

CHARTER TOWNSHIP OF SOUTH HAVEN

ORDINANCE NO. 51

ADOPTED: 9/9/98

EFFECTIVE: THIRTY (30) DAYS FOLLOWING PUBLICATION

UNIFORM TRAFFIC CODE

An Ordinance to adopt by reference the Uniform Traffic Code and to amend certain provisions thereof pertaining to failure to stop on signal of police or conservation officer; location and meaning of traffic control signals and related matters; reporting of certain accidents; speed restrictions; drunk-driving offenses; and sections concerning testing, sanctions, and other matters related to alcoholic liquor; unsecured loads; driving without a license; unlawful use of license; operation of vehicles by nonresidents; evidence of insurance and insurance requirements; prohibition of television viewable by drivers; mandatory child restraints; safety belt regulations; school buses; restrictions and requirements for snowmobiles; off-road recreation vehicles; driving while license suspended or revoked; and provisions concerning bicycles, motorcycles and mopeds; providing for severability; repealing conflicting Ordinances, and establishing an effective date.

CHARTER TOWNSHIP OF SOUTH HAVEN

VAN BUREN COUNTY, MICHIGAN

ORDAINS

SECTION I

CODE ADOPTED

The Uniform Traffic Code for cities, Townships and Villages as promulgated by the Director of State Police and published in the 1979 Edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956 of the State of Michigan, is hereby adopted by reference except as amended herein.

SECTION II

REFERENCES IN CODE

References in the said Uniform Traffic Code for Michigan Cities, Townships, and Villages to "governmental unit" shall mean the Charter Township of Texas.

SECTION III

FAILURE TO STOP UPON SIGNAL OF POLICE OR

CONSERVATION OFFICERS; PENALTIES

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the revision of Section 3.2a of said Uniform Traffic Code to read as follows:

Sec. 3.2a Failure to Stop Upon Signal of Police Or Conservation Officer.

[The provisions of 1988 Public Act 406, appended hereto, amending Section 602a of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. All references in said amended Section 602a to a numbered "section" shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or the corresponding section of this ordinance, where applicable.]

SECTION IV

LOCATION OF TRAFFIC-CONTROL SIGNALS; MEANING OF TERMS

AND LIGHTS; PLACE WHERE STOP IS TO BE MADE; RIGHT TURN ON RED;

PERSONS IN WHEELCHAIRS OR USING DEVICES TO ASSIST WALKING

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the revision of Section 4.6 of said Uniform Traffic Code to read as follows:

Sec. 4.6. Traffic-Control Signals; Meaning of Terms and Lights; Place Where Stop is to be Made; Right Turn on Red; Persons in Wheelchairs or Using Devices to Assist Walking.

[The provisions of 1990 Public Act No. 33, appended hereto, amending Sec. 612 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. All references to a numbered "section" in said amended Section 612 shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or the corresponding section of this ordinance, where applicable.]

SECTION V

REPORTING OF CERTAIN TRAFFIC ACCIDENTS

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.6 to read as follows:

[The provisions of 1991 Public Act No. 168, appended hereto, amending Sec. 622 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. All references to a numbered "section" in said amended Section 622 shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or the corresponding section of this ordinance, where applicable.]

SECTION VI

GENERAL RESTRICTIONS AS TO SPEED

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the revision of Section 5.10 of said Uniform Traffic Code to read as follows:

Sec. 5.10. Speed Restrictions.

[The provisions of 1990 Public Act No. 165, appended hereto, amending Sec. 627 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. All references to a numbered "section" in said amended Section 627 shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or the corresponding section of this ordinance, where applicable.]

SECTION VII

DRINKING-DRIVING OFFENSES; PENALTY UPON CONVICTION

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.15 to read as follows:

Sec. 5.15. Drinking-Driving Offenses; Penalty Upon Conviction.

