

ORDINANCE NO. 600.18

SNOWMOBILE, ALL-TERRAIN VEHICLE, MOTORCYCLE AND NON-LICENSED MOTORIZED EQUIPMENT TRAIL REGULATIONS

WHEREAS, the Iowa County Board of Supervisors desires to enact pursuant to Section 59.54(7), Wis. Stats., an ordinance to preserve the public peace and good order within the county; and

WHEREAS, the Iowa County Committee on Legislative, Resource Development and Tourism has reviewed the proposed ordinance and that said ordinance is necessary;

NOW, THEREFORE, BE IT ORDAINED, by the Iowa County Board of Supervisors that the following ordinance and its provisions, sections and subsections is hereby adopted;

SECTION:

- .01 Application
- .02 Closed Seasons
- .03 Closed Hours
- .04 Tri-County Trail Commission Sticker or State Department of Natural Resources All-Terrain Vehicle and Snowmobile Registration Required
- .05 Mandatory Reporting of Injuries
- .06 Operation by Youthful Operators Restricted
- .07 Noise and Air Pollution Restrictions
- .08 Operation Only on Designated Areas
- .09 Reckless Operation
- .10 Park and Parking Lot Speed Restrictions for All-Terrain Vehicles, Motorcycles and Other Motorized Equipment
- .11 Restrictions on Operation Near Non-Motorized Users
- .12 All-Terrain Vehicle or Other Motorized Equipment Speed Restrictions
- .13 Pursuing Wild Animals
- .14 Operation of Automobile or Truck on Trail
- .15 Trail Signs
- .16 Waste Disposal
- .17 Users to Stop When Requested
- .18 Operating Under Influence of Intoxicant or Other Drug
- .19 Non-Motorized and Unlicensed Motorized Equipment Trail Use Regulations
- .20 Persons Authorized to Issue Citations
- .21 Non-Exclusivity
- .22 Penalties
- .23 Schedule of Forfeitures
- .24 Violations, Judgments, Restitution
- .25 Juvenile Penalties
- .26 Uniform Citation and Summons
- .27 Uniform Deposit Schedule
- .28 Severability Clause
- .29 Saving Clause
- .30 (Reserved for Future Use)
- .31 Effective Date

SNOWMOBILE, ALL-TERRAIN VEHICLE MOTORCYCLE AND NON-LICENSED MOTORIZED EQUIPMENT TRAIL REGULATIONS

.01 APPLICATION

This ordinance shall control the use of Cheese Country Recreation Trail and Pecatonica Trail (the 10-mile trail from Calamine to Belmont), hereinafter "the trail," within the County developed and administered by the Tri-County Trail Commission for use by snowmobiles, all-terrain vehicles, motorcycles, horses, bicycles, skiers and pedestrians. This ordinance shall also control the use of non-licensed motorized equipment as defined to include "dirt bikes, mopeds, golf carts, four- and six-wheeled non-registered motorized vehicles and go-carts. Go-carts are defined as follows:

- 1) No homemade or reconstructed vehicles. Motorized vehicles in this category must be the original from the manufacturer with no equipment altered. This includes no modifications to suspension, axles, or chassis;
- 2) Vehicle must have a roll bar covered with bright yellow or orange padding;
- 3) Vehicle must have a headlight and taillight attached to the top of the roll bar operating at all times;
- 4) Vehicle must have a ground-to-floor clearance of at least nine (9") inches;
- 5) Vehicle must have an orange flag attached; and
- 6) Vehicle must have knob-type tires.

.02 CLOSED SEASONS

No person shall operate an all-terrain vehicle, motorcycle or unlicensed motorized equipment on the trail from November 15 through April 1 or during such other time designated by the Tri-County Trail Commission and posted as a closed season.

.03 CLOSED HOURS

- 1) The trails shall be closed to all persons during the hours of 1:00 a.m. to 5:00 a.m. from April 1 to November 15 of each year; and
- 2) Any person violating the provision of this ordinance for a third time within a 12-month period shall, in addition to the penalties and forfeiture provided in this

ordinance, be prohibited from using the trail for a period of 12 months from the date of conviction of said third offense.

.04 TRI-COUNTY TRAIL COMMISSION STICKER OR STATE DEPARTMENT OF NATURAL RESOURCES ALL-TERRAIN VEHICLE AND SNOWMOBILE REGISTRATION REQUIRED

No person shall operate a licensed or non-licensed motorcycle or motorized equipment (meaning dirt bike, moped, golf cart, specific go-carts, and four- and six-wheel Odyssey, Gator, Mule, non-all-terrain vehicle types) on the trail without having a valid and current Tri-County Trail Commission sticker. A snowmobile or all-terrain vehicle shall not operate on the trail without a current and valid State Department of Natural Resources registration sticker. Horseback riders and bicyclists 18 years or older shall also be required to have a valid and current Tri-County Trail Commission sticker.

