

## Chapter XVI SNOWMOBILE CODE

1601. TITLE. This Code shall be known and cited as the Bay Mills Indian Community "Snowmobile Code."
1602. DEFINITIONS. The following terms shall have the meanings described below for the purposes of this Code:
- A. "Dealer": Any person engaged in the sale, lease, or rental of snowmobiles as a regular business.
  - B. "Department": Law Enforcement Department of the Bay Mills Indian Community.
  - C. "Highway or street": The entire width between the boundary lines of every way publicly maintained if any part thereof is open to the use of the public for purposes of vehicular travel.
  - D. "Operate": To ride in or on and be in actual physical control of the operation of a snowmobile.
  - E. "Operator": Any person who operates or is in actual physical control of a snowmobile.
  - F. "Owner": Any of the following:
    - 1. A person who holds the legal title to a snowmobile.
    - 2. A vendee or lessee of a snowmobile that is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
    - 3. A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.
  - G. "Right-of-way": That portion of a highway or street less the roadway.
  - H. "Roadway": That portion of a highway or street improved, designated, or ordinarily used for vehicular travel. If a highway or street includes 2 or more separate roadways, the term roadway refers to any such roadway separately, but not to all such roadways collectively.

- I. "Shoulder": That portion of a highway or street on either side of the roadway that is normally snowplowed for the safety and convenience of vehicular traffic.
  - J. "Snowmobile": Any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Bay Mills Motor Vehicle and Parking Code or the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being Sections 257.1 to 257.923 of the Michigan Compiled Laws.
  - K. "Tribal Police Officer" or "Tribal Officer": Law enforcement officer who is employed by the Bay Mills Indian Community, including conservation officers.
  - L. "Tribe":
    - 1. "The Tribe": The Bay Mills Indian Community
    - 2. "A Tribe": Any federally recognized Tribe.
1603. CIVIL INFRACTION. Any offense within this Snowmobile Code that does not include imprisonment as a possible penalty is deemed to be a civil infraction. As such, the standard of proof is by a preponderance of the evidence at any hearing or trial on a civil infraction offense.
1604. BAY MILLS TRIBAL COURT; JUDGE; MAGISTRATE. The Judge of the Bay Mills Tribal Court shall preside over any hearing or trial involving an alleged violation of this Code. However, the Bay Mills Tribal Court Magistrate shall have the authority to conduct arraignments on any and all offenses within this Code; in addition, the Magistrate may impose sentencing where a person pleads guilty to an offense under this Code that imposes a fine of less than or equal to one hundred (\$100) dollars.
1605. PENALTIES NOT OTHERWISE PRESCRIBED. Any person who is convicted of or found responsible for an offense enumerated in this Code for which the penalty is not otherwise prescribed may be sentenced to a payment of a fine not to exceed one hundred (\$100) dollars. For those persons required to operate a snowmobile registered with the Tribe under sec. 1621 of this code, the Court may suspend or revoke such registration for a period of not more than two (2) years, as a penalty for an offense enumerated in this Code.

1606. REGULATION OF SNOWMOBILE OPERATIONS; PROHIBITIONS

GENERALLY. A person shall not operate a snowmobile upon a public highway, street, roadway, or private parking lot within the Bay Mills Indian Community not specifically designated for the use of snowmobiles except under the following conditions and circumstances:

- A. A snowmobile may be operated on the right-of-way of a public highway, roadway, or street if it is operated at the extreme right of the open portion of the right-of-way and with the flow of traffic on the highway. Snowmobiles operated on the right-of-way of a public highway, roadway, or street, as herein provided, shall travel single file and shall not be operated abreast except when overtaking and passing another snowmobile.
- B. A snowmobile may be operated across a public highway, roadway, or street, at right angles to the highway, roadway, or street, for the purpose of getting from one area to another when the operation can be done in safety. An operator shall bring his snowmobile to a complete stop before proceeding across the public highway, roadway, or street, and shall yield the right-of-way to all oncoming traffic.
- C. A tribal police officer may authorize use of a snowmobile on a public highway, roadway, or street when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.
- D. Penalty. A person violating this Section may be sentenced to a fine not less than fifty (\$50) dollars but not more than five hundred (\$500) dollars.

