

STATE OF MICHIGAN
COUNTY OF MANISTEE
VILLAGE OF KALEVA

ORDINANCE No. #34

An ordinance to authorize and regulate the operation of Off Road Vehicles (ORVs) on the roads in the Village of Kaleva; to provide penalties for the violation thereof, to provide for the appropriation of fines and damages resulting from the operation of ORVs and to repeal all ordinances in conflict herewith.

THE VILLAGE OF KALEVA ORDAINS:

Sec. 1 As used in this ordinance, the following definition shall apply:

- a) "Village" means the Village of Kaleva
- b) "Drivers 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, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of an ORV.
- e) "ORV" means a motor-driven recreation vehicle designed for off-road use and 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. ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, an ATV as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, or other means of transportation deriving motive power from a source other than muscle or wind. ORV does not include a vehicle described in this definition that is registered for use upon a public highway and has the security required by law.
- f) "Road" means a major road or a minor local road of the Village as the same may be designated from time to time by the Village Council, excluding all private roads, private property, open private property, seasonal roads and State of Michigan and United States land.

Sec. 2 Subject to the regulations of this Ordinance and part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, an ORV may be operated on the far right of the maintained portion of any road within the Village.

Sec. 3 An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal highway in the Village.

Sec. 4 An ORV traveling on a road in the Village shall meet all of the conditions, in addition to any others that may be imposed by law:

- a) Shall travel at a speed of no more than twenty-five (25) miles per hour.
- b) Shall be operated by a person not less than Sixteen (16) years of age who has in his or her possession a validly issued drivers license.
- c) Shall travel on the extreme right hand portion of the traveled part of the road, giving way to other vehicles.
- d) Shall be operated in a manner that does not interfere with traffic on the road.
- e) Shall travel in single file except when overtaking and passing another ORV.
- f) Shall not travel on a road when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) Shall not operate ½ hour before sunrise or after ½ hour after sunset, unless displaying a lighted headlight and lighted taillight.
- h) Shall at all times display a lighted headlight and lighted taillight at all hours.
- i) Shall only be operated while the operator and each passenger is wearing a crash helmet and protective eye-wear approved by the United States Department of Transportation unless the vehicle is equipped with a 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.
- j) Shall be 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.
- k) Shall be equipped with a spark arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- l) Shall observe all noise emission standards defined by law.

Sec. 5 Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Sec. 6 Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine or not more than \$500.00, plus legal expenses. In addition, a court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

Sec. 7 The Village Treasurer shall deposit all fines and damages collected under this Ordinance into a fund to be designated as the "ORV Fund". The Village Council shall appropriate revenue in the ORV Fund as follows.

- a) Fifty percent to the Village Major Street Fund for repairing damage to roads and the environment that may have been caused by an ORV and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of an ORV.
- b) Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

Sec. 8 This Ordinance becomes effective on the 30th day following its adoption and publication as required by law.

Sec. 9 All ordinances or parts of ordinances in conflict wherewith are repealed to the extent of the conflict.

Trustees voting "Aye"

R. SCHAFER, S. KASKINEN, J. MCKINLEY,
D. GROSSNICKLE, D. PETERS, & D. HOLTZ

Trustees voting "Nay"

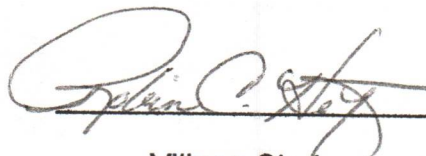
NONE

Trustees absent or abstaining:

D. THOMPSON

RESOLUTION DECLARED PASSED X

RESOLUTION DECLARED FAILED



Village Clerk 7-19-10