

**TITLE VII: TRAFFIC CODE**

Chapter

**70. UNIFORM TRAFFIC CODE**

**71. SNOWMOBILES**

**72. OFF ROAD VEHICLES (ORV)**

**73. PARKING REGULATONS**

## **Port Sanilac – Traffic Code**

## CHAPTER 70: STATE TRAFFIC CODE

### Section

- 70.01 Michigan Vehicle Code
- 70.02 Uniform Traffic Code

### § 70.01 MICHIGAN VEHICLE CODE ADOPTED BY REFERENCE

- (A) The Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L. 257.1 through 257.923 is hereby adopted by reference
- (B) References in the Michigan Vehicle Code to “local authorities” shall mean the Village of Port Sanilac.
- (C) The Village Clerk shall publish this section in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the Village Clerk for inspection.
- (D) The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

### § 70.02 UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES ADOPTED BY REFERENCE

- (A) The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306 of 1969, being M.C.L. 24.201 through 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated by reference.
- (B) References in the Uniform Traffic Code for Cities, Townships and Villages to the “governmental unit” shall mean the Village of Port Sanilac.
- (C) The Village Clerk shall publish this section in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages and the fact that a complete copy of the Code is available to the public at the office of the Village Clerk for inspection.
- (D) The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

(Repealed and Replaced 11-19-2024)

## Port Sanilac – Traffic Code

### CHAPTER 71: SNOWMOBILES

#### Section

- 71.01 State Act Adopted
- 71.02 Operation on Village Streets
- 71.03 Speed Limits
- 71.04 Mufflers and Ignitions
- 71.05 Prohibited Hours
- 71.06 Responsibility for Damage
- 71.07 Violations

#### § 71.01 STATE ACT ADOPTED.

- (A) The Natural Resources and Environment Protection Act, being Act 451 of the Public Acts of 1994, M.C.L. 324.82101 to 324.82160, as amended now and in the future, is hereby adopted by reference as an ordinance of the village
- (B) Where necessary to the enforcement of the Natural Resources Environmental Protection Act Part 821 Snowmobiles or the collection and distribution of fines, cost and penalties for violations as a village ordinance, references in the act to “local authorities”, “local authority” or “authority having jurisdiction” shall mean the Village of Port Sanilac Council; reference to “municipality” shall mean the Village of Port Sanilac; and references to the “village” shall mean the Village of Port Sanilac.
- (C) Printed copies of the Natural Resources and Environmental Protection Act, Part 821, Snowmobiles shall be kept on file in the office of the Village Clerk and made available to the public at all times the office is open.

(Amended 11-17-24)

#### § 71.02 OPERATION ON VILLAGE STREETS.

(A) The streets within the village are to be used only as a means of transportation and not as a means of recreation.

(B) Snowmobilers are to use the streets only to get in and out of the village (excluding M-46 and U.S. 25, except where legal under the state law).  
((M.C.L. 324.82119) Penalty, see § 10.99

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### **§ 71.03 SPEED LIMITS.**

Snowmobiles will travel only in single file on the street at a speed not greater than 15 mph.  
(M.C.L. 324.82119) Penalty, see § 10.99

### **§ 71.04 MUFFLERS AND IGNITIONS.**

Mufflers must be standard equipment or quieter in operation. There shall be no alterations to create more noise. Ignitions must be kept in good repair and not interfere with television sets.  
(M.C.L. 324.82126) Penalty, see § 10.99

### **§ 71.05 PROHIBITED HOURS.**

It shall be unlawful for any person to operate a snowmobile within the village between the hours of 11:00 p.m. and 7:00 a.m., except on returning home or from a place of business.  
(M.C.L. 324.82125) Penalty, see § 10.99

### **§ 71.06 RESPONSIBILITY FOR DAMAGE.**

Snowmobile operators are responsible for damage done to private or public property.  
(M.C.L. 324.82132)

### **§ 71.07 VIOLATIONS.**

Refer to the annual fee resolution.

(Amended 11-17-24)

## Port Sanilac – Traffic Code

### CHAPTER 72: OFF ROAD VEHICLES (ORVs)

#### Section

- 72.01 Definitions
- 72.02 Purpose
- 72.03 Chapter 72 Created
- 72.04 Severability
- 72.05 Ordinances Repealed
- 72.06 Effective Date
- 72.07 Streets or Highways Closed to ATV/ORV Traffic
- 72.08 Operating Rules
- 72.09 Careless or Reckless Operation
- 72.10 Driver's License Requirement
- 72.11 Notice of Accident
- 72.12 Penalties

#### § 72.01 DEFINITIONS

As used in this Chapter, the following words are hereby defined as follows:

(A) **Driver's License** means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of person to operate motor vehicles.

(B) **Maintained Portion** means that portion of a road or street improved, designated or ordinarily used for vehicular traffic.

(C) **Operate** means to ride in or on, and to be in actual physical control of the operation of an ORV/ATV.

(D) **Operator** means a person who operates, or is in physical control of the operation of an ORV.

(E) **ORV** or **Vehicle** means a motor driven off-road 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. ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a

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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.

(F) **Road** means a county primary road or county local road as described in section 5 of 1951 PA 1951, MCL 247.655. Road does not include private road.

(G) **Road Commission** means the Board of County Road Commissioners for Sanilac County.

(H) **Safety Certificate** means a certificate issued pursuant Public Act 451 of 1994, as amended, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(I) **Shoulder** means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

(J) **Street** means a village major street or local street as described in section 9 of 1951 PA 51, MCL 247.659.

