

# SNOWMOBILE ACCESS ORDINANCE

## AN ORDINANCE TO ALLOW SNOWMOBILE ACCESS TO A SNOWMOBILE TRAIL IN THE TOWN OF OCONTO FALLS OCONTO COUNTY, WISCONSIN

The Town of Board of the Town of Oconto Falls, Oconto County, Wisconsin do ordain as follows:

### Section I. Intent

The intent of this ordinance is to provide a means for persons to travel from one snowmobile trail to another within the limits of the Town of Oconto Falls, Oconto County, Wisconsin.

### Section II. Statutory Authority

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

### Section III. Designated Roadways

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

- (a) the following listed roadways or shoulders

From Vernon Olsen's property line on Sandy Corners Road West to Club 32 where it meets the Gillett Trail.

Chestnut Road from Busy Nook to Beaver Lake east on Beaver Lake 1/4 mile and then Fireside Road north past Effenberger property to the Lena Trail.

### Section IV. Conditions.

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

### Section V. Speed

A snowmobile operated on a portion of the roadway or shoulder of a road pursuant to this ordinance shall observe

roadway speed limits.

Section VI. Enforcement:

This ordinance shall be enforced by any enforcement officer within Oconto County, Wisconsin.

Section VII Penalties

Wisconsin state snowmobile penalties as found in s.350.1 1(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 the Town of Oconto Falls Board would have passed the other provisions of the 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 IX Effective Date

This ordinance will become effective upon passage and publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year)

Town Chairman

\_\_\_\_\_

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Section IX Effective Date

This ordinance will become effective upon passage and publication.

Passed this 3 day of March, 2005 (year)

