

**ORDINANCE NO. 178
SNOWMOBILE ORDINANCE**

AN ORDINANCE REGULATING THE USE OF SNOWMOBILES IN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR ORDAINS:

Section 1: PURPOSE: The purpose of this Ordinance is to protect the public health, welfare and safety by establishing rules, guidelines, routes and parking regulations in regard to the operation of snowmobile vehicles within the Village limits of the Village of Decatur, Van Buren County, Michigan.

Section 2: DEFINITIONS: For purposes of this Ordinance the following definitions shall apply:

- A) **Snowmobile.** "Snowmobile" is defined as any motor-driven vehicle designed for travel primarily on snow or ice of a type using sled-type runners or skis, 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 Act No. 300 of the Public Acts of MI of 1949 (MCL 257.1 et seq., MSA 9.1801 et seq.), as amended.
- B) **Street or Road Right-of-Way.** A strip of land occupied by a public or private street or road for vehicular movement and which typically incorporates such features as curbs, lawn strips, street trees, sidewalks, walkways, utility lines, lighting, signage and drainage facilities. It shall include the entire width of a public or privately-owned, controlled and maintained property that provides access to abutting properties, parcels or lots. The right of way shall include both the paved portion of the street as well as the portion between the street and the adjoining property line and shall include public sidewalks. The term "road right-of-way" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare that affords the principal means of access to abutting property.

Section 3: ADOPTION BY REFERENCE. Part 821 relating to "Snowmobiles", of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of Michigan, 1994 (MCL 324.82101 through 324.82160), is hereby adopted by reference thereto. References in said Part 821 to "governmental unit" shall mean the Village of Decatur, Michigan.

Section 4: OPERATION OF SNOWMOBILES WITHIN THE VILLAGE OF DECATUR, MICHIGAN:

A) It shall be unlawful to operate a snowmobile within the Village of Decatur, Michigan except as hereinafter provided:

1. Upon premises owned or under the control of the snowmobile operator or upon the premises of another with that person's express permission.
2. Upon the shoulder, if possible, or the extreme right side of the traveled portion of a

snow covered street or road right-of-way which is an approved designated route as set forth on the map attached hereto and made a part hereof, solely for the purpose of giving access to gas stations and/or restaurants; or from a recognized snowmobile trail to the operator's residence within the Village limits of Decatur, Michigan by using the most direct route. A snowmobile shall not be operated on a public sidewalk, except when necessary to cross same.

3. A snowmobile may be operated on the paved portion of a roadway only when necessary to cross the roadway or to cross a bridge, culvert or other obstruction, or when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow, ice or other extreme highway conditions, and the Village Council or Chief of Police authorize such use. The snowmobile shall be brought to a complete stop before entering onto the roadway and the operator shall yield the right-of-way to a vehicle or pedestrian approaching on the roadway or a public sidewalk.

4. There shall be no operation of snowmobiles on North or South Phelps Street and East or West Delaware Street, except in the case of emergency as provided in paragraph 3 above. Snowmobiles may use the alleyways lying East and West of Phelps Street between Sherwood Street and St. Mary's Street for the purpose of accessing restaurants or gas stations.

5. There shall be no parking of snowmobiles on North or South Phelps Street and East or West Delaware Street. Snowmobiles may be parked on the parking lots adjoining the alleys set forth in paragraph 4 above.

Section 5: OTHER RESTRICTIONS:

A) **Speed.** A person shall not operate a snowmobile at a rate of speed greater than is reasonable, safe and proper, having due regard for conditions then existing and same shall in no event be greater than the posted speed limit, or 25 miles-per-hour (mph), whichever is less, if driven on a public or private street or road right-of-way under circumstances permitted by this Ordinance.

B) **Lights.** Snowmobiles must display an operational lighted white headlight and red taillight at all times during operation.

C) **Proximity to Dwellings.** A person shall not operate a snowmobile within one hundred feet (100') of a dwelling between 11 PM and 6 AM at a speed greater than the minimum required to maintain forward movement.

D) **Restrictions: Under 12 years of age.** A parent or guardian shall not permit his/her child who is less than 12 years of age to operate a snowmobile without the direct supervision of a person authorized by the parent or guardian who is at least 21 years of age, except on land owned or controlled by the parent or guardian, nor shall a person under 12 years of age cross a street, highway or roadway while operating a snowmobile.

E) **Restrictions: 12 -16 years of age.** A person who is at least 12 years old but less than 17 years of age may not operate a snowmobile unless:

- a. The person is under the direct supervision of a person authorized by the parent or guardian who is 21 years or older; and
- b. The person has in his/her immediate possession a valid snowmobile safety certificate; and
- c. The person is on land owned or under the control of his/her parent or guardian.

Section 6: PENALTIES: A violation of this Ordinance is a municipal civil infraction and the owner of any snowmobile who shall violate this Ordinance shall be responsible for a civil infraction and subject to a civil fine as hereinafter set forth, plus any costs, damages, expenses and other sanctions authorized under Chapters 83 and 87 of Act No. 236 of the Michigan Public Acts of 1961, as amended, being MCL 600.8302 and MCL 600.8701 et seq, respectively.

Section 7: REPEAL CLAUSE. All Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8: SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be 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 invalid.

Section 9: EFFECTIVE DATE. This Ordinance become effective on March 2, 2009.

Adopted by the Village Council of the Village of Decatur, Michigan on this 2nd day of February, 2009.

