

Ordinance 122 - 11

CODE OF ORDINANCES, VILLAGE OF PORT AUSTIN, MICHIGAN

An Ordinance to Regulate the Operation of Snowmobiles in the Village of Port Austin.

Section 1. As used in this ordinance, the following definitions shall apply:

- (a) “Owner” means any of the following:
 - 1. A person who holds the legal title to a snowmobile in his name.
 - 2. A Vendee or lessee of a snowmobile which is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vended or lessee.
 - 3. A person renting a snowmobile, or having exclusive use of a snowmobile, for more than 30 days.
- (b) “Operator” means any person who operates or is in actual physical control of a snowmobile.
- (c) “Operate” means to ride in or on, or to be in actual physical control of a snowmobile.
- (d) “Snowmobile” means a motor-driven vehicle for travel primarily on snow or ice, of a type which utilizes sled-typ runners or skis, an endless belt tread, or any combination of these, or similar means of contact with the surface on which it is operated.
- (e) “Street” means the entire width between the boundary lines of every way publicly maintained within the Village of Port Austin when any part thereof is open to the use of the public for purposes of vehicular travel including the shoulders and nonpaved areas thereof.
- (f) “Public Property” means property owned, leased or otherwise controlled by this government unit, including parks, parking lots, and recreational areas.

- (g) “Private Property Open to the Public” means property which is privately owned but is open to public access.

Section 2: Registration: No snowmobile shall be operated within the Village of Port Austin unless registered in accordance with the provisions of Act 74 of 1968 of the Public Acts, as amended, of the State of Michigan and identification numbers must be displayed as required thereby.

Section 3: Operation on Public Property: Snowmobiles may be operated on Village streets, alleys, and right-of-ways between the hours of 8:00 a.m. and 11:00 p.m. with the following exception:

- (a) Snowmobiles may not be operated on M-53 (commonly known as Van Dyke).
- (b) Snowmobiles may not be operated on M-25 (commonly known as Port Austin Road).
- (c) No person shall operate a snowmobile on public property:
 - (1) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing and in no event
 - (2) In excess of ten (10) miles per hour.
 - (3) Without having on his or person a valid Motor Vehicle Operator’s License except as allowed in Section 8.
 - (4) While under the influence of intoxicating liquor or narcotic drugs, barbitol, or any derivative of barbitol.
 - (5) In any cemetery or in any established public park or recreation area unless specifically designated for operation of snowmobiles by the Village Council.
 - (6) On private property without consent of the property owner or his agent.
 - (7) With more than the designated occupant/passenger capacity on a snowmobile.
- (d) Any person operating a snowmobile on a Village street must:
 - (1) Come to a complete stop at all intersections.
 - (2) Travel as close to the right edge of the ;owed area of the street as practical.
 - (3) Obey all traffic signals, signs and devises.
 - (4) Yield the right-of-way to all vehicular traffic and pedestrians
 - (5) Travel single file.

- Section 4. Careless Operation: No person shall operate a snowmobile in the Village of Port Austin in a careless or negligent manner likely to endanger any person or property.
- Section 5. Equipment: A snowmobile shall not be operated unless it has at least one (1) headlight, one (1) tail light, and adequate brakes capable of one of the following while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more; stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles per hour, or locking the snowmobile's traction belt or belts.
- Section 6. Notice of Accident: 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 One Hundred Dollars (\$100.00) or more, or some person acting for him, or the owner of the snowmobile having knowledge of the accident shall immediately by the quickest means of communication notify the Police Department of the Village of Port Austin, a State Police Officer or Officers of the Sheriffs Office of Huron County.
- Section 7. Damage to Property-Owner's Liability: Any snowmobile operated within the Village of Port Austin will be presumed to be operated with the consent of the owner.
- (a) The owner of a snowmobile may be held jointly and severally liable with the driver thereof for damages arising out of the negligent or improper operation of his snowmobile.
 - (b) The owner of a snowmobile may be held jointly and severally liable with the driver thereof for three (3) times the amount of damages to trees, shrubs, landscaping or personal property occurring on private property and caused by said snowmobile where the snowmobile is operated without the consent of the property owner or his agent.
- Section 8. Age Restrictions: A parent or legal guardian shall not permit his or her child who is less than 12 years of age to operate a snowmobile without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian.
- (a) A person who is at least 12 but less than 16 years of age may operate a snowmobile if one of the following conditions exists.
 - (1) The person is under the direct supervision of a person who is 18 years of age or older.
 - (2) The person has in his or her immediate possession a snowmobile safety certificate issued pursuant to MCLA 257.1512.

- (3) The person is on land owned or under the control of his or her parent or legal guardian.
- (b) A person who is operating a snowmobile pursuant to Section 8(a)(2) shall present the snowmobile safety certificate to any peace officer upon demand.
- (c) Notwithstanding Section 8, an operator who is less than 16 years of age shall not cross a highway or street. An operator who is at least 12 years of age but less than 16 years of age may cross a highway or street only if he or she has a valid snowmobile safety certificate in his or her immediate possession.
- (d) When the judge of a Juvenile Court determines that a person who is less than 16 years of age has violated this Ordinance, the judge shall immediately report the determination to the Department of Natural Resources. The Director of the Department of Natural Resources upon receiving a notice of a determination pursuant to this subsection may suspend the certificate without a hearing.

Section 9. Confiscation of Snowmobiles: Any machine operated contrary to or in violation of any provisions of this Ordinance or contrary to or in violation of any provisions of Public Act 74 of 1968 of the Public Acts as amended, of the State of Michigan by one other than the owner of the snowmobile who can prove such ownership, or being operated with defective equipment may be confiscated at the direction of a police officer. In the event a snowmobile is confiscated, the owner of the snowmobile must pay the costs of transportation, towing, and prove ownership of the snowmobile before it will be released to him.

- (a) Sale of Confiscated Snowmobiles: If a snowmobile confiscated by or at the direction of a Police Officer as provided in this Ordinance is not claimed as set forth in Section within a period of 160 days from the date of such confiscation, the Port Austin Village Police Department may cause said machine to be sold at public auction without further notice to the owner thereof. The proceeds of such sale shall be first applied to the costs incurred in confiscation and sale of said machine and the balance shall be deposited in the Village of Port Austin General Fund.

Section 10. Prohibited Operations: MUFFLERS: The snowmobile must be equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from 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 S1, 4-1 966 "general purpose sound meter" A snowmobile manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 82 DBA of the 1970 Society of Automotive Engineers Code J-1962. A snowmobile manufactured after July 1,

1977, and sole or offered for sale in this State shall not exceed 78 decibels of sound pressure at 50 feet as measured under the 1974 Society of Automotive Engineers Code J-192a.

- Section 11. Permit Others to Operate: No person shall knowingly authorize or permit a snowmobile owned by him, or under his control to be driven by any person in violation of any of the provisions of this Ordinance.
- Section 12. Severability: If any section or part of this Ordinance is declared inoperative and void by any Court of competent jurisdiction, such declaration or decision of said Court shall not affect the remainder of the Ordinance, but such remaining section shall be held valid for the intent and purpose herein set forth.
- Section 13. Violation - Misdemeanor: Any person who violates the provisions of this Act is guilty of a misdemeanor and may be ordered to pay a fine of not more than \$500.
- Section 14. Publication and Effective Date: This ordinance shall become effective 20 days after publication in a newspaper of general circulation within the Village of Port Austin.

Date of Adoption:

Date of Publication:

Effective Date:

VILLAGE PRESIDENT

VILLAGE CLERK