(K) **Visual Supervision** means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

### § 72.02 PURPOSE

The purpose of this Ordinance is to create Chapter 72 of the Codified Ordinances of the Village of Port Sanilac. This new Chapter is adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV's) on the roads and highways in the Village of Port Sanilac, and for the purpose of providing penalties for the violation thereof.

### § 72.03 CHAPTER 72 CREATED

Chapter 72.02 of the code of the Village of Port Sanilac is hereby amended to read as shown on the attached "*Exhibit A.*"

### § 72.04 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall

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be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **§ 72.05 ORDINANCES REPEALED**

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

### **§ 72.06 EFFECTIVE DATE**

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Port Sanilac. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure § of the Village of Port Sanilac.

### **§ 72.07 STREETS OR HIGHWAYS CLOSED TO ATV/ORV TRAFFIC**

All public streets in the Village of Port Sanilac shall be open to ATV/ORV traffic via this ordinance.

### **§ 72.08 OPERATING RULES**

1. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in the Village of Port Sanilac:

(A) At a speed of not more 25 miles per hour, or a lower posted ORV speed limit.

(B) A child that is at least 12 years of age but less than 16 years of age shall not operate an ORV on a road or street in the Village unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(C) With the flow of traffic.

(D) In a manner which does not interfere with traffic on the road.

(E) While traveling single-file, except when overtaking or passing another ORV or golf cart.

(F) While displaying a lighted headlight and a lighted taillight at all times.



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(G) When 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 does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.

(H) With 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.

(I) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

(J) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour, a brake light brighter than a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of ½ hour after sunset and ½ hour before sunrise.

(K) Pursuant to noise and emission standards defined by law.

(L) Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

2. An ORV shall be operated on the far right of the maintained portion of a street within the Village with these exceptions:

(A) All County Primary (asphalt) Roads, however allowing ingress and egress to a destination, not to exceed one mile, or first secondary road.

(B) Provided however, that in the event that either the Road Commission has CLOSED certain road(s) to ORV use, pursuant to MCL 324.8113(4), operation otherwise permitted under this Ordinance shall not be considered authorized, with respect to such closed road(s).

### § 72.09 CARELESS OR RECKLESS OPERATION

In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a highway pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to MCL 257.923, is involved in a collision with an ORV on a road, the driver of the ORV involved in the collision shall be considered prima facie negligent.

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### **§ 72.10 DRIVER'S LICENSE REQUIREMENT**

A person less than 18 years of age shall not operate an ORV on a road in the Village of Port Sanilac unless the person is in possession of a valid driver's license or is under the direct visual supervision of an adult and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

### **§ 72.11 NOTICE OF ACCIDENT**

The operator of an ORV/ATV involved in an accident resulting in injuries to or death of any person, or property damage in an estimated amount of \$100 or more, or some person acting for him/her, or the owner of ORV/ATV having knowledge of the accident shall immediately by the quickest means of communication notify Sanilac County Central Dispatch.

### **§ 72.12 PENALTIES**

(A) A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

(B) In addition to the fine specified above, the court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV/ATV to pay full restitution for that damage above and beyond the penalties for civil fines.  
(Ord. passed 8-15-2017)

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### **CHAPTER 73: PARKING REGULATIONS**

#### Section

- 73.01 Parking Violations Bureau Established
- 73.02 Disposition of Non-Scheduled Violations
- 73.03 Rights of Violator
- 73.04 Issuance of Violation; Payment
- 73.05 Uniform Traffic Code Violations Schedule
  
- 73.15 Private Parking Facilities Limited Use; Hours
- 73.16 Posting of Time Limits
  
- 73.99 Penalty

#### **§ 73.01 PARKING VIOLATIONS BUREAU ESTABLISHED**

(A) Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, being M.C.L.A. § 600.8101 et seq., a parking violations bureau, for the purpose of handling alleged parking violations within the Village, is hereby established. The Parking Violations Bureau shall be under the supervision and control of the Village Clerk.

(B) The Village Clerk shall, subject to the approval of the Village Council, establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.

#### **§ 73.02 DISPOSITION OF NON-SCHEDULED VIOLATIONS**

No violation not scheduled in §71.05 of this chapter shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to dispose of the violation at the Bureau and in any case the person in charge of the Bureau may refuse to dispose of such violation in which case any person having knowledge of facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

#### **§ 73.03 RIGHTS OF VIOLATOR**

No violation may be settled at the Parking Violations Bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof.

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if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violation Bureau shall not prejudice him or in any way diminish the rights, privileges and protections accorded to him by law.

### **§ 73.04 ISSUANCE OF VIOLATION; PAYMENT**

The issuance of a traffic ticket or notice of violation by the police officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

### **§ 73.05 UNIFORM TRAFFIC CODE VIOLATIONS SCHEDULE**

See Annual Fee Schedule

### **§ 73.15 PRIVATE PARKING FACILITIES LIMITED USE; HOURS**

During business hours, no person shall enter upon, drive through, traverse, circle, loop or otherwise make use of the parking area of any private business establishment with a motor vehicle for any purpose other than parking their motor vehicle while shopping or conducting business within the establishment which controls the parking area.

### **§ 73.16 POSTING OF TIME LIMITS**

Whenever it is the intent of any business establishment within the city to limit the period of time in which its customers or business contracts may use its parking facilities, it shall give notice of such time limits. Such notice shall be given by posting in conspicuous places upon the private property printed or painted signs, setting forth the name of the business establishment which controls the parking area and stating the time within which parking is to be restricted.

### **§ 73.99 PENALTY**

Any person convicted under §§ 73.15 or 73.16 shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than 90 days or a fine of not more than \$300 or both such fine and imprisonment.

