

**LAKETON TOWNSHIP
MUSKEGON COUNTY
MICHIGAN**

NOTICE OF ADOPTION SNOWMOBILE REGULATION ORDINANCE BY THE FOLLOWING TOWNSHIPS: CASNOVIA, DALTON, FRUITPORT, HOLTON, LAKETON, MOORLAND, RAVENNA AND SULLIVAN.

PLEASE TAKE NOTICE that the Township Boards of Casnovia, Dalton, Fruitport, Holton, Laketon, Moorland, Ravenna and Sullivan have adopted the following Snowmobile Ordinance:

An Ordinance to protect the public health, safety and general welfare under the authority of Michigan Public Acts No. 246 of 1945 and NO. 74 of 1968, as both are amended, by regulating the operating of snowmobiles as defined in said ordinance with the township of (each of the above named), Muskegon County, Michigan; to provide for the enforcement of said ordinance and penalties for the violation of the same; and to amend or repeal any other ordinances or parts of ordinances in conflict therewith.

The Township Board of (each of the above named) Township, County of Muskegon, Michigan, ordains:

SECTION I. NAME

This Ordinance shall hereafter be known and cited as the "SNOWMOBILE REGULATION ORDINANCE" of the Township of (each of the above named).

SECTION II. PURPOSE

The purpose of the within ordinance is to regulate and control the operation and use of snowmobiles within the said township for the protection of the health, safety and general welfare of the residents, property owners, visitors and others within said township, and is adopted under the authority of Michigan public Acts No. 246 of 1945 and No. 74 of 1968, as both such acts have been amended to the date of the adoption of the within ordinance.

SECTION III. DEFINITIONS

The following terms, when used in the within ordinance, shall have the following meaning:

- a) "Operator" means any person who operates or is in actual physical control of a snowmobile.
- b) "Owner" MEANS ANY OF THE FOLLOWING:
 - 1. A person who holds the legal title to a snowmobile.
 - 2. A vendee or lessee of a snowmobile which is the subject of an agreement for the constitutional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
 - 3. A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.

- c) "Operate" means to ride in or on and be in actual physical control of the operation of a snowmobile.
- d) "Person" means an individual, partnership, corporation, the state and any of its agencies or subdivisions, and any body of persons whether incorporated or not.
- e) "Snowmobile" means any motor driven vehicle designed for travel primarily on snow or ice 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. It is not a vehicle which must be registered under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948.
- f) "Dealer" means any person engaged in the sale, lease or rental of snowmobiles as a regular business.
- g) "Highway or street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- h) "Roadway" means that portion of a highway improved, designated, or ordinarily used for vehicular travel. If a highway includes 2 or more separate roadways the term roadway refers to any such roadway separately, but not to all such roadways collectively.
- i) "Right of way" means that portion of a highway less the roadway and any shoulder.
- j) "Shoulder" means that portion of a highway on either side of the roadway which is normally snowplowed for the safety and convenience of vehicular traffic.
- k) "Zone 2" means that area north of a line drawn starting at westerly terminus of River Road, thence north and east along the center line of River Road to its intersection with M-120; thence northeasterly and easterly along the center line of highway M-120 to the Muskegon County line.
- l) "Zone 3" means the area south of the line described in (k) above.

SECTION IV. REGULATIONS

No person shall operate and no owner or dealer shall permit the operation of any snowmobile under the following conditions, circumstances or at the following locations.

