

Amendments to Ordinance 10-1 ORV

Ordinance will be named ORV and Snowmobile Ordinance

Section 2

c. add and Snowmobile

d. add and Snowmobile

l. a registered snowmobile

Section 3

An ORV or snowmobile

Section 4

An ORV or Snowmobile

Section 5

An ORV or Snowmobile

e. add or Snowmobile

m. riding ORV's or snowmobiles on any village sidewalk is prohibited.

Section 9

ORV or Snowmobile

ORDINANCE # 10-01

**VILLAGE OF FIFE LAKE
GRAND TRAVERSE COUNTY, MICHIGAN
ORV ORDINANCE**

VILLAGE OF FIFE LAKE ORDAINS:

Section 1. Purpose.

An ordinance adopted for the purpose of authorizing and regulating the operation of off road vehicles (ORV's) on roads in the Village of Fife Lake.

Section 2. Definitions.

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

- a. "Village" means Village of Fife Lake
- 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, 1994 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 mulitrack or multiwheel 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 of 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 easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

- f. "Road" means streets within the village limits.
- g. "Road Commission" means the Board of County Road Commission for Grand Traverse County.
- h. "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.
- i. "Village" means the Village of Fife Lake within Grand Traverse County.
- j. "Village council" means a board of trustees of the Village of Fife Lake.
- k. "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.

Section 3. An ORV may be operated on the far right of the maintained portion of a road within the Village with these exceptions:

- a. All State Roads including State forest roads.
- b. All Federal roads.

Section 4. 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.

Section 5. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the Village of Fife Lake:

- a. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- b. By a person not less than 12 years of age.
- c. With the flow of traffic.
- d. In a manner which does not interfere with traffic on the road or street.
- e. Traveling single file except when overtaking and passing another ORV.
- f. When visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.

- g. On-half hour before sunrise until one-half hour after sunset unless displaying a lighted headlight and lighted taillight.
- h. While displaying a lighted headlight and lighted taillight at all hours beginning February 9, 2010.
- i. While the operator and each passenger is wearing a crash helmet and protective eye wear approved by the United State 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. 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. While the ORV is equipped with a spark arrester type United State Forest Service approved muffler in good working order and in constant operation.
- l. Pursuant to noise emission standards defined by law.

Section 6. A child less than 16 years of age shall not operate an ORV on a road in the Village unless the child is under the direct visual supervision of a related adult and the child 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.

Section 7. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the Village of Fife Lake if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Section 8. A person who violates this ordinance is guilty of a municipal civil infraction in accordance with Ordinance #03-08 and subject to fines and penalties as provided therein.

Section 9. 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 for civil fines.

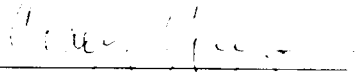
Section 10. Severability.

The sections and provision of this Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reasons by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

Publication and Recording. A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adoption and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance shall be in full force and effect immediately after its publication as provided by law.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on February 8, 2010.



Corey Geyman, Village Clerk