(Amended 11-17-24)

**TITLE VII: TRAFFIC CODE**

Chapter

**70. UNIFORM TRAFFIC CODE**

**71. SNOWMOBILES**

**72. OFF ROAD VEHICLES (ORV)**

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## **Port Sanilac – Traffic Code**

## CHAPTER 70: STATE TRAFFIC CODE

### Section

- 70.01 Michigan Vehicle Code
- 70.02 Uniform Traffic Code

### § 70.01 MICHIGAN VEHICLE CODE ADOPTED BY REFERENCE

- (A) The Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L. 257.1 through 257.923 is hereby adopted by reference
- (B) References in the Michigan Vehicle Code to “local authorities” shall mean the Village of Port Sanilac.
- (C) The Village Clerk shall publish this section in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the Village Clerk for inspection.
- (D) The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

### § 70.02 UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES ADOPTED BY REFERENCE

- (A) The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306 of 1969, being M.C.L. 24.201 through 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated by reference.
- (B) References in the Uniform Traffic Code for Cities, Townships and Villages to the “governmental unit” shall mean the Village of Port Sanilac.
- (C) The Village Clerk shall publish this section in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages and the fact that a complete copy of the Code is available to the public at the office of the Village Clerk for inspection.
- (D) The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

(Repealed and Replaced 11-19-2024)



## Port Sanilac – Traffic Code

### CHAPTER 71: SNOWMOBILES

#### Section

- 71.01 State Act Adopted
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#### § 71.01 STATE ACT ADOPTED.

- (A) The Natural Resources and Environment Protection Act, being Act 451 of the Public Acts of 1994, M.C.L. 324.82101 to 324.82160, as amended now and in the future, is hereby adopted by reference as an ordinance of the village
- (B) Where necessary to the enforcement of the Natural Resources Environmental Protection Act Part 821 Snowmobiles or the collection and distribution of fines, cost and penalties for violations as a village ordinance, references in the act to “local authorities”, “local authority” or “authority having jurisdiction” shall mean the Village of Port Sanilac Council; reference to “municipality” shall mean the Village of Port Sanilac; and references to the “village” shall mean the Village of Port Sanilac.
- (C) Printed copies of the Natural Resources and Environmental Protection Act, Part 821, Snowmobiles shall be kept on file in the office of the Village Clerk and made available to the public at all times the office is open.

(Amended 11-17-24)

#### § 71.02 OPERATION ON VILLAGE STREETS.

(A) The streets within the village are to be used only as a means of transportation and not as a means of recreation.

(B) Snowmobilers are to use the streets only to get in and out of the village (excluding M-46 and U.S. 25, except where legal under the state law).  
((M.C.L. 324.82119) Penalty, see § 10.99

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### **§ 71.03 SPEED LIMITS.**

Snowmobiles will travel only in single file on the street at a speed not greater than 15 mph.  
(M.C.L. 324.82119) Penalty, see § 10.99

### **§ 71.04 MUFFLERS AND IGNITIONS.**

Mufflers must be standard equipment or quieter in operation. There shall be no alterations to create more noise. Ignitions must be kept in good repair and not interfere with television sets.  
(M.C.L. 324.82126) Penalty, see § 10.99

### **§ 71.05 PROHIBITED HOURS.**

It shall be unlawful for any person to operate a snowmobile within the village between the hours of 11:00 p.m. and 7:00 a.m., except on returning home or from a place of business.  
(M.C.L. 324.82125) Penalty, see § 10.99

### **§ 71.06 RESPONSIBILITY FOR DAMAGE.**

Snowmobile operators are responsible for damage done to private or public property.  
(M.C.L. 324.82132)

### **§ 71.07 VIOLATIONS.**

Refer to the annual fee resolution.

(Amended 11-17-24)

## Port Sanilac – Traffic Code

### CHAPTER 72: OFF ROAD VEHICLES (ORVs)

#### Section

- 72.01 Definitions
- 72.02 Purpose
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#### § 72.01 DEFINITIONS

As used in this Chapter, the following words are hereby defined as follows:

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(B) **Maintained Portion** means that portion of a road or street improved, designated or ordinarily used for vehicular traffic.

(C) **Operate** means to ride in or on, and to be in actual physical control of the operation of an ORV/ATV.

(D) **Operator** means a person who operates, or is in physical control of the operation of an ORV.

(E) **ORV** or **Vehicle** means a motor driven off-road 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. ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a

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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.

(F) **Road** means a county primary road or county local road as described in section 5 of 1951 PA 1951, MCL 247.655. Road does not include private road.

(G) **Road Commission** means the Board of County Road Commissioners for Sanilac County.

(H) **Safety Certificate** means a certificate issued pursuant Public Act 451 of 1994, as amended, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(I) **Shoulder** means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

(J) **Street** means a village major street or local street as described in section 9 of 1951 PA 51, MCL 247.659.

(K) **Visual Supervision** means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

### § 72.02 PURPOSE

The purpose of this Ordinance is to create Chapter 72 of the Codified Ordinances of the Village of Port Sanilac. This new Chapter is adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV's) on the roads and highways in the Village of Port Sanilac, and for the purpose of providing penalties for the violation thereof.

### § 72.03 CHAPTER 72 CREATED

Chapter 72.02 of the code of the Village of Port Sanilac is hereby amended to read as shown on the attached "*Exhibit A.*"

### § 72.04 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall

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be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **§ 72.05 ORDINANCES REPEALED**

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

### **§ 72.06 EFFECTIVE DATE**

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Port Sanilac. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure § of the Village of Port Sanilac.

