

ORDINANCE NO. 478, BOOK 4

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE “CODE OF ORDINANCES, CITY OF IRONWOOD, MICHIGAN, CHAPTER 30 TRAFFIC AND MOTOR VEHICLES, ARTICLE II UNIFORM TRAFFIC CODE, BY ADDING A NEW DIVISION 11. ALL TERRAIN VEHICLES USE ON CITY STREETS.

NOW THEREFORE, THE CITY OF IRONWOOD ORDAINS:

That Div. 11 be added to Chapter 30 Traffic and Motor Vehicles, Article II Uniform Traffic Code.

DIV. 11. – ALL TERRAIN VEHICLE USE ON CITY STREETS

The City of Ironwood ORDAINS:

That Div. II be added to Chapter 30 Traffic and Motor Vehicles, Article II Uniform Traffic Code and the same hereby is amended to the following ordinance and adopt to read as follows:

REPEALER

The existing provisions of Chapter 30, Article II shall remain in full force and effect, except that any ordinance, resolution, order or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following amendment.

AMENDMENT

Div. 11

(a) Purpose

The intent of this ordinance is to authorize the establishment of access routes along highways and street within the City of Ironwood for use by all-terrain vehicles (ATVs); establish the terms and conditions upon which such access routes may be used; and for the purpose of providing penalties for the violations thereof, pursuant to the Michigan Natural Resources and Environmental Protection Act, MCL 324.101 et seq.

(b) Definitions

When used in this ordinance, the following words or terms shall have the following meanings:

- (1) “Highway” means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for the purpose of vehicular travel. “Highway” includes city streets and alleys.
- (2) “Operate” means to ride in or on, and to be in actual control of, the operations of an ATV.
- (3) “Operate” means a person who operates or is in actual physical control of the operation of an ATV.
- (4) “ATV” or “All Terrain Vehicle” means 3-, 4-, or 6 wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50 cc to 1,000 cc gasoline engine and or an engine of comparable size using other fuels or such other definitions as may be provided by State Law.
- (5) “Roadway” means that portion of a highway improved, designated, or ordinarily used for vehicular travel, not including the shoulders. If a highway includes two or more separate roadways, the term roadway refers to a roadway separately, but not to all roadways collectively.

(6) “Shoulder” means that portion of the highway contiguous to the roadway, generally extending the contour of the roadway, not specifically designed for vehicular travel, but maintained for the temporary accommodations of disabled or stopped vehicles which are otherwise permitted on the roadway.

(7) “Residence” means place in which one lives or dwells.

(c) Designation of Highways for ATV Use.

(1) Unless specifically designated otherwise as provided herein, all highways, City streets and alleys within the City are hereby designated to be access routes upon which ATVs may be operated for the purpose of providing access to and from areas where ATV operation is permitted. Such access routes do not include or involve state or federal highways.

(2) The City Commission is hereby authorized, **by Resolution**, to designate those highways, streets or alleys, and city owned property under its jurisdiction, or parts or sections there, upon which the operation of ATVs shall be permitted.

(3) The City shall maintain a map of all highways and streets under its jurisdiction, upon which shall be indicated all such highways and streets and parts or sections thereof upon which the operations of ATVs is prohibited. Copies of such map shall be maintained and made available to the public upon payment of the cost of reproduction thereof.

(d) Regulations on ATV Operation

(1) No ATV shall be operated on any highway, street, alley, or any part or section thereof, under the jurisdiction of the City where the operation of ATVs on such highway or street, or part or section thereof, has been specifically prohibited by Resolution of the City Commission.

(2) An ATV operated on a highway, street, or alley pursuant to this ordinance shall at all times be operated:

A) For the purpose of gaining access to or from an individual residence to a City, County, or State designated trail using the most direct route.

B) For the purpose of purchasing retail goods and services in conjunction with the legal operation of an ATV, may, by the most direct route available, utilize the public alleys and streets located in the City of Ironwood and in so doing, travel in the most direct perpendicular manner available.

C) On the outermost five (5) feet of the shoulder, or, in situations where no delineated shoulder exists, then on the outermost right side of the roadway, but not on grassy areas or areas not normally used for vehicular travel.

D) In single file, with the flow of traffic.

E) In compliance with all of the provisions of statutes, rules, regulations, and ordinances applicable to such ATV operation.

F) Hours of operation shall be regulated **by Resolution** of the City Commission.

G) At a speed not to exceed fifteen (15) miles per hour; unless otherwise designated **by Resolution** of the City Commission.

H) Only between April 1st and November 30th.

I) Pursuant to the Michigan Department of Natural Resource & Environmental Protection Act, MCL 324.101 et. seq. including but not limited to the following:

- a) A child less than 16 years of age shall not operate an ORV on a road or street in the county unless the child is under the direct visual supervision of an 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.
- b) 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 a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a property adjusted and fastened seat belt.

(3) An ATV may be operated on the roadway of a highway, street or alley under the jurisdiction of the City, whether or not such operations has been prohibited, only:

A) In a life threatening emergency; or

(4) An ATV may not be operated:

A) On the part of a highway normally occupied by ditches, front slopes, back slopes, or utilities, such areas being more specifically defined as those parts of the highway between the outside shoulder point and the right of way, and shall yield the right of way to Oncoming traffic, per MCL 324.81122.

B) Upon, along, or within federal or state highways;

C) On those shoulders specifically designated as non-motorized facilities; or

D) In violation of any of the provisions of MCL 324.811101 et seq. and the various subsections thereof, as amended, as well as all other statutes, rules, regulations, and ordinances applicable to such ATV operations.

(e) Revocation of ATV Designation

The City Commission may, from time to time, by Resolution, prohibit ATV use upon any highway, street or alley, and city owned property under its jurisdiction or any part or section thereof, with or without cause, when such action is deemed appropriate by the City Commission.

(f) Violations and Penalties

Any person who violates any provision of this Chapter is responsible for a civil infraction, and shall pay a civil fine, plus costs of prosecution, for each offense as follows:

1. First offense shall be \$75 plus costs.
2. Second offense shall be \$150, seven (7) day seizure of ATV plus costs.
3. Third offense shall be \$150, thirty (30) day seizure of ATV plus costs.

The above Ordinance shall be published as required by law, and shall be effective upon publication.

ROLL CALL

AYES (3): Commissioner Lucius, Corcoran, and Mayor Pro Tem Semo.

NAYS (1): Commissioner Lamb.

ABSENT:(1): Mayor Burchell.

Adopted and approved by the City Commission of the City of Ironwood, Michigan, this 25th day of October, 2010. This ordinance shall be effective upon its adoption and publication as required by law. This Ordinance applies to the above-described premises and a copy of it may be inspected or purchased at the City Clerk's Office in the Memorial Building, 213 S. Marquette Street, Ironwood, Michigan during normal business hours.

Effective: October 29, 2010

/S/
RICK SEMO, MAYOR PRO TEM

ATTEST"

/S/

KAREN M. GULLAN, CITY CLERK

Published in accordance with Act 207, Michigan Public Acts of 1921, and as amended (MCLA 125.581 et al) and provisions of Chapter 6 of the City Charter, for the City of Ironwood, Michigan on October 29, 2010.