[The provisions of 1994 Public Act 449, appended hereto, amending Section 625 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. Subsections (4) and (5) of said amended Section 625 are not incorporated by reference.
- b. Any references in said amended Section 625 to subsections (4) and (5) of same are not incorporated by reference.
- c. All references to a numbered "section" in said amended Section 625 shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION VIII

ARREST WITHOUT WARRANT FOR DRINKING-DRIVING OFFENSES;

BLOOD ALCOHOL TESTING; EVIDENCE

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.15a to read as follows:

Sec. 5.15a. Arrest Without Warrant for Drinking-Driving Offenses; Blood Alcohol Testing; Evidence

[The provisions of 1994 Public Act 450, appended hereto, amending Section 625a of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. Any references in said amended Section 625a to subsections (4) and (5) of amended Section 625 are not incorporated by reference.
- b. All references to a numbered "section" in said amended Section 625a shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION IX

ARRAIGNMENT; LICENSE SANCTIONS UPON CONVICTION

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.15b to read as follows:

Sec. 5.15b. Arraignment; License Sanctions Upon Conviction
[The provisions of 1994 Public Act 450, appended hereto, amending Section 625b of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. Any references in said amended Section 625b to subsections (4) and (5) of amended Section 625 are not incorporated by reference.
- b. All references to a numbered "section" in said amended Section 625b shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION X

OPERATING A VEHICLE WHILE VISIBLY IMPAIRED

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the repeal of existing Section 5.15b (now consolidated in amended Section 5.15 pursuant to Section VII of this Ordinance).

SECTION XI

CONSENT TO BLOOD ALCOHOL TESTING

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.15c to read as follows:

Sec. 5.15c. Consent to Blood Alcohol Testing.

[The provisions of 1994 Public Act 450, appended hereto, amending Section 625c of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. Subsection (1)(b), including subparts (i) and (ii) therein, of said amended Section 625c are not incorporated by reference.
- b. Any references in said amended Section 625c to subsections (4) and (5) of amended Section 625 are not incorporated by reference.
- c. All references to a numbered "section" in said amended Section 625c shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION XII

CHEMICAL TEST REFUSAL AND TEST UPON COURT ORDER

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.15d to read as follows:

Sec. 5.15d. Chemical Test Refusal and Test Upon Court Order.
[The provisions of 1994 Public Act 211, appended hereto, amending Section 625d of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. [All references to a numbered "section" in said amended Section 625d shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION XIII

LICENSE SANCTIONS FOR CHEMICAL TEST REFUSAL

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, are hereby further amended by the revision of existing Section 5.15f to read as follows:

Sec. 5.15f. License Sanctions for Chemical Test Refusal.

[The provisions of 1994 Public Act 450, appended hereto, amending Section 625f of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. All references to a numbered "section" in said amended Section 625f shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION XIV

CONFISCATION BY PEACE OFFICER OF ACCUSED'S LICENSE UPON REFUSAL TO TAKE TEST OR IF TEST REVEALS IMPERMISSIBLE BLOOD ALCOHOL CONTENT; ISSUANCE OF TEMPORARY LICENSE; REPORT TO SECRETARY OF STATE; DESTRUCTION OF ACCUSED'S LICENSE.

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.15g to read as follows:

Sec. 5.15g. Confiscation by Peace Officer of Accused's License Upon Refusal to Take Test or if Test Reveals Impermissible Blood Alcohol Content; Issuance of Temporary License; Report to Secretary of State; Destruction of Accused's License.

[The provisions of 1994 Public Act 450, appended hereto, amending Section 625g of the Michigan Vehicle Code, 1949 Public Act 300, as amended, is hereby incorporated by reference, subject to the following exceptions and changes:

- a. All references to a numbered "section" in said amended Section 625g shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION XV

PRELIMINARY CHEMICAL BREATH ANALYSIS

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the repeal of existing Section 5.15h (now consolidated in amended Section 5.15a pursuant to Section VIII of this Ordinance).

SECTION XVI

PROHIBITION OF OPERATION OF COMMERCIAL MOTOR

VEHICLE WITH CERTAIN PERCENTAGE OF BLOOD ALCOHOL

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.15m to read as follows:

Sec. 5.15m. Prohibition of Operation of Commercial Motor Vehicle With Certain Percentage of Blood Alcohol.

[The provisions of 1994 Public Act 450, appended hereto, amending Section 625m of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. Any references in said amended Section 625m to subsections (4) and (5) of amended Section 625 are not incorporated by reference.
- b. All references to a numbered "section" in said amended Section 625m shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION XVII

POSSESSION OR TRANSPORTING ALCOHOLIC LIQUOR IN

MOTOR VEHICLE BY MINOR

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the addition of a new Section 5.16 to said Uniform Traffic Code reading as follows:

Sec. 5.16. Possession or Transporting Alcoholic Liquor in Motor Vehicle by a Minor.

[The provisions of 1985 Public Act 123, appended hereto, amending Section 33a of the Liquor Law, 1933 Extra Session Public Act 8, as amended, are hereby incorporated by reference, subject to the following exceptions and changes:

- a. All references to a numbered "section" in said amended Section 33a shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION XVIII

PERSONS UNDER 21, UNLAWFUL PURCHASE, CONSUMPTION OR POSSESSION;

USE OF FRAUDULENT IDENTIFICATION; SUSPENSION OF OPERATOR'S OR

CHAUFFEUR'S LICENSE; VIOLATIONS; DETENTION; SEIZURE OF ALCOHOLIC

BEVERAGES; APPEARANCE TICKET

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the addition of a new Section 5.16a to said Uniform Traffic Code reading as follows:

Sec. 5.16a. Persons Under 21, Unlawful Purchase, Consumption or Possession; Use of Fraudulent Identification; Suspension of Operator's or Chauffeur's License; Violations; Detention; Seizure of Alcoholic Beverages; Appearance Ticket.

[The provisions of 1986 Public Act 176 and 1983 Public Act 12, appended hereto, amending Sections 33b and 33c of the Liquor Law, 1933 Extra Session Public Act 8, as amended, are hereby incorporated by reference.]

SECTION XIX

TRANSPORTING OR POSSESSING ALCOHOLIC LIQUOR IN OPEN CONTAINERS

WITHIN PASSENGER COMPARTMENT OF VEHICLE

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.16b as follows:

Section 5.16b. Transporting or Possessing Alcoholic Liquor in Open Containers Within Passenger Compartment of Vehicle.

[The provisions of 1994 Public Act 211 amending Section 624a of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XX

CONSUMPTION OF LIQUOR PROHIBITED ON PUBLIC HIGHWAYS

AND OTHER PUBLIC PLACES

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.16c by adopting certain provisions in accordance with 1992 Public Act 91, being Michigan Compiled Law 436.34, as amended, to read as follows:

Sec. 5.16c. Consumption of Liquor Prohibited on Public Highways and other Public Places.

- (1) Alcoholic liquor shall not be consumed on the public highways.
- (2) Alcoholic liquor shall not be possessed or consumed in public parks, public places of amusement, or a publicly owned area (an area under the jurisdiction of the township) not licensed to sell for consumption on the premises, except as may be specifically allowed by other ordinance, order, or resolution of the Township Board. (MCL 436.34)
- (3) A person who violates this section is guilty of a misdemeanor.

SECTION XXI

SPILLING LOAD ON HIGHWAY PROHIBITED; CONSTRUCTION OR LOADING OF

VEHICLES; VEHICLES NOT COMPLETELY ENCLOSED; LOGS OR TUBULAR

PRODUCTS; EXEMPTIONS; PENALTY

The Uniform Traffic Code for Michigan Cities, Townships and Villages is hereby amended by the revision of Section 5.57 of said Uniform Traffic Code to read as follows:

Sec. 5.57. Spilling Load on Highway Prohibited; Construction or Loading of Vehicles; Vehicles Not Completely Enclosed; Logs or Tubular Products; Exemptions; Penalty.

[The provisions of 1994 Public Act 50, appended hereto, amending Section 720 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XXII

DRIVING WITHOUT LICENSE OR WHILE LICENSE SUSPENDED/REVOKED/DENIED

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.62a as follows:

Section 5.62a. Driving Without License or While License Suspended/Revoked/Denied.