### **§ 72.07 STREETS OR HIGHWAYS CLOSED TO ATV/ORV TRAFFIC**

All public streets in the Village of Port Sanilac shall be open to ATV/ORV traffic via this ordinance.

### **§ 72.08 OPERATING RULES**

1. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in the Village of Port Sanilac:

(A) At a speed of not more 25 miles per hour, or a lower posted ORV speed limit.

(B) A child that is at least 12 years of age but less than 16 years of age shall not operate an ORV on a road or street in the Village unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(C) With the flow of traffic.

(D) In a manner which does not interfere with traffic on the road.

(E) While traveling single-file, except when overtaking or passing another ORV or golf cart.

(F) While displaying a lighted headlight and a lighted taillight at all times.

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(G) When 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 does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.

(H) With 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.

(I) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

(J) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour, a brake light brighter than a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of ½ hour after sunset and ½ hour before sunrise.

(K) Pursuant to noise and emission standards defined by law.

(L) Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

2. An ORV shall be operated on the far right of the maintained portion of a street within the Village with these exceptions:

(A) All County Primary (asphalt) Roads, however allowing ingress and egress to a destination, not to exceed one mile, or first secondary road.

(B) Provided however, that in the event that either the Road Commission has CLOSED certain road(s) to ORV use, pursuant to MCL 324.8113(4), operation otherwise permitted under this Ordinance shall not be considered authorized, with respect to such closed road(s).

### § 72.09 CARELESS OR RECKLESS OPERATION

In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a highway pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to MCL 257.923, is involved in a collision with an ORV on a road, the driver of the ORV involved in the collision shall be considered prima facie negligent.

## **Port Sanilac – Traffic Code**

### **§ 72.10 DRIVER'S LICENSE REQUIREMENT**

A person less than 18 years of age shall not operate an ORV on a road in the Village of Port Sanilac unless the person is in possession of a valid driver's license or is under the direct visual supervision of an adult and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

### **§ 72.11 NOTICE OF ACCIDENT**

The operator of an ORV/ATV involved in an accident resulting in injuries to or death of any person, or property damage in an estimated amount of \$100 or more, or some person acting for him/her, or the owner of ORV/ATV having knowledge of the accident shall immediately by the quickest means of communication notify Sanilac County Central Dispatch.

### **§ 72.12 PENALTIES**

(A) A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

(B) In addition to the fine specified above, the court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV/ATV to pay full restitution for that damage above and beyond the penalties for civil fines.  
(Ord. passed 8-15-2017)

## **Port Sanilac – Traffic Code**



## **Port Sanilac – Traffic Code**

### **CHAPTER 73: PARKING REGULATIONS**

#### Section

- 73.01 Parking Violations Bureau Established
- 73.02 Disposition of Non-Scheduled Violations
- 73.03 Rights of Violator
- 73.04 Issuance of Violation; Payment
- 73.05 Uniform Traffic Code Violations Schedule
  
- 73.15 Private Parking Facilities Limited Use; Hours
- 73.16 Posting of Time Limits
  
- 73.99 Penalty

#### **§ 73.01 PARKING VIOLATIONS BUREAU ESTABLISHED**

(A) Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, being M.C.L.A. § 600.8101 et seq., a parking violations bureau, for the purpose of handling alleged parking violations within the Village, is hereby established. The Parking Violations Bureau shall be under the supervision and control of the Village Clerk.

(B) The Village Clerk shall, subject to the approval of the Village Council, establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.

#### **§ 73.02 DISPOSITION OF NON-SCHEDULED VIOLATIONS**

No violation not scheduled in §71.05 of this chapter shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to dispose of the violation at the Bureau and in any case the person in charge of the Bureau may refuse to dispose of such violation in which case any person having knowledge of facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

#### **§ 73.03 RIGHTS OF VIOLATOR**

No violation may be settled at the Parking Violations Bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof

## **Port Sanilac – Traffic Code**

if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violation Bureau shall not prejudice him or in any way diminish the rights, privileges and protections accorded to him by law.

### **§ 73.04 ISSUANCE OF VIOLATION; PAYMENT**

The issuance of a traffic ticket or notice of violation by the police officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

### **§ 73.05 UNIFORM TRAFFIC CODE VIOLATIONS SCHEDULE**

See Annual Fee Schedule

### **§ 73.15 PRIVATE PARKING FACILITIES LIMITED USE; HOURS**

During business hours, no person shall enter upon, drive through, traverse, circle, loop or otherwise make use of the parking area of any private business establishment with a motor vehicle for any purpose other than parking their motor vehicle while shopping or conducting business within the establishment which controls the parking area.

### **§ 73.16 POSTING OF TIME LIMITS**

Whenever it is the intent of any business establishment within the city to limit the period of time in which its customers or business contracts may use its parking facilities, it shall give notice of such time limits. Such notice shall be given by posting in conspicuous places upon the private property printed or painted signs, setting forth the name of the business establishment which controls the parking area and stating the time within which parking is to be restricted.

### **§ 73.99 PENALTY**

Any person convicted under §§ 73.15 or 73.16 shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than 90 days or a fine of not more than \$300 or both such fine and imprisonment.

