

VILLAGE OF MANCELONA
Ordinance No. 128 of 2024

AN ORDINANCE, PURSUANT TO PART 811 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT OF 1994, BEING ACT 451 OF THE PUBLIC ACTS OF 1994, AS AMENDED, TO AUTHORIZE THE OPERATION OF ORVS ON VILLAGE STREETS AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF MANCELONA ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Village of Mancelona ORV Ordinance.

Section 2. Definitions. As used in this Ordinance,

"ATV" means a vehicle with 3 or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.

"Farm vehicle" means either of the following:

- (1) An implement of husbandry as defined in section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.
- (2) A vehicle used in connection with a farm operation as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

"Highway" means a state trunk line highway or a segment of a state trunk line highway.

"Maintained portion" means the roadway and any shoulder of a street.

"Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.

"Operator" means a person who operates or is in actual physical control of the operation of an ORV.

"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. A multitrack or multi wheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. 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 an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

"Roadway" means the portion of a street improved, designed, or ordinarily used for travel by vehicles registered under the code. Roadway does not include the shoulder.

"Shoulder" means that portion of the highway contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

"Street" means a village major street or village local street as described in section 9 of 1951 PA 51, MCL 247.659, or a segment thereof.

Section 3. Permitted ORV Operations.

- (a). A person may operate an ORV with the flow of traffic on the far right of the maintained portion of all streets.
- (b). When operating an ORV as authorized under this Ordinance, the operator shall comply with all of the following regulations:
 - (1). The operator shall be a person 12 years of age or older.
 - (2). If the operator is a person 12 years of age or older, but less than 18 years of age, then the operator shall be in possession of a valid drivers license or under the direct visual supervision of a parent or guardian and shall have in his or her immediate possession an ORV safety certificate.
 - (3). If the operator is a person 16 years of age or older, but less than 18 years of age, then the operator shall have in his or her immediate possession a valid driver's licence or a valid official state personal identification card and a safety certificate or he or she shall be under the direct visual supervision of a parent or guardian and shall have in his or her immediate possession an ORV safety certificate.
 - (4). If the operator is a person 18 years of age or older, then the operator shall have in his or her immediate possession a valid driver's licence or a valid official state personal identification card.
 - (5). The operator and each passenger shall wear a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the operator or passenger is 18 years of age or older or is an individual 16 or 17 years of age that has in his or her possession consent from his or her parent or guardian to ride without a crash helmet or unless the ORV is equipped with a roof that meets or exceeds the standards for a crash helmet and the operator and each passenger wears a properly adjusted and fasten seatbelt.

- (6). If the ORV is a 3-wheeled ATV, then the operator shall be a person 16 years of age or older.
- (7). If the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels, then the operator shall have in his or her immediate possession a valid driver's license.
- (8). The ORV shall not be operated at a speed greater than 15 miles per hour or at a speed greater than any posted ORV speed limit.
- (9). The ORV shall be operated in a manner that does not interfere with traffic on the road.
- (10). All ORVs shall be operated in a single-file formation, except when overtaking and passing another ORV or when being overtaken and passed by another ORV.
- (11). The ORV shall be operated displaying a lighted headlight and lighted taillight when visibility is substantially reduced due to weather conditions, during the time one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, and at all times beginning January 1, 2010.
- (12). The ORV shall be equipped with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- (13). The ORV shall be equipped with an arrester type, United States forest service approved muffler in good working order and in constant operation.
- (14). The ORV shall be operated in full compliance with all noise emission standards defined by law.
- (15). The ORV shall be licensed by the Michigan Department of Natural Resources, and the license shall be permanently attached to the vehicle in the manner prescribed and in the location designated by the Michigan Department of Natural Resources in accordance with state law.

Section 4. Penalty/Municipal Civil Infraction.

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 5. Enforcement Officer.

Officers of the Mancelona police department and any other police officers are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 6. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 7. Effective Date.

This Ordinance shall become effective twenty (20) days after its enactment.