

DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

MACKINAC ISLAND STATE PARK COMMISSION

GENERAL RULES

(By authority conferred on the Mackinac Island state park commission by sections 76504 and 76901 of 1994 PA 451, MCL 324.76504 and 324.76901)

PART 1. DEFINITIONS

R 318.111 Definitions.

Rule 1. As used in these rules:

(a) "Carrying passengers for hire" means the acts of any person transporting passengers to any point or points on the road or roads for a specified monetary consideration or acts of accepting gratuities for transporting passengers to any point or points on the road or roads.

(b) "Commercial operations" means any activity that involves, directly or indirectly, the buying or selling of goods or services, or the exchange or attempt or offer to exchange goods or services for money, barter, by accepting gratuities, or for anything of value.

(c) "Commission" means the Mackinac Island state park commission.

(d) "Director" means the director of the Mackinac Island state park commission.

(e) "Drays" means any horse-drawn vehicle used for the transportation of property, goods, or merchandise, either belonging to the owner of the dray or to others, with or without charge, whether the charge is a single fee or is established by contract.

(f) "Drive yourself carriage" means any horse-drawn vehicle for hire that is rented to another person or persons without the services of a driver being employed, engaged, provided, or suggested by the owner or operator of the carriage.

(g) "Fort Mackinac bus" means any horse-drawn vehicle used for the transportation of passengers only from the downtown area directly to Fort Mackinac and return.

(h) "Hotel bus" means a horse-drawn vehicle which is licensed to a specific hotel, which operates over the roads of the Mackinac Island state park, and which does all of the following:

(i) Carries hotel passengers or their guests for a charge as approved by the Mackinac Island state park commission.

(ii) Operates on a fixed route or routes as designated by the Mackinac Island state park commission.

(iii) Makes infrequent deviations from the designated route or routes for the convenience of hotel guests or their party.

(i) "Livery carriage" means any horse-drawn vehicle for hire transporting passengers for scenic drives charging on a time basis; that is, by the hour or fractions or multiples thereof, and not at a fixed price per passenger.

(j) "Motor vehicle" means any device that is self-propelled, or partially self-propelled, by which a person or property may be transported or drawn.

(k) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(l) "Road" means any thoroughfare, roadway, riding trail, or driving trail that is situated on lands that are under the jurisdiction of the commission.

(m) "Saddle horse" means a riding horse furnished to a visitor or resident, for a period of time less than 1 week, for use in Mackinac Island State Park at a rental fee, whether that fee is separately identified or included in other charges, such as room rentals, either explicitly or implicitly.

(n) "Sight-seeing carriage" means any horse-drawn vehicle that carries passengers for hire over prescribed routes established by the commission.

(o) "Snowmobile" means a motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, or an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated. It is not a vehicle that must be registered under 1949 PA 300, MCL 257.1 to 257.923.

(p) "State license identification plate" means a metallic plate issued by the commission that bears the license type, the year for which the plate is valid, a unique number, and any other information as determined by the commission.

(q) "Taxicab" means any horse-drawn vehicle carrying passengers for hire from one point on the island to another.

History: 1979 AC; 2002 AACS.

R 318.112 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.113 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.114 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.115 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.116 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.117 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.118 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.119 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.119a Rescinded.

History: 1979 AC; 2002 AACS.

R 318.119b Rescinded.

History: 1979 AC; 1980 AACS.

R 318.119c Rescinded.

History: 1979 AC; 2002 AACS.

R 318.119d Rescinded.

History: 1979 AC; 2002 AACS.

R 318.120 Rescinded.

History: 1979 AC; 2002 AACS.

PART 2. REGULATIONS

R 318.121 License fee required.

Rule 21. A person shall not operate any horse-drawn vehicle carrying passengers for hire over any roads until the person has been granted a license by the commission or its agent in writing and has paid the annual fee as determined by the commission.

History: 1979 AC; 2002 AACS.

R 318.122 Temporary permits.

Rule 22. (1) A person shall not operate a motor vehicle within the Mackinac Island state park without a temporary permit. The commission, or its duly authorized agent, shall issue a temporary permit for the operation of motor vehicles for such emergency or public and private work as the commission shall prescribe and approve. An application for a temporary permit shall be submitted in writing to the commission or its duly authorized agent and shall set forth fully the reasons for the request and the period of the permit. The commission has authority to require property damage and public liability insurance of any applicant in an amount sufficient, in its judgment, for adequate protection of persons and property. The director shall keep a written record of all permits issued, and the commission reserves the right to revoke any permit so issued at any time, giving notice in writing to the permit holder and setting forth the reasons for the revocation.

(2) The state of Michigan or any political subdivision thereof may be permitted to operate its emergency and utility vehicles over the Mackinac Island state park roads in the normal performance of its governmental functions.

History: 1979 AC; 2002 AACS.

R 318.122a Hotel bus license.

