

CHAPTER 11

SNOWMOBILES AND ALL-TERRAIN VEHICLES

11.001 INTENT

The City of Cornell, Chippewa County adopts the following Ordinance to regulate the use of snowmobiles and all-terrain vehicles and to create routes for them in the City.

Following due consideration of the value to provide recreational opportunities and weighted against the possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance is created.

11.01 SNOWMOBILE AND ALL-TERRAIN VEHICLE REGULATIONS

(1) **Snowmobile and All-Terrain Vehicle Laws Adopted.** Except as otherwise specifically provided in this chapter, the statutory provisions of Chapter 350 Wis. Stats., describing and defining regulations with respect to snowmobiles, and Chapter 23.33 Wis. Stats. and NR64.03 Wis. Adm. Code, describing and defining regulations with respect to all-terrain vehicles, exclusive of any provision herein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by this chapter, any future amendments, revisions, or modifications of the statutes incorporated herein, are intended to be made part of this chapter in order to secure uniform statewide regulations of snowmobiles and ATVs.

(2) **Applicability of Rules of the Road to Snowmobiles and All-Terrain Vehicles.** The operator of a snowmobile and all-terrain vehicles upon a roadway shall in addition to the provisions of Chapter 350, Wisconsin Statutes, be subject to Sections 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, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, (A TV only 346.71), 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wisconsin Statutes. (Reference 346.02(10) and (11)).

(3) Sections 11.02 to 11.03 of this Ordinance apply to the operation of snowmobiles in the city. Sections 11.10 to 11.12 apply to the operation of ATVs in the City. Sections 11.001, 11.01, and 11.20 to 11.23 apply both to snowmobiles and ATVs.

11.02 SNOWMOBILE ROUTES DESIGNATED

(1) Snowmobiles may be operated on all City streets and alleys designated as snowmobile routes and signed in accordance with Statutes as provided by Chapter 350 adopted herein. Snowmobile routes shall be approved by Resolution of the Common Council and placed in Appendix O.

(2) Snowmobiles may be operated on roadways or shoulders of a highway not designated as a snowmobile route 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, except that no snowmobiles shall be operated on Main Street between 8th Street and 1st Street and Third Street between Osborne Street and Bridge Street, said routes being marked as “Snowmobile Routes.” (Ref. Sec. 350.18(3)(a), 350.01 (10m), 350.01 (9m), 350.01 (10d), and 350.02(a)(6), Wis. Stats.)

(3) No person shall operate a snowmobile upon a State or Federal highway within the City limits of the City of Cornell, except crossing of the Bridge Street bridge or otherwise marked highways. Snowmobile routes through the City shall be designated by regular snowmobile markings.

(4) **Operating in Unsafe or Reckless Manner.** No person shall operate a snowmobile upon any street within the City of Cornell with any person, vehicle or sled attached or trailing said snowmobile, unless designated for snowmobiles activities. Anyone operating such conveyance in an unsafe or reckless manner shall be deemed in violation of this ordinance. The machine’s design capacity will determine the number of riders that can be on the snowmobile.

(5) **Single File Operation.** Snowmobiles shall be operated in single file and as far to the right portion of the street as possible.

(6) **Accident Report.** If a snowmobile accident results in death or injury to anyone, or any property damage, every operator of a snowmobile involved in such accident shall as soon as possible notify the City Police Department of the City of Cornell of the accident and shall within ten (10) days after the accident file a written report thereof with the Department of Natural Resources on the form provided by it. “Snowmobile accident” means a collision, accident, or other casualty involving snowmobiles.

11.03 ADDITIONAL REQUIREMENTS

(1) **Speed.** No person shall operate a snowmobile within the City of Cornell City limits at a speed greater than the posted speed limits.

(2) **Hours of Operation.** Snowmobiles may operate on all municipal streets and alleys in the City of Cornell twenty-four (24) hours per day.

(3) **Restrictions on Operators.** No person under the age of 16 years shall operate nor shall any snowmobile owner knowingly authorize such person to operate a snowmobile within the City of Cornell, except as permitted in §350.05 Wis. Stats., (snowmobile safety permit; ages 12-16).

(4) **Unattended Vehicles.** No person shall leave or allow a snowmobile 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.

(5) **Operation on Sidewalks or Malls Prohibited.** No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the City.

(6) **Operation on Private Premises Restricted.** No person shall operate a snowmobile on any private property not owned or controlled by him within the City without the express consent or permission of the owner.

(7) **Crossing Streets.** No operator of a snowmobile shall cross any street except at its intersection and then only at right angles to the street crossed. No persons shall operate or ride a snowmobile across Main Street from First Street to Fifth Street in the City.

(8) **Operation Permitted When County Trails Open.** No person may operate a snowmobile on City Streets except during the period of each year when the County Trails are open for snowmobile operation.

