

ORDINANCE NO. 87

AN ORDINANCE TO AUTHORIZE THE USE OF CARTS, ATV'S, AND ORV'S ON VILLAGE STREETS WITHIN THE GEO-POLITICAL BOUNDARIES OF THE VILLAGE OF MAPLE RAPIDS CONSISTENT WITH THE STATE LAWS GOVERNING GOLF CARTS (2014 PA 491 AND ATV/ORV (2008 PA 240)

THE VILLAGE OF MAPLE RAPIDS ORDAINS:

Section 1. As used by this ordinance, the following definitions shall apply:

- a) "ATV" is an all-terrain vehicle (ATV) also know as a quad (bike) three-wheeler, four-track, four-wheeler, or quadricycle, as defined by the American National Standards Institute (ANSI) as a vehicle that travels on low pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control. As the name implies it is designed to handle a wider variety of terrain than most other vehicles.
- b) "Drivers license" means an valid operator's license issued to an individual by the Secretary of State under chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, to that individual to operate a vehicle.
- c) "Golf Cart" is a vehicle that is designed for transportation while playing the game of golf. A golf cart is not required to meet the vehicle safety requirements of a low-speed
- d) "Operate" means to ride in or on, and be in physical control of the operation of a Golf Cart, ATV, or ORV.
- e) "Operator" means a person who operators or is in physical control of the operation of a Golf Cart, ATV, or ORV.
- f) "ORV" is a motor driven off-road recreation vehicle (ORV) considered to be any type of vehicle which is capable of driving on off paved or gravel surface. It is generally characterized by having large tires with deep, open treads, flexible suspension, or even caterpillar tracks.
- g) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129 or a comparable ORV safety certificate issued under the authority of another state or province of Canada.
- h) "Street" means a Village owned major or local street withing the corporate limits of the Village of Maple Rapids as described in section 9 of 1951 PA 51, MCL 247.659.
- i) "Visual Supervision" means a 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.

Section 2. 2014 PA 491 allowing for golf carts

Sec. 657a. (1) A village or city having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution allow the operation of golf carts on the streets of that village or city, subject to the requirements of this section. A township having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution, unless disapproved by the county board of commissioners under subsection (3), allow the operation of golf carts on the streets of that township, subject to the requirements of this section.

(2) If a village, city, or township allows the operation of golf carts on the streets of that village, city, or township, that village, city, or township may require those golf carts and the operators of those golf carts to be recorded on a list maintained by that village, city, or township. A village, city, or township shall not charge a fee for listing golf carts or the operators of those golf carts.

(3) A county board of commissioners may, by resolution, disapprove the operation of golf carts on the streets of a township located within that county if the county board of commissioners conducts a hearing and determines that 1 or more of the following apply:

(a) The operation of golf carts on the streets of that township would cause significant environmental damage.

(b) The operation of golf carts on the streets of that township would cause a significant concern of public safety.

(4) The county board of commissioners shall provide public notice of a hearing under subsection (3) at least 45 days before the hearing is conducted. The county board of commissioners shall also provide written notice of a hearing under subsection (3) to the township at least 45 days before the hearing is conducted.

Section 3. 2008 PA 240 allowing for ATV/ORVs

ATVs and ORVs: You have to pass an ordinance per NREPA as opposed to a simple resolution, and the rules are different (see below)

Off-Road Vehicles (ORVs) and All-Terrain Vehicles (ATVs) Municipalities are permitted to adopt an ordinance allowing ORVs and ATVs to operate on their streets in a manner allowed under NREPA. The following conditions are required: ORVs/ATVs May travel at a maximum speed of 25 MPH. Must have a lighted headlight and taillight. Driver must wear a helmet and

eye protection (unless the ORV has a windshield and a roof or roll bar which meets or exceeds crash helmet standards and the driver is wearing a safety belt). Driver must be at least 18 years old; or, between 12 and 18, the driver must either have a valid driver's license or have a valid ORV safety certificate on them and be under the immediate visual supervision of an adult. Are

required to attach the license to the vehicle.

Section 4. Golf Carts

Except as set forth herein or otherwise provided by law, a Golf Cart meeting all of the following conditions may be operated on a Village Street within the Village of Maple Rapids.