Town Chairman

Richard K. Krenner

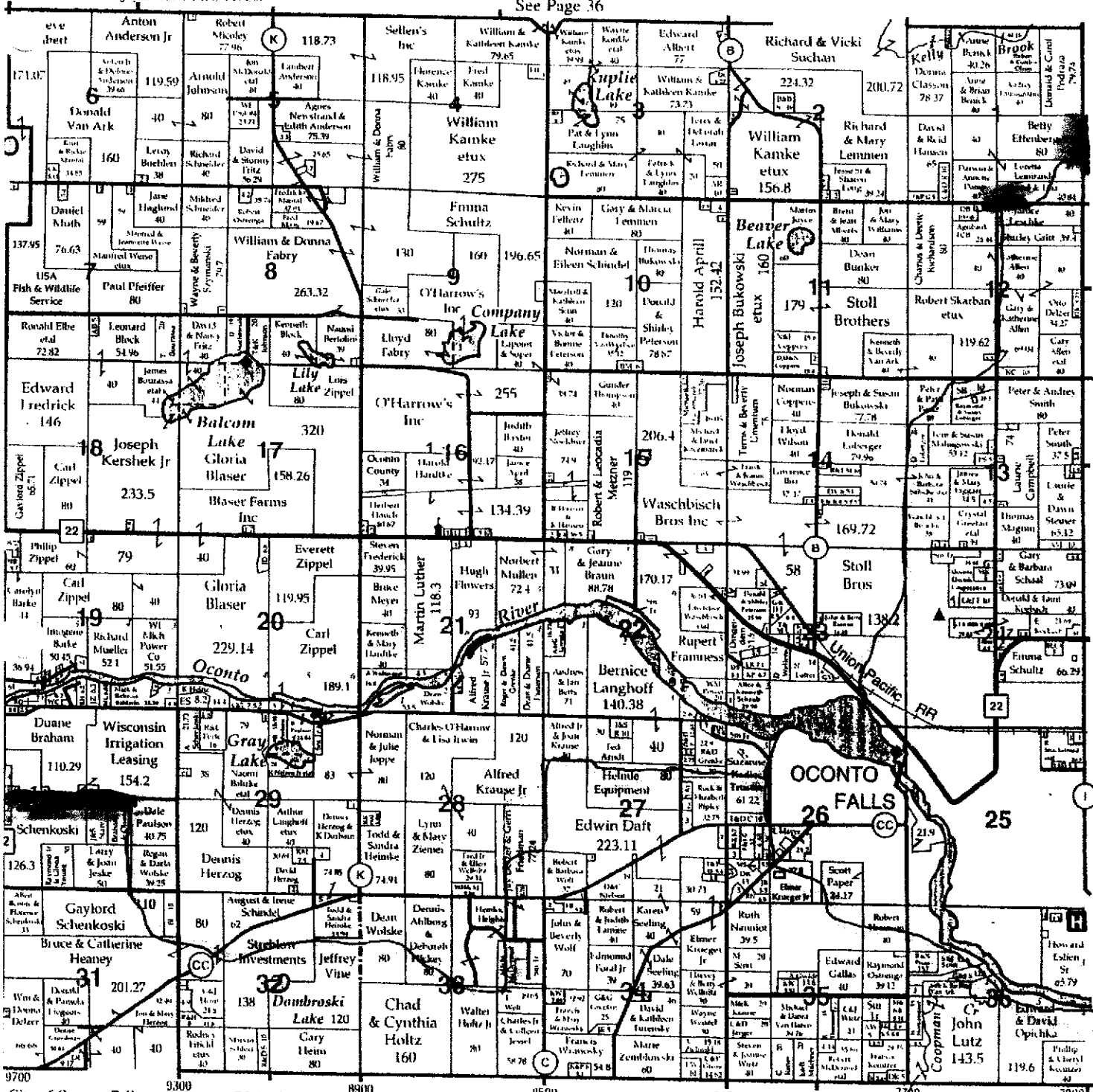
# OCONTO FALLS

*Trails*

*Sawyer Road Trail*

T.28N. - R.19E.

See Page 36



City of Oconto Falls map on page 73 for location of recycling site (\*)

See Page 14



Proudly serving all who live or work in Oconto County.

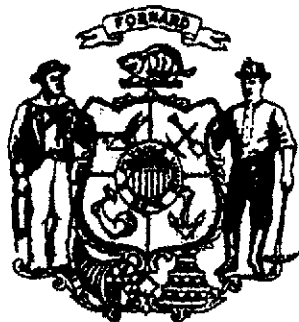
## Credit Union

301 Jackson Street  
PO Box 98  
Oconto Falls, WI 54221

603 East Main Street  
PO Box 246  
Oconto Falls, WI 54221

- Share Draft Checking •
- Share Savings • Kid's Club •
- Teen Club • Loans • Direct Deposit •
- Payroll Deduction • MasterCard •
- IRA • Safe Deposit Boxes •

# State of Wisconsin



1995 Assembly Bill 445

Date of enactment: October 24, 1995  
Date of publication\*: November 7, 1995

## 1995 WISCONSIN ACT 61

**AN ACT** to create 350.01 (9m), 350.01 (10d), 350.01 (10m), 350.02 (2) (a) 6. and 350.18 (3) of the statutes; relating to: the operation of snowmobiles on highways for the purpose of certain types of access.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 350.01 (9m) of the statutes is created to read:

350.01 (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.

**SECTION 2.** 350.01 (10d) of the statutes is created to read:

350.01 (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.

**SECTION 3.** 350.01 (10m) of the statutes is created to read:

350.01 (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.

**SECTION 4.** 350.02 (2) (a) 6. of the statutes is created to read:

350.02 (2) (a) 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 town, city or 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.

**SECTION 5.** 350.18 (3) of the statutes is created to read:

350.18 (3) (a) A town, city or village may enact an ordinance allowing the operation of snowmobiles on a roadway and shoulder of a highway for any portion of a highway that lies within the boundaries of the town, city or village for the purpose of residential access, or for the purpose of access from lodging if the town, city or village also enacts or has in effect an ordinance for the purpose of residential access.

(b) The department and the snowmobile recreational council shall jointly prepare a model ordinance as an example of an ordinance that a town, city or village may enact under par. (a).

\* Section 99(11), WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

# GUIDELINES FOR WRITING LOCAL SNOWMOBILE ACCESS ORDINANCES

## SUGGESTED GUIDELINES

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 a 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 350.11(1)(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. Stats.

#### 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, Attn. Snowmobile Section, P.O. Box 7921, Madison, Wisc. 53707 and to the office of the law enforcement agency of the municipality and county having jurisdiction over such street or highway.



**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**

1a. The intent of this ordinance is to provide a means for persons to travel from a residence within the limits of (Town/City/Village) \_\_\_\_\_ 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**

1b. 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) \_\_\_\_\_ 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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 (Town/City/Village) \_\_\_\_\_, 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 observe 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.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Year).

