

Sequential Ordinance No. 1043 (8/03)

Codification Ordinance No. 505

ORDINANCE REGULATING SNOWMOBILES AND DESIGNATING SNOWMOBILE ROUTES AND TRAILS

The Common Council of the City of Ashland does ordain as follows:

505.10 Definitions

505.11

"Snowmobile" means any engine driven vehicle of a type which utilizes sled type runners or skis; or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include such vehicles which are either manually propelled or driven by a motor of 4 horsepower or less and operated only on private property.

505.12

"Snowmobile Route" means a highway or street designated for use by snowmobile operators by the City of Ashland.

505.13

"Snowmobile Trail" means a marked route on public property or on private lands subject to the public easement or lease designated for use by snowmobile operators by the City of Ashland but excluding highways except those highways on which the roadway is not normally maintained for other vehicular traffic by the removal of snow.

505.20

The provisions of Wisconsin Statutes 350.02 to 350.05, 350.08 to 350.107, 350.11, 350.13, 350.135, 350.15 to 350.17, 350.19 and 350.99 and subsequent amendments thereto are adopted by reference.

505.30 Snowmobile Routes and Trails

505.31 Ingress and Egress Routes

505.311A

The East-West Trail System for snowmobile ingress and egress to and through the City of Ashland shall be as follows:

The Burlington Northern abandoned railroad bed, also known as the Tri-County Corridor Trail from the western boundary of the City of Ashland city limits to Sanborn Avenue; also, a second trail from the Tri-County Trail on the west boundary of city of Ashland to 22nd Avenue West; thence southeasterly upon 22nd Avenue West to 3rd Street West; thence easterly to City owned lot 18 of Phillips Addition; thence south

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along the easterly 25' of said lot and continue south through City owned lot 8 of Phillips addition to Junction Road; thence east upon Junction Road to the junction of the Tri-County Trail and Sanborn Avenue; whence it becomes the East/West Recreational Corridor from this point to the alley in Block 172, Ellis Division along the 5th Street right-of-way; thence southerly along said alley to Lot 13, Block 172, Ellis Division; thence easterly through Lot 13 to Stuntz Avenue; thence across Stuntz Avenue to the Mickelson property (described as Lots 5, 6, & 7 of Block 173, Ellis Division) along a 25' wide path parallel to the Wisconsin Central Railroad right-of-way; thence continuing in an easterly direction along said rail right-of-way to City owned Lots 1, 2, 3, & 4 of Block 173, Ellis Division to the platted but unopened 6th Street East right-of-way between Block 173 and Block 184, Ellis Division, thence northeasterly upon 6th Street East to platted but unopened 7th Street East; thence northeasterly upon 7th Street East to Ball Park Road; thence continuing northeasterly upon Ball Park Road to platted but unopened 7th Street East; thence continuing northeasterly upon 7th Street East which veers due east to City owned Parcel #3768, Lake Shore Addition; thence upon said Parcel to the Chicago and Northeastern abandoned railroad right-of-way to the east boundary of the City of Ashland.

505.312

Spurs from the Snowmobile Trail to Lake Superior shall be described as follows:

1. Turner Road from the abandoned Chicago and Northwestern Railroad right-of-way north to Maslowski Beach; and,
2. Prentice Avenue from the 5th Street East/West Recreational Corridor north to Sunset Park
3. Bayview Route from Bayview Park to the Main Trail

505.32 Routes to the Corridor and to Business District

All avenues, north and south alleys located north of the east-west recreation corridor are open for snowmobile traffic to and from the business district and to and from the corridor except as provided in Section 505.33.

505.33 Snowmobile Traffic Prohibited

Snowmobile traffic is prohibited on the following streets and avenues:

- a) Second Street from 9th Avenue West to Stuntz
- b) Beaser Avenue from Second Street to Binsfield Road
- c) U.S. Highway 2
- d) State Highway 13
- e) Ashland County Highways 137 and 112

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505.34 Residential Snowmobile Traffic Permits

505.341

Snowmobile traffic on City streets by residents south of the east-west recreation corridor is prohibited except by permit.

All residents of the City of Ashland south of the east-west recreation corridor will be required to obtain a written permit from the Ashland Police Department showing the shortest route to the east-west recreation corridor on which they must travel to ingress and egress to the trails or the business district.

505.342

The operator of the snowmobile must carry this permit with him/her at all times that he/she is operating the snowmobile. The operator may be required to display this permit to law enforcement officials. Permits are not transferable.

505.35

Signs shall be erected on each highway entering the City of Ashland describing the snowmobile routes and those streets or highways not open to snowmobile traffic. The signs shall conform to the regulations of the State of Wisconsin of Transportation and Natural Resources.

505.351

The Ashland Snowmobile Club Inc. has sole responsibility to erect signs along trails and routes in Ashland City limits. The signs shall conform to regulations of the State of Wisconsin Department of Transportation, Department of Natural Resources, and the City of Ashland.

Informational signs will be 6" tall and 24" wide. Lettering, figures and borders will be reflective white. The background will be brown along trails, and green along routes.

505.36

Snowmobile routes or trails may be changed, amended or revoked by resolution of the Common Council of the City of Ashland.

505.37

The State of Wisconsin, Department of Transportation, shall be sent a copy of this ordinance and any resolution changing, amending or revoking any snowmobile routes hereunder.

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505.40

The provisions of the Agreement between the City of Ashland and the Ashland Snowmobile Club, Inc. are hereby approved and incorporated herein, a copy of said Agreement being attached hereto as Exhibit B.