(Amended 11-17-24)

**TITLE VII: TRAFFIC CODE**

Chapter

**70. UNIFORM TRAFFIC CODE**

**71. SNOWMOBILES**

**72. OFF ROAD VEHICLES (ORV)**

**73. PARKING REGULATONS**

## **Port Sanilac – Traffic Code**

## CHAPTER 70: STATE TRAFFIC CODE

### Section

- 70.01 Michigan Vehicle Code
- 70.02 Uniform Traffic Code

### § 70.01 MICHIGAN VEHICLE CODE ADOPTED BY REFERENCE

- (A) The Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L. 257.1 through 257.923 is hereby adopted by reference
- (B) References in the Michigan Vehicle Code to “local authorities” shall mean the Village of Port Sanilac.
- (C) The Village Clerk shall publish this section in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the Village Clerk for inspection.
- (D) The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

### § 70.02 UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES ADOPTED BY REFERENCE

- (A) The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306 of 1969, being M.C.L. 24.201 through 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated by reference.
- (B) References in the Uniform Traffic Code for Cities, Townships and Villages to the “governmental unit” shall mean the Village of Port Sanilac.
- (C) The Village Clerk shall publish this section in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages and the fact that a complete copy of the Code is available to the public at the office of the Village Clerk for inspection.
- (D) The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

(Repealed and Replaced 11-19-2024)

## Port Sanilac – Traffic Code

### CHAPTER 71: SNOWMOBILES

#### Section

- 71.01 State Act Adopted
- 71.02 Operation on Village Streets
- 71.03 Speed Limits
- 71.04 Mufflers and Ignitions
- 71.05 Prohibited Hours
- 71.06 Responsibility for Damage
- 71.07 Violations

#### § 71.01 STATE ACT ADOPTED.

- (A) The Natural Resources and Environment Protection Act, being Act 451 of the Public Acts of 1994, M.C.L. 324.82101 to 324.82160, as amended now and in the future, is hereby adopted by reference as an ordinance of the village
- (B) Where necessary to the enforcement of the Natural Resources Environmental Protection Act Part 821 Snowmobiles or the collection and distribution of fines, cost and penalties for violations as a village ordinance, references in the act to “local authorities”, “local authority” or “authority having jurisdiction” shall mean the Village of Port Sanilac Council; reference to “municipality” shall mean the Village of Port Sanilac; and references to the “village” shall mean the Village of Port Sanilac.
- (C) Printed copies of the Natural Resources and Environmental Protection Act, Part 821, Snowmobiles shall be kept on file in the office of the Village Clerk and made available to the public at all times the office is open.

(Amended 11-17-24)

#### § 71.02 OPERATION ON VILLAGE STREETS.

(A) The streets within the village are to be used only as a means of transportation and not as a means of recreation.

(B) Snowmobilers are to use the streets only to get in and out of the village (excluding M-46 and U.S. 25, except where legal under the state law).  
((M.C.L. 324.82119) Penalty, see § 10.99

## **Port Sanilac – Traffic Code**

### **§ 71.03 SPEED LIMITS.**

Snowmobiles will travel only in single file on the street at a speed not greater than 15 mph.  
(M.C.L. 324.82119) Penalty, see § 10.99

### **§ 71.04 MUFFLERS AND IGNITIONS.**

Mufflers must be standard equipment or quieter in operation. There shall be no alterations to create more noise. Ignitions must be kept in good repair and not interfere with television sets.  
(M.C.L. 324.82126) Penalty, see § 10.99

### **§ 71.05 PROHIBITED HOURS.**

It shall be unlawful for any person to operate a snowmobile within the village between the hours of 11:00 p.m. and 7:00 a.m., except on returning home or from a place of business.  
(M.C.L. 324.82125) Penalty, see § 10.99

### **§ 71.06 RESPONSIBILITY FOR DAMAGE.**

Snowmobile operators are responsible for damage done to private or public property.  
(M.C.L. 324.82132)

### **§ 71.07 VIOLATIONS.**

Refer to the annual fee resolution.

(Amended 11-17-24)

## Port Sanilac – Traffic Code

### CHAPTER 72: OFF ROAD VEHICLES (ORVs)

#### Section

- 72.01 Definitions
- 72.02 Purpose
- 72.03 Chapter 72 Created
- 72.04 Severability
- 72.05 Ordinances Repealed
- 72.06 Effective Date
- 72.07 Streets or Highways Closed to ATV/ORV Traffic
- 72.08 Operating Rules
- 72.09 Careless or Reckless Operation
- 72.10 Driver's License Requirement
- 72.11 Notice of Accident
- 72.12 Penalties

#### § 72.01 DEFINITIONS

As used in this Chapter, the following words are hereby defined as follows:

(A) **Driver's License** means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of person to operate motor vehicles.

(B) **Maintained Portion** means that portion of a road or street improved, designated or ordinarily used for vehicular traffic.

(C) **Operate** means to ride in or on, and to be in actual physical control of the operation of an ORV/ATV.

(D) **Operator** means a person who operates, or is in physical control of the operation of an ORV.

(E) **ORV** or **Vehicle** means a motor driven off-road 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. ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a



## Port Sanilac – Traffic Code

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.

(F) **Road** means a county primary road or county local road as described in section 5 of 1951 PA 1951, MCL 247.655. Road does not include private road.

(G) **Road Commission** means the Board of County Road Commissioners for Sanilac County.

(H) **Safety Certificate** means a certificate issued pursuant Public Act 451 of 1994, as amended, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(I) **Shoulder** means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

(J) **Street** means a village major street or local street as described in section 9 of 1951 PA 51, MCL 247.659.

(K) **Visual Supervision** means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

### § 72.02 PURPOSE

The purpose of this Ordinance is to create Chapter 72 of the Codified Ordinances of the Village of Port Sanilac. This new Chapter is adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV's) on the roads and highways in the Village of Port Sanilac, and for the purpose of providing penalties for the violation thereof.

