

CITY OF MUNISING

OPERATION OF SNOWMOBILES AND OFF-ROAD VEHICLES

ORDINANCE NO. 2005 - 02

An Ordinance to regulate and control the operation of snowmobiles and off road vehicles (ORVs) within the limits of the City of Munising, State of Michigan:

THE CITY OF MUNISING ORDAINS:

SECTION 1. Purpose of Ordinance. The purpose of this ordinance is to regulate and control the operation of snowmobiles and ORVs within the limits of the City of Munising and, except as otherwise provided herein, the City of Munising adopts the laws of the State of Michigan governing the use of snowmobiles, being Act. No. 74 of the Public Acts of 1968, as amended and ORVs Act #319 of the Public Acts of 1975, as amended. **Attached to this Ordinance is "Appendix A", a map of the area where Use of Snowmobiles and ORVs is Prohibited.**

SECTION 2. Definitions. As used in this ordinance, the following words shall be defined as follows:

(A) Snowmobile: Any motorized vehicle designed for travel primarily on snow and ice, steered by wheels, skis or runners.

(B) Alley: Any dedicated public way affording secondary means of access to abutting property.

(C) Street or Highway: 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.

(D) Operator: Any person who operates or is in actual physical control of a snowmobile or ORV.

(E) Operate: To ride in or on and to control the operation of a snowmobile or ORV.

(F) ORV: ORV means a motor driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to a multi-tract or multi-wheel drive or low pressure tire vehicle, an amphibious machine, a ground effect air cushioned vehicle, or other means of transportation deriving motor power from a source other than muscle or wind. "ORV" or "vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

(G) Roadway: That portion of a street or highway ordinarily used for vehicular travel.

(H) Right of Way: That portion of a street or highway less the roadway and any shoulders.

(I) Unqualified Operator: Any person operating a snowmobile or ORV who is under the age of 16 years unless that person is under the immediate supervision of a parent, guardian, or other person 18 years of age or older.

SECTION 3. Operations. Within the City limits of Munising, no snowmobile or ORV shall be operated.

(a) except in a single file, with the flow of traffic, and at the far right hand side of the alley, street, or highway being traveled;

(b) in a careless or reckless manner or in any way that endangers any person or any property;

(c) at a rate of speed greater than 10 mph;

(d) by anyone under the influence of intoxicating liquor or any controlled substance, or by anyone whose ability to operate said snowmobile or ORV may be impaired thereby;

(e) by anyone transporting thereon a firearm, unless the same be securely encased: and

(f) by an unqualified operator, as that term is defined in this ordinance.

SECTION 4. Seasonal Operation Only. Snowmobiles and ORVs may be operated within the City of Munising, as provided herein, from November 1<sup>st</sup> until April 30<sup>th</sup>, inclusive, each year. ORV's may be operated from January 1<sup>st</sup> until December 31<sup>st</sup> inclusive, each year.

SECTION 5. Hour Regulations. No snowmobiles or ORVs shall be operated on the alleys, streets, or highways within the City of Munising between the hours of 11:00 p.m. and 6:00 a.m. of the prevailing local time, except as follows: snowmobiles and ORVs may be operated between the hours of 11:00 p.m. and 2:00 a.m. of the prevailing local time on Brook Street, South of M-28; Grand Street; Varnum Street between Brook and Cedar Streets; Cedar Street; Mill Street; H-58, East of Bay Street; Bay Street; that part of Trail # 419 that follows M-28, East of the City; the alley between Munising Avenue and Superior Street from M-28 to Lynn Street; Prospect Street from Brook Street to the Anna River Snowmobile Bridge; the alley between Superior Street and Onota Street from M-28 to Birch Street; and Birch Street between the alley between Munising Avenue and Superior Street and the alley between Superior Street and Onota Street. **A map showing the areas of allowed use past 11:00 p.m. is attached to this Ordinance as Appendix "B".**

SECTION 6. Street Crossings. All snowmobiles or ORVs shall come to a complete stop before proceeding, at right angles, across any public sidewalk, alley, street, highway, or intersection. All snowmobiles and ORVs shall yield the right-of-way to car, truck and pedestrian traffic. Towing of sleds, toboggans or other such device occupies by people is prohibited while crossing a public street.

