

VILLAGE OF AUGUSTA
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE #198

**AN ORDINANCE TO PERMIT AND REGULATE THE USE OF
SNOWMOBILES ON CERTAIN PUBLIC ROADS WITHIN THE VILLAGE;
TO PROVIDE FOR PENALTIES; TO REPEAL THAT PORTION OF ANY
ORDINANCE OR PARTS THEREIN INCONSISTENT OR CONTRARY TO
THIS ORDINANCE AND TO PROVIDE FOR AN EFFECTIVE DATE FOR
THIS ORDINANCE.**

THE VILLAGE OF AUGUSTA ORDAINS:

This Ordinance may be known and referred to as the "Village of Augusta Snowmobile Ordinance".

ARTICLE I

Sec. 1. Definitions.

As used in this article, the following words, terms and phrases shall have the meanings indicated, except where the context clearly indicates a different meaning:

Highway or *Street* means the entire width between the boundary lines of every publicly maintained highway or street when any part thereof is open to the use of the public for purposes of vehicular travel. *Highway* includes streets and alleys.

Operate means to ride in or on and to control the operation of a snowmobile.

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

Owner means any of the following:

- a. A person who holds the legal title to a snowmobile.
- b. 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 upon performance of the conditional vendee or lessee.
- c. A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.

Person means an individual, partnership, corporation, the State and any of its agencies or subdivisions and any body or person, whether incorporated or not.

Public Property shall include any highway or public street.

Residence means the place in which one lives or dwells.

Right-of-Way means that portion of a highway or street less the roadway and any shoulder.

Roadway means that portion of a highway improved, designated or ordinarily used for vehicular travel, not including the shoulders. If a highway includes two or more separate roadways, the term refers to any such roadway separately, but not to all such roadways collectively.

Shoulder means that portion of the highway contiguous to the roadway, generally extending the contour of the roadway, not specifically designed for vehicular travel, but maintained for the temporary accommodations of disabled or stopped vehicles which are otherwise permitted on the roadway.

Snowmobile means any motor-driven vehicle designed for travel primarily on snow or ice and which is of a type that 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 the Motor Vehicle Act, MCL 257.1 et seq.

ARTICLE II

Regulations Applicable to Snowmobiles

Sec. 2. Registration required; exceptions.

A snowmobile shall not be operated within the corporate limits of this Village unless and until it is registered by the owner pursuant to Act No. 74 of the Public Acts of Michigan of 1968 (MCL 257.1501 et seq., MSA 9.3200(1) et seq.), as amended, except that the following snowmobiles may be operated without being registered:

- a. A snowmobile operated exclusively on lands owned by or under the control of the snowmobile owner;
- b. A snowmobile used entirely in an approved safety education and training program conducted by a certified snowmobile safety instructor;

- c. A snowmobile that is exclusively operated in a special event of limited duration which is conducted according to a prearranged schedule under a permit from the Village of Augusta.

Sec. 3. Certificate of registration; carrying; display; duplicate.

A certificate of registration 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 of registration by application to the Secretary of State.

Sec. 4. Brakes.

A snowmobile shall be equipped with brakes which are capable of one of the following while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more:

- a. Stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles per hour;
- b. Locking the snowmobile traction belt or belts.

Sec. 5. Lights.

A snowmobile shall be equipped with one headlight and one taillight. The lights shall be lighted when the snowmobile is in operation.

Sec. 6. Muffler.

- a. A snowmobile shall be equipped with a muffler in good working order and from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 dba (decibels on the "a" scale) on a sound meter that has characteristics defined by American Standards Association S1.4 of 1966 entitled "General Purpose Sound Meter."
- b. A snowmobile manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 82 dba as measured under the 1970 Society of Automobile Engineers Code J-192.
- c. A snowmobile manufactured after July 1, 1977, and sold 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.

- d. This section does not apply to a snowmobile that is being used in an organized race on a course which is used solely for racing.
- e. The material in this section is incorporated by reference.

Sec. 7. Designation of Highways for Use.

- a. The Village Council is hereby authorized, by Resolution, to designate those highways, streets or alleys, and Village-owned property under its jurisdiction or parts or sections thereof, upon which the operation of snowmobiles shall be permitted. Operation of snowmobiles on federal and state highways within the Village is prohibited.
- b. The Village shall maintain a map of all highways and streets under its jurisdiction, upon which shall be indicated all such highways and streets and parts or sections thereof upon which the operations of snowmobiles is prohibited. Copies of such map shall be maintained and made available to the public upon payment of the cost of reproduction thereof.

Sec. 8. Operation on designated public and private property.

A snowmobile shall be operated within the corporate limits of this Village only on public property and private property open to the public which has been so designated by the Village Council or on property owned or leased by the owner of the snowmobile.

Sec. 9. Speeds.

A person shall not operate a snowmobile on public property or private property open to the public at a speed greater than is reasonable and proper having due regard for existing conditions. No snowmobile shall be operated at a speed of more than 25 miles per hour while on a street or roadway within the Village.

Sec. 10. Operating snowmobile under influence of alcoholic liquor or a controlled substance.

A person shall not operate a snowmobile on public property or private property open to the public while under the influence of alcoholic liquor or a controlled substance.

Sec. 11. Operation in nursery, planting area or area of forest reproduction.

No person shall operate a snowmobile in any nursery, planting area or natural area of forest reproduction and when growing stock may be damaged.

Sec. 12. Nighttime operation.

A person shall not operate a snowmobile between the hours of 11:00 p.m., and 6:00 a.m.

Sec. 13. Operation on cemetery or burial ground.

A person shall not operate a snowmobile on or across a cemetery or burial ground.

