

ARTICLE II. SNOWMOBILES*

***Editor's note:** Section 1 of Ord. No. 151, adopted Oct. 28, 2002, rescinded Ord. No. 68 as amended by Ord. No. 78, and enacted similar provisions. Former Art. II was comprised of §§ 38-31--38-39. The newly adopted provisions have been codified as §§ 38-31--38-37.

State law references: Snowmobiles, MCL 324.82101 et seq.; authority to regulate snowmobiles, MCL 324.82119, 324.82124, 324.82125.

Sec. 38-31. Definitions.

Operate means to ride in or on, or to be in actual physical control of a snowmobile.

Operator means any person who operates or is in actual physical control of a snowmobile.

Owner means any of the following:

- (1) A person who holds the legal title to a snowmobile in his or her name;
- (2) A vendee or lessee of a snowmobile that is subject of an agreement for conditional sale or lease thereof, with the right to purchase on 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.

Public property means property owned, leased or otherwise controlled by the Village of Cass City, including, but not limited to, cemeteries, burial grounds, parks, recreational areas and parking lots.

Snowmobile means a motor-driven vehicle which is designed for travel primarily on snow or ice and which utilizes sled-type runners or skis, an endless belt tread, or a combination of sled-type runners, skis, endless belt or other similar means of contact with the surface on which it is operated.

Street means the entire width between the boundary lines of every right-of-way, including the shoulders and nonpaved areas thereof, which is publicly maintained within the Village of Cass City, and which is open to the use of the public for purposes of vehicular travel.

(Ord. No. 151, § 1(1), 10-28-2002)

Cross references: Definitions generally, §1-2.

Sec. 38-32. Registration, certificate and display.

(a) A snowmobile shall not be operated within the Boundaries of the Village of Cass City unless and until it is registered by the owner, pursuant to Act No. 58 of the Public Acts of Michigan of 1995 (MCLA 324.82101 et seq.), as amended, except that the following snowmobiles may be operated without being registered:

- (1) A snowmobile operated exclusively on lands owned by or under the control of the snowmobile owner;

(2) A snowmobile used entirely in an approved safety education and training program conducted by a certified snowmobile safety instructor; or

(3) A snowmobile that is exclusively operated in a special event of limited duration, which is conducted according to a pre-arranged schedule under a permit from the Village of Cass City.

(b) A certificate of registration issued by the State of Michigan shall be carried on the snowmobile when it is in operation and shall be displayed on demand of a law enforcement officer. If the certificate is lost, mutilated or illegible, the owner shall immediately obtain a duplicate certificate by application to the secretary of state.

(c) The registration decal shall be prominently displayed on each side of the forward half of the cowl above the foot-well of the snowmobile, unless the snowmobile is operated exclusively on lands owned or under the control of the snowmobile owner or for a snowmobile used entirely in a safety education and training program.

(Ord. No. 151, § 1(2), 10-28-2002)

Sec. 38-33. Equipment.

(a) A snowmobile shall be equipped with brakes, which are capable of stopping the snowmobile not more than 40 feet from an initial steady speed of 20 miles per hour and which locks the snowmobile traction belt or belts, while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more.

(b) A snowmobile shall be equipped with one headlight and one taillight, and the lights shall be illuminated when the snowmobile is operated between one-half hour before sunset and one-half hour after sunrise.

(c) A snowmobile shall be equipped with a muffler which is in good working order and from which noise emission does not constitute a public nuisance or disrupt the health, safety, welfare or peace of the public.

(Ord. No. 151, § 1(3), 10-28-2002)

Sec. 38-34. Operation.

(a) No person shall operate a snowmobile upon any public property, railroad right-of-way or public utility area, except as follows:

(1) Snowmobiles may be operated in these areas in the performance of official duties for law enforcement.

(2) Snowmobiles may be operated in these areas during a period of emergency or when travel by conventional automotive equipment is not possible, as declared by a police agency having jurisdiction.

(3) Snowmobiles may be operated in these areas for a special snowmobile event of limited duration, which is conducted according to a pre-arranged schedule under a permit from the Village of Cass City.

(b) No person shall operate a snowmobile upon any sidewalk or municipal right-of-way within the village, unless it becomes necessary to cross that sidewalk or right-of-way. However, the snowmobile shall be brought to a complete stop before entering the sidewalk or right-of-way and the operator shall yield to all approaching pedestrians and motorized and nonmotorized vehicles.

(c) Snowmobiles shall only be operated upon the streets, alleys or other public roadways of the village as follows:

(1) Snowmobiles shall not be operated on Main Street between Brooker Street and Ale Street, or on Seeger Street between Garfield Street and Huron Street, unless it becomes necessary to cross those streets. However, the snowmobile shall be brought to a complete stop before entering the street and the operator shall yield to all approaching pedestrians and motorized and nonmotorized vehicles.