SECTION 7. Street Travel. No snowmobiles or ORVs shall be operated on the streets, roadways, highways, or rights-of-way of the City, which are used for vehicular traffic. Except where permission for such operation may be given by the City Commission by special proclamation, and, at such times, no snowmobile or ORV shall be operated except on the days designated and in the areas set forth by said special proclamation. And except as is provided in Section 8 of this Ordinance.

SECTION 8. Operation Upon Street or Highways. For the sole purpose of reaching designated snowmobile/ORV operating areas from a point where snowmobiles or ORVs are unloaded from a trailer or from a residential storage area, or to return to this location, a snowmobile or ORV may be operated upon the alleys, streets, and highways of the City that are not designated as prohibited on Appendix "A". Under no circumstances shall any snowmobile or ORV be operated on any portion of the highways, streets, or alleys of the City identified as prohibited on Appendix "A". Operation shall be allowed on the shoulder of H-58 and Connors Road marked in a dotted line on said map. Designated North and South crossing areas to and from Munising Bay are at Maple and Cherry streets for use in crossing Munising Avenue and Superior Streets.

"Designated snowmobile/ORV operating areas" are limited to groomed trails and Munising Bay.

SECTION 9. Duty to Stop. Upon request or signal of a police officer a snowmobile or ORV operator shall immediately stop his snowmobile or ORV in a safe place and outside of the flow of traffic.

SECTION 10. Stock Mufflers, Lights, Helmet. All snowmobiles and ORVs must be equipped with stock mufflers in good operating condition, except for special events authorized by special proclamation of the City Commission. All snowmobile/ORVs shall be operated within the City with headlights "on" and working, and all operators and passengers shall wear helmets during operation.

SECTION 11. Responsibility. The operator of a snowmobile or ORV involved in any accident resulting in any property damage, personal injury, or death shall report such accident to the local police immediately.

SECTION 12. Parental Responsibility. Any parent or guardian who knowingly permits or allows any minor to operate a snowmobile or ORV in violation of any provision of this ordinance shall be in violation of this ordinance.

SECTION 13. Impoundment of Snowmobiles and ORVs. A law enforcement officer may impound any snowmobile or ORV used or operated in violation of any provisions of this Ordinance for a period not to exceed thirty (30) days, and the owner or operator of the snowmobile or ORV shall be responsible to pay for all costs involved in the storage and/or

removal of the impounded snowmobile or ORV. If the operator of the impounded snowmobile or ORV is not the owner, the law enforcement officer shall notify the owner of such impoundment by telephone, letter or personal contact as soon as practical, but within 24 hours. The snowmobile or ORV used by any unqualified operator may be impounded by order of the Chief of Police of Munising Police Department for a period not to exceed thirty (30) days and, in addition, the unqualified operator shall also be subject to the same penalties set forth hereinabove.

SECTION 14. Penalty-Civil Infraction/Misdemeanor. Except as otherwise provided herein, a person engaged in activity that violates this Ordinance, or a responsible person referred to in Section Twelve, shall be guilty of a civil infraction, as defined in RJA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00

Any person who commits a third offence under this Ordinance within one year shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.


For purposes of computing the one year period, time shall run from the date the first ticket was issued.


SECTION 15. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, a distinct, and independent provision, and such holdings shall not affect the validity of any remaining portion.

SECTION 16. Notice to be Published. The City Clerk shall publish this ordinance in the manner required by law.

