

ORDINANCE NO. 2010-04

Ordinance Amending Section 7.10 of the Municipal Code in respect to Snowmobile Trail Grooming Machines

WHEREAS, in order to avoid any damage to Town property, Town roads, shoulders to Town roads, and in Town road right-of-ways, and in order to avoid the build-up of snow on Town roads where snowmobile trails cross Town roads, which may be caused Snowmobile Trail Grooming Machines, and in order to allow the grooming of snowmobile trails established pursuant to Wis. Stats. Ch. 350 and the Wisconsin Department of Natural Resources, and in order to protect Town property and provide a remedy for damage to Town property and for the accumulation of snow on Town roads caused by Snowmobile Trail Grooming Machines;

NOW, THEREFORE, the Town Board of the Town of Kewaskum, do ordain as follows:

Section 7.10(5) of the Municipal Code shall be amended as follows:

- (5) **Snowmobile Trail Grooming Machines Regulated.**
- (a) Operation of Snowmobile Trail Grooming Machines Generally. Except as set forth in Section (5)(b) below, it shall be unlawful to operate any Snowmobile Trail Grooming Machines, tractors, machinery, or the like (hereinafter collectively “Snowmobile Trail Grooming Machines”) on any Town property, including but not limited to any Town roads, Town road right-of-ways, Town road shoulders, Town parks, Town parking lots, or any other Town property (hereinafter collectively “Town Property”) which are not specifically designated and established snowmobile trails pursuant to Wis. Stats. Ch. 350 and the Wisconsin Department of Natural Resources.
- (b) Operation of Snowmobile Grooming Machines on Town Roads and Crossing Town Roads. Notwithstanding Section (5)(a) above, it shall be unlawful to operate any Snowmobile Grooming Machines on Town Roads except to cross a Town road. When crossing a Town road, the operator of a Snowmobile Grooming Machine must: (1) execute the crossing in the most direct manner practicable where the snowmobile trail crosses the Town road; (2) execute the crossing at a place where no obstruction prevents a quick and safe crossing; (3) stop the Snowmobile Grooming Machine prior to the crossing and raise/lift the trail grooming apparatus and keep the trail grooming apparatus raised/lifted throughout the entire crossing of the Town road; (4) yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway; and (5) not deposit any snow onto the Town road. Prior to the operation of any Snowmobile Trail Grooming Machines across Town roads, the individual operator of said Snowmobile Trail Grooming Machine, or any club, association, or entity, maintaining any said snowmobile trails located in the Town as set forth above shall notify the Town of all locations where the Snowmobile Trail Grooming Machine will cross Town roads.

- (c) Proof of Insurance. Prior to operating any Snowmobile Trail Grooming Machine on any Town Property, the individual operator, club, association, or entity responsible for the maintenance of snowmobile trails located within the Town shall provide the Town with a certificate of insurance, or other proof of insurance which insures said operator, club, association and/or other entity against any and all damage to Town Property caused by the operation of Snowmobile Trail Grooming Machines in the Town.
- (d) Costs of Repair and Costs of Additional Snow Plowing. In addition to the penalty provisions provided in Section (7) below, in the event Town Property is damaged as a result of a violation of this Section, the Town shall be entitled to reimbursement of all of its costs to restore, repair, and remedy such damage to Town Property from the individual causing such damage and/or the club, association, or entity maintaining said snowmobile trails located in the Town. In addition to the penalty provisions provided in Section (7) below, in the event snow accumulates where Snowmobile Trail Grooming Machines cross Town roads and said accumulation is due to the Snowmobile Trail Grooming Machines depositing snow on Town roads, the Town shall be entitled to reimbursement of the costs of any additional or extra snow plowing caused by such accumulation from the individual causing such damage and/or the club, association, or entity maintaining said snowmobile trails located in the Town.
- (e) Notice and Circuit Court Action. Within ten (10) days of restoring, repairing, or remedying any such damage, or performing additional or extra snow plowing, the Town shall send notice to the person, club, association, or entity causing such damage directing said person, club, association, or entity to pay the costs of said snow plowing, or restoration and/or repair costs associated with such damage within ten (10) days, or provide a bond for the repairs if it is not practical to make the repairs within said ten (10) days due to weather or other circumstances. In the event said snow plowing or restoration and/or repair costs are not paid within ten (10) days of the date of the notice, the Town may commence an action in Circuit Court to collect said costs, including the Town's reasonable attorney fees in bringing said Circuit Court action. Notice shall be deemed given if sent via certified mail, return receipt requested.

Dated this _____ day of _____, 2010.

Ellis R. Kahn, Chairman

Allen E. Hron, Supervisor

Daniel H. Schmidt, Supervisor

Introduced: _____, 2010

Adopted: _____

Attest: _____
Nancy Boden, Clerk