.05 MANDATORY REPORTING OF INJURIES

The reporting of all injuries required by law for all-terrain vehicles and licensed motorcycles shall apply to all operators of motorized equipment used on the trail, whether licensed or unlicensed.

.06 OPERATION BY YOUTHFUL OPERATORS RESTRICTED

- 1) DEFINITIONS. As used in this subsection:
 - a) “Accompanied” means being subject to continuous verbal direction or control while operating all-terrain vehicles as defined in Section 23.33, Wis. Stats.;
 - b) “Accompanied” for purposes of snowmobile operation means being on the same snowmobile as the operator; and
 - c) “Accompanied” means being subject to continuous verbal direction or control while operating a motorcycle or motorized equipment;
- 2) ALL-TERRAIN VEHICLE OPERATOR UNDER 12. No person shall operate an all-terrain vehicle on the trail under the age of 12 years unless accompanied within voice contact by a parent, guardian or person over 18 years of age as set forth in Section 23.33(5), Wis. Stats.;

- 3) MOTORCYCLE OPERATOR UNDER 12. No person shall operate a motorcycle on the trail under the age of 12 years unless accompanied within voice contact by a parent, guardian or person over 18 years of age;
- 4) SNOWMOBILE OPERATOR UNDER 12. No person under the age of 12 years may operate a snowmobile unless he or she is accompanied either by a parent, guardian or by a person over 18 years of age;
- 5) MOTORIZED EQUIPMENT OPERATOR UNDER 12. No person shall operate motorized equipment on the trail unless he or she is accompanied either by a parent or guardian or by a person over 18 years of age;
- 6) 12- TO 16-YEAR-OLD ALL-TERRAIN VEHICLE OR SNOWMOBILE OPERATOR. No person who is at least 12 years of age but under 16 years of age shall operate, unaccompanied, an all-terrain vehicle or snowmobile on the trail, unless he or she has completed a safety certification course as provided in Section 23.33(5)(b) (All-Terrain Vehicles) and Section 350.05(2) (Snowmobiles), Wis. Stats., and has the certification in his or her possession;
- 7) DISPLAY OF SAFETY CERTIFICATE REQUIRED. No person operating an all-terrain vehicle or snowmobile or motorcycle or motorized equipment may refuse to display his or her safety certificate after being required to do so by a law enforcement officer or trail coordinator;
- 8) 12- TO 16-YEAR-OLD MOTORCYCLE OPERATOR AND NON-LICENSED MOTORIZED EQUIPMENT OPERATOR. No person who is at least 12 years of age but under 16 years of age shall operate, unaccompanied, a motorcycle, or motorized equipment on the trail unless he or she has completed a safety certification course as provided in Section 23.33(5)(b), Wis. Stats.; and
- 9) PROTECTIVE HEADGEAR. Any person under the age of 18 either operating or riding as a passenger on non-licensed motorized equipment, motorcycles, all-terrain vehicles or snowmobiles shall be required to wear protective headgear.

.07 NOISE AND AIR POLLUTION RESTRICTIONS

No person shall operate on the trail an all-terrain vehicle, motorcycle, snowmobile or non-licensed motorized equipment which does not meet State and Federal noise and air pollution standards.

.08 OPERATION ONLY ON DESIGNATED AREAS

No person shall operate an all-terrain vehicle, motorcycle, snowmobile or non-licensed motorized equipment on any area other than the designated and marked trail, access roads and parking lots or as designated by any authorized signs.

.09 RECKLESS OPERATION

No person shall operate an all-terrain vehicle, motorcycle, snowmobile or non-licensed motorized equipment in a reckless manner, regardless of other persons or their property as prescribed by Section 23.33(3)(a) (All-Terrain Vehicles), Section 346.62 (Motorcycles), and Section 350.01(1) and (2) (Snowmobiles), Wis. Stats.

.10 PARK AND PARKING LOT SPEED RESTRICTIONS FOR ALL-TERRAIN VEHICLES AND UNLICENSED MOTORIZED EQUIPMENT

No person shall operate an all-terrain vehicle, motorcycle or motorized equipment which is not licensed for highway use in any park or parking lot area at a speed greater than ten (10) mph.

