

20.150

MOTORCYCLES AND TERRAIN VEHICLES
TOWNSHIP OF TYRONE, MICHIGAN
ord. no. 14 eff. Mar. 14, 1974

An ordinance regulating the operation of motorcycles and all-terrain vehicles in Tyrone Township and providing penalties for the violation thereof.

THE TOWNSHIP OF TYRONE ORDAINS:

20.151 Sec. 1. SHORT TITLE.

This ordinance shall be known as the "Motorcycle Control Ordinance".
(ord. no. 14 eff. Mar. 14, 1974)

20.152 Sec. 2. PURPOSE.

This ordinance is enacted to regulate the operations of motorcycles and all-terrain vehicles to insure that the use of such vehicles does not disturb the peaceful enjoyment of the landowners and possessors of Tyrone Township.

(ord. no. 14 eff. May. 14, 1974)

20.153 Sec. 3. DEFINITIONS.

As used in this ordinance:

A. **OPERATOR** means any person who operates, or is in actual physical control of a motorcycle.

B. **OWNER** means any of the following:

1. A person who holds the legal title to a motorcycle.

2. A vendee or lessee of a motorcycle which is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon 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 motorcycle or having exclusive use of a motorcycle for more than 30 days.
- C. **OPERATE** means to ride in or on, and be in actual physical control of the operation of a motorcycle.
- D. **PERSON** means an individual, partnership, corporation, the state and any of its agencies or subdivisions, and any body of persons whether incorporated or not.
- E. **MOTORCYCLE** means every motor driven vehicle having a saddle or seat for the use of a rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding tractors. The word "**motorcycle**", whenever used in this ordinance shall also include by incorporation those vehicles operating on tracks, runners, wheels and other such mechanisms which are commonly known as "**all-terrain vehicles**" (ATV).
- F. **DEALER** means any person engaged in the sale, lease or rental of motorcycles as a regular business.
(ord. no. 14 eff. Mar. 14, 1974)

20.154 Sec. 4. REGISTRATION.

This ordinance requires that:

- A. No motorcycle shall be operated in Tyrone Township unless registered by the owner as provided in Act No. 300 of the Public Acts of 1949 as amended and a certificate of registration obtained pursuant to said state law.
- B. Registration is not required for a motorcycle operated exclusively on lands owned or under control of the motorcycle owner.
- C. The display of a license plate or other device on the motorcycle in the manner as required by state law is also required and made a part of this ordinance.
(ord. no. 14, eff. Mar. 14, 1974)

20.155 Sec. 5. REGULATIONS; PLACE OF OPERATION.

No person shall operate and no owner or dealer shall permit the operation of any motorcycle:

- A. On private property now owned, leased or under the control of the operator which is fenced, otherwise enclosed in a manner to exclude intruders, posted in a conspicuous manner or when notice against trespass is personally communicated to him by the owner or an authorized agent. A person shall not operate a motorcycle in or upon farmlands or farm woodlots, platted property, or areas restricted pursuant to Section VI (g), as stated below, without the prior written permission of the relevant landowner, lessor or possessor.
- B. On a public school grounds, parks, playgrounds, recreational areas, golf courses and other public lands (other than state-owned lands where such operation is authorized by Statute) without the express consent of the public authority in charge of such lands or premises, except where such operation is absolutely necessary in an emergency, or when other means of travel are not feasible or possible.
(ord. no. 14 eff. Mar. 14, 1974)

20.156 Sec. 6. OPERATING REGULATIONS.

A person shall not operate a motorcycle:

- A. At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.
- B. While under the influence of intoxicating liquor or narcotic drugs, barbital or any derivative of barbital.
- C. During the hours from $\frac{1}{2}$ hour after sunset to $\frac{1}{2}$ hour before sunrise without displaying a lighted headlight and a lighted taillight.
- D. In any forest nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or as a natural dedicated area.

- E. On the frozen surface of public waters within 100 feet of a person, including but not limited to a skater, not in or upon a motorcycle or within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the motorcycle or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.
- F. Unless it is equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from vehicle path under full throttle does not exceed 86 BDA (decibels on the "A" scale) of a sound meter having characteristics defined by American Standards Association S1, 4-1966, "general purpose sound meter".
- G. In or upon or remain unlawfully on premises which are fenced, otherwise enclosed in a manner to exclude intruders, posted in a conspicuous manner or when notice against trespass is personally communicated to him by the owner or an authorized person. A person shall not operate a motorcycle in or upon farmlands, farm woodlots or platted property without the prior written permission of the landowner.