1607. OPERATION OF SNOWMOBILES; PROHIBITED AREAS.

- A. Property of others. A person shall not operate a snowmobile upon land that is leased, owned, or under the control of someone else, unless they have obtained written consent or permission from the appropriate person(s).
- B. Golf Course. A person shall not operate a snowmobile on the golf course located within the Bay Mills Indian Community.

- C. Posted Areas. A person shall not operate a snowmobile in any area that has been posted as being “closed to snowmobiles” or posted as “no trespassing”.
- D. Frozen Surface of Public Waters. A person shall not operate a snowmobile on the frozen surface of public waters within one hundred (100) feet of a person, or within one hundred (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.
- E. Forestry. A person shall not operate a snowmobile 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.
- F. Cemeteries. A person shall not operate a snowmobile on or across a cemetery or burial ground.
- G. Penalty. A person violating this Section may be sentenced to a fine not less than fifty (\$50) dollars but not more than five hundred (\$500) dollars. In addition, the person may be liable for restitution as to damages he or she caused to any property.

1608. OPERATION BY MINORS/INCOMPETENTS.

- A. A parent or legal guardian shall not permit his or her child who is less than 12 years of age to operate a snowmobile without the direct supervision of an adult except on land leased or under the control of a parent or legal guardian or on the land of others where written consent or permission was obtained.
- B. A person who is at least 12 but less than 16 years of age may operate a snowmobile if one of the following conditions exist:
  - 1. The person has in his or her immediate possession a snowmobile safety certificate issued by the Tribe or the State of Michigan;
  - 2. The person possesses a snowmobile safety certificate issued to the person under the authority of a law of another tribe, state or province of Canada; or

- 3. The person is on land leased or under the control of his or her parent or legal guardian.
- C. A person who is operating a snowmobile pursuant to subsection (B) (1) or (2) shall present the snowmobile safety certificate to any tribal officer upon request.
- D. An operator who is less than 12 years of age shall not cross a highway, roadway, or street. An operator who is at least 12 years of age but less than 16 years of age may cross a highway, roadway, or street only if he or she has a valid snowmobile safety certificate in his or her immediate possession.
- E. A person who is less than 16 years of age shall not operate a snowmobile with a passenger except on land leased or under the control of a parent or legal guardian or on the land of others where written consent or permission was obtained.
- F. The owner of a snowmobile shall not permit the snowmobile to be operated contrary to this Section.
- G. A parent or guardian of a minor shall not permit a minor to operate a snowmobile contrary to this Section.
- H. The owner or person in charge of a snowmobile shall not knowingly permit the snowmobile to be operated by a person who is incompetent to operate the snowmobile because of a mental or physical disability.

1609. OPERATION WHILE UNDER INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCE; RECKLESS DRIVING; CARELESS OR NEGLIGENT DRIVING; OPEN INTOXICANTS; PROHIBITIONS. The Bay Mills Motor Vehicle and Parking Code Sections 819, 820 and 821 shall apply to snowmobiles, whether a snowmobile is operated on a highway, roadway, trail, frozen lake, pond, or any other area accessible to a snowmobile.

1610. SNOWMOBILE OPERATION DURING NIGHTTIME; LIGHT AND TIME RESTRICTIONS. A person shall not operate a snowmobile under any of the following conditions and circumstances:

- A. During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and lighted taillight.
  - B. Within one hundred feet of a dwelling between twelve o'clock midnight and seven a.m. at a speed greater than minimum required to maintain forward movement of the snowmobile or otherwise operating the snowmobile during the aforementioned time period in any manner that disturbs the peace. This Section shall not apply to a person operating a snowmobile on the right-of-way of a public highway, roadway or street as provided for in Section 1606 (A) or on a designated snowmobile route or trail.
1611. REGISTRATION. Snowmobiles operating on the Reservation must be either registered with the Tribe under this Code, or State of residence.
1612. SPEED. A person shall not operate a snowmobile at a rate of speed greater than is reasonable and proper having due regard for conditions then existing or in excess of a speed limit, if so posted. If there is a posted speed limit, the person may be sentenced as follows: payment of a fine of two (\$2.00) dollars for each mile per hour over the posted speed when that speed is less than ten (10) miles per hour over the posted speed limit or to payment of a fine of five (\$5.00) dollars for each mile per hour over the posted speed limit when that speed is equal to or greater than ten (10) miles per hour over the posted speed limit. If there is no posted speed limit, a person violating this Section may be sentenced to a fine not to exceed one hundred (\$100) dollars.
1613. REPORT OF ACCIDENT. The Bay Mills Motor Vehicle and Parking Code Section 818 shall be applicable to a person operating a snowmobile as it relates to stopping at the scene of an accident; the duties of reporting an accident; and giving information and aid.
1614. TRANSPORTING BOWS OR FIREARMS. No person shall operate a snowmobile while transporting thereon a bow, unless unstrung or securely encased, or a firearm unless securely encased or equipped with and made inoperative by a manufactured key-locked trigger housing mechanism and said firearm is unloaded. A person violating this Section may be sentenced to a fine not less than fifty (\$50) dollars but not more than five hundred (\$500) dollars, forfeiture of a bow or firearm, or both.

