

**SNOWMOBILE, ALL-TERRAIN VEHICLE MOTORCYCLE & NONLICENSED
MOTORIZED EQUIPMENT TRAIL REGULATIONS FOR THE CHEESE COUNTRY
TRAIL & PECATONICA TRAIL**

8-1-1.1 APPLICATION:

This ordinance shall control the use of the 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 nonlicensed motorized equipment as defined to include, but not be limited to, "dirt bikes, mopeds, golf carts, four and six wheeled nonregistered motorized vehicles, and go-carts". Go-carts are defined as follows:

- 8-1-1.1a 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.
- 8-1-1.1b Vehicle must have roll bar covered with bright yellow or orange padding.
- 8-1-1.1c Vehicle must have a headlight and taillight attached to the top of the roll bar operating at all times.
- 8-1-1.1d Vehicle must have a ground to floor clearance of at least nine (9") inches.
- 8-1-1.1e Vehicle must have an orange flag attached.
- 8-1-1.1f Vehicle must have knob type tires.

8-1-1.2 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 except as provided below:

8-1-1.2a Except as provided in §8-1-1.3a below or elsewhere in this Chapter, operation of all-terrain vehicles shall be permitted on the trail from November 15 through April 1 at any time there is no accumulated snow on the trail or unless otherwise posted as closed to all-terrain vehicle traffic.

8-1-1.3 CLOSED HOURS:

8-1-1.3a The trails shall be closed to all persons during the hours of 1:00 A.M. to 5:00 A.M. .

8-1-1.3b Any person violating the provisions of this ordinance for a third time within a twelve (12) month period shall, in addition to the penalties and forfeitures provided in this ordinance, be prohibited from using the trail for a period of twelve (12) months from the date of conviction of said third offense.

8-1-1.4 TRI-COUNTY TRAIL COMMISSION STICKER OR STATE REGISTRATION REQUIRED:

No person shall operate a licensed or nonlicensed motorcycle nor shall they operate any motorized equipment (including but not limited to: dirt bike, moped, golf cart, specific go-carts, and 4 and 6 wheel Odyssey, Gator, Mule, non-ATV types) on the trail without having a valid and current Tri-County Trail Commission sticker. No person shall operate a snowmobile or ATV on the trail without a current and valid State registration sticker. Horseback riders and bicyclists eighteen (18) years or older shall also be required to have a valid and current Tri-County Trail Commission sticker.

8-1-1.5 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.

8-1-1.6 OPERATION BY YOUTHFUL OPERATORS RESTRICTED:

8-1-1.6a DEFINITIONS as used in this subsection:

1. "Accompanied" means being subject to continuous verbal

direction or control while operating all-terrain vehicles as defined in s. 23.33, Wisconsin Statutes.

2. "Accompanied" for purposes of snowmobile operation means being on the same snowmobile as the operator.

8-1-1.6b ATV OPERATOR UNDER 12.

No person shall operate an all-terrain vehicle on the trail under the age of twelve (12) years unless accompanied within voice contact by a parent, guardian or person over eighteen (18) years of age as set forth in S. 23.33(5), Wisconsin Statutes.

8-1-1.6c MOTORCYCLE AND MOTORIZED EQUIPMENT OPERATORS UNDER 12.

No person under the age of twelve (12) years, unless accompanied within voice contact by a parent, guardian or person over eighteen (18) years of age, shall operate a motorcycle or any other motorized equipment on the trail.

8-1-1.6d SNOWMOBILE OPERATOR UNDER 12.

No person under the age of twelve (12) years may operate a snowmobile unless he or she is accompanied either by a parent or guardian or by a person over eighteen (19) years of age.

- 8-1-1.6e
1. SAFETY CERTIFICATION: No person ~~who is at least~~ twelve (12) years of age, but under sixteen (16) years of age shall operate, unaccompanied, an all-terrain vehicle, snowmobile, motorcycle or any other motorized equipment on the trail, unless they have completed a safety certification course as provided in s. 23.33(5)(b) (All-terrain Vehicles) and s. 350.05(2) (Snowmobiles), Wisconsin Statutes, and have the certification in their possession.

2. DISPLAY OF SAFETY CERTIFICATE REQUIRED. No person operating an all-terrain vehicle or snowmobile or motorcycle may refuse to display his or her safety certificate after being requested to do so by a law enforcement officer or trail coordinator.

8-1-1.6f PROTECTIVE HEAD GEAR.

Any person under the age of eighteen (18) either operating or riding as a passenger on nonlicensed motorized equipment, motorcycles, all-terrain vehicles or snowmobiles shall be required to wear protective head gear.

8-1-1.7 NOISE AND AIR POLLUTION RESTRICTIONS:

No person shall operate an all-terrain vehicle, snowmobile, motorcycle or nonlicensed motorized equipment unless that vehicle is equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. Forest Service.