- a) A person shall not operate a golf cart on any street unless he or she is at least 16 years old and is in possession of a valid Drivers License.
- b) A person operating a golf cart upon a village street shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction
- c) A person shall not operate a golf cart on a county roadway. This subsection does not prohibit a person from crossing a county roadway when operating a golf cart on a street of the village using the most direct line of crossing.
- d) A person operating a golf cart shall not pass between lines of traffic, but may pass on the left side of traffic moving in his or her direction in the case of a 2-way street in an unoccupied lane.
- e) A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians.
- f) A golf cart shall be operated at a speed not to exceed 15 miles per hour.
- g) A golf cart shall not be operated on the streets of the Village during the time period from ½ hour before sunset to ½ hour after sunrise, unless the golf cart is equipped and in operation with two headlights, two tail lights, and electronic turn signals.
- h) A person operating a golf cart or who is a passenger in a golf cart is not required to wear a crash helmet.
- i) A golf cart operated on a Village street is not required to be registered under this act for purposes of section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101

Section 5. ATV/ORVs

Except as set forth herein or otherwise provided by law, an ATV/ORV meeting all of the following conditions may be operated on a Village Street within the Village of Maple Rapids.

- a) A person shall not operate an ATV/ORV on any street unless he or she is at least 18 years old and is in possession of a valid Drivers License, or between 12 and 18 and must have either a valid drivers license or have a valid ORV safety certificate on them and under the immediate visual supervision of an adult over the age of 18.
- b) A person operating an ATV/ORV upon a village street shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction
- c) A person shall not operate an ATV/ORV on a county roadway. This subsection does not prohibit a person from crossing a county roadway when operating a golf cart on a street of the village using the most direct line of crossing.
- d) A person operating an ATV/ORV shall not pass between lines of traffic, but may pass on the left side of traffic moving in his or her direction in the case of a 2-way street in an unoccupied lane.

- e) An ATV/ORV shall not be operated on a sidewalk constructed for the use of pedestrians.
- f) An ATV/ORV shall be operated at a speed not to exceed 25 miles per hour or a lower posted ORV speed limit.
- g) An ATV/ORV shall display a lighted headlight and lighted taillight at all times.
- h) A person operating and any passenger in or on an ATV/ORV shall wear on his or her head a crash helmet and protective eyewear approved by the United States Department of Transportation. This subdivision does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.
- i) An ATV/ORV with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately return to idle.
- j) An ATV/ORV 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 a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of ½ hour before sunset till ½ hour after sunrise.
- k) Pursuant to noise and emission standards defined by law.

Section 6 In a court action in the State of Michigan where competent evidence demonstrates that a vehicle is permitted to be operated on a highway pursuant to the Michigan vehicle code 1949 PA 300, MCL 257.1 to 257.923, collided with an ORV on a roadway, the driver of the ORV involved in the collision shall be considered prima facie negligent.

Section 7 Unless a person possesses a valid drivers license, a person shall not operate an ATV/ORV on a Village street if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has 3 wheels.

Section 8 Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.

Section 9 A Court may order a person who caused damage to the environment, a street, or other property as a result of the operation of a Golf Cart, ATV, or ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

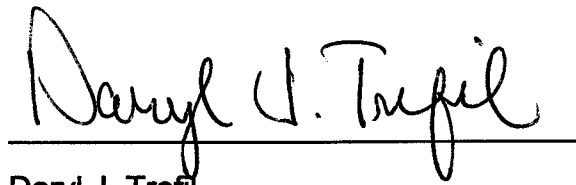
The above Ordinance was moved by Councilperson Bill Schmidt and supported by Councilperson Mitch Leiby at a regular scheduled meeting on August 5, 2020.

YEAS: Sorah, Leiby, Bennett, Kissling, VanEtten, Schmidt

NAYS: None

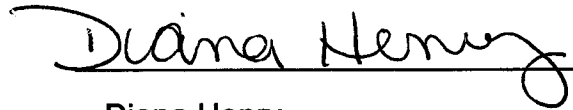
ABSENT: None

THE ORDINANCE WAS DECLARED ADOPTED.



Daryl J. Trefil

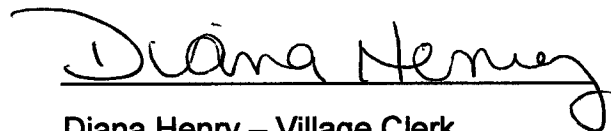
President



Diana Henry

Clerk

I hereby certify the above Ordinance was published in the Clinton County News on July 12th, 2020



Diana Henry – Village Clerk