[The provisions of 1994 Public Act 450 appended hereto, amending Section 904 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference subject to the following exceptions and changes:

- a. All references to a numbered "section" in said amended Section 904 shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION XXIII

REPEAL OF SECTIONS 5.64, 5.65 AND 5.66 OF THE

UNIFORM TRAFFIC CODE

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the repeal of Sections 5.64, 5.65 and 5.66, the provisions thereof having been consolidated in new Section 5.64a, added by Section XXIV of this ordinance.

SECTION XXIV

UNLAWFUL USE OR VOID LICENSE; SUSPENSION OF LICENSE

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the addition of a new Section 5.64a to said Uniform Traffic Code reading as follows:

Sec. 5.64a. Unlawful Use or Void License; Suspension of License.

[The provisions of 1985 Public Act 79, appended hereto, amending Section 324 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XXV

NONRESIDENT OWNERS OF MOTOR VEHICLES; REGISTRATION EXEMPTIONS;

TEMPORARY PERMITS; DURATION

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the addition of a new Section 5.70b to said Uniform Traffic Code reading as follows:

Sec. 5.70b. Nonresident Owners of Motor Vehicles; Registration Exemptions; Temporary Permits; Duration.

[The provisions of 1989 Public Act 299, appended hereto, amending Section 243 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XXVI

PRODUCTION OF EVIDENCE OF CERTIFICATE OF INSURANCE; VIOLATIONS

AND PENALTIES; EXEMPTIONS

The Uniform Traffic Code for Michigan Cities, Townships and Villages is hereby amended by the addition of a new Section 5.70c to said Uniform Traffic Code reading as follows:

Sec. 5.70c. Production of Evidence of Certificate of Insurance; Violations and Penalties; Exemptions.

[The provisions of 1980 Public Act 459, appended hereto, amending Section 328 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XXVII

OPERATION OF VEHICLE WITHOUT SECURITY

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the addition of a new Section 5.70d to said Uniform Traffic Code adopting certain provisions in accordance with 1990 Public Act 79, being Michigan Compiled Law 500.1302, as amended, to read as follows:

Sec. 5.70d. Operation of Vehicle Without Security.

- (1) A nonresident owner or registrant of a motor vehicle or motorcycle not registered in this state shall not operate or permit the motor vehicle or motorcycle to be operated in this state for an aggregate of more than 30 days in any calendar year unless he or she continuously maintains security for the payment of benefits pursuant to Chapter 31 of 1956 Public Act 218, as amended.
- (2) An owner or registrant of a motor vehicle or motorcycle with respect to which security is required shall not operate the motor vehicle or motorcycle or permit it to be operated upon a public highway in this state without having in full force and effect security complying with this section or section 500.3101 or 500.3103 of the Michigan Compiled Laws.
- (3) A person who violates this section is guilty of a misdemeanor. Any other person who operates a motor vehicle or motorcycle upon a public highway in this state with the knowledge that the owner or registrant does not have security in full force and effect is guilty of a misdemeanor. A person convicted of a misdemeanor under this section shall be fined not less than \$200.00 nor more than \$500.00, imprisoned for not more than 90 days, or both.

SECTION XXVIII

TELEVISION, OR VIDEO BROADCAST EQUIPMENT IN MOTOR VEHICLE

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the addition of a new Section 5.80b reading as follows:

Sec. 5.80b. Television viewable by driver prohibited in motor vehicle; exceptions.

[The provisions of 1991 Public Act 55, appended hereto, adding by amendment Section 708b of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XXIX

CHILD RESTRAINT SYSTEMS

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the revision of Section 5.82 of said Uniform Traffic Code to read as follows:

Sec. 5.82. Child Restraint System.

[The provisions of 1990 Public Act 90 appended hereto, amending Sec. 710d of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference subject to the following exceptions and changes:

- a. All references to a numbered "section" in said amended Section 710d shall be understood to refer to the numbered section of the Michigan Vehicle Code, 1949 Public Act 300, as amended, and/or to the corresponding section of this ordinance, where applicable.]