8-1-1.8 OPERATING ONLY ON DESIGNATED AREAS:

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

8-1-1.9 RECKLESS OPERATION:

No person shall operate any all-terrain vehicle, motorcycle, snowmobile or nonlicensed motorized equipment in a reckless manner, regardless of other persons or their property as prescribed by s. 23.33(3)(a)(All-terrain Vehicles), s. 346.62 (Motorcycles), and s. 350.10(1) and (2) (Snowmobiles), Wisconsin Statutes.

8-1-1.10 PARK AND PARKING LOT SPEED RESTRICTIONS FOR ATVS AND UNLICENSED MOTORIZED EQUIPMENT:

No person shall operate an all-terrain vehicle or any motorized equipment which is not licensed for highway use in any park or parking lot area at a speed greater than five (5) mph.

8-1-1.11 RESTRICTIONS ON OPERATING NEAR NON-MOTORIZED USERS:

8-1-1.11a SPEED. No person shall operate an all-terrain vehicle, motorcycle or nonlicensed motorized equipment in excess of ten (10) mph when within one hundred (100) feet of a person who is not on a motorized vehicle.

8-1-1.11b **RIGHT OF WAY.** No person shall while operating an all-terrain vehicle, motorcycle, snowmobile or nonlicensed motorized equipment fail to yield the right-of-way to nonmotorized users of the trail.

8-1-1.12 ATV, MOTORCYCLE OR OTHER MOTORIZED EQUIPMENT SPEED RESTRICTIONS:

No person shall operate an all-terrain vehicle, motorcycle or any nonlicensed motorized equipment at a speed in excess of thirty (30) mph on the trail or fifteen (15) mph on trail bridges. It is intended that snowmobiles are exempt from this section.

8-1-1.13 PURSUING WILD ANIMALS:

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

8-1-1.14 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.

8-1-1.15 TRAIL SIGNS:

8-1-1.15a No persons shall erect, remove, obscure or deface any trail sign unless authorized by the commission or its agents.

8-1-1.15b No person shall operate any all-terrain vehicle, motorcycle, snowmobile or nonlicensed motorized equipment contrary to authorized posted signs.

8-1-1.16 WASTE DISPOSAL:

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

8-1-1.17 USERS TO STOP WHEN REQUESTED:

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

8-1-1.18 OPERATING UNDER INFLUENCE OF INTOXICANT OR OTHER DRUG:

No person shall operate an ATV, snowmobile, motorcycle or any nonlicensed motorized equipment while intoxicated by alcohol or drugs contrary to s. 23.33(4c)-(4x) (ATVs), s. 346.63(1, (2), (3) and (4) (Motorcycles) or s. 350.101 through s. 350.107 (Snowmobiles), Wisconsin Statutes.

8-1-1.19 NON-MOTORIZED AND UNLICENSED MOTORIZED EQUIPMENT TRAIL USE REGULATIONS:

8-1-1.19a USE AFTER DARK. No person shall use the trail after dark without displaying a light or reflective material.

8-1-1.19b HORSES ON DESIGNATED AREAS ONLY. No person shall lead or ride a horse on any other than the designated and marked trail, access road and parking areas or as designated by authorized posted signs.

8-1-1.19b EQUIPMENT ON NONLICENSED MOTORIZED EQUIPMENT. Operation of nonlicensed motorized equipment at any other time shall require the same lighting equipment required of all-terrain vehicles. The lighting provisions of Wisconsin Statutes pertaining to licensed motorcycles and all-terrain vehicles shall also apply to all nonlicensed motorized equipment, with the exception of go-carts which are governed by the provisions of s. 8-1-1.1 of this ordinance.

8-1-2.1 PERSONS AUTHORIZED TO ISSUE CITATIONS:

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

8-1-2.2 NON-EXCLUSIVITY:

Adoption of this section 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 under this section.

8-1-2.3 PENALTIES:

- 8-1-2.3a Forfeitures for violation of Section 8-1-1.8a shall be in accordance with s. 23.33(13) (ATVs), S. 346.65(2) (Motorcycles) and S. 350.11 (Snowmobiles), Wisconsin Statutes.
- 8-1-2.3b Penalty for violation of Sections 8-1-1.2, 8-1-1.8, 8-1-1.9, 8-1-1.13, 8-1-1.14, 8-1-1.15 and 8-1-1.17, shall be a Class 3 forfeiture of not more than \$200.00.
- 8-1-2.3c Penalty for violation of Sections 8-1-1.1, 8-1-1.4, 8-1-1.5, 8-1-1.7, 8-1-1.10, 8-1-1.11a, 8-1-1.11b, 8-1-1.13, 8-1-1.15b, 8-1-1.16 and a second violation within a twelve (12) month period of Section 8-1-1.3 shall be a Class 4 forfeiture of not more than \$100.00.
- 8-1-2.3d Penalty for violation of Section 8.19 A. and B. and Section 8.03 shall be a Class 5 forfeiture of not more than \$50.00.

