

CITY OF WAKEFIELD, MICHIGAN.
ORDINANCE RECORD.

NUMBER
196

SUBJECT:

ORDINANCE NUMBER 196

AN ORDINANCE TO AMEND ORDINANCE NUMBER 157 (Chapter 74) ENTITLED "ORV-SPECIAL USE ORDINANCE" TO REGULATE THE USE AND OPERATION OF OFF-ROAD VEHICLES (ORVs) WITHIN THE CITY WAKEFIELD, GOGEBIC COUNTY, STATE OF MICHIGAN

THE CITY OF WAKEFIELD ORDAINS:

Section

- I Definitions
- II Incorporation of Statutory Provisions
- III General Regulations on Use and Operations
- IV Noise Emission
- V Notice of Accident
- VI Penalties
- VII Severability

SECTION I DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY - means that area within the political/geographic boundaries of the City of Wakefield.

HIGHWAY or STREET - the entire width between the boundary lines of every publicly maintained highway or street when any portion thereof is open to the use of the public for purposes of vehicular travel.

OPERATE - to ride in or on and to control the operation of an ORV.

OPERATOR - any person who operates or is in actual physical control of an ORV.

ORV - or "Off Road Vehicle" 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 "Off Road Vehicle" includes but is not limited to a multi-track or multi-wheel drive vehicle, an All Terrain Vehicle, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. It does not include a registered snowmobile, a farm vehicle being used for activities related to 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 of its facilities or on property over which it has an easement, a construction or logging vehicle used in the performance of its common function, or a registered aircraft.

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OWNER - any person, other than a lienholder, having the property in or title to an ORV entitled to the use or possession thereof.

PERSON - an individual, partnership, corporation, the state, and any of its agencies, or subdivisions, and any body or person, whether incorporated or not.

ROADWAY - that portion of a highway improved, designated or ordinarily used for vehicular travel. If a highway includes two or more separate, the term ROADWAY refers to any such roadway separately; but not all such roadways collectively.

SECTION II 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 OrVs.

SECTION III GENERAL REGULATIONS ON USE AND OPERATION

- A. ORVs shall not be operated upon any City owned property including, but not limited to sidewalks, parks, cemeteries, or pedestrian trails unless herein-after provided.
- B. ORVs for the purpose of obtaining access to recognized off-road trails, and for the operator to purchase retail goods and services in conjunction with to legal operation of an ORV, may, by the most direct route available, utilize the public alleys and streets located in the City of Wakefield and in so doing, travel in the most direct perpendicular manner available. (ref. Section 324.81131, Act 451 of 1994)
- C. Except as otherwise provided, no ORV shall be operated within the City, unless registered by the owner as provided by State law. No registration is required for an ORV operated exclusively on lands owned or under the control of the ORV owner.
- D. The owner of any ORV having been issued a certificate of registration for the ORV must have an ORV sticker attached to the vehicle as required by state law. No number other than the number awarded to an ORV under state law, or granted reciprocity under state law, shall be painted, attached, or otherwise displayed on the ORV.
- E. ORVs shall be brought to a complete stop before crossing an alley or street, shall not interfere with the free movement of vehicular traffic approaching from any direction, and shall yield the right of way to oncoming traffic.

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- F. ORVs may not be operated on streets or roadways in the City, which are not regularly maintained for vehicular traffic.
- G. ORVs shall utilize the outermost five (5) feet of the alley or street, and shall travel in single file.
- H. ORVs shall utilize the alleys in areas of the City where alleys parallel adjacent streets. ORVs utilizing streets that parallel adjacent alleys or recreation trails shall be deemed in violation of this ordinance.
- I. No ORV shall travel at a rate of speed greater than is reasonable and proper having due regard for conditions then existing. No ORV shall operate at a speed of more than ten (10) miles per hour on any street or roadway within the City.
- J. No person shall operate an ORV while under the influence of intoxicating liquor, fermented malt beverages, narcotic drugs, barbitol or any derivative or barbitol.
- K. No person shall operate an ORV in any nursery, planting area or natural area of forest reproduction or where growing stock may be damaged.
- L. No person under the age of 16 shall operate an ORV on the City streets.
- M. Any person operating an ORV on a City street shall wear a crash helmet on their head. Crash helmets shall be approved by the State Police.
- N. No ORV is to be ridden by more riders than the manufacturer recommends.

SECTION IV NOISE EMISSION

- A. ORVs 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 V NOTICE OF ACCIDENT

The operator of an ORV involved in an accident resulting in injuries to or death of any person or property damage in an estimated amount of \$100 or more, or some person acting for him or the owner of the ORV having knowledge of the accident, shall immediately by the quickest means of communications notify the County Sheriff's Department.

SECTION VI 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.

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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.

SECTION VII 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 and approved by the City Council of the City of Wakefield this 10th of September, 2007.

Rosalie Zurakowski, City Clerk

Richard Bolen, Mayor

Ordinance effective October 12, 2007.