

Resolution 1805 to Amend Code of Ordinances, City of Laingsburg, Michigan, Chapter 58

City of Laingsburg, Shiawassee County, Michigan

The following resolution was moved by MEMBER and supported by MEMBER at the November 12, 2018 Regularly Scheduled City Council Meeting:

THE CITY OF LAINGSBURG ORDAINS that Chapter 58 of the Code of Ordinances, City of Laingsburg, Michigan, is hereby amended to add Article VI “Off-Road Vehicles” to read as follows:

City of Laingsburg

County of Shiawassee

Off- Road Vehicle Ordinance

ARTICLE VI OFF-ROAD VEHICLES

Sec. 58-141. Operation and regulation of Off-Road Vehicles (ORV’s) on streets in the City of Laingsburg, Shiawassee County.

Sec. 58-142 Definitions as used in this ordinance,

- (a) “City” means the City boundaries of Laingsburg, Shiawassee County
- (b) “Direct Supervision” means the direct visual observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.
- (c) “Driver License” means an operator’s or chauffeur’s license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- (d) “Maintained Portion” means the roadway and any shoulder of the road whether paved or unpaved.

- (e) "Operate" means to ride in or on, and be in actual physical control of the operation of the ORV.
- (f) "Operator" means any person who operates or is in actual physical control of the operation of an ORV.
- (g) "ORV" or Off-Road Vehicle" means a motor-driven off-road recreation vehicle capable of cross-country travel with benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes but is not limited to a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel vehicles, a vehicle with 3 or more wheels, an amphibious machine, or a ground-effect air cushion vehicle, or other means of transportation deriving motive power from the other than muscle or wind, including, for the purpose of this ordinance, a golf cart.

ORV does not include a snowmobile, unregistered motorcycle, any vehicles originally manufactured for the purpose of road use, farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned 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.

- (h) "Street" means 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 the purpose of vehicular travel as described in Section 9 of 1951 PA 51, as amended, MCL 247.659.
- (i) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451, as amended MCL 324.81130, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- (j) "Slow-Moving Vehicle Sign" as used herein, means a securely- attached reflective device that is an equilateral triangle in shape, at least 16 inches wide at the base and at least 14 inches in height that is securely mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible.

Sec. 58-143 Designated Streets

- (a) An ORV may be operated under this Ordinance on all City streets excepts as otherwise prohibited or limited by this ordinance.

Sec. 58-144 Operating Conditions

- (a) At a speed of no more than 25 miles per hour, or a lower posted ORV speed limit.
- (b) Not within any City of Laingsburg Parks and cemetery's except designated driveway or parking area.
- (c) During daylight hours only; specifically no later than one-half hour after sunset and not earlier than one-half hour before sunrise.
- (d) With the flow of traffic and only on the shoulder of the street (or the far right of the street surface where there is no shoulder, in a manner that does not interfere with traffic on the street.
- (e) Traveling single file, except when overtaking and passing another ORV and with yielding the right of way to all roadway traffic.
- (f) While displaying a securely attached white-lighted headlight and red-lighted taillight, except that golf carts without such lights need only be marked by a slow-moving vehicle sign as described in subsection 58-142(j).
- (g) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour.
- (h) 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.
- (i) When equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.
- (j) While the ORV, if powered by an internal combustion engine, is equipped with a spark arrester type U.S. Forest Service approved muffler in good working order and in constant operation so as to meet all applicable noise emission standards and regulations.
- (k) ORV's operated on City streets under this ordinance must comply with all Federal and State ORV regulations with regard to any prescribed equipment or registration requirements as may be applicable to the vehicle being operated.

- (l) Each operator and passenger of an ORV other than a golf cart must wear a crash helmet approved by the U.S. Department of Transportation unless the vehicle is equipped with a roll-bar or other such 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.

For golf carts under this ordinance, this provision does not apply to operators and passengers unless otherwise required by another law or ordinance.

- (m) ORV shall not tow any sleds, toboggans or other such device occupied by people.
- (n) An ORV shall not be operated in a careless or negligent manner likely to endanger any person or damage any property, including in a manner likely to damage the surface or shoulder of the roadway. Prohibited operations includes but is not limited to actions such as “fishtailing” or spinning of tires that disperses gravel or creates ruts or other damage.

