

VILLAGE OF MESICK  
ORDINANCE 2024-02  
ORV /SNOWMOBILE REGULATION ORDINANCE

**THE VILLAGE OF MESICK, WEXFORD COUNTY, MICHIGAN ORDAINS**

**SECTION 1. NAME**

THIS ORDINANCE SHALL HEREAFTER BE KNOWN AND CALLED AS THE ORV/SNOWMOBILE ORDINANCE OF THE VILLAGE MESICK.

**SECTION 2. PURPOSE**

THE PURPOSE OF THE ORDINANCE IS TO PROVIDE ORV/SNOWMOBILE ACCESS TO THE VILLAGE AND REGULATE THE OPERATION AND USE OF AN ORV/SNOWMOBILE ACCESS TO THE VILLAGE AND REGULATE THE OPERATION AND USE OF AN ORV/SNOWMOBILE WITHIN THE VILLAGE FOR THE PROTECTION OF THE HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS, PROPERTY OWNERS, VISITORS AND OTHERS WITHIN THE VILLAGE.

**SECTION 3. PUBLIC ACT 451 AND COUNTY OF WEXFORD ORV ORDINANCE NO. 41 ADOPTED**

PART 821 OF ACT 451, OF THE PUBLIC ACT OF THE STATE OF MICHIGAN FOR (1994 (1994 PA451) MCL 324.82101 TO 324.82160 AS AMENDED IS HEREBY INCORPORATED BY REFERENCE AND ADOPTED BY THE VILLAGE OF MESICK AS PART OF THIS ORDINANCE AND THAT ANY AMENDMENTS THEREIN SHALL BECOME PART OF THE ORDINANCE:

**SECTION 4. REGULATIONS**

IN ADDITION TO THE PROVISIONS OF 1994 PA 451, THE FOLLOWING REGULATIONS MUST BE FOLLOWED WHEN OPERATING AN ORV/SNOWMOBILE WITHIN THE VILLAGE OF MESICK.

- A. AN ORV/SNOWMOBILE MAY BE OPERATED ON ANY VILLAGE STREET.
- B. A ORV/SNOWMOBILE MUST BE DRIVEN AS FAR TO THE RIGHT ON THE ROADWAY AS POSSIBLE.
- C. DRIVERS MUST OBEY ALL TRAFFIC REGULATIONS.
- D. ORVS AND SNOWMOBILES ARE PROHIBITED FROM RIDING ON, CROSSING (EXCEPT AT DRIVEWAYS) OR PARKING ON ANY VILLAGE SIDEWALK EXCEPT DURING A PERIOD OF EMERGENCY SO DECLARED BY A POLICE AGENCY HAVING JURISDICTION TO DECLARE SO.
- E. ORV/SNOWMOBILE PARKING SHALL BE ALLOWED ON M115, ALVIN AND EUGENE STREETS IN PUBLIC PARKING AREAS AS WELL AS AREAS DESIGNATED BY PROPERTY OWNERS.
- F. ORV/SNOWMOBILES MAY NOT BE OPERATED ON PRIVATE PROPERTY NOT OWNED, LEASED OR UNDER THE CONTROL OF THE OPERATOR UNLESS THE OPERATOR HAS THE EXPRESS CONSENT OF THE OWNER, LESSEE, OR OTHER PERSON IN CONTROL OF SAID PROPERTY.
- G. ORV/SNOWMOBILES MAY NOT BE OPERATED WITHIN ONE HUNDRED (100) FEET OF A DWELLING BETWEEN 12 MIDNIGHT AND 6 A.M. AT A SPEED GREATER THAN MINIMUM REQUIRED TO MAINTAIN FORWARD MOVEMENT OF THE ORV/SNOWMOBILE.

## SECTION 5. ENDORSEMENT

ANY POLICE OFFICER, PEACE OFFICER OR ORDINANCE ENFORCEMENT OFFICER UNDER THE JURISDICTION OF THE COUNTY, STATE, OR THE VILLAGE OF MESICK, IS AUTHORIZED TO ISSUE APPEARANCE TICKETS FOR VIOLATIONS OF THIS ORDINANCE. IN ANY PROCEEDINGS INVOLVING A VIOLATION OF THIS ORDINANCE, THE REGISTRATION NUMBER DISPLAYED ON A ORV/SNOWMOBILE SHALL CONSTITUTE PRIME FACIE EVIDENCE THAT THE OWNER OF THE SAID ORV/SNOWMOBILE WAS THE PERSON OPERATING THE SAME AT THE TIME OF THE OFFENSE.

## SECTION 6. PENALTIES

VIOLATION OF SECTION 4 OF THIS ORDINANCE SHALL CONSTITUTE A CIVIL INFRACTION AND IS SUBJECT TO A FINE OF ONE HUNDRED DOLLARS (\$100). VIOLATIONS OF 1994 PA 45 OR RULES PROMIGATED THEREUNDER SHALL BE ENFORCED IN ACCORDANCE WITH THE PENALTY PROVISIONS THEREIN.

## SECTION 7. SAVINGS CLAUSE

THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED TO BE SEVERABLE. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR SUBSECTION IS DECLARED VOID OR INOPERABLE FOR ANY REASON BY ANY COURT, IT SHALL NOT ALTER ANY OTHER PART OR PORTION THEREOF OTHER THAN THE PART DECLARED VOID OR INOPERABLE.

ANY PERSON GUILTY OF A VIOLATION OF THE WITHIN ORDINANCE SHALL ALSO BE SUBJECT TO CIVIL PROCEEDINGS FOR DAMAGES AND/OR INJUNCTIVE RELIEF BY THE VILLAGE OR ANY PERSON, FIRM OR CORPORATION INJURED OR DAMAGED BY SUCH VIOLATION.

BOTH CRIMINAL AND CIVIL PROCEEDINGS MAY BE COMMENCED AGAINST A PERSON VIOLATING THE ORDINANCE AND COMMENCEMENT OF ANY SUCH PROCEEDINGS SHALL NOT CONSTITUTE AN ELECTION OF REMEDIES PREVENTING THE COMMENCEMENT OF THE OTHER PROCEEDINGS AGAINST SUCH VIOLATOR.

## SECTION 8. CONFLICT PROVISIONS

ANY ORDINANCE OR PART OF AN ORDINANCE IN CONFLICT HEREWITH IS HEREBY REPEALED.

## SECTION 9. EFFECTIVE DATE

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FOLLOWING ADOPTION AND PUBLICATION AS PROVIDED BY LAW.

CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS INTRODUCED ON 8 May 2024, AT A REGULAR MEETING OF THE VILLAGE OF MESICK COUNCIL AND WAS ENACTED AT A REGULAR MEETING HELD ON 8 May 2024.

YEAS: 5  
NAYS: 0  
ABSENT: 0

DATE PASSED: 8 May 2024

David F. Clous

DAVID F CLOUS  
VILLAGE PRESIDENT

Deborah E Stanton

DEBORAH E STANTON  
VILLAGE CLERK