

30.200

OFF ROAD VEHICLES
VILLAGE OF MANCELONA
Ordinance No. 97 of 2012

AN ORDINANCE TO AMEND THE VILLAGE CODE BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS SECTIONS 30.201 THROUGH 30.212 OF CHAPTER 30.200 OF SAID CODE.

30.201 Section 1. **PURPOSE.**

An ordinance adopted for the purpose of authorizing and regulating the operation of off road vehicles (ORVs) on streets in the Village of Mancelona.

30.202 Section 2. **INTENT.**

It is the intent of this ordinance to allow ORV access to and departure from the corporate limits of the Village of Mancelona in a safe and efficient manner.

30.203 Section 3. **DEFINITIONS.**

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

- a. "Village" means Village of Mancelona.
- b. "Drivers license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under chapter III of the Michigan Vehicle code, 1994 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c. "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- d. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e. "ORV" 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 or vehicle includes, but is not limited to, a multi-rack or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation of deriving motive power from a 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

easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

- f. "Safety certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or province of Canada.
- g. "Village Council" means a board of trustees of the Village of Mancelona.
- h. "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.

30.204 Section 4. **DESIGNATED ROUTES.**

The village does hereby authorize any village street as designated routes for ORV travel. An ORV may be operated on the far right of the paved portion of any village street within the Village with the following exceptions:

- a. Access to designated routes. An ORV may travel on the far right of the paved portion of any street within the village when traveling by the shortest possible route to or from the nearest county road specifically designated for ORV travel.
- b. State and federal roads. An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway located within the Village limits, including State forest roads.

30.205 Section 5. **REGULATIONS.**

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a street in the Village of Mancelona at any time:

- a. At a speed of no more than 15 miles per hour or a lower posted ORV speed limit.
- b. By a person not less than 12 years of age, and only while under the direct visual supervision of a related adult and in possession of a valid ORV safety certificate.
- c. Traveling single file and with the flow of traffic.
- d. In a manner which does not interfere with traffic on the street.
- e. No overtaking and passing any vehicle, including another ORV.

- f. While displaying a lighted headlight and lighted taillight at all hours.
- g. While the operator and each passenger is wearing a crash helmet and protective eye wear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- h. With a throttle so designed and operable 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. Pursuant to noise emission standards defined by law and local ordinance.

30.206 Section 6. **CHILDREN UNDER 16.**

A child less than 16 years of age shall not operate an ORV on a street in the Village unless the child is under the direct visual supervision of a related 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.

30.207 Section 7. **DRIVERS LICENSE.**

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

30.208 Section 8. **PENALTY.**

A person who violates this ordinance is guilty of a municipal civil infraction in accordance with Chapter 35 of the Code of Ordinances and subject to fines of not more than \$500.00.

30.209 Section 9. **RESTITUTION.**

A court may order a person who causes injury, damage to the environment, a street or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties for civil fines.

30.210 Section 10. **SEVERABILITY.**

The sections and provision of this Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reasons by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

30.211 Section 11. **PUBLICATION AND RECORDING.**

A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Mancelona qualified under State law to publish legal notices immediately after its adoption, and the same shall be recorded in the minutes of the Village of Mancelona of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

30.212 Section 12. **EFFECTIVE DATE.**

This Ordinance shall be in full force and effective immediately after its publication as provided by law.