1615. EQUIPMENT REQUIRED.

- A. Lights and Brakes. No snowmobile shall be operated unless it has at least one headlight, one taillight and adequate brakes capable of one of the following while the snowmobile travels on packed snow and carries an operator who weighs one hundred seventy-five (175) pounds or more:
1. Stopping the snowmobile in not more than forty (40) feet from an initial steady speed of twenty (20) miles per hour; or
  2. Locking the snowmobile's traction belt or belts.
- B. Muffler. No person shall operate a snowmobile without a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA, decibels on the "a" scale, on a sound meter having characteristics defined by American Standards Associations S1, 4-1966 "general purpose sound meter". A snowmobile manufactured after July 1, 1997, and sold or offered for sale in the State of Michigan shall not exceed 78 decibels of sound pressure at fifty (50) feet as measured under the 1974 Society of Automobile Engineers Code J-192a. This Subsection does not apply to a snowmobile that is being used in an organized race on a course which is used solely for racing.
- C. Crash Helmet. A person operating or riding on a snowmobile shall wear a crash helmet on his or her head, which has been approved by the United States Department of Transportation.
- D. Goggles, Face Shield or Windshield. A person operating or riding on a snowmobile shall use shatterproof goggles, a face shield or windshield to protect the eyes.
1616. RIDING WITH PASSENGER. The operator of a snowmobile shall not allow a passenger to ride when the snowmobile is being operated on the right-of-way of a public highway, roadway, or street as provided for in Section 1606 (A), on a public highway, roadway, or street as provided for in Section 1606 (B), a public parking lot, or on a designated snowmobile route or trail unless the snowmobile is specifically designed to carry a passenger.

1617. YIELDING TO PEDESTRIANS AND MOTOR VEHICLES. A snowmobile allowed to operate on highways, roadways, alleys, or public parking lots shall observe all speed limits and traffic regulations or devices, and shall yield the right-of-way to pedestrians and vehicular traffic.
1618. PARKING PROHIBITIONS. The Bay Mills Motor Vehicle and Parking Code Section 816 shall be applicable to a person operating a snowmobile.
1619. RESPONSIBILITY OF OWNER FOR OPERATION IN VIOLATION OF THIS CODE. No person shall knowingly authorize or permit a snowmobile owned by such person or under such person's control to be driven by any person in violation of any Section of this Code.
1620. REGISTRATION REQUIRED OF RESERVATION RESIDENTS.
- A. No tribal member residing on the Reservation of the Bay Mills Indian Community shall own or operate a snowmobile on the Reservation unless the snowmobile is registered with the Department and displays registration decals under this Code or is exempt from registration.
  - B. No tribal member residing on the Reservation of the Bay Mills Indian Community shall own or operate a snowmobile on the Reservation, after the snowmobile's registration has expired or after it has been suspended, revoked or canceled.
  - C. No tribal member shall provide false information on a registration application.
1621. EXEMPTIONS FROM REGISTRATION REQUIREMENT. A snowmobile is exempt from registration under this Code if it is:
- A. Covered by registration issued by COTFMA, or a successor organization, and only while engaged in commercial fishing activity.
  - B. Covered by a valid registration from another tribe or another state, provided that there is some identification of registration displayed on the snowmobile and it has not been on the Reservation from more than 90 consecutive days.
  - C. Used exclusively for racing on a raceway facility.

