

NOTICE OF ADOPTION OF ORDINANCE 2011-1

The Bad Axe City Council at the September 6, 2011 regular meeting adopted Ordinance 2011-1.

THE CITY OF BAD AXE ORDAINS:

CHAPTER 11 TRAFFIC AND MOTOR VEHICLES ARTICLE XI

ORV ORDINANCE

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in the City of Bad Axe and for the purpose of providing penalties for the violation thereof.

THE CITY OF BAD AXE ORDAINS:

Sec. 11-800 As used in this ordinance, the following definitions shall apply:

- A. "City" means the City of Bad Axe.
- B. "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, 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 the operation of an ORV.
- D. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- E. "ORV" means a motor-driven, off-road recreation vehicle 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 or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation driving 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 utilities 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.

- F. "Road" means any street, road, alley, or lane located within the City of Bad Axe.
- 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 a province of Canada.
- H. "Visual supervision" means the 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.

Sec. 11-801 An ORV may be operated on the far right of the maintained portion of a public road within the City; however, an ORV may not be operated on the following:

- A. M-142 (commonly referred to as East Huron Avenue and North Port Crescent Street)
- B. M-53 (commonly referred to as West Huron Avenue and North Port Crescent Street)

Sec. 11-802 An ORV may not be operated on the road surface roadway, shoulder, or right-of-way of any state highway in the City.

Sec. 11-803 Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in the City:

- A. At a speed of no more than fifteen (15) miles per hour or a lower posted ORV speed limit.
- B. By a person not less than fourteen (14) years of age.
- C. With the flow of traffic on the far right of the maintained portion of the road.
- D. In a manner which does not interfere with traffic on the road.
- E. Traveling single file except when overtaking and passing another ORV.
- F. While displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.
- G. 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.

- H. Unless equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at fourteen (14) feet per second on level ground at a speed of twenty (20) miles per hour; a brake light, brighter than the taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of one-half (½) hour after sunset and one-half (½) 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.
- I. While the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- J. Pursuant to noise emissions standards defined by law.

Sec. 11-804 A person less than sixteen (16) years of age shall not operate an ORV on the road in the City unless the person is in possession of a valid driver license or is under the direct visual supervision of a parent or guardian and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

Sec. 11-805 Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the City if the ORV is registered as a motor vehicle and is either more than sixty (60) inches wide or has three (3) wheels.

Sec. 11-806 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 \$500.00.

Sec. 11-807 A court shall 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. 11-808 This ordinance shall take effect twenty (20) days after notice of the adoption is published in a newspaper of general circulation in the City.

- A. Date of Adoption by City Council: September 6, 2011
- B. Date of Publication: September 9, 2011
- C. Date Ordinance shall take effect: September 29, 2011

Sec. 11-809 Should a portion of this ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this ordinance.

This ordinance is adopted by action of the Bad Axe City Council on this 6th day of September, 2011.

Jim Hicks, Mayor

Kay Goebel

Kay Goebel, Clerk

CERTIFICATION

I, Kay Goebel, Clerk of the City of Bad Axe, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Bad Axe City Council on the 6th day of September, 2011.

Kay Goebel

Kay Goebel, Clerk

First Reading: June 20, 2011
Public Hearing Notice Published: June 24, 2022
Public Hearing: July 5, 2011
Adopted: September 6, 2011
Notice of Adoption: