

CHAPTER 13 – SNOWMOBILES AND OFF-ROAD VEHICLES

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CHAPTER 13 – SNOWMOBILES AND OFF-ROAD VEHICLES

13.1 SECTION 1: PURPOSE

13.1.1 The purpose of this ordinance is to provide for the safe use and operation of all off-road vehicles within the boundaries of the Red Cliff Reservation.

13.2 SECTION 2: GENERAL DEFINITIONS

13.2.1 General Definitions: The definitions in Chapter 340 of the Wisconsin Statutes and are hereby incorporated by reference.

13.2.2 Off-Road Vehicle: An off-road vehicle is any snowmobile, all-terrain vehicle, mini bike, dirt bike, or other motorized vehicle designed primarily for off-road use.

13.3 SECTION 3: GENERAL RESTRICTIONS

The following provisions shall govern use of off-road vehicle on lands within the boundaries of the Red Cliff Reservation.

13.3.1 No non-member shall operate any snowmobile, mini bike, dirt bike or other vehicle designed primarily for off-road use, on Tribal land without the consent of the Tribal Council or owner of said land.

Exception: Non-members may utilize Bayfield County certified snowmobile trails within the boundaries of the reservation.

13.4 SECTION 4: AGE RESTRICTIONS

The following provisions shall govern the operation of off-road vehicles by persons under the age of eighteen (18).

13.4.1 Persons under the age of 12:

- (1) No person under the age of 12 may operate an off-road vehicle unless he or she is operating the off-road vehicle for agricultural purpose **and** under the supervision of a person 18 years of age or older.
- (2) No person under the age of 12 may operate an off-road vehicle on any roadway, under any circumstances, within the boundaries of the Red Cliff Reservation.

Persons age 12 to 16:

- (1) No person who is at least 12 years of age but under 16 years of age may operate an off-road vehicle unless he or she is accompanied by a person 18 years of age or older, and holds a valid all terrain safety certificate and/or snowmobile safety certificate issued by the State of Wisconsin or an off-road vehicle safety certificate issued by the Red Cliff Band of Lake Superior Chippewa Indians, or the off-road vehicle is being operated for agricultural purposes.
- (2) No person who is at least 12 years of age but under 16 years of age may operate any off-road vehicle on any roadway within the boundaries of the Red Cliff Reservation, regardless of whether he or she is accompanied by a person 18 years of age or older, unless he or she holds a valid all terrain safety certificate and/or a snowmobile safety certificate issued by the Red Cliff Band of Lake Superior Chippewa Indians.

EXCEPTIONS: Paragraphs (a) and (b) do not apply to a person who operates an off-road vehicle exclusively on land under the management and control of the person's immediate family.

13.4.2 **Helmet and Eye Protection:** No person under the age of 18 may operate any off-road vehicle unless he or she is wearing a helmet and eye protection. The face shield of a helmet may be considered eye protection.

13.4.3 No person who owns or has control of an off-road vehicle may allow any person under the age of 18 to operate an off-road vehicle, under their protection, in violation of this section.

13.5 **SECTION 5: RESTRICTIONS**

13.5.1 **Red Cliff Housing Authority Areas:**

- 1) No one shall operate any snowmobile, mini bike, or other vehicle designed for off-road use on any road within the Red Cliff housing development for purposes other than entering or leaving the housing development, or at a rate of speed exceeding 10 miles per hour.

13.5.2 **Playgrounds and Ball Fields:**

- 1) No one shall operate any off-road vehicle within the confines of a park, playground, pow-wow grounds, or ball field.

Exception: The exception to this provision is if the person is using the off-road vehicle to perform work within these areas.

13.5.3 The operator of any of the above mentioned vehicles shall slow his/her vehicle to a speed not to exceed 10 miles per hour and yield the right of way when traveling within 100 feet of a person who is not any of the above-mentioned vehicles.

13.5.4 Areas of Operation:

All off-road vehicles may only be operated in those areas provided for in this ordinance.