1622. REGISTRATION PERIOD. A snowmobile registration certificate is valid for three (3) years beginning on the July 1 prior to the date of application if registration is made prior to April 1, and beginning the July 1 subsequent to the date of application if registration is made after April 1, and ending on June 30, three (3) years thereafter.

1623. REGISTRATION FEES. The fee for issuance of a registration certificate is \$15.00. There is no fee for the issuance of a registration certificate to the Tribe.

1624. FEES FOR DUPLICATE REGISTRATION, TRANSFER.

- A. A fee of \$5.00 shall be paid to the Department for the issuance of a duplicate registration certificate or decal.
- B. Upon transfer of ownership of a snowmobile for which a registration certificate has been issued, the seller shall, at time of sale, deliver the assigned certificate to the purchaser. The purchaser shall complete the application for transfer and cause it to be mailed or delivered to the Department within ten (10) days from the date of purchase. A fee of \$5.00 shall be paid for transfer of a current registration certificate.
- C. Whenever a snowmobile is junked, the owner shall return the certificate of registration to the Department, marked "junked".

1625. ISSUANCE OF CERTIFICATE AND DECALS.

- A. Upon receipt of the required fee, and of a completed application form as prescribed by the Department, the Department shall issue to the applicant a registration certificate stating the registration number, the name and address of the owner, and other information the Department deems necessary. The Department shall issue two (2) registration decals per snowmobile. The decals shall be no larger than three (3) inches in height and six (6) inches in width, shall be of uniform design, and the date of expiration of the registration.
- B. In case of loss or destruction of the certificate and/or decals, and upon receipt of the required fee and application, the Department shall issue a duplicate certificate or registration decal to the owner.

1626. DISPLAY OF REGISTRATION DECALS.

- A. The owner of the snowmobile shall permanently affix the registration decals by the decals' own adhesive to both sides of the cowling of the snowmobile, and shall maintain the registration decals in a legible condition at all times. Except as specified in subsec. (D) herein, no person shall operate a snowmobile unless decals are affixed as required by this subsection.
- B. The registration certificate shall be in the possession of the user of the snowmobile at all times. The owner or user of a snowmobile which has been purchased and for which an application for registration receipt, validated by the Department, has been issued but for which the registration certificate has not yet been received, shall maintain in possession at all times the receipt for registration.
- C. The registration certificate shall be exhibited, upon demand, by the user of the snowmobile for inspection by a tribal officer. The application for registration receipt shall be exhibited upon demand by the user of a snowmobile which has been purchased and for which an application for registration receipt, validated by the Department has been issued, but for which the registration certificate has not yet been received.
- D. A person may operate a snowmobile without having the registration decals displayed, as provided in subsec. (A), if the owner has received an application for registration receipt, validated by the Department, and if the user complies with subsecs. (B) and (C).

1627. CHANGE OF ADDRESS. Whenever the owner of a registered snowmobile changes address, the owner shall within fifteen (15) days' thereafter notify the Department in writing of the new address and of the owner's registration numbers. At the same time, the owner shall endorse the new address on the registration certificate.

1628. DEPARTMENT DUTIES.

- A. Within one (1) working day of issuing any new registration, or of making any changes, deletions, or cancellation of any registration, or of receiving notice of any suspension or revocation of any registration, the Department shall enter such information in the tribal registration computer data base.

- B. The Department shall provide to any qualifying applicant who properly completes a registration application and pays the fee required, a receipt of approved application to be used as proof of registration pending delivery to the applicant of the certificate of registration and registration decals.
  - C. No earlier than May 1 and no later than June 1 of each year the Department shall mail to each owner of a registered snowmobile a two-part renewal application. If the owner wishes to renew the registration, the owner shall complete and sign one portion of the renewal application and return it and the proper fee to the Department. The owner shall complete and sign the other portion of the renewal application. The owner shall destroy this portion of the renewal application upon receipt of the registration certificate and decals. Failure to receive a renewal application does not relieve the owner of the obligation to renew the registration.
1629. Effective Date. This Code shall become effective on **November 29, 1999**. Amendment Section 1602 (F) effective on **January 3, 2000**. Amendments 1602; 1605; 1611 and adding Sections 1620 to 1628 effective on **January 21, 2000**.