### § 72.03 CHAPTER 72 CREATED

Chapter 72.02 of the code of the Village of Port Sanilac is hereby amended to read as shown on the attached "*Exhibit A.*"

### § 72.04 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall

## **Port Sanilac – Traffic Code**

be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **§ 72.05 ORDINANCES REPEALED**

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

### **§ 72.06 EFFECTIVE DATE**

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Port Sanilac. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure § of the Village of Port Sanilac.

### **§ 72.07 STREETS OR HIGHWAYS CLOSED TO ATV/ORV TRAFFIC**

All public streets in the Village of Port Sanilac shall be open to ATV/ORV traffic via this ordinance.

### **§ 72.08 OPERATING RULES**

1. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in the Village of Port Sanilac:

(A) At a speed of not more 25 miles per hour, or a lower posted ORV speed limit.

(B) A child that is at least 12 years of age but less than 16 years of age shall not operate an ORV on a road or street in the Village unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(C) With the flow of traffic.

(D) In a manner which does not interfere with traffic on the road.

(E) While traveling single-file, except when overtaking or passing another ORV or golf cart.

(F) While displaying a lighted headlight and a lighted taillight at all times.

## Port Sanilac – Traffic Code

(G) When 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 does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.

(H) With 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.

(I) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

(J) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour, a brake light brighter than a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of ½ hour after sunset and ½ hour before sunrise.

(K) Pursuant to noise and emission standards defined by law.

(L) Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

2. An ORV shall be operated on the far right of the maintained portion of a street within the Village with these exceptions:

(A) All County Primary (asphalt) Roads, however allowing ingress and egress to a destination, not to exceed one mile, or first secondary road.

(B) Provided however, that in the event that either the Road Commission has CLOSED certain road(s) to ORV use, pursuant to MCL 324.8113(4), operation otherwise permitted under this Ordinance shall not be considered authorized, with respect to such closed road(s).

### § 72.09 CARELESS OR RECKLESS OPERATION

In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a highway pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to MCL 257.923, is involved in a collision with an ORV on a road, the driver of the ORV involved in the collision shall be considered prima facie negligent.

## **Port Sanilac – Traffic Code**

### **§ 72.10 DRIVER'S LICENSE REQUIREMENT**

A person less than 18 years of age shall not operate an ORV on a road in the Village of Port Sanilac unless the person is in possession of a valid driver's license or is under the direct visual supervision of an adult and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

### **§ 72.11 NOTICE OF ACCIDENT**

The operator of an ORV/ATV involved in an accident resulting in injuries to or death of any person, or property damage in an estimated amount of \$100 or more, or some person acting for him/her, or the owner of ORV/ATV having knowledge of the accident shall immediately by the quickest means of communication notify Sanilac County Central Dispatch.

### **§ 72.12 PENALTIES**

(A) A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

(B) In addition to the fine specified above, the court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV/ATV to pay full restitution for that damage above and beyond the penalties for civil fines.  
(Ord. passed 8-15-2017)

## **Port Sanilac – Traffic Code**

## Port Sanilac – Traffic Code

### CHAPTER 73: PARKING REGULATIONS

#### Section

- 73.01 Parking Violations Bureau Established
- 73.02 Disposition of Non-Scheduled Violations
- 73.03 Rights of Violator
- 73.04 Issuance of Violation; Payment
- 73.05 Uniform Traffic Code Violations Schedule
  
- 73.15 Private Parking Facilities Limited Use; Hours
- 73.16 Posting of Time Limits
  
- 73.99 Penalty

#### **§ 73.01 PARKING VIOLATIONS BUREAU ESTABLISHED**

(A) Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, being M.C.L.A. § 600.8101 et seq., a parking violations bureau, for the purpose of handling alleged parking violations within the Village, is hereby established. The Parking Violations Bureau shall be under the supervision and control of the Village Clerk.

(B) The Village Clerk shall, subject to the approval of the Village Council, establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.

#### **§ 73.02 DISPOSITION OF NON-SCHEDULED VIOLATIONS**

No violation not scheduled in §71.05 of this chapter shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to dispose of the violation at the Bureau and in any case the person in charge of the Bureau may refuse to dispose of such violation in which case any person having knowledge of facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

#### **§ 73.03 RIGHTS OF VIOLATOR**

No violation may be settled at the Parking Violations Bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof.

## **Port Sanilac – Traffic Code**

if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violation Bureau shall not prejudice him or in any way diminish the rights, privileges and protections accorded to him by law.

### **§ 73.04 ISSUANCE OF VIOLATION; PAYMENT**

The issuance of a traffic ticket or notice of violation by the police officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

### **§ 73.05 UNIFORM TRAFFIC CODE VIOLATIONS SCHEDULE**

See Annual Fee Schedule

### **§ 73.15 PRIVATE PARKING FACILITIES LIMITED USE; HOURS**

During business hours, no person shall enter upon, drive through, traverse, circle, loop or otherwise make use of the parking area of any private business establishment with a motor vehicle for any purpose other than parking their motor vehicle while shopping or conducting business within the establishment which controls the parking area.

### **§ 73.16 POSTING OF TIME LIMITS**

Whenever it is the intent of any business establishment within the city to limit the period of time in which its customers or business contracts may use its parking facilities, it shall give notice of such time limits. Such notice shall be given by posting in conspicuous places upon the private property printed or painted signs, setting forth the name of the business establishment which controls the parking area and stating the time within which parking is to be restricted.

### **§ 73.99 PENALTY**

Any person convicted under §§ 73.15 or 73.16 shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than 90 days or a fine of not more than \$300 or both such fine and imprisonment.