(Town/City/Village) Chairman  
\_\_\_\_\_

## Sec. 82.112.1. Snowmobile routes.

- (1) *General regulations.* Except as provided in Wis. Stats. §§ 350.02 and 350.045, or for **snowmobile** events authorized in accordance with Wis. Stats. § 350.04, no person shall operate a **snowmobile** upon any public right-of-way, in any public park or on any other property in the Village of Weston except upon **snowmobile** routes, trails and areas designated by the village board.
- (2) *Designated snowmobile trails, roads and/or highways.*
  - (a) *Snowmobile trails.* **Snowmobile** operation within the Village of Weston is permitted upon routes and trails designated as "**snowmobile** trails" on a map entitled "**Snowmobile** Access Corridor--10 mph Village and Town of Weston, Marathon County, Wisconsin" dated October 12, 2001, prepared by the Village of Weston Engineering Department, a copy of which is on file in the office of the village clerk.
  - (b) *Village street and highway access routes.* There is hereby established by the village board a **snowmobile** "access buffer zone" as shown and depicted on the map described in subsection 2(a) of this section. Except for the non-access roadways shown on the said map, **snowmobile** operation at speeds not exceeding ten miles per hour shall be permitted upon those village streets and roadways, and shoulders thereof, which are located within the "access buffer zone" solely as a means of providing access for persons traveling by **snowmobile** from a residence within the limits of the buffer zone to the nearest **snowmobile** trail or route closest to that residence. Any operation of a **snowmobile** on any road or street other than for immediate access to a **snowmobile** trail or route within the access buffer zone is prohibited.
- (3) *Penalty.* Any person who violates any provision of this section shall upon conviction thereof, be subject to the following forfeitures and costs.
  - (a) For a first or second violation, a forfeiture of not more than \$250.00 for each offense.
  - (b) For any person who violates any provision of this section who, within the last three years prior to the conviction for the current violation, was two or more times previously convicted for violating the same provision of this ordinance, a forfeiture of not more than \$500.00.
  - (c) In addition to the foregoing forfeitures a person convicted shall be subject to costs of prosecution and in default of payment of said forfeitures and/or costs of prosecution, imprisonment in the Marathon County Jail for a period not to exceed 90 days or until such forfeiture and costs are paid.

(Ord. of 11-20-2000, § 1; Ord. of 11-5-2001, § 1)

## **Snowmobile Operation Ordinance**

Town of Greenville

Outagamie County, Wisconsin

### **.01 Title/Purpose**

This ordinance is entitled the "Town of Greenville-Snowmobile Operation Ordinance." The purpose of this ordinance is to regulate the operation of snowmobiles within the boundaries of the Town of Greenville, Outagamie County, Wisconsin.

### **.02 Provisions**

.02(a) All regulations regarding snowmobiles enacted by the Wisconsin State Statutes, under Sections 350.01 through 350.19, shall be in full force and effect.

.02(b) Snowmobiles may be operated from private residences on all town roads only for the purpose of going to or returning from designated trails and routes using the shortest possible route.

.02(c) Snowmobiles shall not exceed speeds of 35 miles per hour or less when so posted when operated on plowed roads within the Town.

.02(d) The Town Board of Supervisors may designate Town roads as public trails for the operation of snowmobiles. Said designated roads must be marked by snowmobile route signs.

.02(e) Snowmobiles shall come to a complete stop at all road intersections within the Town.

.02(f) Snowmobiles shall be operated on the extreme right hand side of the road (shoulder), shall display a lighted headlamp and tail lamp and shall travel in single file. Snowmobile operators shall yield the right of way to other vehicular traffic and pedestrians.

.02(g) Owners of snowmobiles shall be responsible for the safe operation of their machines, whether or not they are on them.

.02(h) Operation of snowmobiles on roadways and trails within the boundaries of the Town of Greenville, Outagamie County, are limited to the dates of December 1 to March 31.

.02(i) Snowmobile operation on the designated portion of County and State roadways is limited to operators who reside on said roadways.

### **.03 Enforcement**

This ordinance shall be enforced by any law enforcement officer of Outagamie County, Wisconsin.

**.04 Penalty**

Any infringement of this ordinance shall be punishable in accordance with penalties established under Wisconsin State Statutes.

# Town of Oconto Falls

## Oconto County

Town of Oconto Falls  
November 11, 2002

Duane Magnin was present and asked if we would allow the Snowmobiles to use some of the roads where they can not get land owners to permit them to cross their land. Motion by Bud Holtz and seconded by Ronald Thomson to allow the snowmobiles to travel the ditches or edge of road on Sandy Corners from Vernon Olsen's to Club 32 where it joins the Gillett Trail. Also on Chestnut from Busy Nook to Beaver Lake east on Beaver Lake about 1/4 mile and then Fireside Road north past Betty Effenberger property over to the Lena Trail

Gwen Holtz, Clerk