

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Street Vehicles {ORVs} on streets within the Village of Perrinton, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

THE Village of Perrinton ORDAINS:

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

- a) "Village" means Village of Perrinton.
- 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 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" or "vehicle" means a motor-driven off-street recreation vehicle capable of cross-country travel without benefit of a street 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 golf cart, a multi-track or multi-wheel driven vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation 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 an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.
- f) "Street" means a Village primary street; a Village local street as described in Section 5 of 1951 PA 51, MCL 247.655, MCL 247.659; a Village alley; or a public parking lot.
- 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.

Section 2. The Village Council may close no more than 30% of the total linear feet of streets in the Village to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The Village Council may not close a municipal street to ORVs opened under Section 4 of this ordinance, except by amendment of this ordinance.

Section 3. An ORV shall not be operated on any state trunkline right-of-way within the Village.

Section 4. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a street in the Village :

- a) On the far right of the maintained portion of a street within the Village .
 - b) At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
 - c) By a person not less than 12 years of age.
 - d) With the flow of traffic.
 - e) In a manner which does not interfere with traffic on the street.
 - f) While traveling single file except when overtaking or passing another ORV.
 - g) While displaying a lighted headlight and a lighted taillight at all times.
 - h) When the person and any passenger in or on the vehicle is wearing 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) With a throttle so designed that when the pressure used to advance
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the throttle is removed, the engine speed will immediately and automatically return to idle.

- j) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- k) When 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 1/2 hour after sunset and 1/2 hour before sunrise.
- l) Pursuant to noise and emission standards defined by law.

Section 5. In a court action in this state 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 street, the driver of the ORV involved in the collision shall be considered prima facie negligent.

Section 6. A person less than 18 years of age shall not operate an ORV on a Street in the Village unless the person is in possession of a valid drivers license or is under the direct visual supervision of an adult 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.

Section 7. Unless a person possesses a valid drivers license, a person shall not operate an ORV on a street in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three 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 \$500.00.

Section 9. A court may order a person who causes damages to the environment, a street 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 10. The Village Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated the ORV Fund. The Village of Perrinton Board of Commissioners shall appropriate revenue in the ORV fund as follows:

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

Section 11. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 12. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 13. Effective Date. This ordinance shall take effect and be in force 20 days from and after its enactment.

Passed and approved by the Village Council of the Village of Perrinton, Michigan, in regular session, held March 5, 2012.

We, the undersigned, President and Clerk of the Village of Perrinton, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 123 of the Village of Perrinton, Michigan, was introduced at a regular meeting of the Village Council, held on February 6, 2012, and was thereafter passed at a regular meeting on March 5, 2012. Pursuant to statute, the Ordinance, or a synopsis thereof, was published in a newspaper circulated within the Village on March 22, 2012

Dated at Perrinton, Michigan, this 12th day of March, 2012.

Douglas Artes

President

Marvin Martin

Clerk