

OFF ROAD VEHICLES

§ 70.50 DEFINITIONS.

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

CITY. The City of Scottville, Mason County.

DRIVER LICENSE. 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 P.A. 300, M.C.L.A. §§ 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

MAINTAINED PORTION. That portion of a road improved, designated or ordinarily used for vehicular traffic, including the gravel shoulder or paved shoulder of the road.

OPERATE. To ride in or on, and be in actual physical control of the operation of an ORV.

OPERATOR. A person who operates or is in actual physical control of the operation of an ORV.

ORV. A motor driven off road recreation vehicle capable of crosscountry travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a golf cart, a motorcycle or related two-wheel, three-wheel, or four-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. 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.

ROAD. All public roads within the city.

SAFETY CERTIFICATE. A certificate issued pursuant to 1994 P.A. 451 as amended, M.C.L.A. § 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

VISUAL SUPERVISION. Direct 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.

(Ord. 2015-1, passed 4-20-2015)

§ 70.51 OPERATION OF ORVS.

An individual may operate an ORV on a road within the city provided that the ORV is operated only with the flow of traffic, on the far right of the maintained portion of the road, subject to the following additional regulations:

- (A) A person shall not operate an ORV at a speed greater than 25 miles per hour, or a lower posted ORV speed limit, or in a manner that interferes with traffic on the road;
- (B) ORVs shall travel single file, except when passing or being passed by another ORV;
- (C) All ORVs while operating must have a lighted headlight and taillight;
- (D) Unless a person possesses a drivers license, a person shall not operate an ORV on a road if the ORV is registered as a motor vehicle under the Michigan Vehicle Code and the ORV is either more than 60 inches wide or has three wheels;
- (E) A person under the age of 12 shall not operate an ORV on a road;
- (F) A person under the age of 18 shall not operate an ORV on a road unless the person is in possession of a valid driver's license or is under the direct supervision of a parent or guardian and the person has in his possession an ORV safety certificate issued by Michigan, another state, or a province of Canada;
- (G) All operators must, upon demand by a law enforcement officer, present either an ORV safety certificate or a drivers license;
- (H) An owner or person in charge of an ORV shall not allow an ORV to be operated by an individual who is incompetent to operate a vehicle because of mental or physical disability;
- (I) A child less than 16 years of age shall not operate a three-wheeled ATV;
- (J) A person shall not operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner having undue regard for conditions;
- (K) A person shall not operate or ride on an ORV unless they are wearing on their head a helmet and protective eyewear approved by the United States Department of Transportation. This section does not apply if the vehicle is equipped with a roof that meets or exceeds the standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt;
- (L) A person shall not operate an ORV without a braking system;

(M) A person shall not operate an ORV during the hours of one half hour after sunset and one half hour before sunrise;

(N) All ORVs shall conform to the noise emission levels established by the United States Environmental Protection Agency under the Noise Control Act of 1972, 42 U.S.C. 4901 to 4918;

(O) No person shall transport a passenger on an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers;

(P) No person shall operate an ORV with an opened container of alcohol unless it is in a trunk, separate compartment or is encased or enclosed;

(Q) No person shall operate an ORV unless it is 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;

(R) No person shall operate an ORV unless it is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation;

(S) An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including, but not limited to, Part 811 of the Natural Resources and Environmental Protection Act, M.C.L.A. §§ 324.81101 *et seq.*; and

(T) An ORV shall not be operated on the road surface, roadway, shoulder or right-of-way of State Street (US-10).

(Ord. 2015-1, passed 4-20-2015)

§ 70.52 ENFORCEMENT.

A violation of this subchapter is a municipal civil infraction, and a responsible person shall pay a fine of not more than \$500. In addition a court may order the defendant to pay the cost of repairing any damage to the environment, a road, or public property damaged as a result of the violation.

(Ord. 2015-1, passed 4-20-2015)

§ 70.99 PENALTY.

(A) Any person violating any provision of this title for which no other penalty is set forth shall be responsible for a municipal civil infraction.

(B) Any person violating the provisions of § 70.24 shall be fined in the amount of \$50.

(Ord. 03-02, passed 9-2-2003)