

20.450

**SNOWMOBILES/TERRAIN VEHICLES  
TOWNSHIP OF TYRONE, MICHIGAN  
ord. no. 13 eff. Jan. 31, 1974**

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

THE TOWNSHIP OF TYRONE ORDAINS:

**20.451 Sec. 1. SHORT TITLE.**

This ordinance shall be known as the "Snowmobile Control Ordinance".

(ord. no. 13 eff. Jan. 31, 1974)

**20.452 Sec. 2. PURPOSE.**

This ordinance is enacted to regulate the operations of snowmobiles 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. 13, eff. Jan. 31, 1974)

**20.453 Sec. 3. DEFINITIONS.**

As used in this ordinance:

- A. **OPERATOR** means any person who operates, or is in actual physical control of a snowmobile.
- B. **OWNER** means any of the following:
  - 1. A person who holds the legal title to a snowmobile.
  - 2. 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 conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee.

3. A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.

- C. **OPERATE** means to ride in or on, and be in actual physical control of the operation of a snowmobile.
- 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. **SNOWMOBILE** means any motor 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. It is not a vehicle which must be registered under Act No. 300 of the Public Acts of 1949, as amended, being Sections 275.1 to 257.923 of the Compiled Laws of 1948. The word "**snowmobile**", 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**".
- F. **HIGHWAY OR STREET** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- G. **ROADWAY** means that portion of a highway improved, designated, or ordinarily used for vehicular travel. If a highway includes 2 or more separate roadways, the term roadway refers to any such roadway separately, but not to all such roadways collectively.
- H. **SHOULDER** means that portion of a highway on either side of the roadway which is normally snowplowed for the safety and convenience of vehicular traffic.
- I. **RIGHT OF WAY** means that portion of a highway less the roadway and any shoulder.
- J. **DEALER** means any person engaged in the sale, lease or rental of snowmobiles as a regular business.  
(ord. no. 13 eff. Jan. 31, 1974)

**20.454**      **Sec. 4. REGISTRATION.**

This ordinance requires that:

- A. No snowmobile shall be operated in Tyrone Township unless registered by the owner as provided in Act No. 74 of the Public Acts of 1968 and a certificate of registration obtained pursuant to said state law.
- B. Registration is not required for a snowmobile operated exclusively on lands owned or under control of the snowmobile owner.
- C. The display of a registration decal or other device on the snowmobile in the manner as required by State Law is also required and made a part of this ordinance.  
(ord. no. 13 eff. Jan. 31, 1974)

**20.455**      **Sec. 5. REGULATIONS; PLACES OF OPERATION.**

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

- A. **CONDITIONS; CIRCUMSTANCES; LOCATIONS.** Except under the following conditions, circumstances, or at the following locations:
  - 1. **Right of way; public highway.** A person may operate a snowmobile on the right of way of a public highway, except a limited access highway, if it is operated at the extreme right of the open portion of the right of way and with the flow of traffic on the highway.
  - 2. **Roadway or shoulder.** A person may operate a snowmobile 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 any approaching vehicle on the highway.
  - 3. **Right of way adjacent and parallel to roadway.** When it is impractical to gain immediate access to an area adjacent to a public highway, a snowmobile may be operated on a right of way adjacent and parallel to the roadway for the sole purpose of gaining access to and from the area of

operation by the most direct route. Loading or unloading of a snowmobile shall be accomplished with due regard to safety at the nearest possible point of the area of operation.

4. **Across public highway.** A snowmobile may be operated across a public highway, other than a limited access highway, 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. An operator shall bring his snowmobile to a complete stop before proceeding across any public highway, and shall yield the right of way to all oncoming traffic.

5. **Highway in county road system.** Snowmobiles may be operated on a highway in a county road system, which is not normally snowplowed for vehicular traffic and on any snowplowed highway in the county road system, outside the corporate limits of a city or village, which is designated and marked for snowmobile use by the County Road Commission.

6. **Emergency; authorization by law enforcement officer.** A duly constituted law enforcement officer of Tyrone Township may authorize use of a snowmobile on a public highway or street within his jurisdiction when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

7. **Special events.** A snowmobile may be operated on a street or highway for a special event of limited duration conducted according to a prearranged schedule only under permit from Tyrone Township. The event may be conducted on the frozen surface of public waters only under permit from the Department of Natural Resources pursuant to state law.

B. **PRIVATE PROPERTY; WRITTEN PERMISSION.** On private property not 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 snowmobile in or upon farmlands or farm woodlots, platted property, or areas restricted pursuant to Section VII (h), as stated below, without the prior written permission of the relevant landowner, lessor or possessor.

**C. PUBLIC SCHOOL GROUNDS; PARKS; PLAYGROUNDS.**

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. 13 eff. Jan. 31, 1974)

**20.456 Sec. 6. OPERATION BY MINORS.**

**A. DIRECT SUPERVISION OF ADULT.** A parent or legal guardian shall not permit his child who is under the age of 12 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. SUPERVISION; SAFETY CERTIFICATE; OWN PROPERTY.** Beginning January 1, 1974, a person who is at least 12 but less than 16 years of age may operate a snowmobile if:

1. He is under the direct supervision of a person who is 18 years of age or older; or if
2. He has in his immediate possession a snowmobile safety certificate issued pursuant to Section 4B; or
3. He is on land owned or under the control of his parent or legal guardian.

