

**SNOWMOBILE ORDINANCE.**  
**City of Gaylord, Michigan**  
**Ordinance eff. February 1, 1970**  
**Amended by ord. eff. March 13, 1995; ord. eff. April 15, 2007**

**20.200** An Ordinance to regulate snowmobiles in the City of Gaylord.

THE CITY OF GAYLORD ORDAINS:

**20.201** Sec. 3501. **DEFINITIONS.**

1. 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:
    - i. A person who holds the legal title to a snowmobile.
    - ii. A vendee or lessee of a snowmobile which is the subject of an agreement for conditional sale or lease 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.
    - iii. A person renting a snowmobile or having the exclusive use of a snowmobile for more than thirty (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; but is not a vehicle which must be registered under the Michigan vehicle code, Act. No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
  - f. "Highway or street" means the entire width between the boundary lines of every way publicly maintained if any part thereof is open to the use of the public for purposes of vehicular travel.
  - g. "Roadway" means that portion of a highway or street improved, designated, or ordinarily used for vehicular travel. If a highway or

street includes 2 or more separate roadways the term roadway refers to any such roadway separately, but not to all such roadways collectively.

- h. "Right of way" means that portion of a highway or street less the roadway and any shoulder.
- i. "Shoulder" means that portion of a highway or street on either side of the roadway which is normally snowplowed for the safety and convenience of vehicular traffic.

**20.202**      Sec. 3502.      **REGISTRATION.**

- 1. Except as otherwise provided by state law or this ordinance, a snowmobile shall not be operated within the City of Gaylord unless the owner first obtains a certificate of registration and a registration decal in accordance with the applicable provisions of Act No. 74 of the Public Acts of 1968, as amended, being sections MCL 275.1501 et. seq. of the Michigan Compiled Laws. The certificate of registration shall be secured at the time of purchase or transfer of ownership and the registration decal shall be displayed as required by state law.
- 2. A person who is convicted of a violation of this section shall be fined not more than \$50.00.

**20.203**      Sec. 3503.      **OPERATION OF SNOWMOBILES PROHIBITED; EXCEPTIONS.**

- 1. A person shall not operate a snowmobile within the City of Gaylord upon a public highway or street, land used as an airport or street, or on a public or private parking lot not specifically designated for the use of snowmobiles except under the following conditions and circumstances:
  - a. A snowmobile may be operated 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. Snowmobiles operated on the right-of-way of a public highway, as provided in this subdivision, shall travel single file and shall not be operated abreast except when overtaking and passing another snowmobile.
  - b. While ingressing and egressing hotels and lodging facilities, where no other safe right-of-way to pathways are allowed. This allowance is to allow for fueling and trail access only.
  - c. Except as otherwise provided, 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 or her snowmobile to a complete stop before proceeding across the public highway and shall yield the right-of-way to all oncoming traffic.

- d. A duly constituted law enforcement officer of the city, county, or the state may authorize use of a snowmobile on a public highway or street within his or her jurisdiction when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.
  - e. 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 the City of Gaylord.
2. A person shall not operate a snowmobile on or across Main Street at any point between Michigan Avenue and Elm Avenue. All City streets shall be egress and ingress routes for the use of snowmobiles. All snowmobiles will yield the right-of-way to vehicular traffic at all intersections. Snowmobiles are prohibited from travel along Main Street (M-32), North Center Avenue (Old 27 North) and South Otsego Avenue (Old 27 South).

**20.204**

Sec. 3504. **OPERATION OF SNOWMOBILE; PROHIBITIONS.**

- 1. A person shall not operate a snowmobile under any of the following circumstances:
  - a. At a rate of speed not to exceed 10 m.p.h.
  - b. Without a muffler in good working order and in constant operation from which noise emission at fifty (50) feet at right angles from vehicle path under full throttle does not exceed 86 DBA, decibels on the "a" scale, on a sound meter having characteristics defined by American Standards Association S1, 4-1966 "general purpose sound meter".
  - c. Within one hundred (100) feet of a dwelling between 12 midnight and 6:00 a.m., at a speed greater than the minimum required to maintain forward movement of the snowmobile.
  - d. While transporting on the snowmobile a bow, unless unstrung, or a firearm, unless unloaded and securely encased or equipped with, and made inoperative by, a manufactured key locked trigger housing mechanism.
  - e. On or across a cemetery or burial ground.
  - f. On or across any established public park or recreation area, unless

specifically designated for the operation of snowmobiles by the City of Gaylord.

