MACKINAC ISLAND STATE PARK COMMISSION

GENERAL RULES

Latest amendments filed with the Secretary of State on June 8, 2023
These rules become effective immediately upon filing.

By authority conferred on the Mackinac Island State Park Commission by sections 76504, 76901, and 77702 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.76504, 324.76901, and 324.77702.

PART 1. DEFINITIONS

R 318.111 Definitions.

Rule 1. (1) As used in these rules:

(a) "Carrying passengers for hire" means the act of any person transporting passengers to any point or points on the road or roads for a specified monetary consideration or the 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, or 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) “Electric bicycle” means a device an individual may ride that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of not greater than 750 watts.

(h) “Firework” means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

(i) "Hotel bus" means a horse-drawn vehicle that is licensed to a specific hotel, and operates over the roads of the Mackinac Island State Park, and 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.

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

(k) “Marquette Park” means that portion of Mackinac Island State Park bounded on the south by Main Street, on the west by Fort Street, on the east by the leasehold commonly known as Anne’s Cottage, and on the north by the bluff below Fort Mackinac.

(l) "Motor vehicle" means any device that is self-propelled, or partially self-propelled, by which a person or property may be transported or drawn, including an electric bicycle. Motor vehicle does not include personal assistive mobility devices.

(m) “Personal Assistive Mobility Device” means any battery powered mobility device that is self-balancing, designed to transport only 1 individual at a time, has an electrical propulsion system with average power of 750 watts or 1 horsepower and a maximum speed on a paved level surface of not more than 15 miles per hour, and is used by an individual with a physical impairment that substantially limits the ability of the individual to walk. Personal assistive mobility device does not include gasoline powered devices, golf carts, riding lawn mowers, motorized bicycles, motorcycles, motorized skateboards, or other similar motorized vehicles.

(n) “Rental bicycle” means a bicycle, tricycle, or electric bicycle furnished to a visitor or ~~a~~ resident to use in Mackinac Island State Park for a rental fee, whether that fee is separately identified or included in other charges, such as room rentals, either explicitly or implicitly.

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

(p) "Saddle horse" means a riding horse furnished to a visitor or resident, for 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.

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

(r) “Sky lantern” means an unmanned hot air balloon made of paper or other lightweight material that is launched into the atmosphere and has a flame inside the balloon.

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

(t) "Taxicab" means any horse-drawn vehicle carrying passengers for hire from 1 point on the island to another.

(u) “Unmanned aircraft” means an aircraft remotely operated without the possibility of direct human intervention from within or on the aircraft, whether used for recreational, commercial, academic, or governmental purposes.

(v) “Waterborne candle lantern" means an unmanned container that floats on water and contains a flame.

(2) A term defined in the act has the same meaning when used in these rules.

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.

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 may 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 may revoke any permit at any time, giving notice in writing to the permit holder and setting forth the reasons for the revocation. Persons with disabilities that rely on personal assistive mobility devices are not subject to this subrule and may operate their devices without permit in all properties under the jurisdiction of the Mackinac Island State Park Commission.

(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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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. Enclose 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.

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.

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.

R 318.145 Vehicles, personal assistive mobility devices, electric bicycles, and animals.

Rule 45. (1) Though some of the roads within Mackinac Island State Park may be capable of supporting a motor vehicle, none of the roads are designed for motor vehicular travel. A person shall not operate a motor vehicle anywhere within Mackinac Island State Park without proper permission. On other land under the jurisdiction of the commission, a person shall not operate a motor vehicle without proper permission, except in an area or on a road clearly designated for the parking or operation of motor vehicles.
(2) An individual with a physical impairment that substantially limits the ability of the individual to walk that relies on a personal assistive mobility devices may operate the device without a permit on all properties under the jurisdiction of the commission, provided that the individual does not carry any passengers. Carrying passengers on a personal assistive mobility device is prohibited.
(3) An individual shall not operate an electric bicycle within Mackinac Island State Park.
(4) Notwithstanding subrule (3) of this rule, an individual with a physical impairment that substantially limits the ability of the individual to pedal a bicycle may use an electric bicycle within Mackinac Island State Park only if the electric bicycle has a manufacturer's label confirming that it is a class 1 electric bicycle. An electric bicycle is a class 1 electric bicycle if it is equipped with an electric motor that provides assistance only when the rider is pedaling and

that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.

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

(6) An individual shall not possess a dog on land under the jurisdiction of the commission unless it is under the individual's immediate control, or have a dog within any area used as a bathing beach. A dog that is found not in the possession of 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 or placed under restraint.

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.

R 318.145c Rental bicycle licenses.

Rule 45c. (1) The commission, after receipt of a completed application, may issue annual licenses for a number of rental bicycles 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) An applicant may request on the application to rent electric bicycles to customers, but the request must be accompanied by a certification that the applicant will rent only class 1 electric bicycles to an individual with a physical impairment that substantially limits the ability of the individual to pedal a bicycle.

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

(4) The commission shall establish the license fees, terms, and conditions under which rental bicycles may be supplied for use in the state park. Licenses are subject to revocation if their terms or conditions are violated.

R 318.146 Miscellaneous unlawful acts.

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

(a) Use the lands for commercial operations without proper permission. In considering whether to grant permission, the commission shall consider all of the following factors:

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

(ii) The 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. The commission shall not grant permission if the system is capable of interfering with horse-drawn traffic by having the effect of frightening horses, and endangering the safety of passengers in the vehicles, pedestrians, bicycle riders, and others.

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

(d) Enter buildings or areas that has an established admission fee 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 given only to a person on business with the commission, any member of the commission, or any duly authorized staff member.

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

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

(g) For a person to furnish a saddle horse to an individual 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 park.

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

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

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

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

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

(m) Possess or consume alcoholic beverages in Marquette Park between the hours of 10:00 p.m. and 8:00 a.m.

(n) Launch or use a sky lantern or waterborne candle lantern.

(o) Use or operate an unmanned aircraft without proper written permission.

(p) Use or sell fireworks.

(q) Do any of the following without proper permission:

(i) Carry or possess a firearm unless unloaded in both barrel and magazine. An individual with a valid Michigan concealed pistol license is not subject to this rule.

(ii) Shoot an air rifle, air pistol, paintball-emitting device of any kind, or slingshot.

(iii) Shoot a bow and arrow or crossbow.