All persons, whether or not mentioned in the preceding paragraph, who own, lease or possess land, may at any time inform Township Officials that they desire their land to be kept free from incursions either of (a) motorcycle owners, leased or possessed by others or (b) all motorcycles. Township Officers shall then cause to be posted in a public place notice of such intent. The notice shall include (1) the name of such owner, lessor or possessor, (2) a commonly recognizable description of the restricted premises, and (3) a statement that the restrictions shall go into effect seven (7) days from the date of first publication. The notice shall remain posted throughout the life of the restriction.

The operation of motorcycles on such lands as are restricted pursuant to the foregoing paragraph is likewise prohibited.

- H. In an area on which public hunting is permitted during the season open to the taking of deer with firearms from 7 A.M. to 11 A.M. and from 2 P.M. to 5 P.M., except during an emergency, for law enforcement purposes, to go to and from a permanent residence

or a hunting camp otherwise inaccessible by a conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operations, or on his own property or property under his control or as an invited guest.

- I. While transporting thereon a bow, unless unstrung, or a firearm, unless securely encased or equipped with, and made inoperative by a manufactured key-locked trigger housing mechanism. (Firearms must be unloaded in both barrel and magazine.)
- J. On or across a cemetery or burial ground.
- K. Within 100 feet of a slide, ski or skating area. A motorcycle may enter such an area for the purpose of servicing the area or for medical emergencies.
- L. On a railroad or railroad right of way, except railroad, public utility or law enforcement personnel, while in the performance of their duties.
- M. So as to hunt, pursue, worry or kill a wild bird or animal.
(ord. no. 14 eff. Mar. 14, 1974)

20.157 Sec. 7. INABILITY TO SHOW PERMISSION; VIOLATION.

The inability or refusal of a motorcycle operator to show written evidence of the prior permission to operate a motorcycle as required, shall afford any peace officer charged with enforcing this ordinance with sufficient cause and belief to regard the motorcycle operator's presence on the property as being in violation of this ordinance, such inability or refusal being a violation of this ordinance in and of itself.
(ord. no. 14 eff. Mar. 14, 1974)

20.158 Sec. 8. APPEARANCE TICKETS; OWNER PRESUMED OPERATOR.

- A. The Constables of Tyrone Township, the Livingston County Sheriff or the Michigan State Police may issue appearance tickets for violations of this act pursuant to Sections 9a to 9e of Chapter 4 of Act No. 175 of the Public Acts of 1927, as added, being Sections 764.9a to 764.9e of the Compiled Laws of 1948.

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

(ord. no. 14 eff. Mar. 14, 1974)

20.159 Sec. 9. FLEEING ARREST, SEPARATE VIOLATION.

An operator of a motorcycle who is given by hand, voice, emergency light or siren a visual or audible signal by a Constable of Tyrone Township, the Livingston County Sheriff or a Michigan State Policeman, acting in the lawful performance of his duty, directing the operator to bring his motorcycle to a stop, and who willfully fails to obey the direction by increasing his speed, extinguishing his lights, or otherwise attempts to flee or elude the officer, is guilty of a misdemeanor. The officer giving the signal shall be in uniform. A vehicle or motorcycle which is used by an officer at night for purposes of enforcing this act shall be identified as a official law enforcement vehicle or motorcycle.

(ord. no. 14 eff. Mar. 14, 1974)

20.160 Sec. 10. VIOLATION, MISDEMEANOR, PENALTIES.

Any person who shall violate this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500.00, and costs of prosecution, or by imprisonment in the County Jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the Court.

Any person guilty of a violation of the within ordinance shall also be subject to civil proceedings for damages and/or injunctive relief by the township or by any person, firm, or corporation injured or damaged by such violation.

Both criminal and civil proceedings may be commenced against a person violating the within ordinance and commencement of any such proceedings shall not constitute an election of remedies preventing the commencement of the other proceedings against such violator.

(ord. no. 14 eff. Mar. 14, 1974)

20.161 Sec. 11. SEVERABILITY.

If any section, clause, provision or incorporation of this ordinance shall be declared to be inconsistent with the Constitution or the laws of the State of Michigan and void by any Court of competent jurisdiction, said section, clause, provision or incorporation declared to be unconstitutional or illegal shall thereby cease to be a part of this ordinance, but the remainder of this ordinance shall stand and be in full force.

(ord. no. 14 eff. Mar. 14, 1974)

20.162 Sec. 12. EFFECTIVE DATE.

This ordinance shall become effective twenty-one (21) days after publication.

(ord. no. 14 eff. Mar. 14, 1974)

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