- a) Upon a public highway, land used as an airport or street, or on a public or private parking lot not specifically designed for the use of snowmobiles, except under the following conditions and circumstances:
1. In Zone 2 a person may operate a snowmobile on the right of way of a public highway, except a limited access highway, if it is operated at the extreme right of the open portion of the right of way and with the flow of traffic on the highway.
 2. In Zone 2 a person may operate a snowmobile on the roadway or shoulder when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the roadway or should and the driver yields the right of way to any approaching vehicle on the highway.
 3. In Zone 3 a person may operate a snowmobile when it is impracticable to gain immediate access to an area adjacent to a public highway, on the right of way adjacent and parallel to the roadway for the sole purpose of gaining access to and from the area of operation by the most direct route. Loading or unloading of the snowmobile shall be accomplished with due regard to safety at the nearest possible point to the area of operation.
 4. A person may operate a snowmobile across a public highway other than a limited access highway, at right angles to the highway, for the purpose of getting from one area to the other when crossing the highway at the same time in the same general area. Such person shall bring his snowmobile to a complete stop before proceeding across any public highway and shall yield the right of way to all oncoming traffic.
 5. A person may operate a snowmobile on a highway in a county road system, which is not normally snowplowed for vehicular traffic, and on any snowplowed highway in the county road system which is designed and marked for snowmobile use by the county road commission having jurisdiction.
 6. The supervisor, any police officer or ordinance or law enforcement officer may authorize the use of a snowmobile on a public highway or street when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.
 7. A person may operate a snowmobile on a street or highway for a special event of limited duration, conducted according to a pre-arranged schedule, if he or she first obtains a permit from the township board which shall only be granted if said board is of the opinion that the same can be operated in a safe, non-destructive manner and without thereby creating a nuisance or hazard to persons or property.
- b) On private property not owned, leased or under the control of the operator unless the operator has the express consent of the owner, lessee, or other person in control of said property, except in case of an emergency when other means of travel are not feasible or possible.
- c) On public school grounds, parks, playgrounds, recreational areas, golf courses and other public lands (other than state owned lands where such operation is authorized by statute) without the express consent of the public authority in charge of such lands or premises, except where such operation is absolutely necessary in an emergency when other means of travel are not feasible or possible.

- d) At a speed greater than is reasonable and proper, having due regard for conditions then existing.
- e) While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
- f) During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and a lighted tail light.
- g) In any forest nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or as a natural dedicated area.
- h) On the frozen surface of public waters within 100 feet of a person, including but not limited to a skater, not in or upon a snowmobile, or within 100 feet of a fishing shanty or shelter, except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen water.
- i) Unless the snowmobile is equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA (decibels on the "A" scale) on a sound meter having characteristics defined by American Standards Association SI, 4-1966 "General Purpose Sound Meter".
- j) Within 100 feet of a dwelling between 12:00 midnight and 6:00 A.M. at a speed greater than minimum required to maintain forward movement of the snowmobile.
- k) In or upon premises which are fenced, otherwise enclosed in a manner to exclude intruders, posted in a conspicuous manner or when notice against trespass is personally communicated to the operator by the owner of the premises or other authorized persons.
- l) In any area on which public hunting is permitted during the season open to the taking of deer with firearms from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., except during an emergency, for lawful enforcement purposes, to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operations, or on the operator's own property or property under his control or as an invited guest of an owner or person in control of said property.
- m) While transporting thereon a bow, unless unstrung, or a firearm, unless securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.
- n) On or across a cemetery or burial ground.
- o) Within 100 feet of a slide, ski or skating area, except for the purpose of servicing the area or for medical emergencies
- p) On a railroad or a railroad right of way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.
- q) Unless it has at least one headlight, one tail light and adequate brakes capable of stopping the snowmobile on packed snow, carrying an operator weighing 175 pounds or more in not more than 40 feet from an initial steady speed of 20 miles per hour or unless it has operable mechanisms capable of locking the snowmobile's traction belt or belts.
- r) At any time for use in hunting, pursuing, worrying or killing a wild bird or animal.
- s) Unless all travel on the roadway or should of a road is single file. The operator of any snowmobile overtaking another snowmobile proceeding in the same direction shall pass only when safe to do so and at a safe distance to the left of the overtaken snowmobile.

When safely clear of such overtaken snowmobile, the passing snowmobile shall take up a position as near to the right edge of the roadway or shoulder as is practical.

