

**STATE OF MICHIGAN
VILLAGE OF SARANAC**

ORDINANCE NO. 111

AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF
OFF-ROAD VEHICLES (ORV'S) ON STREETS IN THE VILLAGE OF SARANAC

THE VILLAGE OF SARANAC OF IONIA ORDAINS:

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

- a) "ATV" means a vehicle with 3 or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.
- b) "Village" means the Village of Saranac.
- c) "Visual Supervision" means the direct visual 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.
- d) "Driver's License" means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.
- e) "Maintained Portion" means the street and any shoulder of a street.
- f) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
- g) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- h) "ORV" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road, street or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation. An ATV is an ORV. ORV does not include a snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned 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 the performance of its common function, or a registered aircraft.
- i) "Street" or "Streets" means a Village major or local street as described in Section 5 of 1951 PA 51, as amended, MCL 247.659, or a segment thereof. A

Street does not include any bike path, sidewalk or recreational trail such as the Fred Meijer Trail or the GRVRT or any other such trail marked as non-motorized.

- j) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81130, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- k) "Code" means the Michigan Motor Vehicle Code, 1949 PA 300, MCL 257.1 et seq., as amended.

Section 2. Operating Conditions. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on all Streets in the Village of Saranac:

- a) At a speed of no more than 25 miles per hour, or a lower posted ORV speed limit.
- b) On the far right-hand side of the maintained portion of the Street.
- c) With the flow of traffic.
- d) In a manner which does not interfere with traffic on the street.
- e) Traveling single file, except when overtaking and passing another ORV.
- f) While displaying a securely attached white-lighted headlight and red-lighted taillight with brake light at all times.
- g) By a person not less than 12 years of age.
- h) An ORV shall not be operated pursuant to this ordinance during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- i) A child who is less than 16 years of age shall not operate a 3-wheeled ORV.
- j) The ORV shall be 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 red brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, 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.
- k) The ORV shall be equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.
- l) Each operator and passenger must wear a crash helmet and protective eyewear 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.

- m) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- n) Pursuant to noise emission standards defined by law.
- o) ORVs must not be operated in a manner that will cause damage to the street surface or shoulder. In this regard, prohibited activity includes but is not limited to actions such as “fishtailing” and spinning of tires that disperses gravel and creates ruts and other damage.

Section 3. License; Safety Certificate. 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 driver’s license or unless the person is under the visual Supervision of a parent or guardian and has in his or her possession an ORV Safety Certificate.

Section 4. Registered Motor Vehicle. Unless a person possesses a valid Driver’s License, a person shall not operate an ORV on a Street in the Village if the ORV is registered as a motor vehicle, and either is more than 65 inches wide or has three wheels.

Section 5. Evidence. In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to be operated on a highway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 *et seq.*, as amended, was in a collision with an ORV on a Street that is not registered under the Code, the operator of the ORV shall be considered prima facie negligent.

Section 6. Penalties.

(a) A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

(b) In addition to the fine specified above, the court may order a person who causes damage 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 for civil fines.

Section 7. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 9. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

This ordinance shall become effective upon publication.

YEAS: Doll, Hooper, Mulick, Simmons, Whorley, Darby

NAYS: Klutman

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Sharon L. Darby
Sharon Darby, Village President

Becky Straubel
Becky Straubel, Village Deputy Clerk

CERTIFICATION

I, Becky Straubel, being the Deputy Clerk of the Village of Saranac, do hereby certify that the foregoing is a true and correct copy of the Village of Saranac Ordinance No. 111, passed on the 12th day of October, 2020. Further, I certify I caused the same to be published in the Sentinel Standard, Ionia, Michigan, within fifteen (15) days after adoption by the Village Council of the Village of Saranac, pursuant to the Village of Saranac Charter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of October, 2020.

Becky Straubel
Becky Straubel, Deputy Clerk, Village of Saranac