)(74); 341.055; 346.02(10).
- (c) References to the Wisconsin Statutes are to the 1981—1982 Statutes as Amended.

(2) Snowmobile Routes Designated.

- (a) Except as provided in §§350.02 and 350.03 of the Wisconsin Statutes, no person shall operate a snowmobile upon any public right of way, in any public park, golf course or on any other public property in the City of Blair, except as hereinafter designated. The following streets are designated as snowmobile routes or areas:

Second Street, Taft Street and across school property to each;
Center Street from Highway 95 to the City parking lot;
Highway 95 Bridge across Tappen Creek and the Trempealeau River;
Riverside Park and Lake Henry when suitable snow cover, at moderate speeds;
School grounds south of Tappen Creek only.
- (b) Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346 of the Wisconsin Statutes, being hereby adopted by reference and made a part of this Ordinance as if fully set forth herein.

(3) Additional Regulations:

- (a) Speed. No person shall operate a snowmobile upon any public right of way or highway within the City of Blair at a speed in excess of ten (10) miles per hour.

- (b) Hours of Operation. No person shall operate a snowmobile upon any public highway or other public property, including the public park and recreation area, Lake Henry or upon any private premises within the City of Blair between the hours of 1:00 A.M. and 8:00 A.M.
- (c) Restrictions on Operators. No person under the age of sixteen (16) years shall operate nor shall any snowmobile owner knowingly authorize such person to operate a snowmobile within the City of Blair, unless by Operator's Certificate issued under the supervision of the Department of Natural Resources.
- (d) Unattended Vehicles. No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or any public property while the motor is running or with the starting key left in the ignition.
- (e) Operation on Sidewalks Prohibited. No person shall operate a snowmobile on any sidewalk within the City of Blair.
- (f) Operation on Private Premises Restricted. No person shall operate a snowmobile on any private property not owned or controlled by him within the City of Blair without the expressed consent or permission of the owner.

(4) Penalties.

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for each offense, together with the costs of prosecution. Failure to pay the forfeiture may result in confinement in the county jail as ordered by the Circuit Judge for Trempealeau County.

38.02 OTHER VEHICLES.

(1) Definitions.

Unless otherwise provided herein, definitions as set forth in Chapter 340, Wis. Stat. are hereby adopted by reference as if set forth herein; specifically, §340.1(5)(29m)(30)(33) is adopted.

(2) State Traffic Code Adopted.

The Council believes public policy is well served by the adoption of a uniform traffic enforcement regulation as it relates to all vehicles. Therefore, the Wisconsin State Traffic Code, as contained in Chapters 340 to 349, Wis. Stat. is hereby adopted by reference and made a part of this Ordinance as if fully set forth herein and applied to all other vehicles as defined in subsection (1) above.

38.03 ALL-TERRAIN VEHICLES AND UTILITY TERRIAN VEHICLES ON
CERTAIN CITY STREETS

(1) Intent and Statutory Authority.

The purpose of this section is to establish certain City streets as being open to use by all-terrain vehicles and utility terrain vehicles to aid in gaining access to all- terrain vehicle and utility terrain vehicle (“ATV/UTV”) trails and amenities in a way that is consistent with public rights and interests pursuant to § 23.33(8)(b) and (11), Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes are hereby adopted.

(2) Authorized Operation and Routes.

(a) Under Wis. Stat. s. 23.33(8)(b)2, the City of Blair authorizes all city-maintained roads, streets, alleys, and highways, including any city-maintained parking lots, except connecting highways, as open to all-terrain vehicle ("ATV") or utility terrain vehicle ("UTV") use, except as otherwise posted; and

(b) Under Wis. Stat. s. 23.33(11)(am)4, the City of Blair authorizes the operation of ATVs or UTVs on all state, connecting and county highways with a posted speed limit of 35 MPH or less within the territorial boundaries of the City, except as otherwise posted.

(c) The City of Blair Police Department may temporarily close any ATV/UTV route whenever conditions, in the Police Chief’s discretion, require closure.

(3) Conditions.

As a condition for the use of the route, the following conditions shall apply to all operators (and passengers):

(a) State Traffic Laws Adopted. Except as otherwise specifically provided in this ordinance/code, the statutory provisions in Chapter 23, 340 to 348, and 350 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, and Chapter NR 64, All Terrain Vehicles, WI-DNR, as amended, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation.

(b) ATVs and UTVs may only be operated on authorized streets/roads/highways from 7:00 a.m. to 12:00am.

(c) All ATV/UTV operators shall ride single file.

- (d) ATV/UTV operators shall use the shortest and most direct path along the route to the amenities and/or designated trails and back again.
- (e) Liability insurance is required on ATV/UTV's operated on public roads in the City of Blair and every person who operates an ATV or UTV on any street/road/highway in the City of Blair shall have in his or her immediate possession a valid motor vehicle operator's license and proof of liability insurance. The ATV/UTV operator shall display the operator's license and/or proof of insurance upon demand from any Law enforcement officer, state patrol officer, inspector under Wis. Stats. § 110.07(1), or conservation warden.
- (f) No chains or studs are allowed on ATV/UTV wheels.
- (g) No open intoxicants are allowed on any ATV while being operated within the City of Blair.

(4) Enforcement.

The provisions of this ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed herein.

(5) Penalties.

First Offense violations will be subject to a forfeiture of \$150.00;

Second and subsequent violations will be subject to a forfeiture of \$250.00 per offense.