

ORDINANCE NO. 281

AN ORDINANCE TO REGULATE AND CONTROL THE OPERATION OF OFF ROAD VEHICLES WITHIN THE LIMITS OF THE CITY OF KINGSFORD AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF

THE CITY OF KINGSFORD ORDAINS:

SECTION I. Title. The Ordinance shall be known and may be cited as the ORVs Ordinance of the City of Kingsford.

SECTION II. Purpose of Ordinance:

The purpose of this Ordinance is to regulate and control the operation of ORVs within the limits of the City of Kingsford; to provide for penalties for violation thereof, and except as otherwise provided herein, to incorporate and adopt the laws of the State of Michigan governing the use of ORVs, being Part 811 of Act No. 451 of the Public Acts of 1994.

SECTION III. Definitions. As used in this Ordinance, the following words shall be defined as follows:

(a) Alley: Any dedicated public way affording secondary means of access to abutting property.

(b) Street or Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(c) Operator: Any person who operates or is in physical control of an ORV.

(d) Operate: To ride in or on and to control the operation of an ORV.

(e) ORV: ORV means a motor driven off-road recreational 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. It includes, a multi-wheel drive or low pressure tire vehicle or an amphibious machine. ORV or vehicle does not include any vehicle originally manufactured for the purpose of road use, a snowmobile, unregistered motorcycle, a farm vehicle being used for farming, vehicle used for military, fire, emergency, or law enforcement purposes, a construction or

logging vehicle used in performance of its common functions, or a registered aircraft.

(f) Roadway: That portion of a street or highway ordinarily used for vehicular travel.

(g) Right of Way: That portion of a street or highway less the roadway and any shoulders.

SECTION IV. Operations:

- 1) ORVs shall not be operated in the city limits unless the operator and each passenger under 18 years of age is wearing a crash helmet and protective eye wear approved by the United States Department of Transportation (USDOT), unless the vehicle is equipped with a Roll Over Protection Structure (ROPS), windshield and properly adjusted and fastened seat belt and if applicable, child restraint seat.
- 2) No ORV shall be operated:
 - (a) except in single file;
 - (b) in a careless or reckless manner, or operated in any way which endangers any person or any property;
 - (c) at a rate of speed greater than 25 mph;
 - (d) by anyone under the influence of intoxicating liquor or any controlled substance, or by anyone whose ability to operate said ORV may be impaired per current Michigan Statute.
 - (e) from dusk until dawn unless ORV is equipped with front and rear directional lights.
 - (g) on the unpaved portion of any roadway or public right of way unless that roadway is unpaved by design.
 - (h) while towing any attached device unless it has wheels, such as a utility trailer and not occupied by people.

- 3) Any person who violates any ordinance or state law relating to the operation of a motor vehicle, including but not limited to, the Michigan Motor Vehicle Code and/or Uniform Traffic Code, while operating an ORV in the City of Kingsford may be charged with a violation of this Ordinance and a violation of the applicable City Ordinance or State law.

SECTION V. Street Crossings. All ORVs shall come to a complete stop before proceeding, at right angles, across any public sidewalk, street or intersection. All ORVs shall yield the right-of-way to motor vehicle and pedestrian traffic.

SECTION VI. Operations within City Limits.

- (a) An ORV may be operated on any street or alley within the City except Michigan State Trunkline M95/Carpenter Avenue.
- (b) ORVs are allowed to operate inside the boundaries of any city park on designated access roads and parking lots in a safe manner and as posted.
- (c) An ORV may park on any street or highway within the city limits as permitted. They may be parked on a public parking lot or on private property off of the roadway with property owner's permission.

SECTION VII. ORVs shall not be operated unless they are displaying a lighted headlamp, lighted tail light at all hours and are equipped with operational directional lights during hours between dusk and dawn.

SECTION VIII. No person shall operate an ORV in the City of Kingsford unless the person is at least 16 years of age and has a valid driver's license in his/her possession and in compliance with all license restrictions. A person under 18 years of age shall not operate an ORV in the City of Kingsford unless that person is under the direct supervision of a parent or guardian.

SECTION IX. Duty to Stop. Upon request or signal of a police officer, an ORV operator shall immediately stop his or her ORV in a safe place and outside the flow of traffic.

SECTION XI. Stock Mufflers. All ORVs must be equipped with stock mufflers in good operating condition.

SECTION XII. Responsibility. The owner or registrant of an ORV shall maintain and at all times have proof of security for payment of benefits under personal protection insurance, property protection insurance, and residual liability insurance. Security is only required to be in effect during the period the ORV is driven or moved on a public roadway or alley. The operator of an ORV involved in any accident resulting in any property damage, personal injury or death shall report such accident to the local police immediately.

SECTION XIII. Parental Responsibility. Any parent or guardian who knowingly permits or allows any minor to operate an ORV in violation of any provisions of this ordinance shall be in violation of this ordinance.

SECTION XIV. Impoundment of ORVs. A law enforcement officer may impound any ORV used or operated in violation of any provisions of this Ordinance for a period not to exceed thirty (30) days, and the owner or operator of the ORV shall be responsible to pay for all costs involved in the storage and/or removal of the impounded ORV. If the operator of the impounded ORV is not the owner, the law enforcement officer shall notify the owner of such impoundment by telephone, letter or personal contact as soon as practical.

SECTION XV. Penalty-Civil Infraction. A person responsible for activity that violates this Ordinance shall be responsible of a civil infraction as provided below:

- (a) A person found responsible for a violation involving an ORV shall be guilty of a civil infraction as defined by MCLA 600.113, punishable by civil fine according to the following schedule: 1. First offense within one year \$100.00 plus court costs, or 2. Second offense within one year \$200.00 plus court costs.
- (b) Any person who commits three or more ORV-related violations within one year shall be guilty of a civil infraction and shall, upon conviction, be fined not more than \$500, plus, court costs. The ORV shall be impounded for 30 days. The offender will pay a \$10.00 daily fee for the first 30 days; thereafter, a \$25.00 daily

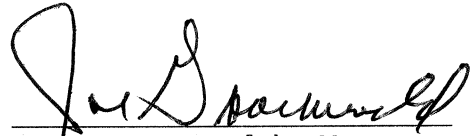
impoundment fee shall be paid. Payment of all impoundment fees shall be made to the City of Kingsford for release of the ORV. Failure to do so will result in a continued impoundment fee of \$25.00 daily until all fees are paid in full. If after 90 days the fees are not paid the City may consider the vehicle abandoned.

- (c) For purposes of computing the one-year period, time shall run from the date the first ticket was issued.


SECTION XVI. Severability. The several sections of this Ordinance shall be deemed severable, and should any section, clause or paragraph or provision thereof be declared Unconstitutional or contrary to the laws of the State of Michigan and therefore voided by any Court of competent Jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than part or section so declared to be unconstitutional or invalid.

SECTION XVII. Effective Date. This Ordinance shall be in full force and effect twenty one (21) days after the date of adoption.

Adopted JUNE 19, 2017



Joe Groeneveld, Mayor



Anthony D. Edlebeck
City Clerk