

AN ORDINANCE REGULATING
THE USE AND OPERATION
OF SNOWMOBILES AND
ALL TERRAIN VEHICLES
IN THE TOWN OF PLYMOUTH

The Town Board of the Town of Plymouth do ordain as follows:

Section 1. Statutory and regulatory provisions adopted by reference. A. Except as otherwise specifically provided in this ordinance, the statutory provisions in Chapter 350 of the Wisconsin Statutes 1989-1990 describing and defining regulations with respect to snowmobiles, 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 ordinance as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutory regulations in Chapter 350 incorporated herein are deemed to be made part of this ordinance by reference.

B. Except as otherwise specifically provided in this ordinance, the statutory provisions in Section 23.33, Wisconsin Statutes 1989-1990, and the rules promulgated thereunder, describing and defining regulations with respect to all-terrain vehicles, 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 ordinance as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutory regulations in Section 23.33, Wisconsin Statutes, and the rules promulgated thereunder, are deemed to be made a part of this ordinance by reference.

Section 2. Operation on public property prohibited. No person shall operate a snowmobile or all-terrain vehicle upon any public street, boulevard, alley, sidewalk, public park, playground, athletic field, parking lot, or any and all other public lands in the Township except in those areas specifically designated for the operation of snowmobiles and all-terrain vehicles.

Section 3. Operation on private property prohibited. No person shall operate a snowmobile or all-terrain vehicle upon the private property of another located within the Township boundaries without the express consent of the owner of the property or his agent. Failure to post private property is not implied consent for the operation of snowmobiles or all-terrain vehicles on said property.

Section 4. Other regulation of snowmobiles and all-terrain vehicles. A. No owner or other person having charge or control of a snowmobile or an all-terrain vehicle shall knowingly authorize or permit any person to operate such vehicle who is incapable, by

reason of age, physical or mental disability, or is under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

B. No person shall operate a snowmobile or an all-terrain vehicle in such a manner that the exhaust of the motor makes an excessive or unusual noise.

Section 5. Penalty for violation. A. Forfeiture Penalty. The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided, together with applicable court costs, penalty assessments and surcharges if any, provided by statutes applicable to violations of state snowmobile statutes, or provided by statutes applicable to violations of state all-terrain vehicle statutes or regulations, respectively. Payment of the judgment and applicable costs, assessments and surcharges may be suspended by the sentencing court for not more than sixty days. Any person eighteen years of age or older who shall fail to pay the judgment may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such judgment is paid, but not exceeding sixty days.

B. Other Sanctions. Nothing in this ordinance shall preclude or affect the power of the sentencing court to exercise additional authority granted by the Wisconsin Statutes to impose other sanctions on a person as provided by law.

C. Forfeitures for Violation of Snowmobile Statutes Incorporated by Reference. Forfeitures for violations of snowmobile statutes incorporated by reference shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this ordinance for any offense described in Chapter 350 of the Wisconsin Statutes for which an imprisonment penalty or fine may be imposed upon the defendant.

D. Forfeitures for Violation of All-terrain Vehicle Statutes and Rules Incorporated By Reference. Forfeitures for violations of all-terrain vehicle statutes and rules incorporated by reference shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute or rule, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this ordinance for any offense described in Section 23.33 of the Wisconsin Statutes for which an imprisonment penalty or fine may be imposed upon the defendant.

E. Other Violations. Any person who shall violate any provision of this ordinance for which a penalty is not otherwise established by this section shall be subject to a forfeiture not less than ten dollars nor more than one hundred dollars.


F. Deposits. Persons arrested or cited for a violation of this ordinance shall be permitted to make deposits and stipulations of no contest as upon a traffic citation. The deposit shall be the amount specified by the uniform state traffic deposit schedule of the Wisconsin Judicial Conference for violations of statutory provisions adopted by reference, and fifty dollars for violations

of other provisions of this ordinance, together with applicable court costs, assessments and surcharges, if any.

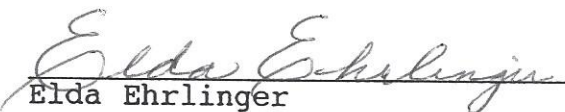
Section 6. Severance clause. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Effective date. This ordinance shall be posted in three public places in the Town after its passage and shall take effect one week after proof of posting has been filed and recorded by the Clerk.

TOWN OF PLYMOUTH

By: 
Duane C. Van Keuren
Town Chairman

ATTEST:


Elda Ehrlinger
Town Clerk

Adopted: April 7, 1992
Published by Posting: April 8, 1992