Rule 22a. Any hotel operating on Mackinac Island may apply for and be granted a license to operate a hotel bus after the payment of a fee if the commission determines both of the following:

(a) That the application is made by the hotel owner and the bus is to be operated for the convenience of hotel guests and those accompanying them.

(b) That the location of the hotel is such that it is necessary to provide transportation for guests to and from the docks.

History: 1979 AC; 2002 AACS.

R 318.122b Dray license.

Rule 22b. Any person operating a dray within the Mackinac Island state park shall have a license issued by the commission. The commission may establish the rate for dray services.

History: 1979 AC; 2002 AACS.

R 318.123 Applications for licenses.

Rule 23. An application for a license to operate a horse-drawn vehicle for hire or saddle horse for hire shall be made to the commission in writing.

History: 1979 AC; 2002 AACS.

R 318.124 Identification plates.

Rule 24. A person shall not operate a horse-drawn vehicle for hire unless the person's carriage or carriages are equipped with a "state license identification plate" which shall be furnished by the commission and which shall continue to be the property of the state of Michigan.

History: 1979 AC; 2002 AACS.

R 318.125 Routes; solicitation; services.

Rule 25. Before the beginning of each summer season, the commission shall prescribe the routes, the manner and place of passenger solicitation, and types of services to be offered by each vehicle classification.

History: 1979 AC.

R 318.126 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.127 Violation of rules.

Rule 27. Any person violating any of these rules or other conditions of a license may have his or her license revoked or suspended.

History: 1979 AC; 2002 AACS.

R 318.128 Fares and charges.

Rule 28. Before the beginning of each summer season, the commission shall, by resolution, prescribe the maximum fares of any kind and maximum authorized fees to be charged by operators of any and all licensed vehicles.

History: 1979 AC.

R 318.129 Nontransferability of state license.

Rule 29. The "state license identification plate" issued by the commission shall be securely and conspicuously attached to each vehicle without visible obstruction and shall not be transferred to any other vehicle, except with consent of the commission or its authorized agent.

History: 1979 AC; 2002 AACS.

R 318.130 Inspection of vehicles and horses.

Rule 30. Each vehicle licensed and the horses used to draw the vehicle shall be subject to inspection by the commission or its authorized agent at any time within the discretion of the commission. Inspection shall be made for the purpose of assuring safely constructed vehicles and properly conditioned horses. The commission shall prohibit the use of any vehicle which, in its judgment, is unsafe and any horses which, in its judgment or the judgment of its duly authorized agent, are not properly safe and conditioned for the work for which the horses are being used.

History: 1979 AC.

R 318.131 Operators.

Rule 31. No person shall be permitted to operate any horse-drawn vehicle carrying passengers for hire who, in the judgment of the commission or its duly authorized agent, is not competent to handle horses humanely and safely, or whose personal conduct is such as to endanger public safety or persons and/or property.

History: 1979 AC.

R 318.132 Public liability and property damage insurance.

Rule 32. The commission shall require every carriage and/or its owner to carry public liability insurance against loss of life or injury or property damage in an amount to be determined by the commission at the commencement of each summer season. The summer season shall be defined as the months of May, June, July, August, September, and October. Any person engaged in either sight-seeing service or taxicab service during the months of November, December, January, February, March and April shall carry similar liability insurance on the carriages that are being operated during that period.

History: 1979 AC.

R 318.133 Conduct of licensee's employees.

Rule 33. Any person licensed to operate vehicles under these rules is responsible for the conduct of the person's employees.

History: 1979 AC; 2002 AACS.

R 318.134 Agreements with licensees.

Rule 34. The commission shall annually enter into agreements with licensees for the purpose of prescribing conditions of operation.

History: 1979 AC; 2002 AACS.

R 318.135 Rescinded.

History: 1979 AC; 2002 AACS.

R 318.136 Number of carriage licenses.

Rule 36. On or before June 1 of each year, the commission shall issue the number of licenses for horse-drawn vehicles carrying passengers for hire that in its judgment will adequately serve the public, but not more than the following maximum numbers:

- (a) Sight-seeing carriages..... 55 licenses.
- (b) Taxicabs..... 17 licenses.
- (c) Drive-yourself carriages..... 18 licenses.
- (d) Livery carriages..... 21 licenses.

History: 1979 AC; 1981 AACS; 1982 AACS; 2002 AACS.

R 318.141 Scope; "proper permission" defined.

Rule 41. (1) These rules govern the use of and occupancy of the Mackinac Island state park, the Historic Mill Creek state park, and the Michilimackinac state park.

(2) "Proper permission," as used in R 318.142 to R 318.145, means a written permit or license authorized by the commission and issued by its director or authorized representative.

History: 1979 AC; 2002 AACS.

R 318.142 Signs, fences, improvements, and posted lands.

Rule 42. (1) It is unlawful to do any of the following on state-owned lands without proper permission:

- (a) Post, place, or erect signs.
- (b) Place or distribute advertising material.
- (c) Erect a fence or barrier.
- (d) Construct or occupy improvements.
- (e) Enclosed state-owned lands.