- g. On a railroad or railroad right-of-way. This prohibition shall not apply to railroad personnel, public utility personnel and law enforcement personnel while in the performance of their duties.
  - h. On all public sidewalks.
2. Notwithstanding section 3501(c) and for purposes of this section, "operate" means to cause to function, run or manage.

**20.205**

**Sec. 3505. SUPERVISION OF MINORS.**

- 1. A parent or legal guardian shall not permit his or her child who is less than twelve (12) years of age 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.
- 2. A person who is at least twelve (12) but less than seventeen (17) years of age may operate a snowmobile if one of the following conditions exist:
  - a. The person is under the direct supervision of a person who is twenty-one (21) years of age or older.
  - b. The person has in his or her immediate possession a snowmobile safety certificate issued pursuant to a program conducted under the provisions of Act No. 74 of the Public Acts of 1968, as amended, being section MCL 275.1505 et. seq. of the Michigan Compiled Laws.
  - c. The person is on land owned or under the control of his or her parent or legal guardian.
  - d. The person possesses a snowmobile safety certificate issued to the person under the authority of a law of another state or province of Canada.
- 3. A person who is operating a snowmobile pursuant to subsection (2)(b) shall present the snowmobile safety certificate to any peace officer upon demand.
- 4. Notwithstanding section 3503, an operator who is less than twelve (12) years of age shall not cross a highway or street. An operator who is at least twelve (12) years of age but less than seventeen (17) years of age may cross a highway or street only if he or she has a valid snowmobile safety certificate in his or her immediate possession.
- 5. The owner of a snowmobile shall not permit the snowmobile to be operated contrary to this section.

**20.206****Sec. 3506. EQUIPMENT.**

1. A person shall not operate a snowmobile without displaying a lighted headlight and a lighted taillight.
2. A person shall not operate a snowmobile without brakes capable of one of the following while the snowmobile travels on packed snow and carries an operator who weighs one hundred seventy-five (175) pounds or more: stopping the snowmobile in not more than forty (40) feet from an initial steady speed of twenty (20) miles per hour; or locking the snowmobile's traction belt or belts.
3. A person operating or riding on a snowmobile shall wear a crash helmet on his or her head. Crash helmets shall be approved by the United States Department of Transportation. This section shall not apply to a person riding on or operating a snowmobile on his or her own private property.

**20.207****Sec. 3507. AUTHORIZING OR PERMITTING SNOWMOBILE TO BE OPERATED BY PERSON UNDER INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCE PROHIBITED.**

1. A person shall not operate a snowmobile in the City if either of the following applies:
  - a. The person is under the influence of intoxicating liquor or a controlled substance, or both.
  - b. The person has a blood alcohol content of 0.10% or more by weight of alcohol.
2. The owner of a snowmobile or a person in charge or in control of a snowmobile shall not authorize or knowingly permit the snowmobile to be driven or operated by a person who is under the influence of intoxicating liquor or a controlled substance, or both, or who has a blood alcohol content of 0.10% or more by weight of alcohol.
3. A person shall not operate a snowmobile when, due to the consumption of an intoxicating liquor or a controlled substance, or both, the person's ability to operate the snowmobile is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

**20.208****Sec. 3508. VIOLATIONS; SANCTIONS.**

1. If a person is convicted of violating section 3507(1), the person is guilty of a misdemeanor and may be punished by one or more of the following:

- a. Community service for not more than forty-five (45) days.
  - b. Imprisonment for not more than ninety (90) days.
  - c. A fine of not less than \$100.00 or more than \$500.00.
2. If a person is convicted of violating section 3507(3), the person is guilty of a misdemeanor punishable by one or more of the following:
- a. Community service for not more than forty-five (45) days.
  - b. Imprisonment for not more than ninety (90) days.
  - c. A fine of not more than \$300.00.
3. A person sentenced to perform service to the community under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service if ordered by the court.
4. In addition to the sanctions prescribed under subsections (1) and (2), the court may, pursuant to the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws, order the person to pay the costs of the prosecution. The Court shall also impose sanctions under Michigan Compiled Laws 257.1526 where applicable.
5. A person who is convicted of violating section 3507(2) is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days, or a fine of not less than \$100.00 nor more than \$500.00, or both.