(Amended 11-17-24)

**TITLE VII: TRAFFIC CODE**

Chapter

**70. UNIFORM TRAFFIC CODE**

**71. SNOWMOBILES**

**72. OFF ROAD VEHICLES (ORV)**

**73. PARKING REGULATONS**



## **Port Sanilac – Traffic Code**

## CHAPTER 70: STATE TRAFFIC CODE

### Section

- 70.01 Michigan Vehicle Code
- 70.02 Uniform Traffic Code

### § 70.01 MICHIGAN VEHICLE CODE ADOPTED BY REFERENCE

- (A) The Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L. 257.1 through 257.923 is hereby adopted by reference
- (B) References in the Michigan Vehicle Code to “local authorities” shall mean the Village of Port Sanilac.
- (C) The Village Clerk shall publish this section in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the Village Clerk for inspection.
- (D) The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

### § 70.02 UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES ADOPTED BY REFERENCE

- (A) The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306 of 1969, being M.C.L. 24.201 through 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated by reference.
- (B) References in the Uniform Traffic Code for Cities, Townships and Villages to the “governmental unit” shall mean the Village of Port Sanilac.
- (C) The Village Clerk shall publish this section in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages and the fact that a complete copy of the Code is available to the public at the office of the Village Clerk for inspection.
- (D) The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

(Repealed and Replaced 11-19-2024)

## Port Sanilac – Traffic Code

### CHAPTER 71: SNOWMOBILES

#### Section

- 71.01 State Act Adopted
- 71.02 Operation on Village Streets
- 71.03 Speed Limits
- 71.04 Mufflers and Ignitions
- 71.05 Prohibited Hours
- 71.06 Responsibility for Damage
- 71.07 Violations

#### § 71.01 STATE ACT ADOPTED.

- (A) The Natural Resources and Environment Protection Act, being Act 451 of the Public Acts of 1994, M.C.L. 324.82101 to 324.82160, as amended now and in the future, is hereby adopted by reference as an ordinance of the village
- (B) Where necessary to the enforcement of the Natural Resources Environmental Protection Act Part 821 Snowmobiles or the collection and distribution of fines, cost and penalties for violations as a village ordinance, references in the act to “local authorities”, “local authority” or “authority having jurisdiction” shall mean the Village of Port Sanilac Council; reference to “municipality” shall mean the Village of Port Sanilac; and references to the “village” shall mean the Village of Port Sanilac.
- (C) Printed copies of the Natural Resources and Environmental Protection Act, Part 821, Snowmobiles shall be kept on file in the office of the Village Clerk and made available to the public at all times the office is open.

(Amended 11-17-24)

#### § 71.02 OPERATION ON VILLAGE STREETS.

(A) The streets within the village are to be used only as a means of transportation and not as a means of recreation.

(B) Snowmobilers are to use the streets only to get in and out of the village (excluding M-46 and U.S. 25, except where legal under the state law).  
((M.C.L. 324.82119) Penalty, see § 10.99

## **Port Sanilac – Traffic Code**

### **§ 71.03 SPEED LIMITS.**

Snowmobiles will travel only in single file on the street at a speed not greater than 15 mph.  
(M.C.L. 324.82119) Penalty, see § 10.99

### **§ 71.04 MUFFLERS AND IGNITIONS.**

Mufflers must be standard equipment or quieter in operation. There shall be no alterations to create more noise. Ignitions must be kept in good repair and not interfere with television sets.  
(M.C.L. 324.82126) Penalty, see § 10.99

### **§ 71.05 PROHIBITED HOURS.**

It shall be unlawful for any person to operate a snowmobile within the village between the hours of 11:00 p.m. and 7:00 a.m., except on returning home or from a place of business.  
(M.C.L. 324.82125) Penalty, see § 10.99

### **§ 71.06 RESPONSIBILITY FOR DAMAGE.**

Snowmobile operators are responsible for damage done to private or public property.  
(M.C.L. 324.82132)

### **§ 71.07 VIOLATIONS.**

Refer to the annual fee resolution.

(Amended 11-17-24)

## Port Sanilac – Traffic Code

### CHAPTER 72: OFF ROAD VEHICLES (ORVs)

#### Section

- 72.01 Definitions
- 72.02 Purpose
- 72.03 Chapter 72 Created
- 72.04 Severability
- 72.05 Ordinances Repealed
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- 72.09 Careless or Reckless Operation
- 72.10 Driver's License Requirement
- 72.11 Notice of Accident
- 72.12 Penalties

#### § 72.01 DEFINITIONS

As used in this Chapter, the following words are hereby defined as follows:

(A) **Driver's License** means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of person to operate motor vehicles.

(B) **Maintained Portion** means that portion of a road or street improved, designated or ordinarily used for vehicular traffic.

(C) **Operate** means to ride in or on, and to be in actual physical control of the operation of an ORV/ATV.

(D) **Operator** means a person who operates, or is in physical control of the operation of an ORV.

(E) **ORV** or **Vehicle** means a motor driven off-road 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. ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a

## Port Sanilac – Traffic Code

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.

(F) **Road** means a county primary road or county local road as described in section 5 of 1951 PA 1951, MCL 247.655. Road does not include private road.

(G) **Road Commission** means the Board of County Road Commissioners for Sanilac County.

(H) **Safety Certificate** means a certificate issued pursuant Public Act 451 of 1994, as amended, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(I) **Shoulder** means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

(J) **Street** means a village major street or local street as described in section 9 of 1951 PA 51, MCL 247.659.

