

**CITY OF ALBION  
ORDINANCE #2015-06**

**AN ORDINANCE TO CREATE SECTION 82-5 OF THE CITY OF ALBION CODE OF  
ORDINANCES TO AUTHORIZE THE OPERATION OF OFF-ROAD RECREATION  
AND UTILITY VEHICLES ON CERTAIN CITY STREETS PURSUANT TO MCL  
324.81131 AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF**

**PURPOSE AND FINDING:**

There is a growing popularity of the use of off-road recreation and utility vehicles such that the operation of such vehicles causes safety concerns. The City has the authority to enact ordinances to regulate the use of such vehicles, pursuant to MCL 324.81131. This ordinance is in the interest in health, safety, and welfare of the people of City of Albion.

**THE CITY OF ALBION ORDAINS:**

**Sec. 82-5. Operation of off-road recreation and utility vehicles (ORVs) on city streets.**

**Section 1.**

(a) Definitions.

As used in this ordinance:

- (1) "ORV" or vehicle means a motor-driven off-road recreation or utility vehicle capable of cross-county travel without benefit of road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes a side-saddle wheeled vehicle or other means of transporting deriving motor power from a source other than muscle or wind. ORV or vehicle does not include a golf cart, registered snowmobile, a motorcycle or related 2-wheel, 3-wheel, or 6-wheel drive vehicle, an ATV, an amphibious machine, a ground effect air cushion vehicle, 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 in performance of its common function, or a registered aircraft.
- (2) "ATV" means a vehicle with 3 or more wheels and that is designated for off-road use, has low-pressure tires, has a seat designated to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.

- (3) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
  - (4) "Operator means an individual who operates or is in actual physical control of the operation of an ORV.
  - (5) "Street" means a city major street or city local street as defined in 1951 PA 51, MCL 247.659, or a segment thereof.
- (b) Except as set forth herein or otherwise provided by law, an individual may operate an ORV on city streets, subject to the following restrictions:
- (1) A person shall not operate an ORV on city streets unless used in the course of their employment, for snow removal, or other purposes approved by the Department of Public Safety.
  - (2) A person shall not operate an ORV unless he or she is at least 12 years of age.
  - (3) A person under the age of 18 years of age shall not operate an ORV unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to Part 811 of Michigan Natural Resources and Protection Act or a comparable ORV safety certificate issued under the authority of another state or providence of Canada. These requirements are in addition to any applicable requirements of state law in MCL 324.81129, as may be amended.
  - (4) All ORV operators 18 years of age or older shall have in their immediate possession a valid driver license.
  - (5) Unless the person possesses a valid driver license pursuant to MCL 257.25, as amended, a person shall not operate an ORV if the ORV is registered as a motor vehicle.
  - (6) The operator of an ORV shall comply with the signal requirements of MCL 257.648 that apply to the operation of a vehicle.
  - (7) A person operating an ORV upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care and caution when passing a standing vehicle or proceeding in the same direction.
  - (8) An ORV shall not be operated on a sidewalk constructed for the use of pedestrians unless used in the course of their employment, for snow removal, or other purposed approves by the Department of Public Safety.
  - (9) An ORV shall not be operated at a speed exceeding 25 miles per hour or in a manner that interferes with traffic on the street. In no event shall a person operate an ORV at a rate of speed greater

than is reasonable and proper, or in a careless manner, having due regard for conditions then existing.

- (10) ORVs shall travel single file except that an ORV may travel abreast of another ORV when it is overtaking or passing, or being overtaken and passed by, another ORV.
- (11) Racing ORVs on city streets is prohibited.
- (12) ORVs shall display a lighted headlight and lighted taillight at all times.
- (13) A person shall operate an ORV with the flow of traffic on the far right of the maintained portion of the street, in a manner that does not interfere with traffic on the street.
- (14) Operation of ORVs is not allowed on any roadway within the city cemetery, except by employees of the City of Albion Department of Public Works, in the course of their employment.
- (15) A person shall not transport a passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.
- (16) A person shall not operate an ORV unless the vehicle is 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; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise; and 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.
- (17) An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. This subsection does not apply to an individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet.
- (18) An ORV shall not be operated on any state trunkline right-of-way, except that the operated of a vehicle may cross a street, country road, or highway, other than a limited access highway, at right angles, for the purposes of getting from one area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a street,

country road, or highway, and shall yield the right-of-way to oncoming traffic.

- (19) These requirements are in addition to any applicable requirements or state law in Part 811 of Act 451 of 1994, the Michigan Natural Resources and Environmental Protection Act, as may be amended.
- (20) This ordinance does not apply to a police officer in the performance of his or her official duties.
- (c) A person who violates this ordinance is responsible for a civil infraction and subject to a fine of not more than \$500.00.
- (d) In addition to the fine provided for herein, a court shall order violators of this ordinance to pay the cost of repairing damage to the environment, a street, country road, or highway, or public property as a result of the violation pursuant to MCL 324.81131(17).

**Section 2.** If any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the city that this article be fully severable.

**Section 3.** All ordinances and/or parts of ordinance inconsistent with this ordinance are hereby repealed.

**Section 4.** This Ordinance shall be effective after its adoption and publication on November 4, 2015

First Reading: Sept. 21, 2015

Second Reading & Adoption: Oct. 5, 2015

Ayes: 7

Ayes: 7

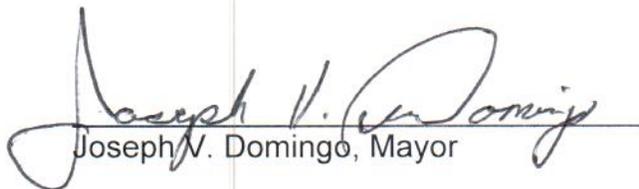
Nays: 0

Nays: 0

Absent: 0

Absent: 0

  
Jill Domingo, City Clerk

  
Joseph V. Domingo, Mayor