(2) Snowmobiles shall not be operated in these areas with a speed in excess of 15 miles per hour.

(3) Snowmobiles shall only be operated in these areas between the hours of 8:00 a.m. and 10:00 p.m. Sundays through Thursdays, and between the hours of 8:00 a.m. and 11:00 p.m. Fridays and Saturdays.

(4) When operating snowmobiles in these areas, they shall only be driven along the extreme right side of the proper lane of traffic for that street, alley or other public roadway.

(d) When two or more snowmobiles are operated together, they shall be driven in single file.

(e) No person shall operate a snowmobile while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

(f) No person shall operate a snowmobile on private property without the consent of the property owner or his or her agent.

(g) No person shall operate or ride a snowmobile without wearing a crash helmet on his or her head, unless such person is riding or operating the snowmobile on his or her own private property.

(h) No person shall operate a snowmobile with more than the designated occupant/passenger capacity.

(i) No person shall operate a snowmobile within 100 feet of a slide, ski or skating area. However, a snowmobile may enter such an area for the purpose of servicing that area for medical emergencies.

(j) No person shall use a snowmobile to hunt, pursue, worry or kill a wild bird or animal.

(k) No person shall transport a bow or firearm on a snowmobile unless the bow is unstrung or the firearm is securely encased or equipped with, and made inoperative by, a manufactured, key-locked, trigger-housing mechanism.

(l) The owner of a snowmobile shall not permit his or her snowmobile to be operated in violation of the provisions of this article.

(Ord. No. 151, 1(4), 10-28-2002; Ord. No. 152, § 1(4), 1-29-2003)

Sec. 38-35. Age restrictions.

(a) A parent or legal guardian shall not permit a child who is under the age of 12 years to operate a snowmobile without the direct supervision of an adult, except on land owned by or under the control of the parent or legal guardian. An operator under the age of 12 shall not cross a street.

(b) A person who is 12 to 17 years of age may operate a snowmobile if:

(1) He or she is under the direct supervision of a person who is not less than 21 years of age.

(2) He or she has in his or her immediate possession a snowmobile safety certificate issued by the State of Michigan or under authority of law of another state or the Province of Canada.

(3) He or she is traveling upon land owned or controlled by his or her parent or legal guardian.

(Ord. No. 151, § 1(5), 10-28-2002)

State law references: --Similar provisions, MCL 324.82120

Sec. 38-36. Accident, notice and liability.

(a) The operator of a snowmobile who is involved in an accident which results in injury to or the death of any person, or substantial property damage, estimated to exceed \$100.00 dollars, shall immediately notify the Village of Cass City Police Department, the county sheriff department or the State of Michigan Police Department.

(b) The Village of Cass City Police Department shall complete a report of the accident on a form prescribed by the State of Michigan and shall forward the report to the state police within 14 days. A copy of the accident report shall be retained by the Village of Cass City for not less than three years.

(c) Any snowmobile operated within the Village of Cass City will be presumed to be operated with the consent of the owner.

(d) The owner of a snowmobile may be held jointly and severally liable with the operator of said snowmobile.

(Ord. No. 151, § 1(6), 10-28-2002)

Sec. 38-37. Violation, arrest and confiscation.

(a) A person who violates this article is guilty of a misdemeanor, unless such violation constitutes a felony as set forth under the laws of the state of Michigan.

(b) The operator of a snowmobile who is given a visual or audible signal by hand, voice, emergency light or siren, by a uniformed law enforcement officer who is acting in the lawful performance of his or her duties, which directs the operator to bring his or her snowmobile to a stop, shall do so. An operator shall not willfully fail to obey the directives by increasing his or her speed, extinguishing his or her lights or otherwise attempting to flee or elude the law enforcement officer.

(c) If a law enforcement officer has reasonable cause to believe that a person was, at the time of an accident, the operator of a snowmobile involved in the accident and was driving the snowmobile while under the influence of alcoholic liquor, a controlled substance or a combination thereof, the police officer may arrest the alleged operator of the snowmobile without an arrest warrant.

(d) Any snowmobile operated contrary to or in violation of any provision of this article or Public Act 58 of the Public Acts of Michigan 1995, as amended, by someone other than the owner of the snowmobile, who can prove such ownership, or any snowmobile operated with defective equipment, may be confiscated at the direction of a law enforcement officer. In the event a snowmobile is confiscated, the owner of the snowmobile must prove ownership of the snowmobile and pay any and all costs associated with the transportation, towing and storage of the snowmobile before it will be released to him or her.

(Ord. No. 151, § 1(7), 10-28-2002)

Secs. 38-38--38-70. Reserved.