

ORDINANCE NO. 2.21

As Amended

AN ORDINANCE TO REGULATE THE USE AND OPERATION OF OFF-ROAD VEHICLES (ORV'S) WITHIN THE CITY OF CRYSTAL FALLS, IRON COUNTY, STATE OF MICHIGAN

THE CITY OF CRYSTAL FALLS ORDAINS:

SECTION 1 INCORPORATION OF STATUTORY PROVISIONS

This ordinance hereby includes and incorporates by reference the entirety of Part 811 of Act 451 of the Public Acts of Michigan of 1994, as amended, to provide for the regulation and registration of Off-Road Vehicles. It is the intention of this Ordinance to permit those actions that are permissible under State law and prohibit those actions that are not permissible under State law as pertains to ORV'S.

SECTION 2 GENERAL REGULATIONS ON USE AND OPERATION

- A. ORV'S shall not be limited to, streets, alleys, sidewalks, parks, cemeteries, golf courses or pedestrian trails unless hereinafter provided.
- B. ORV'S for the purpose of obtaining access to recognized off-road trails, and for the operator to purchase retail goods and services in conjunction with the legal operation of an ORV, may, by the most direct route available, utilize the public alleys and streets located in the City of Crystal Falls and in so doing, travel in the most direct perpendicular manner available. (Ref. Section 324.81131, Act 451 of 1994)
- C. ORV'S shall be brought to a complete stop before crossing an alley or street, and shall yield the right of way to oncoming traffic.
- D. ORV'S shall utilize the outermost five-(5) feet of the alley or street, and shall travel in single file, with the flow of traffic.
- E. ORV'S shall utilize the alleys or recreation trails in areas of the City where alleys or recreation trails parallel adjacent streets. ORV'S utilizing streets that parallel adjacent alleys or recreation trails shall be deemed in violation of this ordinance.
- F. ORV'S shall operate at a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- G. ORV'S shall operate in a manner that does not interfere with traffic on a road or street.
- H. ORV'S shall not be operated when visibility is substantially reduced due to weather conditions unless the ORV is displaying a lighted headlight and lighted taillight

- I. ORV'S shall be operated displaying a lighted headlight and lighted taillight for the hours ½ hour after sunrise until ½ hour before sunset.
- J. Beginning January 1, 2010 ORV'S shall not be operated unless they are displaying a lighted headlight and lighted taillight at all hours.
- K. ORV'S shall not be operated unless the operator and each passenger is wearing a crash helmet and protective eyewear 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.
- L. ORV'S shall not be operated unless they are 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.
- M. A child between the ages of twelve and sixteen shall not operate an ORV on any street or alley in the City unless the child is under the direct visual supervision of an 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.
- N. A person not younger than sixteen nor older than seventeen shall not operate an ORV on a street or alley in the City unless the person is under the direct supervision of a parent or guardian and the person 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.
- O. Unless a person possesses a valid driver's license a person shall not operate an ORV on any street or alley in the City except as otherwise provided in Section (M) and (N).

SECTION 3 NOISE EMISSION

- A. ORV'S shall have, in good working condition and in constant use, a muffler that is in compliance with all the provisions of MCL 324.81133 and the various subsections thereof, as amended, as well as all other statutes, rules, regulations and ordinances applicable to ORV operation.

SECTION 4 PENALTIES

- A. Any person violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50.00 plus costs, for the first violation.
- B. Any repeated offense shall be subject to increased fines, as follows:

1. First repeated offense shall be no less than \$150.00 plus costs.
2. A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250.00 plus costs.
3. The Court or Magistrate may order a person who causes damage to any street or alley or other property as a result of the operation of any ORV in an area permitted by the Ordinance to pay full restitution for the damage above and beyond the penalties paid for civil fines or misdemeanor violation.

SECTION 5 SEVERABILITY

The sections of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole.

Adopted: March 9, 2009
Published: March 18, 2009
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