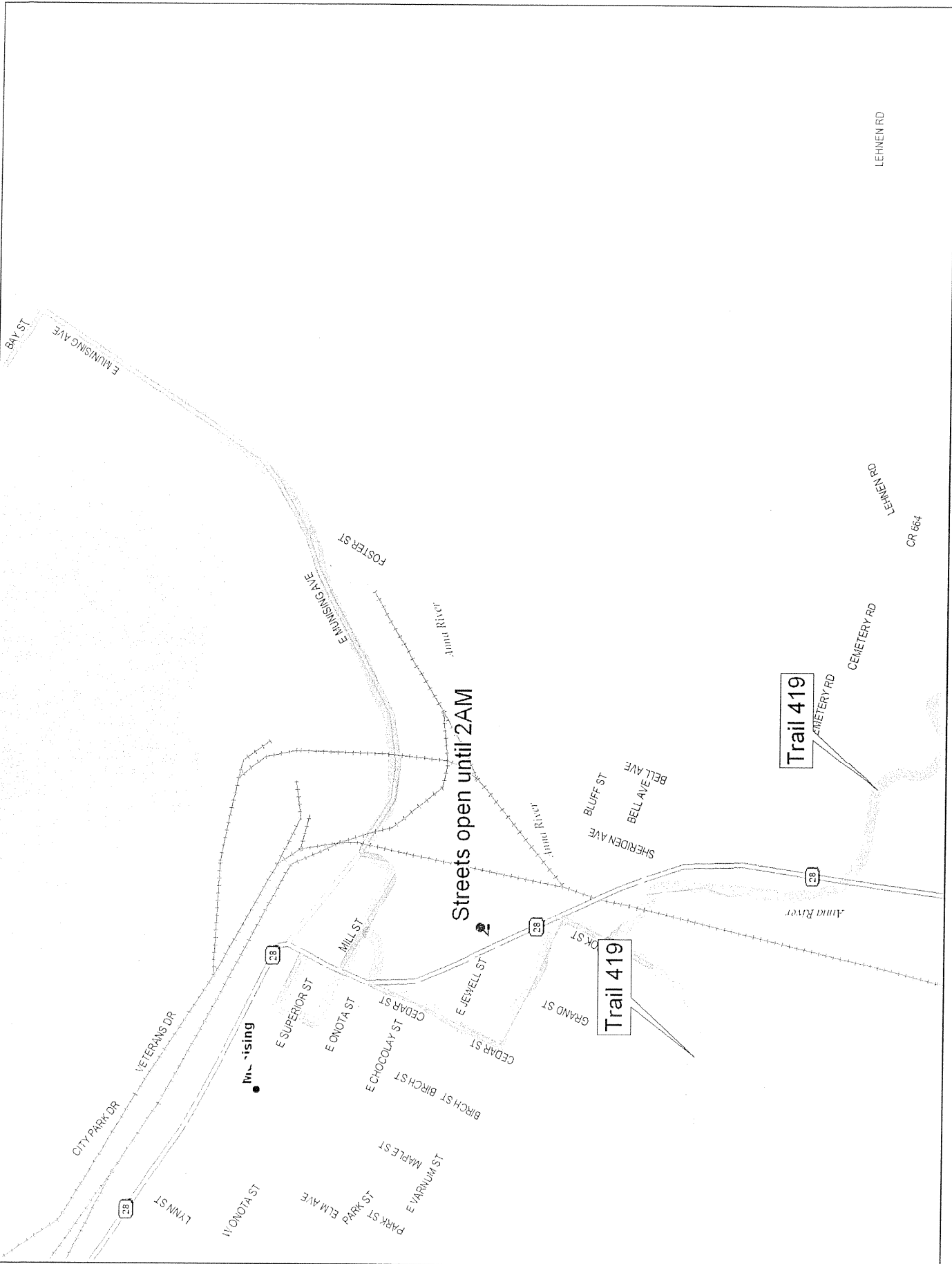
SECTION 17. When Effective. This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.