Sec. 58-145 License; Safety Certificate

- (a) A person less than 18 years of age shall not operate an ORV on a City street unless the person is in possession of a valid driver’s license or unless the person is under the direct supervision of a parent or guardian and has in his or her possession an ORV Safety Certificate.
- (b) A person less than 16 years of age shall not operate a Golf Cart on the City streets under this ordinance unless the person is under the direct supervision of a parent or guardian.

Sec. 58-146 Registered Motor Vehicle

- (a) Unless a person possesses a valid driver’s license, a person shall not operate an ORV on a street in the City if the ORV is registered as a motor vehicle under Michigan’s Motor Vehicle Code (Act 300 of 1949, as amended).

Sec. 58-147 Evidence

- (a) In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road, street, highway pursuant to Michigan’s Motor Vehicle Code (Act 300 of 1949, as amended) was in a collision on a roadway with an ORV that is not registered under the Code, the operator of the ORV shall be considered prima facie negligent.

Sec. 58-148 Penalties

- (a) A violation of this ordinance is a municipal civil infraction. A person responsible for such violation shall, in addition to any applicable court costs, pay a civil fine to be determined by the court of not more than \$500.00, except as is otherwise specifically provided in the schedule of fines below. In addition, the court shall order the person to pay the cost of repairing any damage to the environment, a road, or public property as a result of the violation.

Schedule of Fines;

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| (a) | Exceeding the ORV speed limit by 1 to 5 miles per hour; | \$100.00 |
| (b) | Exceeding the ORV speed limit by 6 to 10 miles per hour; | \$150.00 |
| (c) | Exceeding the ORV speed limit by 11 to 15 miles per hour; | \$200.00 |
| (d) | Exceeding the ORV speed limit by more than 15 miles per hour; | \$250.00 |
| (e) | Operating in hours of darkness, specifically later than one-half hour after sunset or earlier than one-half hour before sunrise. | \$250.00 |
| (f) | Operating upon any City park except the designated driveway or parking Lot, or cemetery. | \$250.00 |
| (g) | Operating against the flow of traffic, failing to operate only on the shoulder of the street (or the far right of the street surface where there is no shoulder) or operating in a manner that interferes with regular traffic on any roadway. | \$250.00 |
| (h) | Failing to travel single file, except when overtaking and passing another ORV and with yielding the right of way to all roadway traffic. | \$250.00 |
| (i) | Failing to display a white-lighted headlight and red-lighted Taillight, except for golf carts without such lights; failing to Display a slow-moving vehicle sign as described in subsection Sec. 58-142(j) | \$200.00 |
| (j) | Operating an ORV without a properly operating brake, throttle, mirror, or muffler as required by Sec. 58-144(g)(h)(i)(j) of this ordinance, or that does not comply with all Federal and State ORV regulations with regards to any prescribed equipment or registration requirements as may be applicable to the specific | \$150.00 |

vehicle.

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| (k) | Failing to meet the requirements of Sec. 58-144(l) of this ordinance pertaining to required safety helmets or exceptions. | \$150.00 |
| (l) | Careless or negligent operation likely to endanger any person or damage any property, including in a manner likely to damage the surface of the street or shoulder of the road. | \$350.00 |

Sec. 58-149 ORV Fund

- (a) The City Treasurer shall deposit all damages collected under Sec. 58-148 of this ordinance into a fund to be designated as the "ORV Fund". The Laingsburg City Council Shall appropriate revenue in the ORV Fund for repairing damage to streets and the environment that may have been caused by ORV's and for posting signs indicating ORV speed limits.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby approves the aforementioned language.
2. The City Council hereby authorizes and directs the City Clerk to post and display in the office of the City Clerk the aforementioned language amendment to Chapter 58 of the Code of Ordinances, City of Laingsburg, Michigan.
3. The City Council hereby authorizes and directs the City Clerk to publish a summary and statement of title and purpose of the aforementioned language amendments to Chapter 58 of the Code of Ordinances, City of Laingsburg, Michigan.
4. This ordinance will become effective 30 days after the summary is published and the effective date will be prescribed in the ordinance.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Ayes:

Nays:

Resolution declared adopted.

Micheal Culpepper, Mayor
City of Laingsburg

Paula Willoughby, Clerk
City of Laingsburg