- t) Operators of a snowmobile shall comply with the following conditions, limitations and restrictions with respect to age.
 1. No person under to age of 12 shall operate a snowmobile except under the direct supervision of an adult and when on land owned or under the control of such adult.
 2. No person between the age of 12 and 16 may operate a snowmobile unless such operator is under the direct supervision of a person who is 18 years of age or older; or unless the operator has in his immediate possession a snowmobile safety certificate issued pursuant to state law; or is operating the same upon land owned or under the control of the operator's parent or legal guardian.
 3. No person under the age of 12 years of age shall operate a snowmobile across a highway or street. No person between the ages of 12 years and 16 years shall operate a snowmobile across a highway or street unless the operator has a valid snowmobile safety certificate issued to the operator pursuant to the laws of the State of Michigan in his possession.
 4. Any person who operates a snowmobile who is less than 16 years of age in violation of the within ordinance may upon reporting of such violation to the Director of Natural Resources of the State of Michigan by any judge of a juvenile court (after trial or acceptance of plea of guilty) have his snowmobile safety certificate forthwith suspended by said director.
 5. No owner of a snowmobile nor parent or legal guardian of a person under the age of 16 shall permit the use of a snowmobile by such person in violation of the within ordinance.
- u) It shall be unlawful to park or leave standing any snowmobile, attended or unattended upon the roadway or shoulder of a highway, except in an emergency or mechanical difficulty. Any police officer finding a snowmobile standing upon such roadway or shoulder is authorized to remove said snowmobile or require the operator or other person in charge of the snowmobile to move it. The necessary cost for such removal shall become a lien upon such snowmobile and the person into whose custody the snowmobile is given may retain it until the expenses involved have been paid.
- v) A dealer shall maintain in safe operating condition all snowmobiles, rented, leased or furnished by him. The dealer, his agent or employees shall explain the operation of the snowmobile being rented, leased or furnished and if such dealer, his agent or employee believes the person to whom the snowmobile is to be rented, leased or furnished is not competent to operate such snowmobile with competency to himself and to the safety of others, he shall refuse to rent, lease or furnish the same.
- w) The operator of a snowmobile involved in an accident resulting in injuries to or death of any person, or property damage in an estimated amount of \$100.00 or more shall immediately by the quickest means of communication notify a state police officer or officers, or the sheriff's office of the county wherein the accident occurred, or to the office of the police department of the municipality wherein the accident occurred. The police agency receiving the notice shall complete a report of the accident on forms prescribed by the director of the department of state police and forward the report to the department of state police.

SECTION V. ENFORCEMENT

Any police officer, peace officer or ordinance enforcement officer of the township is authorized to issue appearance tickets for violations of the within ordinance pursuant to Sections 9A to 9E

of Chapter 4 of Act No. 175 of the Public Acts of Michigan for 1927, as amended, being Section 764.9a to 764.9e of the Compiled Laws of 1948. In any proceedings involving a violation of this Act, the registration number displayed on a snowmobile shall constitute prima facie evidence that the owner of the said snowmobile was the person operating the same at the time of the offense.

SECTION VI. SAVINGS CLAUSE

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION VII. PENALTIES

Any violation of this ordinance shall constitute a misdemeanor and any person, firm, or corporation found guilty of such violation shall be fined in the discretion of the court up to \$500 or imprisoned in the county jail for up to 90 days or both. Each day that a violation continued to exist shall constitute a separate offense.

Any person guilty of a violation of the within ordinance shall also be subject to civil proceedings for damages and or injunctive relief by the township or any person, firm, or corporation injured or damaged by such violation.

Both criminal and civil proceedings may be commenced against a person violating the within ordinance and commencement of any such proceedings shall not constitute an election of remedies preventing the commencement of the other proceedings against such violator.

SECTION VIII. CONFLICTING PROVISIONS

Any ordinance or part of an ordinance in conflict herewith is hereby repealed.

SECTION IX. EFFECTIVE DATE

This ordinance shall take effect thirty days from date of publication.

By the respective Township Clerks:

Township of Laketon Township
Adopted: December 11, 1972
Ordinance No. 10

Published Dec. 20, 1972