Sec. 14. Operation on public sidewalk.

A person shall not operate a snowmobile on a public sidewalk which is planned and open for pedestrian traffic, except that a snowmobile may be driven across a sidewalk at a regular driveway.

Sec. 15. Operation on limited-access highway.

A person shall not operate a snowmobile on a limited-access highway.

Sec. 16. Operation on roadway or highway permitted in certain circumstances.

- a. A registered snowmobile may only be operated on the main portion of any street, roadway or alley in the Village which has been designated as a local street or a major street designated pursuant to Act No. 51 of the Public Acts of Michigan of 1951 (MCL 247.651 et seq., MSA 9.1097(1) et seq.), under the following circumstances:
 1. Across a public highway, other than for egress and ingress highways specified in this subsection, at right angles to the highway, for the purpose of getting from one area to another when the operation can be done in safety and another vehicle is not crossing the highway at the same time in the same general area, and it does not interfere with the free movement of vehicular traffic approaching from any direction on such highway. An operator shall bring the snowmobile to a complete stop before proceeding across the public highway and shall yield the right-of-way to oncoming traffic.
 2. On a street or highway designated by the Village Council as permitting snowmobile operation.
 3. On a street or roadway in the Village which is not maintained for winter vehicular traffic by snow removal.

4. On a street and highway during a period of emergency when so declared by the Village Police Department when travel by conventional automobile equipment is not possible.
 5. On a street or highway for a special snowmobile event of limited duration which is conducted according to a prearranged schedule under permit from the Village.
 6. On the right-of-way of the designated permitted egress and ingress streets and highway routes and shall be operated at the extreme right of the open portion of the street or highway and with the flow of traffic on the highway. A snowmobile operated on the right-of-way of the public highway, as provided in this section, shall travel single-file and shall not be operated abreast except when overtaking and passing another snowmobile.
 7. On the roadway or shoulder when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder, and the driver yields the right-of-way to an approaching vehicle on the highway.
- b. In a court action where competent evidence demonstrates that a vehicle operated on a roadway is in a collision with a snowmobile on a roadway, the driver of the snowmobile involved shall be considered *prima facie* negligent.

Sec. 17. Age restrictions of operators; violations.

- a. A parent or legal guardian shall not permit the parent's or guardian's 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.
- b. A person who is at least 12 years but less than 17 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 immediate possession of a snowmobile safety certificate;
 3. The person is on land owned or under control of the person's parent or legal guardian;

4. The person possesses a snowmobile safety certificate issued to the person under the authority of a law of another state or province of Canada.
- c. A person who is operating a snowmobile pursuant to subsection (b)(2) of this section shall present the snowmobile safety certificate to any Law Enforcement Officer upon demand.
- d. The owner of a snowmobile shall not permit the snowmobile to be operated contrary to this section.
- e. When the judge of a juvenile court determines that a person who is less than 17 years of age has violated this section, 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 determination pursuant to this subsection, may suspend the snowmobile safety certificate without a hearing.

Sec. 18. Accident notice; report.

- a. The operator of a snowmobile who is involved in an accident which results in an injury to or the death of any person or in property damage in an estimated amount of not less than \$100.00 shall immediately notify the Village Police Department.
- b. The Village Police Department shall complete a report of the accident on a form prescribed by the Director of the Department of State Police and shall forward the report to that Department. A copy of the accident report shall be retained by the Village Police Department for not less than three years.

Sec. 19. Operation in violation of chapter.

The owner of a snowmobile shall not permit the owner's snowmobile to be operated in violation of the provisions of this chapter.

Sec. 20. Registered number as evidence of operation by owner.

In a proceeding for a violation of this chapter involving prohibited operation or conduct, the registration number displayed on a snowmobile constitutes *prima facie* evidence that the owner of the snowmobile was the person operating the snowmobile at the time of this offense.

Sec. 21. Stopping at direction of uniformed Law Enforcement Officer; violation; identification of official law enforcement vehicle.

- a. The operator of a snowmobile who is given a visual or audible signal by hand, voice, emergency light or siren by a Law Enforcement Officer, who is acting in the lawful performance of duty, which directs the operator to bring the snowmobile to a stop shall do so. An operator shall not willfully fail to obey the direction by increasing speed, extinguishing lights or otherwise attempting to flee or elude the Officer.
- b. The Officer who gives the signal shall be in uniform. A snowmobile that is used at night for purposes of enforcing this chapter shall be identified as an official law enforcement vehicle or snowmobile.

Sec. 22. Crash helmets required.

A person operating or riding on a snowmobile shall wear a crash helmet on his or her head. Helmets shall be approved by the United States Department of Transportation. This section does not apply to a person riding on or operating a snowmobile on his or her private property.

Sec. 23. Driver's license required.

A person, 17 or older, shall not operate a snowmobile on a highway without a valid driver's license.

ARTICLE V
Penalties

Sec. 24. Penalties.

- a. A person who violates a provision of this division is guilty of a misdemeanor punishable by a maximum of 90 days in jail, a fine not to exceed \$500.00, or both.
- b. When the judge of a juvenile court determines that a person who is less than 16 years of age has violated this chapter, the judge shall immediately report the determination to the State Department of Natural Resources. The Director of the State Department, upon receiving a notice of determination pursuant to this subsection, may suspend the snowmobile safety certificate without a hearing.

ARTICLE VI

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE VII

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE VIII

This Ordinance shall take force and effect on the date of publication.

CERTIFICATE

I, Julie Glenn, Village Clerk for the Village of Augusta, do hereby certify that the foregoing Augusta Ordinance No. 198 was adopted by the Village Council at a regular meeting held on January 13, 2014.

Julie Glenn, Village Clerk