

VILLAGE OF MORLEY
ORDINANCE #01-2019
OFF-ROAD VEHICLE (ORVs) ORDINANCE

AN ORDINANCE TO REGULATE THE USE OF OFF-ROAD VEHICLES (ORVs) WITHIN THE VILLAGE OF MORLEY.

THE VILLAGE OF MORLEY ORDAINS:

SECTION 1: PURPOSE

An ordinance for the purpose of promoting the health, safety and general welfare of the inhabitants of the Village of Morley; and for the purpose of authorizing and regulating the operation of off-road vehicles (ORVs) on roads in the Village of Morley, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties.

SECTION 2: DEFINITIONS

1. DRIVER'S LICENSES: 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 PA300, MCL 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
2. OPERATE: means to ride in or on and be in actual physical control of the operation of an ORV.
3. OPERATOR: means a person who operates or is in actual physical control of the operation of an ORV.
4. ORV OR VEHICLE: 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 not limited to, a 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 deriving motor 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 an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.
5. 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.
6. 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: ORV OPERATIONS: 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. The Village Council, by

resolution and at its discretion, may close any Village streets to ORV use to protect the environment and public safety.

SECTION 4: ORVS OPERATING ON ROADS OR STREETS:

1. On far right of the maintained portion of a street in the Village.
2. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
3. By a person not less than 18 years of age, as long as any such person under the age of 18 is in possession of a valid driver's license or is under the direct visual supervision of a parent or guardian and has an ORV safety certificate in his or her immediate possession.
4. With the flow of traffic.
5. In a manner which does not interfere with traffic on the roads or streets.
6. Traveling single file except when overtaking and passing another ORV.
7. When visibility is not substantially reduced due to weather conditions.
8. While displaying a lighted headlight and lighted taillight at all hours.
9. While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with the roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing properly adjusted and fastened seat belt.
10. 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.
11. While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
12. Pursuant to noise emission standards defined by law.
13. While displaying proper and correct registration.

SECTION 5: VALID DRIVER'S LICENSE: A minor less than 18 years of age shall not operate an ORV on a road in the Village unless the child is in possession of a valid driver's license or under direct visual supervision of a parent or guardian and the child has in his/her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under authority of another state or a province of Canada.

SECTION 6: INJURIES AND DAMAGES: The County Road Commission, the Village of Morley and its Council, and the County of Mecosta are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and right-of-way over which the Road Commission or the Village of Morley Council has jurisdiction.

SECTION 7: COURT ACTION IN THIS STATE: In a court action in this State, if competent evidence demonstrates that a vehicle that is permitted to operate on a road or street pursuant to the Michigan Motor Vehicle Code was in a collision with an ORV that was not registered under the code, the operator of the ORV shall be considered prima facie negligent.

SECTION 8: PENALTIES: Any person who violates this Ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine not more than \$500.00. 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.

SECTION 9: DAMAGE COLLECTED: The Village Clerk shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Village Board shall appropriate revenue in the ORV Fund as follows:

- a) Fifty (50) percent to the Village General Fund for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty (50) percent to the Village Police Department for ORV enforcement and training.

SECTION 10: OPERATING HOURS: An ORV may only be operated on roads between the hours of 5:00 AM and 10:00 PM.

SECTION 11: VALIDITY:

- A. All ordinances or part of any ordinance in conflict herewith are hereby repealed.
- B. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 12: ORDINANCE IN FORCE: This Ordinance shall be in full force and effect from and after its passage and approval and publication by law. This Ordinance enacted by the Village County of the Village of Morley at a regular meeting held at the Council Chambers in said Village on April 8, 2019.

Yeas: Robert Jusino, Teresa Havens, Linda Kizer, Henry Petersen, Serine Petersen, Paul Block, and Roger Polston.

Nays: None

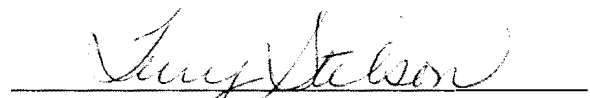
Absent: None

The President declared the ordinance passed unanimously.

I hereby certify to the adoption of this ordinance at the April 8, 2019 regular council meeting and cause the same to be published as required by law.



Henry Petersen, Village President



Terry Stilson, Village Clerk

Publish date: April 7, 2019