SECTION XXX

SAFETY BELT REGULATIONS

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.83 as follows:

[The provisions of 1991 Public Act 25 appended hereto, amending Section 710e of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XXXI

SCHOOL BUSES

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the revision of existing Section 5.97 to read as follows:

Sec. 5.97. School Buses.

[The provisions of 1990 Public Act 188, appended hereto, amending Section 682 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XXXII

OPERATING RESTRICTIONS AND EQUIPMENT REQUIREMENTS FOR SNOWMOBILES

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the repeal of existing Sections 10.23, 10.31, 10.32, 10.33, 10.34, 10.35, 10.36, and Section 10.39(2) and (3); and by the addition of a new Section 10.23 adopting certain provisions in accordance with 1968 Public Act 74, as amended, to read as follows:

Sec. 10.23. OPERATING RESTRICTIONS AND MUFFLER REQUIREMENTS.

- (1) A person shall not operate a snowmobile under any of the following circumstances:
 - (a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.
 - (b) During the hours from 1/2 hour after sunset to 1/2 hour before sunrise without displaying a lighted headlight and lighted taillight.

- (c) In a forest nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or posted or reasonably identifiable as a natural dedicated area.
- (d) On the frozen surface of public waters within 100 feet of a person, including 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.
- (e) Without a muffler in good working order and in constant operation, from which noise emission does not constitute a violation of the Township Anti-Noise and Public Nuisance Ordinance.
- (f) Within 100 feet of a dwelling between 12 midnight and 6 a.m., at a speed greater than the minimum required to maintain forward movement of the snowmobile.
- (g) In or upon the lands of another without the written consent of the owner of the land, or the agent or lessee of the owner of the land, when required by the recreational trespass act, Act No. 323 of the Public Acts of 1976, being sections 317.171 to 317.181 of the Michigan Compiled Laws.
- (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 the person's own property or property under the person's control or as an invited guest.
- (i) While transporting on the snowmobile a bow, unless unstrung, or a firearm, unless securely encased or equipped with, and made inoperative by, a manufactured keylocked trigger housing mechanism.
- (j) On or across a cemetery or burial ground.
- (k) 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) On a railroad or railroad right of way, except railroad personnel, public utility personnel, law enforcement personnel while in the performance of their duties.

SECTION XXXIII

OPERATING RESTRICTIONS AND EQUIPMENT REQUIREMENTS

FOR OFF-ROAD RECREATION VEHICLES

The Uniform Traffic Code for Michigan cities, Townships, and Villages, as amended, is hereby further amended by the addition of a new Chapter 11 adopting certain provisions of 1975 Public Act 319, as amended, to read as follows:

CHAPTER 11 -- OFF-ROAD RECREATION VEHICLES

Sec. 11.1. Definitions

(1) The following words and phrases, when used in this chapter, have the following meaning respectively ascribed to them in this chapter. When any word or phrase used in this chapter is not defined in this chapter, but is defined in this code or in Act No. 74 of the Public Acts of 1967, as amended, being Section 257.1501 et. seq. of the Michigan Compiled Laws, the definitions used therein shall be deemed to apply to the words and phrases used in this chapter.

- (a) "ATV" means a 3-wheel or 4-wheel vehicle designed for off-road use that has low pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 500cc gasoline engine or an engine of comparable size using other fuels.
- (b) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
- (c) "Operator" means a person who operates, or is in actual physical control of the operation of an ORV.
- (d) "ORV" or "Vehicle" means a motor driven offroad recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. "ORV" or "Vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

Sec. 11.2. Operating Restrictions and Equipment Requirements

- (1) A person shall not operate an ORV:
 - (a) At a rate of speed greater than is reasonable and proper, or in a careless manner having due regard for conditions then existing.

