

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Snowmobile Safety Regulation Ordinance

Code Section(s) created, <del>amended</del> , or <del>repealed</del>	<u>9.095</u>
Presented to Board by	<u>Town Attorney</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>None</u>
Date adopted	<u>December 5, 2005</u>
Vote	<u>3-0</u>
Date of posting of adoption of ordinance	<u>December 12, 2005</u>
Date of publication of adoption of ordinance	<u>December 10, 2005</u>

**ORDINANCE NO. 2005-01**  
**SNOWMOBILE SAFETY REGULATION ORDINANCE**

**WHEREAS**, the Town of Cottage Grove (“Town”) is vested with the express authority, duty and responsibility to maintain, care for and supervise all Town Highways under Wis. Stat. § 60.50(2) and 82.03(1); and

**WHEREAS**, snowmobiles may be operated outside of and adjacent to a roadway with due regard for safety along a Town highway pursuant to Wis. Stat. § 350.02(2)(b)2.; and

**WHEREAS**, the Town is authorized to exercise village powers, which include protection of the health, safety and welfare of the public, as well as the management and control of streets and highways; and

**WHEREAS**, pursuant to express authority under Wis. Stat. § 86.06(1), whenever any highway is unsafe for travel, the authority in charge of maintenance and construction thereof (meaning the Town in case of Town highways), may keep it closed by maintaining barriers at each end of the closed portion; and

**WHEREAS**, based on the Town’s authority to manage and control its own highways, and its authority to act in the best interest of the public’s health, safety and welfare, the Town may review and assess the safety of snowmobiles operating along its highways, establish regulations for the operation of snowmobiles with due regard for safety, and determine where and under what conditions snowmobiles may be operated with due regard for safety.

**NOW THEREFORE**, in consideration of the above recitals, which are expressly incorporated herein by reference, the Town Board of the Town of Cottage Grove does ordain and create Section 9.095 of the Town of Cottage Grove ordinances as follows:

## **09.095 SNOWMOBILE SAFETY REGULATION**

### **(1) AUTHORITY AND PURPOSE**

This ordinance is intended to regulate and control the use of Town roads, highways and streets within the Town limits; to review and assess the safety of snowmobiles operating along its roads, highways and streets; establish regulations for the operation of snowmobiles with due regard for safety; and determine where and under what conditions snowmobiles may be operated with due regard for safety. The ordinance is established pursuant to the authority granted to the Town in Wisconsin Statutes including, but not limited to, Wis. Stat. §§ 60.50(2), 82.03(1), and 86.06(1), and Chapters 60, 82, 86, 349, and 350. The purpose of this ordinance is to promote the general welfare, health and public safety of Town residents and users of the Town streets and highways.

### **(2) SNOWMOBILE SAFETY REGULATIONS**

In the event that the Town Board determines that safety concerns or safety hazards exist with respect to the operation of snowmobiles along Town highways or portions thereof, the Town may enact, by resolution or further ordinance, regulations for the safe operation of snowmobiles along Town highways. Such regulations may include but are not limited to, speed control, right-of-way controls, yielding and stop signs, noise limits, and/or closure of Town highways or portions thereof to snowmobile access. In the event such regulations are enacted, any person violating such regulations may be subject to penalty as set forth in section 3 below.

### **(3) PENALTY**

In addition to, and separate from, any liability resulting from any negligent actions, or violations of any applicable state statute, violations of this ordinance shall be punishable as class D forfeiture under s. TCG 25.04.

### **(4) SEVERABILITY**

The provisions of this section are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience, and shall be liberally construed to effectively carry out its purposes. If any subsection, phrase, sentence or other portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and such holding shall not affect the validity of the remaining portions thereof.

This ordinance shall take effect upon passage and publication.

Adopted this 5th day of December, 2005, by a vote of 3 for and 0 against.

**TOWN OF COTTAGE GROVE**

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Kris Hampton, Town Chair

ATTEST:

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Kim Banigan, Town Clerk

Approved as to form this  
\_\_\_\_\_ day of December, 2005.  
**ANDERSON & KENT, S.C.**

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Constance L. Anderson, Esq.  
Cottage Grove Town Attorney