11.10 STATUTORY AUTHORITY

These ATV regulations are created pursuant to City authority as authorized by §23.33(8)(b), Wis Stats. This ordinance is intended to facilitate the implementation of §§23.33(8) and 23.33(11) of the Wisconsin Statutes. To the extent necessary to accomplish this, §23.33, Wis, Stats., is hereby adopted by reference. In the event that any provision of this ordinance is inconsistent, or conflicts with such statutes or any of them, that statute, and not this ordinance, shall control and be applied.

11.11 ATV ROUTES AND TRAILS DESIGNATED

(1) **Routes Designated.** Except as provided in the Wisconsin Statutes or herein stated, no person shall operate any ATV upon any public right-of-way, in any public park or cemetery or on any other public or private property in the City except upon ATV routes and trails designated by the City Council. All ATV routes must be clearly marked and signed.

(a) **ATV routes are described as follows:**

- (1) Mill Yard Park is designated as a parking area for individuals that trailer their ATVs to the area. Operation to occur only on gravel areas.
- (2) North Street in its entirety.
- (3) Woodside Drive between North Street and Industrial Park Road.
- (4) Industrial Park Road in its entirety.
- (5) Park Road between Industrial Park Road and entrance to Mill Yard Park.
- (6) Thomas Street between Park Rd. and First Street
- (7) First Street ½ block between Thomas Street and the first alley to the South.
- (8) Alley parallel and between Main Street and Thomas from First to Sixth Street
- (9) Sixth Street ½ block either side of Main Street
- (10) Alley ½ block south of Main Street between Sixth Street and Eighth Street
- (11) Alley parallel and between 6th and 7th Street from Main Street to Bates Street
- (12) Bates Street between 3rd Street and 8th Street
- (13) 8th Street between Bridge Street and Bates Street
- (14) Fox Court in its entirety.
- (15) South Street between South 3rd Street to Fox Road
- (16) Alley parallel and between 3rd and 4th Street ½ block east of 3rd Street from Bates Street to Bridge Street
- (17) Ripley Street between 8th Street and East Townline Road
- (18) East Townline Road between Bridge Street and North Street

- (19) Said routes are further described and identified by the attached map.

11.12 CONDITIONS

As a condition of the use of this ATV route, the following requirements shall apply to all operators and passengers.

(1) All ATV operators at least 12 years of age and who are born on or after January 1, 1988 shall have a valid ATV safety certificate and be accompanied by a parent or legal guardian until possessing a valid driver's license.

(2) No person who is under current driver's license Suspension, Revocation or cancellation for any reason, may operate an ATV upon City streets within the corporate limits of Cornell.

(3) All ATV operators shall observe posted roadway speed limits.

(4) All ATV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.

(5) All Operators shall ride single file on the right side of the road and remain on the roadway.

(6) ATV operators shall yield to the right-of-way to all other vehicular traffic and pedestrians.

(7) No ATV may be operated on any street within the City limits unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin Statutes or the Municipal Code of the City of Cornell.

(8) Every ATV operating within the City must display a lighted headlight and taillight at all times.

(9) Hours of ATV operation shall be Daylight hours.

(10) All ATV operators or passengers under 18 years of age shall wear an approved helmet during operation of the ATV.

(11) Routes shall be signed in accordance with NR 64.12, and NR 64.12 (7) c.

11.20 ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. The City of Cornell establishes, by this ordinance, that the enforcement of snowmobiles and ATV traffic ordinances in the City of Cornell will be in accordance with §§66.12 and 345.20 through 345.53, (1993-1994), Wis. Stats. Stipulations shall conform to the form contained in the Uniform Traffic Citations. Stipulations and deposits may be accepted by the City Administrator or the Cornell Police Department. Deposits shall be made in conformance with §345.26, (1993-1994), Wis. Stats., and the revised Uniformed State Traffic Deposit Schedule. If a particular deposit is not established by the statutes or the State Deposit Schedule, then the person shall deposit a forfeiture penalty as provided by the City of Cornell and approved by the Common Council.

11.21 PENALTIES

Wisconsin state All-Terrain Vehicle penalties as found in §23.33(13)(a) Wis. Stats., are adopted by reference. Any person who shall violate any provision of this ordinance pertaining to snowmobiles shall upon conviction thereof forfeit not more than \$600.00 together with costs of prosecution and any person who shall violate any provision of this Ordinance pertaining to all-terrain vehicles shall upon conviction thereof forfeit not more than \$250.00 together with the costs of prosecution, and in default of payment thereof may be imprisoned in the County jail for not exceeding ninety (90) days; provided 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 under the City Traffic Code.

11.22 SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the City 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' circumstances shall not be deemed affected.

11.23 FILING

This ordinance and revisions thereof shall be filed with the Department of Natural Resources in the office of the law enforcement agency of this municipality having jurisdiction over the streets and highways in accordance with §350.047 and 23.33, (1993-1994), Wis. Stats.