- (b) Unless the person and any passenger in or on the vehicle is wearing on his or her head a crash helmet and protective eyewear approved by the United States department of transportation. This subdivision shall not apply if the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.
- (c) During the hours of 1/2 hour after sunset to 1/2 hour before sunrise without displaying a lighted headlight and lighted taillight.
- (d) Unless equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet a second on level ground at a speed of 20 miles per hour a brake light, brighter than the taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise; and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- (e) In a state game area or state park or recreation area, except on roads, trails, or areas designated for this purpose on state owned lands under the control of the Michigan Department of Natural Resources other than game areas, state parks, or recreational areas where the operation would be in violation of rules promulgated by the Natural Resources Commission; in a forest nursery or planting areas on public lands posted or reasonably identifiable as an area of forest reproduction, and when growing stock may be damaged; in a dedicated natural area of the Michigan Department of Natural Resources; or in any area in such a manner as to create an erosive condition, or to injure, damage, or destroy trees or growing crops.
- (f) On the frozen surface of public waters within 100 feet of a person not in or upon a vehicle, or within 100 feet of a fishing shanty or shelter or an area that is cleared of snow for skating purposes, except at the minimum speed required to maintain controlled forward movement of the vehicle, or as may be authorized by permit in special events.
- (g) Unless the vehicle is equipped with a spark arrester type United States forest service approved muffler, in good working order and in constant operation. Exhaust noise emission shall not constitute a violation of the Township AntiNoise and Public Nuisance Ordinance.
- (h) Within 100 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except on property owned or under the operator's control or on which the operator is an invited guest, or on a roadway, forest road, or forest trail maintained by or under the jurisdiction of the Michigan Department of Natural Resources, or on an ORV access route as authorized by local ordinance.

- (i) In or upon the lands of another without the written consent of the owner, owner's agent or lessee, when required by the recreational trespass act, Act No. 323 of the Public Acts of 1976, as amended, being sections 317.171 to 317.181 of the Michigan Compiled Laws. The operator of the vehicle is liable for damage to private property, including, but not limited to, damage to trees, shrubs, growing crops, or injury to living creatures or damage caused through vehicle operation in a manner so as to create erosive or other ecological damage to private property. The owner of the private property may recover from the person responsible nominal damages of not less than the amount of damage or injury. Failure to post private property or fence or otherwise enclose in a manner to exclude intruders or of the private property owner or other authorized person to personally communicate against trespass shall not imply consent to ORV use.
- (j) In an area on which public hunting is permitted during the season open to the taking of deer from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an emergency or for law enforcement purposes, to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle, to remove a deer from public land which has been taken pursuant to a valid license; or except for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, and timber harvest operations or on property owned or under control of the operator or on which the operator is an invited guest. A hunter removing game pursuant to this subsection shall be allowed to leave the designated trail or forest road only to retrieve the game and shall not exceed 5 miles per hour. A vehicle 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, is exempt from this subdivision while operating on a public highway or public or private road capable of sustaining automobile traffic. A person holding a valid permit to hunt from a standing vehicle issued pursuant to section 14(1) of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.264 of the Michigan Compiled Laws, or a handicapper using an ORV to access public lands for purposes of hunting or fishing through use of a designated trail or forest road, is exempt from this subdivision.
- (k) While transporting on the vehicle a bow unless unstrung or encased, or a firearm unless unloaded and securely encased, or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.
- (l) on or across a cemetery or burial ground, or land used as an airport.
- (m) Within 100 feet of a slide, ski, or skating area, unless the vehicle is being used for the purpose of servicing the area.