A person who is operating a snowmobile pursuant to Subdivision (b) shall present the snowmobile safety certificate to any peace office upon demand.

- C. **CROSSING HIGHWAYS OR STREETS.** Notwithstanding Section 12, an operator who is under 12 years of age shall not cross a highway or street. Beginning January 1, 1974, an operator who is at least 12 years of age, but less than 16 years of age, may cross a highway or street only if he has a valid snowmobile safety certificate in his immediate possession.
- D. **OPERATION CONTRARY TO THIS SECTION PROHIBITED.** The owner of a snowmobile shall not permit his snowmobile to be operated contrary to this section.
- E. **VIOLATIONS; SUSPENSION OF CERTIFICATE.** When the Judge of a Juvenile Court determines that a person who is less than 16 years of age has violated this act, the Judge shall immediately report the determination to the Department of Natural Resources. The Director of Natural Resources, upon receiving a notice of a determination pursuant to this subsection may suspend the certificate without a hearing.  
(ord. no. 13 eff. Jan. 31, 1974)

**20.457**      **Sec. 7. OPERATING REGULATIONS.**

A person shall not operate a snowmobile:

- A. **UNREASONABLE SPEED.** At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.
- B. **INFLUENCE; LIQUOR OR DRUGS.** While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
- C. **HEADLIGHTS AND TAILLIGHTS.** During the hours from ½ hour after sunset to ½ hour before sunrise without displaying a lighted headlight and a lighted taillight.
- D. **FOREST NURSERY, PLANTING AREA.** 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. **FROZEN SURFACE; PUBLIC WATERS.** 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 snowmobile or within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile 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. **WITHOUT MUFFLER; GOOD WORKING ORDER.** 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 DBA (decibels on the "A" scale) of a sound meter having characteristics defined by American Standards Association S1, 4-1966 "general purpose sound meter".
- G. **MIDNIGHT TO 6 A.M.; STIPULATIONS.** Within 100 feet of a dwelling between 12 midnight and 6 A.M., at a speed greater than minimum required to maintain forward movement of the snowmobile.
- H. **PRIVATE PROPERTY.** 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 snowmobile 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 the incursions either of:

1. Snowmobiles owned, leased or possessed by others or
2. All snowmobiles.

Township officers shall then cause to be posted in a public place notice of such intent. The notice shall include:

- a. The name of such owner, lessor or possessor,
- b. A commonly recognizable description of the restricted premises, and

- c. a statement that the restrictions shall go into effect seven (7) days from the date of posting publication. The notice shall remain posted throughout the life of the restriction.

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

I. AREA; PUBLIC HUNTING; TIME LIMITS. 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.

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J. TRANSPORTING BOW OR FIREARM. 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.)

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**K. CEMETERY.** On or across a cemetery or burial ground.

L. SLIDE, SKI OR SKATING AREA. Within 100 feet of a slide, ski or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.

**L. SLIDE, SKI OR SKATING AREA.** Within 100 feet of a slide, ski or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.

**M. RAILROAD OR RIGHT OF WAY.** On a railroad or railroad right of way, except railroad, public utility or law enforcement personnel, while in the performance of their duties.

**N. HUNT, WORRY OR KILL BIRDS OR ANIMALS.** So as to hunt, pursue, worry or kill a wild bird or animal.  
(ord. no. 13, eff. Jan. 31, 1974)

**20.458 Sec. 8. INABILITY TO SHOW PERMISSION: VIOLATION.**

The inability or refusal of a snowmobile operator to show written evidence of the prior permission to operate a snowmobile, as required, shall afford any peace officer charged with enforcing this ordinance

with sufficient cause and belief to regard the snowmobile 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. 13 eff. Jan. 31, 1974)

**20.459**      **Sec. 9. APPEARANCE TICKETS: OWNER PRESUMED OPERATOR.**

**A. ISSUANCE OF TICKETS.** 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. REGISTRATION NUMBER; EVIDENCE OF OWNER.** In a proceeding for a violation of this act 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 the offense.

(ord. no. 13 eff. Jan. 31, 1974)

**20.460**      **Sec. 10. FLEEING ARREST, SEPARATE VIOLATION.**

A operator of a snowmobile 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 snowmobile 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 snowmobile which is used by an officer at night for purposes of enforcing this act shall be identified as an official law enforcement vehicle or snowmobile.

(ord. no 13 eff. Jan. 31, 1979)

**20.461**      **Sec. 11. 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. 13 eff. Jan. 31, 1974)

**20.462**      **Sec. 12. INCORPORATION OF STATE LEGISLATION.**

The Township hereby incorporates into this ordinance each suspension, amendment, or repeal of those provisions contained in Act. No. 74 of the Public Acts of 1968 as amended, which are substantially similar to provisions contained herein, made pursuant Subsection 14 a (5) of that Act. Such suspension, amendment, or repeal of this ordinance shall remain in full effect unless and until Tyrone Township further modifies the affected provisions.

(ord. no. 13, eff. Jan. 31, 1974)

**20.463**      **Sec. 13. 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. 13, eff. Jan. 31, 1974)

**20.464**      **Sec. 14. EFFECTIVE DATE.**

This ordinance shall become effective seven (7) days after publication.