505.50

Every person operating a snowmobile upon a snowmobile route in the City of Ashland shall ride as near to the right side of the roadway as practicable. "Roadway" for purposes of this section means that portion of a road, street or highway which is improved, designed or ordinarily used for vehicular traffic and including the berm or shoulder.

505.51

Persons riding snowmobiles upon a snowmobile route shall ride single file.

505.52

Wherever a usable path for snowmobiles has been provided adjacent to a roadway, snowmobile riders shall use path and shall not use the roadway.

505.53

No person shall operate a snowmobile on any route designated by this ordinance in a speed in excess of ten (10) miles per hour or as posted.

505.54

All snowmobiles shall be required to have running lights on at all times while operating within the limits of the City of Ashland.

505.55

All snowmobiles shall stop prior to entering or crossing each and every intersection in the City of Ashland.

505.56

All snowmobiles shall stop prior to crossing any street, avenue, sidewalk or highway in the City of Ashland.

505.57 Age Restrictions/Snowmobile Safety Permits

No person under the age of 12 years may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over 18 years of age. No person over the age of 12 years but under the age of 16 years may operate a snowmobile unless he or she holds a valid snowmobile safety certificate or is accompanied by a person over 18 years of age or by a person over 14 years of age

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having a snowmobile safety certificate issued by the Department of Natural Resources. Any person who is over the age of 12 and under the age of 16 who holds a snowmobile safety certificate shall carry it while operating a snowmobile and shall display it to a law enforcement officer on request. For purposes of this section, "accompanied" means being on the same snowmobile as the operator.

505.58 Hours

- 1) Snowmobiles shall not be allowed to operate within the City of Ashland between the hours of 10:00 p.m. and 6:00 a.m. Sunday through Thursday.
- 2) Snowmobiles shall not be allowed to operate within the City of Ashland between the hours of 12:00 midnight and 6:00 a.m. Friday and Saturday.

505.59

Each snowmobile operator operating the snowmobile on the City of Ashland snowmobile routes does so at his or her own risk and is advised to maintain adequate liability insurance covering his or her snowmobile operation.

505.60

The penalties for violation of this ordinance shall be as provided by Wisconsin Statute 350.11 and any subsequent amendments thereto.

505.70 Severability

The several features, parts, provisions, sections and terms of this ordinance are hereby declared independent and severable, and the invalidity, if any, of any feature, part, provision, section or term thereof, shall not affect the remainder of this ordinance inoperative or invalid. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

505.80 Effective Date

This ordinance shall take effect and be in force from and after its passage and publication.

505.90

Ordinance 999 is hereby repealed.

EXHIBIT B

AGREEMENT


The City of Ashland (hereinafter City) and the Ashland Snowmobile Club, Inc., (hereinafter Snowmobile Club), in consideration of the designation and establishment of the 5th Street corridor trail in the City of Ashland and to protect the interests of the public, agree as follows:

1. **The Snowmobile Club shall erect and maintain all snowmobile trail signs' required by the laws of the City of Ashland, State of Wisconsin, and requirements of the State of Wisconsin, Departments of Transportation and Natural Resources. The erection and maintenance of the signs shall be done at the expense of the Ashland Snowmobile Club and at no cost to the City of Ashland. The Snowmobile Club expressly assumes all liability arising from the signing requirements of this paragraph.**
2. **The Snowmobile Club shall construct and maintain all snowmobile trails in a safe condition. The construction and maintenance of the trails shall be done at the expense of the Snowmobile Club and at no cost to the City. No other organization, except the City of Ashland, shall be allowed to groom or maintain trails covered under the terms of this agreement without the written consent of the Snowmobile Club. The Snowmobile Club expressly assumes all liability arising from the requirements of this paragraph.**
3. The Snowmobile Club shall obtain and maintain all public easements or leases for snowmobile trails on private lands. The Snowmobile **Club** shall file copies of all written public easements or leases for snowmobile trails on private lands in the office of the City Clerk. The Snowmobile Club expressly warrants that the public easements and leases for the snowmobile trails on private lands which are depicted on the "Map of Ashland, Wisconsin Snowmobile Routes and Trails" are valid and that the City shall sustain no liability or damage as a result of its designating them as snowmobile trails. All costs of obtaining and maintaining all public easements or leases for snowmobile trails on private lands shall be borne by the Snowmobile Club.
4. The Snowmobile Club agrees to indemnify and hold the City of Ashland harmless from any loss or liability from bodily injuries, property damages, trespass or claims or causes of action of any sort, arising from the designation, construction, maintenance, use, signing, and/or the public easements or leases of the trails in the City of Ashland. The Snowmobile Club agrees to indemnify and hold the City of Ashland harmless from any loss or liability from bodily **injuries** or property damages arising from the signing or failure to sign the snowmobile trail in the City of Ashland.
5. The Snowmobile Club agrees to maintain, at its expense, a policy of public liability insurance designating the City as a co-insured protecting the City and the Snowmobile Club **from** liability for property damage or bodily injury or other claims or causes of action arising from the designation,

construction, maintenance, use, signing and/or public easements or leases of the snowmobile trails in the City of Ashland. The policy of insurance shall have limits of at least \$300,000.00 for bodily injury and **\$50,000.00** for property damage. A copy of the policy shall be filed with the City Clerk.

Ashland Snowobile Club

Mike **Kinney**, President


Lois Lang, Secretary


Witness

Date

3-4-92

rom

City of Ashland


James S. Monroe, Sr., Mayor


Carol A. Larson, City Clerk

Witness

Date