

CITY OF MUNISING

OPERATION OF SNOWMOBILES AND OFF-ROAD VEHICLES

ORDINANCE NO. 2015 - 01

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.

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, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

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

(C) Street: 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) Highway: A State trunk line highway or a segment of a State trunk line highway.

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

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

(G) 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, or a vehicle that is registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(H) Roadway: That portion of a street or highway ordinarily used for vehicular travel, including shoulders.

(I) ORV Safety Certificate: A certificate issued pursuant to 1994 PA 51, MCL 247.655, or a comparable, equivalent ORV safety certificate issued under the authority of another State or Providence of Canada.

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

(K) Visual Supervision: Direct visual observation of the operator with the unaided, normally corrected eye, where the observer is no further than fifty (50) feet of the operator and is able to lend immediate assistance.

(L) Qualified Operator: Any person operating a snowmobile or ORV who is 16 years of age or older, or a licensed motor vehicle driver, or any person operating a snowmobile or ORV who is under the age of 16 years with a valid ORV Safety Certificate and under the visual supervision of a parent, guardian, or other person 18 years of age or older.

(M) Designated Snowmobile/ORV operating areas are limited to maintained or groomed trails, and Munising Bay.

SECTION 3. Operations. Operation of snowmobiles or ORVs in the City of Munising for the purposes of accessing designated snowmobile/ORV operating areas, from locations in the City, and returning from those places to locations in the City, shall be allowed on the streets and alleys of the City of Munising, subject to the following provisions of this Ordinance:

(a) Snowmobiles or ORVs shall operate in a single file, with the flow of traffic, and at the far right hand side of the alley, or street being traveled unless overtaking and passing another snowmobile or ORV;

(b) Snowmobiles or ORVs shall not operate in a careless or reckless manner or in any way that endangers any person or any property;

(c) Snowmobiles or ORVs shall operate at a rate of speed not to exceed 10 MPH or a lower posted speed limit;

(d) Snowmobiles or ORVs shall not be operated by anyone under the influence of intoxicating liquor or any controlled substance, or by anyone whose ability to operate the snowmobile or ORV may be impaired thereby;

(e) Snowmobiles or ORVs shall not be used to transport a firearm unless the fire arm is unloaded and securely encased and the operator or passenger is in possession of a valid Michigan hunting license;

(f) Snowmobiles or ORVs shall only be operated by a qualified operator, as that term is defined in this ordinance;

(g) Snowmobiles or ORVs shall not be operated on Elm Avenue or Superior Street from M-28 to Spruce Street except at designated street crossings;

SECTION 4. Street Travel and 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 whether or not the intersection is controlled by a stop sign or stop light. All snowmobiles or ORVs shall yield the right-of-way to car, truck and pedestrian traffic. All traffic signs must be followed. Towing of sleds, toboggans or other such device occupied by people is prohibited while crossing a public street.

SECTION 5. Operation Upon State Highway M-28. Snowmobiles or ORVs shall not be operated on the roadway, shoulder or right-of-way of State Highway M-28 except in a right angle crossing manner or on specific segments that are posted open and are so authorized by the Michigan Department of transportation pursuant to 1994 PA 451, as amended, being MCL 324.81101 and 324.81121.

SECTION 6. 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 7. Stock Mufflers, Lights, Helmet. All snowmobiles and ORVs must be equipped with stock, spark arrestor type, United States Forest Service approved mufflers in good operating condition and in compliance with noise emission standards not to exceed 88 decibels, as measured using the 2004 society of automotive engineers standard J2567, except for special events authorized by special proclamation of the City Commission. All Snowmobiles or ORVs shall be operated within the city with headlights "on" and working. All Snowmobiles or ORV operators and passengers shall wear a crash helmet approved by the United States Department of Transportation, unless the vehicle is equipped with a manufacturers roll cage and roof and each passenger and operator area wearing a properly adjusted and fastened seat belt.

SECTION 8. 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 9. 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 10. Impoundment of Snowmobiles and ORVs. A law enforcement officer may impound any snowmobile or ORV used or operated in violation of any provision 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 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.

SECTION 11. 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 Sections 8 or 9, 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 offense 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.

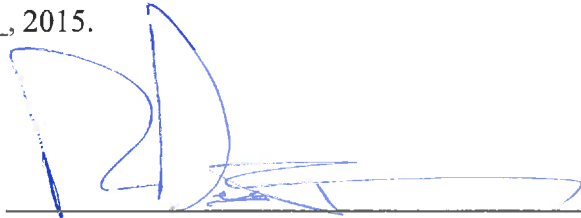
SECTION 12. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, a distinct, and independent provision, and such holdings shall not affect the validity of any remaining portion.

SECTION 13. Notice to be Published. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 14. When Effective. This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.

SECTION 15. Repealer. Ordinance 2005-02 is hereby repealed, effective 12-19-2015.

ADOPTED: 12-2, 2015.



\_\_\_\_\_  
ROD DESJARDINS, Mayor



\_\_\_\_\_  
SUE ROBERTS, City Clerk

Date Introduced: 11-4-2015

Date Adopted: 12-2-2015

Date Published: 12-9-2015

Date Effective: 12-19-2015