(K) **Visual Supervision** means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

### § 72.02 PURPOSE

The purpose of this Ordinance is to create Chapter 72 of the Codified Ordinances of the Village of Port Sanilac. This new Chapter is adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV's) on the roads and highways in the Village of Port Sanilac, and for the purpose of providing penalties for the violation thereof.

### § 72.03 CHAPTER 72 CREATED

Chapter 72.02 of the code of the Village of Port Sanilac is hereby amended to read as shown on the attached "*Exhibit A.*"

### § 72.04 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall

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be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **§ 72.05 ORDINANCES REPEALED**

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

### **§ 72.06 EFFECTIVE DATE**

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Port Sanilac. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure § of the Village of Port Sanilac.

### **§ 72.07 STREETS OR HIGHWAYS CLOSED TO ATV/ORV TRAFFIC**

All public streets in the Village of Port Sanilac shall be open to ATV/ORV traffic via this ordinance.

### **§ 72.08 OPERATING RULES**

1. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in the Village of Port Sanilac:

(A) At a speed of not more 25 miles per hour, or a lower posted ORV speed limit.

(B) A child that is at least 12 years of age but less than 16 years of age shall not operate an ORV on a road or street in the Village unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

(C) With the flow of traffic.

(D) In a manner which does not interfere with traffic on the road.

(E) While traveling single-file, except when overtaking or passing another ORV or golf cart.

(F) While displaying a lighted headlight and a lighted taillight at all times.

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(G) When 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 does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.

(H) With 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.

(I) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

(J) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour, a brake light brighter than a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of ½ hour after sunset and ½ hour before sunrise.

(K) Pursuant to noise and emission standards defined by law.

(L) Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

2. An ORV shall be operated on the far right of the maintained portion of a street within the Village with these exceptions:

(A) All County Primary (asphalt) Roads, however allowing ingress and egress to a destination, not to exceed one mile, or first secondary road.

(B) Provided however, that in the event that either the Road Commission has CLOSED certain road(s) to ORV use, pursuant to MCL 324.8113(4), operation otherwise permitted under this Ordinance shall not be considered authorized, with respect to such closed road(s).

### § 72.09 CARELESS OR RECKLESS OPERATION

In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a highway pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to MCL 257.923, is involved in a collision with an ORV on a road, the driver of the ORV involved in the collision shall be considered prima facie negligent.



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### **§ 72.10 DRIVER'S LICENSE REQUIREMENT**

A person less than 18 years of age shall not operate an ORV on a road in the Village of Port Sanilac unless the person is in possession of a valid driver's license or is under the direct visual supervision of an adult and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

### **§ 72.11 NOTICE OF ACCIDENT**

The operator of an ORV/ATV involved in an accident resulting in injuries to or death of any person, or property damage in an estimated amount of \$100 or more, or some person acting for him/her, or the owner of ORV/ATV having knowledge of the accident shall immediately by the quickest means of communication notify Sanilac County Central Dispatch.

### **§ 72.12 PENALTIES**

(A) A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

(B) In addition to the fine specified above, the court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV/ATV to pay full restitution for that damage above and beyond the penalties for civil fines.  
(Ord. passed 8-15-2017)

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### CHAPTER 73: PARKING REGULATIONS

#### Section

- 73.01 Parking Violations Bureau Established
- 73.02 Disposition of Non-Scheduled Violations
- 73.03 Rights of Violator
- 73.04 Issuance of Violation; Payment
- 73.05 Uniform Traffic Code Violations Schedule
  
- 73.15 Private Parking Facilities Limited Use; Hours
- 73.16 Posting of Time Limits
  
- 73.99 Penalty

#### **§ 73.01 PARKING VIOLATIONS BUREAU ESTABLISHED**

(A) Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, being M.C.L.A. § 600.8101 et seq., a parking violations bureau, for the purpose of handling alleged parking violations within the Village, is hereby established. The Parking Violations Bureau shall be under the supervision and control of the Village Clerk.

(B) The Village Clerk shall, subject to the approval of the Village Council, establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.

#### **§ 73.02 DISPOSITION OF NON-SCHEDULED VIOLATIONS**

No violation not scheduled in §71.05 of this chapter shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to dispose of the violation at the Bureau and in any case the person in charge of the Bureau may refuse to dispose of such violation in which case any person having knowledge of facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

#### **§ 73.03 RIGHTS OF VIOLATOR**

No violation may be settled at the Parking Violations Bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof.

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if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violation Bureau shall not prejudice him or in any way diminish the rights, privileges and protections accorded to him by law.

### **§ 73.04 ISSUANCE OF VIOLATION; PAYMENT**

The issuance of a traffic ticket or notice of violation by the police officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

### **§ 73.05 UNIFORM TRAFFIC CODE VIOLATIONS SCHEDULE**

See Annual Fee Schedule

### **§ 73.15 PRIVATE PARKING FACILITIES LIMITED USE; HOURS**

During business hours, no person shall enter upon, drive through, traverse, circle, loop or otherwise make use of the parking area of any private business establishment with a motor vehicle for any purpose other than parking their motor vehicle while shopping or conducting business within the establishment which controls the parking area.

### **§ 73.16 POSTING OF TIME LIMITS**

Whenever it is the intent of any business establishment within the city to limit the period of time in which its customers or business contracts may use its parking facilities, it shall give notice of such time limits. Such notice shall be given by posting in conspicuous places upon the private property printed or painted signs, setting forth the name of the business establishment which controls the parking area and stating the time within which parking is to be restricted.

### **§ 73.99 PENALTY**

Any person convicted under §§ 73.15 or 73.16 shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than 90 days or a fine of not more than \$300 or both such fine and imprisonment.

(Amended 11-17-24)