

# **ORDINANCE #48**

## **AN ORDINANCE TO REGULATE THE OPERATION OF SNOWMOBILES ON PRIVATE AND PUBLIC PROPERTY WITHIN THE VILLAGE LIMITS; TO REQUIRE EQUIPMENT THEREON; AND TO PRESCRIBE RULES AND REGULATIONS FOR THE OPERATION OF SAME; AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF, TO READ AS AMENDED**

### **THE VILLAGE OF SPRINGPORT ORDAINS:**

**Section I.** This ordinance is adopted pursuant to authority granted in Section 14 of Act No. 74 of the Public Acts of 1968 (Michigan Stats. Ann. 9.3200(14)), and is not intended to modify Act. No. 74 but to accept it in total and enlarge upon it.

**Section II. Definitions:**

- A. **Snowmobile:** a self-propelled vehicle designed for travel on snow or ice in a natural terrain and steered by wheels, skis or runners.
- B. **Operate:** To control the operation of a snowmobile.
- C. **Operator:** A person who operates or is in actual control of a snowmobile.

**Section III. Regulating usage on Public Property:**

- A. It shall be unlawful for any person to operate a snowmobile on public school grounds, park property, playgrounds, recreational areas and cemeteries without the express written permission to do so by the property public authority.
- B. No snowmobile will be operated or parked on any sidewalk.

**Section IV. Regulating usage on Public Ways:**

- A. Snowmobiles shall travel at the extreme right of the street, with the flow of traffic, or at a rate of speed no greater than reasonable and proper to maintain forward motion and in no event to exceed a speed of fifteen miles per hour (15 mph.).
- B. Snowmobiles must come to a complete stop at every street intersection regardless of whether or not it is a stop street, and yield the right of way to all other vehicles and pedestrians.
- C. Snowmobiles shall be operated within the village limits only when going directly to or returning from the village limits, and traveling the shortest possible distance.
- D. Snowmobiles shall not be operated in a careless, negligent or reckless manner, In disregard of the rights or safety of others, or at a speed or manner so as to endanger or be likely to endanger any person or property.

**Section V. Equipment Regulations:**

- A. Every snowmobile operated shall at all times be equipped with a muffler in good working order, with baffles intact and in constant operation to prevent excessive or unusual noise and excessive smoke; and no person shall use a muffler cutout, bypass or similar device on any snowmobile.
- B. It shall be unlawful to operate a snowmobile in a manner to create a loud obnoxious noise or to accelerate the engine in such a manner as to create a loud noise in the Village limits.
- C. Any person who operates a snowmobile after the hours of 9:00 pm on any night within the Village limits shall operate the same in such manner as not to disturb the peace and tranquility of the village residents.
- D. Snowmobiles shall have at least one headlight and one taillight turned on and operational at all times while in operation.

**Section VI. Operation on Private Property:**

- A. No snowmobile shall be operated on private property of another without the express permission to do so by the owner or occupant of said premises.

**Section VII. Special Provisions:**

- A. Snowmobiles may be operated within the village limits for a special snowmobile event of a limited nature and duration which is conducted according to a prearranged schedule and under permit issued by the Village Council.
- B. Snowmobiles may be operated on a village street during a period of emergency indicated when travel by a conventional automobile is not possible.

**Section VIII. Penalty:**

Any person violating any provisions of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as follows:

<b>First offense.....</b>	<b>\$50</b>
<b>First repeat offense.....</b>	<b>\$100</b>
<b>Second (or any subsequent) repeat offense.....</b>	<b>\$250</b>

In addition, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Village Council, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

- A. Impoundment of the snowmobile operated during the violation, can occur.
- B. In the event of impoundment of the snowmobile, the owner of said snowmobile must pay the cost of transportation, towing and storage, and prove ownership before it will be released to him.

**Section IX. Severing Clauses:**

- A. Sections of this ordinance shall be determined severable and should any section or provision of this ordinance be

deemed or declared by the courts to be unconstitutional or invalid the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

B. The Village Council is hereby authorized to create, revise, rewrite or modify any section, provision, or concept of this ordinance, provided that such changes shall not take effect until published.

**Section X.** This Ordinance shall take effect immediately upon publication.  
**EFFECTIVE DATE:** \_\_\_\_\_ day of \_\_\_\_\_, 2002

**Section. XI.** Enactment of this ordinance rescinds and replaces any and all ordinances previously numbered forty-eight (48) in the Springport Village Code of Ordinances.

Passed 12-11-74  
Effective 1-18-75  
Amended \_\_\_\_\_

**Reviewed By:**

**Signed:** \_\_\_\_\_  
**Mary Ward, Village President**

\_\_\_\_\_  
**Cynthia O. Twichell, Village Manager**

**Signed:** \_\_\_\_\_  
**Rosalie Terpening, Temp Clerk**

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**Stuart Saunders, Village Attorney**