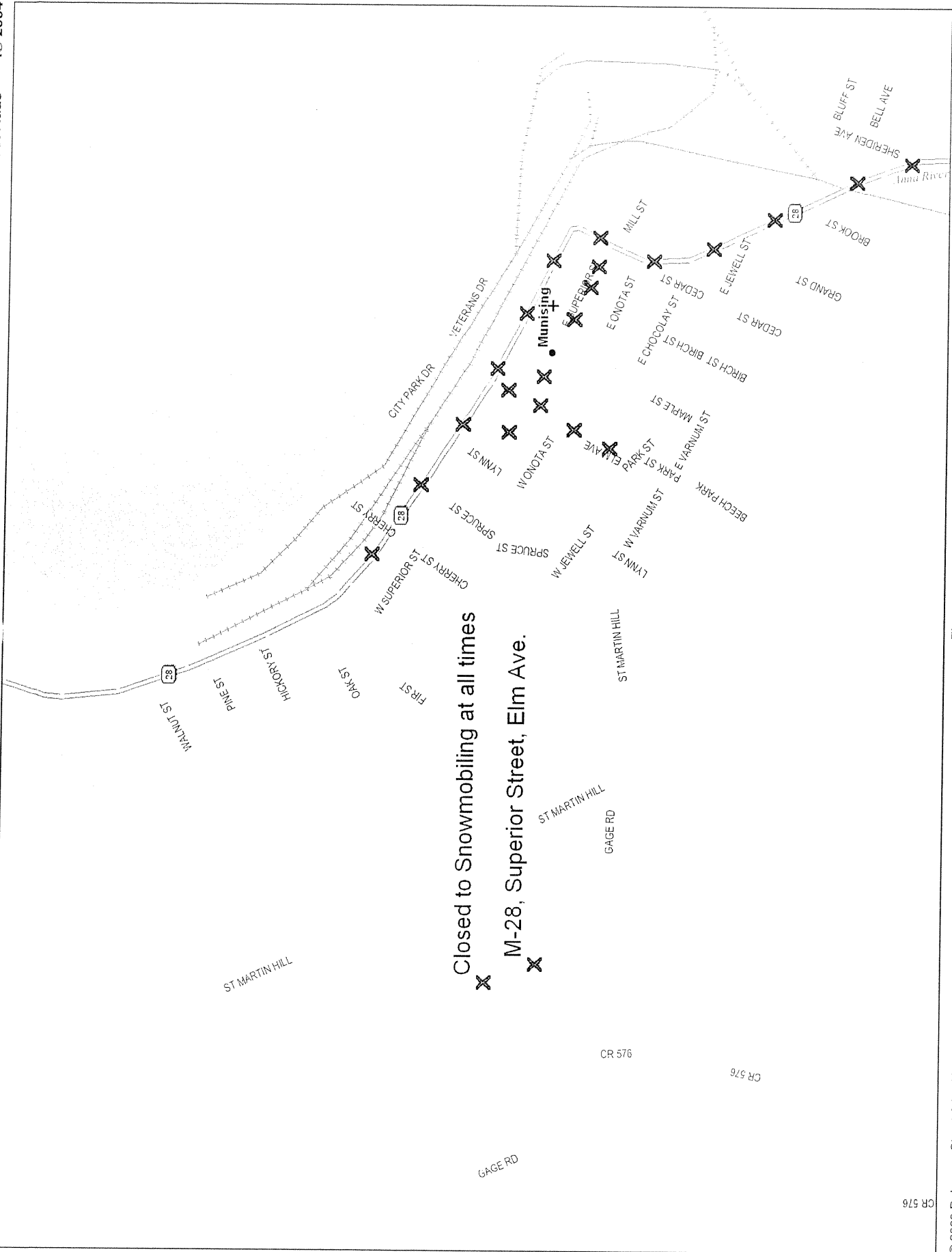
ADOPTED: September 7, 2005.

  
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ROD DESJARDINS, Mayor

  
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SUE ROBERTS, City Clerk

Date Introduced:	<u>August 15, 2005</u>
Date Adopted:	<u>September 7, 2005</u>
Date Published:	<u>October 5, 2005</u>
Date Effective:	<u>October 25, 2005</u>





X Closed to Snowmobiling at all times  
 X M-28, Superior Street, Elm Ave.

CR 576

CR 576

CR 576

GAGE RD

ST MARTIN HILL

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