(2) It is unlawful to move, remove, destroy, mutilate, or deface posters, notices, signs, or markers of the commission or of any other agency of government.

(3) It is unlawful to enter, use, or occupy park lands for any purpose when they are posted against such entry, use, or occupancy, as ordered by the commission.

History: 1979 AC; 2002 AACS.

R 318.143 Camping and hunting.

Rule 43. (1) A person shall not camp within the Mackinac Island state park, Historic Mill Creek state park, or Michilimackinac state park.

(2) A person shall not hunt in Mackinac Island state park or Michilimackinac state park.

(3) A person shall not do any of the following without proper permission:

- (a) Carry or possess a firearm unless unloaded in both barrel and magazine.
- (b) Shoot an air rifle, air pistol, paintball-emitting device of any kind, or slingshot.
- (c) Shoot a bow and arrow or crossbow.

History: 1979 AC; 2002 AACS.

R 318.144 Refuse and fires.

Rule 44. (1) A person shall not use park lands or facilities as a place to keep or dispose of refuse, rubbish, trash, garbage, or other litter. This does not apply to refuse or garbage resulting from legal uses of park lands, which shall be placed in proper receptacles.

(2) A person shall not build fires except in designated places or in stoves or grills as approved by an authorized representative of the commission.

History: 1979 AC; 2002 AACS.

R 318.145 Vehicles and animals.

Rule 45. (1) A person shall not operate a motor vehicle in other than an area or road clearly designated for the parking or operation of motor vehicles without proper permission.

(2) A person shall not ride or lead a horse, other riding animal, or pack animal on, or to allow such animal or any animal-drawn vehicle to use or travel on, any areas deemed unsafe for such use by order of the commission and posted against such use.

(3) A person shall not possess a dog unless it is under immediate control, or have a dog within any area used as a bathing beach. Any dog found not in the possession or under the immediate control of its owner or the owner's agent, or any dog found creating a nuisance or disturbance, may be removed from the park or placed under restraint.

History: 1979 AC; 2002 AACS.

R 318.145a Rescinded.

History: 1979 AC; 1980 AACS.

R 318.145b Saddle horse licenses.

Rule 45b. (1) The commission, upon receipt of proper application, may issue annual licenses for a number of saddle horses for use in Mackinac Island state park as the commission determines are needed in the interest of public safety and proper service to the public.

(2) Licenses are nontransferable and shall be surrendered to the issuing authority upon demand if any transfer is attempted or if ownership of the licensed business or its location is changed or altered in any way.

(3) The commission shall establish the license fees, terms, and conditions, including the maximum rates per hour charged, under which saddle horses may be supplied for use in the state park.

History: 1979 AC; 2002 AACS.

R 318.146 Miscellaneous unlawful acts.

Rule 46. On lands under the jurisdiction of the commission, it is unlawful for a person or persons to do any of the following:

(a) Use the lands for commercial operations without proper permission. In considering whether or not permission shall be granted, all of the following factors shall be considered:

(i) Interference with the safety, health, and welfare of the public.

(ii) Need for the service.

(iii) Whether the service is a duplication of available services.

(b) Use a loudspeaker or public address system without proper permission. Permission shall not be granted if the system is capable of interfering with horse-drawn traffic by having the effect of frightening horses, thereby endangering the safety of passengers in the vehicles, pedestrians, bicycle riders, and others.

(c) Change clothing in a toilet buildings or motor vehicles.

(d) Store or leave a boat, fish shanty, camping equipment, or other property without proper permission.

(e) Enter those buildings or areas to which an admission fee is established without payment of the fee, or without permission given by the commission, a commissioner, the director, or deputy director under order of the commission.

Permission normally is to be given only to persons on business with the commission, any member of the commission, or any duly authorized staff member.

(f) For any lessee, licensee, or concessionaire to use, construct, or occupy any building within the park which is not furnished with an approved dry chemical fire extinguisher.

(g) For any lessee, licensee, or concessionaire to exercise his or her privileges within the park without procuring and keeping in effect such public liability and property damage insurance as the commission may deem adequate.

(h) For any person to furnish a saddle horse to another person for use in the Mackinac Island state park, unless a current license has been issued by the commission for the use of the saddle horse in the Mackinac Island state park.

(i) Engage in any violent, abusive, loud, boisterous, wanton, obscene, or otherwise disorderly conduct creating a breach of the peace; loiter, sit, or lie upon walks, passages, steps, or porches thereby obstructing the free passage of others; or remove, damage, or steal the property of another.

(j) Hold or participate in any type of road race or speed contest without proper permission.

(k) Conduct excavations, diggings, or surveys without proper permission.

(l) Carry or possess a metal detector without proper permission.

(m) Remove any archeological materials or artifacts without proper permission.

History: 1979 AC; 1988 AACS; 2002 AACS.

R 318.147 Rescinded.

History: 1979 AC; 2002 AACS.