.11 RESTRICTIONS ON OPERATION NEAR NON-MOTORIZED USERS

- 1) SPEED. No person shall operate an all-terrain vehicle, snowmobile, motorcycle or non-licensed motorized equipment in excess of ten (10) mph when within 100 feet of a person who is not on a motorized vehicle; and
- 2) RIGHT OF WAY. No person shall while operating an all-terrain vehicle, motorcycle, snowmobile or non-licensed motorized equipment fail to yield a right-of-way to non-motorized users of the trail.

.12 ALL-TERRAIN VEHICLES, MOTORCYCLE OR OTHER MOTORIZED EQUIPMENT SPEED RESTRICTIONS

No person shall operate an all-terrain vehicle, motorcycle or non-licensed motorized equipment at a speed in excess of thirty (30) mph on the trail or fifteen (15) mph on trail bridges. Snowmobile exempted.

.13 PURSUING WILD ANIMALS

No person shall while operating a snowmobile, all-terrain vehicle, motorcycle or non-licensed motorized equipment pursue any wild animal.

.14 OPERATION OF AUTOMOBILE OR TRUCK ON TRAIL

No person shall operate an automobile or truck on the trail except for automobiles or trucks used for authorized inspection, maintenance or enforcement of the trail regulations.

.15 TRAIL SIGNS

- 1) No person shall erect, remove, obscure or deface any trail sign unless authorized by the commission or its agents; and
- 2) No person shall operate any all-terrain vehicle, motorcycle, snowmobile or non-licensed motorized equipment contrary to authorized posted signs.

.16 WASTE DISPOSAL

No person shall dispose of any solid or liquid waste on or along trail.

.17 USERS TO STOP WHEN REQUESTED

No person shall refuse to stop for trail manager, Department of Natural Resources warden, sheriff or sheriff's deputy when directed or requested to do so.

.18 OPERATING UNDER INFLUENCE OF INTOXICANT OR OTHER DRUG

- 1) No person shall operate an all-terrain vehicle, snowmobile, motorcycle or non-licensed motorized equipment while intoxicated by alcohol or drugs contrary to Section 23.33(4c)-(4x) (All-Terrain Vehicles), Section 346.63(1), (2), (3) and (4) (Motorcycles) or Section 350.101 through Section 350.107 (Snowmobiles), Wis. Stats.; and
- 2) No person may refuse to provide one or more chemical tests of his or her breath, blood or urine for the purpose specified under Section .18(1).

.19 NON-MOTORIZED AND UNLICENSED MOTORIZED EQUIPMENT TRAIL USE REGULATIONS

- 1) USE AFTER DARK. No person shall use the trail after dark without displaying a light or reflective material;
- 2) HORSES ON DESIGNATED AREAS ONLY. No person shall lead or ride a horse on any area other than the designated and marked trail, access road and parking areas or as designated by authorized posted signs; and
- 3) EQUIPMENT ON NON-LICENSED MOTORIZED EQUIPMENT. Operation of non-licensed motorized equipment at any time shall require the same lighting equipment required of all-terrain vehicles. The statutory lighting provisions shall apply to non-licensed motorized equipment with the exception of go-carts who must have lighting and operator at all times.

.20 PERSONS AUTHORIZED TO ISSUE CITATIONS

Citations may be issued under these ordinances by any law enforcement officer and State Department of Natural Resources' wardens when authorized by State law.

.21 NON-EXCLUSIVITY

Adoption of this section shall not prohibit any law enforcement officer or Department of Natural Resources warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

.22 PENALTIES

- 1) Forfeitures for violation of Section .18(1) shall be in accordance with Section 23.33(13) (All-Terrain Vehicles), Section 246.65(2) (Motorcycles) and Section 350.11 (Snowmobiles), Wis. Stats.;
- 2) Penalty for violation of Sections .02, .08, .13, .14, .15, .17 and .18(2) shall be a Class 3 Forfeiture of not more than \$200.00;
- 3) Penalty for violation of Section .01, .04, .05, .07, .10, .11(1), .11(2), .12, .15(2), .16 and a second violation within a 12-month period of Section .03 shall be a Class 4 Forfeiture of not more than \$100.00; and
- 4) Penalty for violation of Section .19(1) and (2) and Section .03 shall be a Class 5 Forfeiture of not more than \$50.00.

