

## CHAPTER 450

### Snowmobiles and Off-Road Vehicles

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#### CROSS REFERENCES

Traffic rules and regulations in home rule cities – See M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally – see M.C.L.A. Sec. 257.601 et seq.,257.634

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#### **450.01 PURPOSE**

The purpose of this Ordinance is to regulate the use of snowmobiles and off-road vehicles on the streets and sidewalks within the City of Evert.

#### **450.02 DEFINITIONS**

- (1) “Operator” means any person who operates or is in actual physical control of a snowmobile or off-road vehicle.
- (2) “Owner” means any person other than a lien holder, having the property in or title to a snowmobile or off-road vehicle entitled to the use or possession.
- (3) “Operate” means to ride in or on and to control the operation of the snowmobile or off-road vehicle.
- (4) “Snowmobile” means any engine-driven vehicle designed for travel 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.

- (5) “Off-Road Vehicle” (ORV) means any engine-driven vehicle capable of cross-country travel without benefit of a road or trail on or immediately over land, water, snow, ice, swampland or other natural terrain.
- (6) “Highway or Street” means the entire width between the boundary line of every way publicly maintained.
- (7) “Sidewalk” means the area adjacent to the property line intended for the use of pedestrians.

#### **450.03 REGISTRATION**

No snowmobile or off-road vehicle shall be operated, within this City, unless registered by owner as required under the laws of the State of Michigan.

All snowmobiles and off-road vehicles, duly registered, shall display the registration on the forward half of the vehicle in accordance to state law.

#### **450.04 OPERATIONAL REGULATIONS**

- (1) Snowmobiles and off-road vehicles may be operated, in the City of Evart, when traveling the most direct route to gain access to fueling, dining, lodging, or returning to their home base.
- (2) All snowmobiles and off-road vehicles shall meet all safety requirements and equipment requirements as outlined by Michigan statute, and, in addition, shall meet the following conditions when being operated on a city street:
  - a. At a speed of no more than 25 miles per hour, or less, if posted.
  - b. By a person of no less than 12 years of age. If the person is less than 16 years of age the child must be under the direct visual supervision of an adult and have, in his or her immediate possession, a Michigan issued snowmobile or

ORV safety certificate or a comparable safety certificate issued under the authority of another state or province of Canada.

- c. Must travel with the flow of traffic
  - d. In a manner which does not interfere with traffic on the street
  - e. Must travel single file except when overtaking another vehicle
  - f. Must travel not more than one-half hour before sunrise or one-half hour after sunset, unless displaying a lighted headlight and taillight.
  - g. Must travel with a lighted headlight and taillight, at all times after January 1, 2010.
  - h. All operators and passengers must wear a crash helmet and protective eyewear approved by the United States Department of Transportation.
  - i. All vehicles must have a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
  - j. All vehicles shall be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
  - k. All vehicles shall be operated pursuant to noise emission standards defined by law.
- (3) All operators shall yield right-of-way to all vehicular traffic and pedestrians on any street.
- (4) No snowmobile or off-road vehicle shall be operated on any sidewalk or foot trail within the city limits.
- (5) No snowmobile or off-road vehicle shall be operated on Main Street from Railroad Avenue northward to 5<sup>th</sup> Street, and shall cross US-10 only at the intersections of US-10 and Lauman Road, US-10 and Oak Street, and US -10 and River Street.

- (6) On the rails to trails, snowmobiles shall be allowed at speeds not greater than 25 miles per hour. Off-road vehicles are prohibited on the rail to trails.
- (7) No snowmobile or off-road vehicle shall operate, within the City of Ewart, between the hours of midnight and 6:00 a.m.

#### **450.05 VIOLATIONS**

- (1) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine of \$50.00 plus costs.
- (2) **Second Offense** – The second violation of the above rules shall be a civil infraction, punishable by a fine of \$100.00 plus costs.
- (3) **Third Offense** – The third or more violation of the above rules shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.

All fines, collected under this Chapter, shall be placed into a fund designated as the Snowmobile and Off-Road Vehicle Fund and be used as follows:

- a. 50% - To the Department of Public Works for repairing damage to the City streets or for posting signs within the City.
- b. 50% - To the Ewart Police Department for use in enforcing and training.

#### **450.06 SEVERABILITY**

If any of the provisions of this ordinance shall be deemed void, only that clause shall be void and the remainder of the ordinance shall remain valid