13.5.5 Lights:

- 1) All off-road vehicles shall have operating headlights.
- 2) All off-road vehicles being operated during the hours of darkness or operated during daylight hours on any roadway shall display a lighted headlamp and tail lamp.

13.5.6 At trail and roadway intersections, the above-mentioned vehicles shall stop and yield to all traffic and observe all traffic laws.

13.5.7 No person may operate an off-road vehicle with a passenger under the age of 18 unless the passenger wears a helmet and eye protection.

13.5.8 No person may operate an off-road vehicle unless the person wears eye protection.

13.6 SECTION 6: REGISTRATION

13.6.1 a) All persons who reside within the boundaries of the Red Cliff Reservation, and own, or have in their control, an off-road vehicle shall register said off-road vehicle with the Red Cliff Wardens on a form provided by the Red Cliff Wardens by November 1, 2001.

b) Thereafter, registration shall occur within five (5) working days of gaining control or ownership of an off-road vehicle.

c) There shall be no fee for registering an off-road vehicle.

Note: Registration of an off-road vehicle within the Tribe does not negate the need to register said vehicles with the State of Wisconsin under 23.33(2) Wis. Stats.

13.6.2 Any person who brings an off-road vehicle within the boundaries of the Red Cliff Reservation with the intent of being on the Reservation for five (5) or more days shall register said vehicle with the Red Cliff Wardens. There shall be no fee for registering an off-road vehicle.

13.6.3 There is no requirement to register off-road vehicles owned by the Tribe and used for official tribal business.

13.7 SECTION 7: ROADWAYS

Off-road vehicles may be operated adjacent to or on a roadway with regard to safety in the following manner:

13.7.1 At the distance of five (5) feet or more from the traveled portion of the roadway, except that all roads within the reservation boundaries excluding Highway 13 shall be open to snowmobiles.

13.7.2 On the roadway to cross a bridge, or culvert but shall yield the right of way to all vehicular traffic.

13.7.3 Directly across any roadway but only after stopping and yielding the right of way to all vehicles approaching the crossing path.

13.7.4 All off-road vehicles traveling adjacent to a roadway shall not exceed roadway speed limits.

13.7.5 No off-road vehicle may be operated on Highway 13 except as provided in section 13.7.3 of this ordinance.

13.8 SECTION 8: MANNER OF OPERATION

No person shall operate off-road vehicles in the following manner:

13.8.1 At a rate of speed that is unreasonable and improper.

13.8.2 In a careless way so as to endanger the person or property of another.

13.8.3 In such a way that the machine makes an excessive or unusual noise.

13.8.4 Between the hours of 10:30 p.m. and 7:00 a.m. within 150 feet of a dwelling unit at a rate of speed exceeding 10 miles per hour.

13.8.5 With any firearm in his/her possession unless it is unloaded and enclosed in a carrying case or any bow, unless it is unstrung or enclosed in a carrying case.

13.8.6 On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for off-road vehicle use.

13.9

SECTION 9: PENALTIES

13.9.1

Upon conviction for a first offense:

- a) Any person who violates the provisions of this section may be assessed a civil forfeiture of not more than \$5,000.00. Additional penalties may include but not be limited to community service, restitution, or confiscation and impoundment of a vehicle used in the commission of the offense. Failure to satisfy a judgment may result in the suspension of a person's privilege to operate an off-road vehicle within the boundaries of the Red Cliff Reservation until the judgment is satisfied.
- b) The parent, guardian, or custodian of a person under the age of 18 may be held responsible for the satisfaction of judgments issued for violations committed by the person under age 18.

13.9.2

Where an individual has been convicted of more than two (2) offenses of this chapter within a one-year period of time, the Court shall consider the following:

- a) The Court may impose conditions for the further use of off-road vehicles within the boundaries of the Red Cliff Reservation.
- b) The Court may order the individual to appear before the Red Cliff Tribal Council to explain why they should be allowed to continue to operate an off-road vehicle within the boundaries of the Red Cliff Reservation.

13.9.2

The Court may impose such other penalty they deem just and proper including, but not limited to, community service, restrictions on operation of an off-road vehicle, and restitution for any damage caused by the use of an off-road vehicle.