.23 SCHEDULE OF FORFEITURES

- 1) Class One Forfeiture: Any person who violates this ordinance punishable by a Class One Forfeiture shall be subject to a forfeiture of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars;
- 2) Class Two Forfeiture: Any person who violates this ordinance punishable by a Class Two Forfeiture shall be subject to a forfeiture of not more than five hundred (\$500) dollars;
- 3) Class Three Forfeiture: Any person who violates this ordinance punishable by a Class Three Forfeiture shall be subject to a forfeiture of not more than two hundred (\$200) dollars;
- 4) Class Four Forfeiture: Any person who violates this ordinance punishable by a Class Four Forfeiture shall be subject to a forfeiture of not more than one hundred (\$100) dollars; and
- 5) Class Five Forfeiture: Any person who violates this ordinance punishable by a Class Five Forfeiture shall be subject to a forfeiture of not more than fifty (\$50) dollars.

.24 VIOLATIONS, JUDGMENTS, RESTITUTIONS

- A. A judgment obtained under the sections and subsections of this ordinance of Iowa County may be enforced in the same manner as any civil judgment. Penalties imposed for violations of said ordinances of Iowa County shall be made according to the schedule of forfeitures listed in Section .23 of the Iowa County Code as hereinafter enacted. The procedure set forth in Section 800.09, Wis. Stats., shall apply to all violations of the sections and subsections of this ordinance;
- B. Persons accused of violating the sections and subsections of this ordinance may be cited and summoned to appear in the Iowa County Circuit Court by use of one of the forms of appropriate municipal citations as set forth by Section .26 of this ordinance as hereinafter set forth. A uniform appearance deposit may be required of any person issued to a citation and summons for a violation of this ordinance as set forth in Section .27 as hereinafter enacted. Upon default in payment of the prescribed forfeiture, plus all applicable court costs and restitution, the Iowa County Circuit Court shall follow the procedures set forth in Section 800.095, Wis. Stats., including imprisonment in the County Jail for a period not to exceed ninety (90) days, performance of community service work or suspension of the person's Wisconsin operating privileges as set forth in Section 800.095(4)(b), Wis. Stats.; and

- C. If the Circuit Court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and further finds that the violation resulted in damage to the property or physical injury to a person other than the alleged violator, the Circuit Court may order restitution to be paid by the violator as part of the judgment pursuant to Section 800.093, Wis. Stats.

.25 JUVENILE PENALTIES

Any juvenile who violates this ordinance shall be subject to the penalties and dispositions prescribed by Section 48.343, Wis. Stats., except that juveniles over the age of 16 who violate Section .09 and .18 shall be subject to the penalties of Section .22 of this ordinance.

.26 UNIFORM CITATION AND SUMMONS

A Uniform County Ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged date, time and place of said violation along with a summons to appear before the Circuit Court for Iowa County at the Courthouse in Dodgeville, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form of such citation and summons shall be on file in the Office of the Clerk of Court.

Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this ordinance.

.27 UNIFORM DEPOSIT SCHEDULE

The uniform deposit on forfeitures covered under this ordinance shall be the following, plus all applicable costs in cases where court costs and penalty surcharges may be applied:

- 1) Class One Forfeiture: Two hundred fifty (\$250) dollars plus costs;
- 2) Class Two Forfeiture: One hundred (\$100) dollars plus costs;
- 3) Class Three Forfeiture: Seventy-five (\$75) dollars plus costs;
- 4) Class Four Forfeiture: Fifty (\$50) dollars plus costs; and
- 5) Class Five Forfeiture: Twenty-five (\$25) dollars plus costs.

.28 SEVERABILITY CLAUSE

If any provision or clause of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

.29 SAVING CLAUSE

This ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of State statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this ordinance may, in the exercise of his or her discretion, proceed under applicable State statutes.

.30 RESERVED FOR FUTURE USE

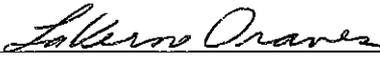
.31 EFFECTIVE DATE

This ordinance of Iowa County Code of Ordinances shall take effect upon passage and publication.

RESOLUTION

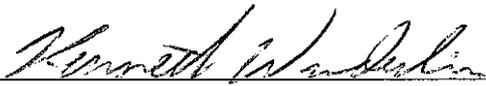
BE IT RESOLVED, that the Iowa County Committee on Legislative, Resource Development and Tourism hereby recommended, to the Iowa County Board for passage, an ordinance entitled Snowmobile, All-Terrain Vehicle, Motorcycle or Non-licensed Motorized Equipment Trail Regulations.

Dated this 19th day of March, 1998.



LaVern Draves, Vice-Chairman

Robert Mellom



Kenneth Wunderlin

**COMMITTEE ON LEGISLATIVE,
RESOURCE DEVELOPMENT AND
TOURISM**