

FIRST READING: June 9, 2016

SECOND READING: July 14, 2016

PUBLICATIONS: July 20th and 21st, 2016

EFFECTIVE: July 25, 2016

ORDINANCE 415

Off Road Recreation Vehicle Use on City Streets

The City of Negaunee ORDAINS:

That Part Four of the Codified Ordinances of the City of Negaunee, Michigan shall be and the same hereby is amended to the following ordinance and adopt to read as follows:

REPEALER

The existing provisions of Part Four shall remain in full force and effect, except that any ordinance, resolution, order or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following amendment.

AMENDMENT

Chapter 415

(a) Purpose.

The intent of this ordinance is to authorize the establishment of access routes along roadways and alleys within the City of Negaunee for use by ORVs; establish the terms and conditions upon which such access routes may be used; and for the purpose of providing penalties for the violations thereof, pursuant to the Michigan Natural Resource and Environmental Protection Act, MCL 324.101 et. seq.

(b) Definitions.

When used in this ordinance, the following words or terms shall have the following meanings:

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

- (1) "Operate" means to ride in or on, and to be in actual control of, the operation of an ORV.
- (2) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.

"ORV" or, unless the context implies a different meaning, "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. A multitrack or multiwheel 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 ORV 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. ORV

"Roadway" means the portion of a street, county road, or highway improved, designed, or ordinarily used for travel by vehicles registered under the code.

Roadway does not include the shoulder.

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

(c). Designation of Roadways for ORV Use.

- (1) Unless specifically designated otherwise as provided herein, all roadways and alleys within the City are hereby designated to be access routes upon which ORVs may be operated for the purpose of providing access to and from areas where ORV operation is permitted. Such access routes do not include or involve state or federal highways.
- (2) The City Council is hereby authorized, by Resolution, to designate those roadways or alleys under its jurisdiction, or parts or sections thereof, upon which the operation of ORVs shall be prohibited.
- (3) The City shall maintain a map of all roadways and alleys under its jurisdiction, upon which shall be indicated all such highways and streets and parts or sections thereof upon which the operation of ORVs is prohibited. Copies of such map shall be maintained and made available to the public upon payment of the cost of reproduction thereof.

(d). Regulations on ORV Operation.

- (1) No ORV shall be operated on any roadway, alley, or any part or section thereof, under the jurisdiction of the City where the operation of ORVs on such roadway, alley, or part or section thereof, has been specifically prohibited by Resolution of the City Council.
- (2) An ORV operated on a roadway or alley pursuant to this ordinance shall at all times be operated:
 - A) For the purpose of gaining access to or from areas where ORV operation is permitted, using the most direct route;

- B) On the outermost five (5) feet of the shoulder, or, in situations where no delineated shoulder exists, then on the outermost right side of the roadway, but not on grassy areas or areas not normally used for vehicular travel;
- C) In single file, with the flow of traffic;
- D) In compliance with all of the provisions of statutes, rules, regulations, and ordinances applicable to such ORV operation;
- E) At a speed not to exceed five (5) miles per hour; and
- F) *Only between the hours of eight o'clock a.m. and eight o'clock p.m. October 1st through April 30th. And only between the hours of eight o'clock a.m. and ten o'clock p.m. May 1st through September 30th. (*Unless preempted by statute.)

(3) An ORV may be operated on the roadway or alley under the jurisdiction of the City, whether or not such operation has been prohibited, only:

- A) In a life threatening emergency; or
- B) By crossing such roadway at right angles, for the purpose of getting from one area to another if the operation can be done in safety. The Operator shall bring the ORV to a complete stop prior to crossing the roadway, and shall yield the right of way to oncoming traffic, per MCL 324.81122.

(4) An ORV may not be operated:

- A) On the part of a roadway normally occupied by ditches, front slopes, back slopes, or utilities, such areas being more specifically defined as those parts of the highway between the outside shoulder point and the right of way boundary line;
- B) Within City owned parks, or any natural areas, or cemetery properties within the City;
- C) Upon, along, or within federal or state highways;
- D) On those shoulders specifically designated as non-motorized facilities; or
- E) In violation of any of the provisions of MCL 324.81101 et. seq. and the various subsections thereof, as amended, as well as all other statutes, rules, regulations, and ordinances applicable to such ORV operations.

(e) Revocation of ORV Designation.

The City Council may, from time to time, by Resolution, prohibit ORV use upon any roadway, street, or alley under its jurisdiction or any part or section thereof, with or without cause, when such action is deemed appropriate by the City Council. Such prohibition shall become effective immediately.

(f) Violations and Penalties.

Any person who violates any provision of this Chapter is responsible for a civil infraction, and shall pay a civil fine of not more than one hundred dollars (\$100.00), plus costs of prosecution, for each offense.

The above Ordinance shall be published as required by law, and shall be effective on the 24th day of July, 2016.

Upon roll call,

Council members voting aye: Council Members

Council members voting nay:

WHEREUPON, this Ordinance is declared passed and adopted on this 14th day of July, 2016.

CITY OF NEGAUNEE

By: Its Mayor

Attest:

By: Its Clerk