**20.209**

**Sec. 3509. ARREST WITHOUT WARRANT; PRELIMINARY CHEMICAL BREATH ANALYSIS.**

- 1. A peace officer, without a warrant, may arrest a person if the peace officer has reasonable cause to believe that the person was, at the time of an accident, the operator of a snowmobile involved in the accident in the city while in violation of section 3507.
- 2. A peace officer who has reasonable cause to believe that a person was operating a snowmobile and that, by the consumption of intoxicating liquor, the person may have affected his or her ability to operate a snowmobile, may require the person to submit to a preliminary chemical breath analysis. The following provisions apply with respect to a preliminary chemical breath analysis:
  - a. A peace officer may arrest a person based in whole or in part upon

the results of a preliminary chemical breath analysis.

- b. A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is guilty of a misdemeanor.

**20.210**      **Sec. 3510**      **CHEMICAL TESTS AND ANALYSIS OF PERSON'S BLOOD, URINE, OR BREATH; PROVISIONS.**

- 1. The following provisions apply with respect to a chemical test and analysis of a person's blood, urine, or breath, other than a preliminary chemical breath analysis:
  - a. The amount of alcohol or presence of a controlled substance, or both, in an operator's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding.
  - b. A person arrested for a crime described in section 3507 shall be advised of all of the following:
    - i. That if the person takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, the person has the right to demand that someone of the person's own choosing administer one of the chemical tests; that the results of the test are admissible in a judicial proceeding as provided under this act and shall be considered with other competent evidence in determining the innocence or guilt of the defendant; and that the person is responsible for obtaining a chemical analysis of a test sample obtained pursuant to the person's own request.
    - ii. That if the person refuses the request of a peace officer to take a test described in subparagraph (i), the test shall not be given without a court order, but the peace officer may seek to obtain such a court order.
    - iii. That the person's refusal of the request of a peace officer to take a test described in subparagraph (i) will result in issuance of an order that the person not operate a snowmobile.
- 2. A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician, qualified to withdraw blood and acting in a medical environment, may withdraw blood at the request of a peace officer for the purpose of determining the amount of alcohol or presence of a controlled substance, or both, in a person's blood, as provided in this subsection. A qualified person who withdraws or analyzes blood, or assists in the withdrawal or analysis, in accordance with this act is

not liable for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures unless the withdrawal or analysis is performed in a negligent manner.

3. A rule relating to a chemical test for alcohol or a controlled substance promulgated under the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, applies to a chemical test administered under this act.

**20.211**

**Sec. 3511. CHEMICAL TEST AND ANALYSIS OF PERSON'S BLOOD, URINE, OR BREATH; ADDITIONAL PROVISIONS.**

1. A chemical test described in section 3510 shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 3510. A person who takes a chemical test administered at the request of a peace officer, as provided in section 3510, shall be given a reasonable opportunity to have someone of the person's own choosing administer one of the chemical tests described in section 3510 within a reasonable time after the person's detention, and the results of the test are admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by someone of the person's own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.
2. If, after an accident, the operator of a snowmobile involved in an accident is transported to a medical facility and a sample of the operator's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample is admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance, or both, in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.
3. If, after an accident, the operator of a snowmobile involved in an accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the propose of determining the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident, and that agency shall forward the results to the Department of State Police.

**20.212**      Sec. 3512.      **INTRODUCTION OF OTHER EVIDENCE NOT LIMITED BY SECTIONS 3510 AND 3511; AVAILABILITY OF CHEMICAL TEST RESULTS.**

1.      The provisions of sections 3510 and 3511 relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or both, or whether the person had a blood alcohol content of 0.10% or more by weight of alcohol.
2.      If a chemical test described in sections 3510 and 3511 is administered the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least two (2) days before the day of the trial. The results of the test shall be offered as evidence by the prosecution in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.

**20.213**      Sec. 3513.      **AMOUNT OF ALCOHOL IN DRIVER'S BLOOD; PRESUMPTIONS; REFUSAL TO SUBMIT TO CHEMICAL TEST; ADMISSIBILITY.**

1.      Except in a prosecution relating solely to a violation of section 3507, the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath gives rise to the following presumptions:
  - a.      If there was at the time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a snowmobile was not impaired due to the consumption of intoxicating liquor and that the defendant was not under the influence of intoxicating liquor.
  - b.      If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a snowmobile was impaired within the provisions of section 3507 due to the consumption of intoxicating liquor.
  - c.      If there was at the time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.
2.      A person's refusal to submit to a chemical test as provided in sections 3510 and 3511 is admissible in a criminal prosecution for a crime described in section 3507 only for the purpose of showing that a test was offered to the defendant, but not as evidence in determining innocence or guilt of the defendant. The jury shall be instructed accordingly.