8-1.2.4 SCHEDULE OF FORFEITURES:

- 8-1-2.4a CLASS ONE FORFEITURE:

Any person who violates this ordinance punishable by Class One forfeiture shall be subject to a forfeiture of not less than one hundred (\$100.00) nor more than five hundred (\$500.00) dollars.
- 8-1-2.4b 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 (\$500.00) dollars.
- 8-1-2.4c 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

(\$200.00) dollars.

8-1-2.4d 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 (\$100.00) dollars

8-1-2.4e 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 (\$50.00) dollars.

8-1-2.5 VIOLATIONS, JUDGMENTS, RESTITUTIONS:

8-1-2.5a A judgment obtained under the sections and subsections of Chapter 8 of the Lafayette County Code may be enforced in the same manner as any civil judgment. Penalties imposed for violations of said ordinances of Lafayette County shall be made according to the schedule of forfeitures listed in Section 8-1-2.4 of the Lafayette County Code as hereinafter enacted. The procedure set forth in S. 800.09, Wisconsin Statutes, shall apply to all violations of the sections and subsections of Chapter 8 of the Lafayette County Code.

8-1-2.5b Persons accused of violating such ordinances may be cited and summoned to appear in the Lafayette County Circuit Court by use of one of the forms of appropriate municipal citations as set forth by Section 8-1-2.7 of the Lafayette County Code as hereinafter set forth. A uniform appearance deposit may be required of any person issued a citation and summons for a violation of any ordinance enacted under Chapter 8 of the Lafayette County Code as set forth in Section 8-1-2.8 of the Lafayette County Code as hereinafter enacted. Upon default in payment of the prescribed forfeiture plus all applicable court costs and restitution, the Lafayette County Circuit Court shall follow the procedures set forth in S. 800.095, Wisconsin Statutes, including imprisonment in the County Jail for a period not to exceed ninety (90) days, performance of a community service work or suspension of the person's Wisconsin operating privileges as set forth in S. 800.095(4)(b), Wisconsin Statutes.

8-1-2.5c 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 S. 800.093, Wisconsin Statutes.

8-1-2.6 JUVENILE PENALTIES:

8-1-2.6a Any juvenile who violates this Section shall be subject to the forfeitures prescribed in subsection 8-1-2.3 and 8-1-2.4 of this Section except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.

8-1-2.6b Upon default of payment of any forfeiture imposed by this Section, a court may order any license issued to a juvenile under Chapter 29 of the Wisconsin Statutes suspended or may order the child's operating privileges as defined in subsection 340.01(40) of the Wisconsin Statutes suspended for not less than thirty (30) days or more than ninety (90) days. Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financially able to pay the amount of the forfeiture and shall allow up to twelve (12) months for the juvenile to make payment. The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first thirty (30) days after the license is suspended, the suspension shall be reduced to the minimum period of thirty (30) days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.

8-1-2.7 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 and date, time and place of said violation along with a summons to appear before the circuit court for Lafayette County at the courthouse in Darlington, 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.

8-1-2.8 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.

8-1-2.8a	<u>Class One Forfeiture:</u>	Two hundred fifty (\$250.00) dollars plus costs.
8-1-2.8b	<u>Class Two Forfeiture:</u>	One Hundred (\$100.00) dollars plus costs.
8-1-2.8c	<u>Class Three Forfeiture:</u>	Seventy-five (\$75.00) dollars plus costs.
8-1-2.8d	<u>Class Four Forfeiture:</u>	Fifty (50.00) dollars plus costs.
8-1-2.8e	<u>Class Five Forfeiture:</u>	Twenty-five (\$25.00) dollars plus costs.

8-1-2.9 SEVERABILITY CLAUSE:

If any provisions 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.

8-1-2.10 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.

8-1-3.1 EFFECTIVE DATE:

This ordinance, Chapter 8, of the Lafayette County Code of Ordinances shall take effect upon passage and publication.

The County Board of Supervisors of the County of Lafayette, Wisconsin, in legal session assembled, does hereby repeal Chapter 8-1 and re-ordain and adopt Chapter 8-1 of the Lafayette County Code of Ordinances as amended as follows:

I, Linda L. Bawden, Clerk of the County of Lafayette, State of Wisconsin, do certify that this Ordinance was adopted by the Lafayette County Board of Supervisors at a meeting held on November 9, 2004.



Linda L. Bawden
Lafayette County Clerk