

Motion by Eckloff supported by Stubenrauch to adopt the following Snowmobile Ordinance for Keweenaw County (2010-1):

COUNTY OF KEWEENAW
STATE OF MICHIGAN
Snowmobile Ordinance
ORDINANCE NO. 2010-1

An ordinance to regulate and control the operation of snowmobiles in Keweenaw County, Michigan.

SECTION I. NAME

This ordinance shall hereafter be known and cited as the "Snowmobile Ordinance" of Keweenaw County, Michigan.

SECTION II. PURPOSE OF ORDINANCE

The purpose of this ordinance is to regulate and control the operation of snowmobiles within a specific area within Keweenaw County, Michigan, and except as otherwise provided herein, Keweenaw County adopts the laws of the State of Michigan governing the use of snowmobiles being Act. No. 74 of the Public Acts of 1968 (MCLA 324.82101 et seq.), as amended.

SECTION III. DEFINITIONS

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

- a.) "Operate" means to ride in or on, and be in actual physical control of the operation of a snowmobile.
- b.) "Operator" means a person who operates or is in actual physical control of a snowmobile.
- c.) "Person" means an individual, corporation, the state and any of its agencies, or subdivisions, and any body of persons whether incorporated or not.
- d.) "Owner" means any of the following:
 - (1) A person who holds legal title to a snowmobile;
 - (2) A vendor or lessee of a snowmobile which is the subject of an agreement for sale or lease;
 - (3) A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.
- e.) "Snowmobile" means any motor driven vehicle designed 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.) "Road, Highway or Street" means a county primary and seasonal road or county local road as described in Section 5 of 1951 PA51, MCLA 247.655.
- g.) "Right of Way" means that portion of a highway less the roadway and any shoulder.
- h.) "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.
- i.) "Unplowed portion of roadway" means the portion of the roadway which the road commission has deposited the roadway snow.
- j.) "Road Commission" means the Keweenaw County Road Commission.
- k.) "County" means Keweenaw County.

SECTION IV. OPERATIONS

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

- a.) Upon a public roadway, highway, street or on a public or private parking lot not specifically designed for the use of snowmobiles, except under the following circumstances:
 - (1) The shortest distance to and from the designated snowmobile trail and the "persons" home or lodging and/or local businesses.
 - (2) The roadway, highway or street under the control of the "Road Commission", approved by the Road Commission for roadway access and /or use of the right of way by September of each year.
- 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 taillight.
- 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 a 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 standard or stock muffler in good working order.
- 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.) On or across a cemetery or burial ground.
- m.) Unless it has at least one headlight, one taillight 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.
- n.) Unless all travel on the roadway or shoulder of a road in 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.
- o.) Operators of a snowmobile shall comply with the following conditions, limitations and restrictions with respect to age.
- (1) No person under the 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 a 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.
- p.) 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.
- q.) 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.
- r.) 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.
- s.) Travel on the designated roadways, highways, streets and/or tracts shall be from December 1 through March 31 of each year.
- t.) The Road Commission retains the right to prohibit designated travel upon roadways, highways and streets at any time said travel becomes contrary to the best interest of the Road Commission and the condition of the roadways, highways and streets.
- u.) All necessary signage shall be placed by the Keweenaw Tourism Council one (1) week prior to the start of the season and removed one (1) week after the end of the season.

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 at 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 Keweenaw County Clerk.

County of Keweenaw, Michigan.

Board polled: Ayes: Eckloff, Stubenrauch, Keith, Fouts, Langdon. Nays: None. Motion carried.