- (n) On an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as established in section 16d of 1975 Public Act 319, as amended, being Section 257.1616d of the Michigan Compiled Laws.
- (o) In or upon the waters of any stream, river, bog, wetland, swamp, marsh, or quagmire except over a bridge, culvert, or similar structure.
- (p) To hunt, pursue, worry, kill, or attempt to hunt, pursue, worry, or kill a bird or animal, wild or domesticated.
- (q) In a manner so as to leave behind litter or other debris.
- (r) In a manner contrary to operating regulations on public lands, including township parks.
- (s) While transporting or possessing, in or on the vehicle, alcoholic liquor in a container that is open or uncapped or upon which the seal is broken, except under either of the following circumstances:
- (i) The container is in a trunk or compartment separate from the passenger compartment of the vehicle.
 - (ii) If the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is encased or enclosed.
- (t) While transporting any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.
- (u) On adjacent private land, in an area zoned residential, within 300 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle except on a roadway, forest road, or forest trail maintained by or under the jurisdiction of the Michigan Department of Natural Resources, or on an ORV access route as authorized by local ordinance.
- (2) Penalties; Civil Violation and Misdemeanor; Impoundment; Restoration of Damage
- (a) Misdemeanor: unless another penalty is expressly provided for in this section, a person who violates a provision of this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 or more than \$1,000,000 or both, for each violation.
- (b) Civil violation: a person who violates subsections (b), (c), (d), (f), (g), (h), (j), (l) and (m) is responsible for a civil violation and subject to a civil penalty of not more than \$500.00.

(c) Impoundment of ORV by peace officer: a peace officer may impound the ORV of a person who violates a provision of this section that is punishable as a misdemeanor or who causes damage to a particular area in which the ORV was used in the commission of the violation. An impounded ORV shall be disposed of in the manner provided by Section 24 of 1975 Public Act 319, as amended, being Section 257.1624 of the Michigan Compiled Laws.

(d) Court order to restore lands: in addition to the penalties otherwise provided under this section, a court of competent jurisdiction may order a person to restore, as nearly as possible, any land, water, stream bank, streambed or other natural or geographic formation damaged by the violation of this section to the condition it was in before the violation occurred.

SECTION XXXIV

DRIVING WHILE LICENSE SUSPENDED OR REVOKED

FOR REASONS OF FINANCIAL RESPONSIBILITY

The Uniform Traffic Code for Michigan Cities, Townships and Villages, as amended, is hereby further amended by the addition of a new Section 5.62b to said Uniform Traffic Code adopting certain provisions of 1980 Public Act 518, being Michigan Compiled Law 257.905, as amended, to read as follows:

Sec. 5.62b. Driving While License Suspended or Revoked for Reasons of Financial Responsibility.

(1) A person whose operator's or chauffeur's license, registration, or other privilege to operate a motor vehicle has been suspended or revoked, if restoration of the privilege or issuance of a new license or registration is contingent upon the furnishing of proof of financial responsibility, shall not during the suspension or revocation or in the absence of full authorization from the secretary of state drive any motor vehicle upon any highway or street or knowingly permit any motor vehicle owned by the person to be operated by another person upon any highway or street except as permitted in 1949 Public Act 300, as amended.

(2) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment for a period of not less than 2 days nor more than 1 year, or both.

SECTION XXXV

BICYCLES, MOTORCYCLES AND MOPEDS; LANE OF TRAVEL,

SPECIAL PATHS, PASSING, SIDEWALKS, POLICE OFFICERS

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, are hereby further amended by the revision of existing Section 6.10 to read as follows:

Sec. 6.10. Bicycles, Motorcycles and Mopeds; Lane of Travel, Special Paths, Passing, Sidewalks, Police Officers.

[The provisions of 1994 Public Act 348, appended hereto, amending Section 660 of the Michigan Vehicle Code, 1949 Public Act 300, as amended, are hereby incorporated by reference.]

SECTION XXXVI

REPEAL OF SECTIONS 6.11, 6.12 AND 6.19

The Uniform Traffic Code for Michigan Cities, Townships, and Villages, as amended, is hereby further amended by the repeal of existing Section 6.11, 6.12 and 6.19, now consolidated in Section 6.10, pursuant to Section XXXV of this ordinance.

SECTION XXXVII

SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by a court to be invalid for any reason, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the section, clause or provision so declared to be invalid.

SECTION XXXVIII

REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE

This ordinance shall take effect 30 days after the publication of this ordinance as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed.

Helen Decker, Clerk
South Haven Charter Township

Ordinance #51 Received: 08/12/98
First Publication: 08/31/98
Ordinance Adopted: 09/09/98
Second Publication: 09/28/98