**20.214**      Sec. 3514.      **ACCIDENTS; NOTICE.**

1.      The operator of a snowmobile involved in an accident resulting in injuries to or death of any person, or property damage in an estimated amount of \$100.00 or more shall immediately by the quickest means of communication notify the Gaylord City Police Department or a city police officer, a state police officer or officers, or the Otsego County Sheriff's Office. The police agency receiving the notice shall complete a report of the accident on forms prescribed by the director of the department of state police and forward the report to the department of state police within fourteen (14) days after the date of the accident. The department of state police shall forward a copy of all snowmobile accident reports to the Department of Natural Resources within fourteen (14) days after receipt of the accident report.

**20.215**      Sec. 3515.      **OPERATOR OF SNOWMOBILE DETAINED BY OFFICER; CONDUCT OF OPERATOR AS MISDEMEANOR; ARREST WITHOUT WARRANT.**

1.      The operator or person in charge of a snowmobile being used or operated in the City, who is by hand, voice, emergency light or siren, or a visual or audible signal, directed to bring his or her snowmobile to a stop by any police officer who is in uniform and empowered to enforce the provisions of this ordinance shall immediately bring the snowmobile to a stop or maneuver it in a manner that permits the officer to come alongside. 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. The operator or person in charge of the snowmobile and any other person on board shall give his or her correct name and address, exhibit the certificate of registration awarded for the snowmobile, and submit to a reasonable inspection of the snowmobile and to a reasonable inspection and test of the equipment of the snowmobile.
2.      A person who willfully fails to obey the direction by increasing his or her speed, extinguishing his or her lights, or otherwise attempts to flee or elude the officer, is guilty of a misdemeanor.
3.      A person who is detained for a violation of this ordinance and who furnishes a peace officer false, forged, fictitious, or misleading verbal or written information identifying the person as another person is guilty of a misdemeanor.
4.      A peace officer who observes a violation by a person of this ordinance may arrest the person without a warrant.

**20.216**      Sec. 3516.      **OPERATION OF SNOWMOBILE PROHIBITED; KNOWINGLY PERMITTING OPERATION BY PERSON SUBJECT TO ORDER PROHIBITED.**

1.      A person who is ordered not to operate a snowmobile and who has been

notified of the order by personal service or first-class mail shall not operate a snowmobile. A person shall not knowingly permit a snowmobile owned by the person to be operated by a person who is subject to such an order. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or by a fine of not more than \$500.00, or both.

2. Upon receiving a record of the conviction or probate court disposition of a person upon a charge of unlawful operation of a snowmobile while the person is subject to an order not to operate a snowmobile, the Secretary of State shall immediately extend the length of the order for an additional like period.
3. If a person is convicted of violating subsection (1), the court shall order cancellation of the certificate of registration for the snowmobile, unless the snowmobile was stolen or permission to use the snowmobile was not knowingly given. The Secretary of State shall not issue a certificate of registration for a snowmobile whose registration is cancelled until after the expiration of ninety (90) days after the cancellation.

**20.217**

**Sec. 3517. IMPOUNDMENT OF SNOWMOBILE.**

1. When a person is convicted under section 3511(1), the snowmobile, if it is owned by that person, shall be ordered impounded for not less than thirty (30) nor more than one hundred twenty (120) days from the date of judgment.
2. An order of impoundment issued pursuant to subsection (1) is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the snowmobile to the storage for insurance coverage purposes.
3. The owner of a snowmobile impounded pursuant to this section is liable for expenses incurred in the removal and storage of the snowmobile whether or not the snowmobile is returned to him or her. The snowmobile shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the snowmobile is not returned as provided in this section within thirty (30) days after the time set in the impoundment order for return of the snowmobile, the snowmobile shall be considered abandoned.
4. Nothing in this section affects the rights of a conditional vendor, chattel mortgagee, or lessor of a snowmobile registered in the name of another person as owner who becomes subject to this ordinance.

**20.218**

**Sec. 3518. VIOLATION OF ORDINANCE; MISDEMEANOR.**

Unless as otherwise provided for, any person who violates the provisions of this

ordinance is guilty of a misdemeanor.

**20.219**      Sec. 3519.      **VIOLATIONS; APPEARANCE TICKETS; PRESUMPTION.**

1.      A peace officer may issue appearance tickets for violations of this ordinance 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.
  
2.      In a proceeding for a violation of this ordinance 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.

**20.220**      Sec. 3520.      **EFFECTIVE DATE OF ORDINANCE.**

This ordinance is declared to be an emergency ordinance and shall take effect immediately upon due passage and after being published as prescribed by the Charter of the City of Gaylord.

Amended ord. eff. March 13, 1995