ORDINANCE NO. 563, BOOK NO. 5

AN ORDINANCE TO AMEND CHAPTER 44, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES, CITY OF IRONWOOD, MICHIGAN.

THE CITY OF IRONWOOD ORDAINS:

Section 1. The Code entitled “Code of Ordinances, City of Ironwood, Michigan,” Chapter 44, titled Traffic and Vehicles is hereby amended and shall read as follows:

DIVISION 1. GENERALLY

Sec. 44-1. - Adoption of Uniform Traffic Code and Michigan Vehicle Code.

(a)Pursuant to MCL 257.951, the Uniform Traffic Code, including amendments promulgated by the department of state police, is hereby adopted by reference for enforcement as a duly adopted ordinance of the city.(b)Pursuant to section 3(k) of Public Act No. 279 of 1909 (MCL 117.3(k), the Michigan Vehicle Code (MCL 257.1 et seq.), including amendments, and the rules and regulations promulgated by the department of state police are hereby adopted by reference for enforcement as a duly adopted ordinance of the city.

(Code 1991, § 30-1; Ord. No. 498, § 1, 10-14-2013)

Sec. 44-2. - Adoption of Motor Carrier Safety Act of 1963.

Pursuant to MCL 480.21 and MCL 117.3, the Motor Carrier Safety Act of 1963, Public Act No. 181 of 1963 (MCL 480.11 et seq.), including amendments, and the rules and regulations promulgated by the department of state police are hereby adopted by reference for enforcement as a duly adopted ordinance of the city.

(Code 1991, § 30-2; Ord. No. 498, § 2, 10-14-2013)

Sec. 44-3. - Violations of uniform codes.

(a)A law enforcement officer, upon reasonable cause to belief that a motor vehicle is being operated in violation of section 44-1 or 44-2, may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a citation for that violation.(b)Any violation of or failure to comply with section 44-1 or 44-2, which violation constitutes a civil infraction under state statute, rule or regulation, shall constitute a civil infraction carrying the fine specifically set forth in the incorporated and adopted provision of the state statute, rule or regulation.(c)Unless a lesser penalty is otherwise specified in the incorporated and adopted provision of the state statute, rule or regulation, any person who violates the provisions of section 44-1 or 44-2 shall be guilty of a misdemeanor punishable by a fine not to exceed $500.00, plus the cost of

prosecution, and/or imprisonment for not more than 93 days, for each violation. Each day that a violation occurs shall constitute a separate violation.

(Code 1991, § 30-3; Ord. No. 498, § 3, 10-14-2013)

Secs. 44-4—44-24. - Reserved.

ARTICLE II. - PARKING, STOPPING AND STANDING

Sec. 44-25. Traffic engineer.

The office of traffic engineer is hereby established. The traffic engineer shall be appointed in a manner prescribed by the city commission and shall exercise the powers and duties provided in this article in a manner which is consistent with prevailing traffic engineering and safety practices and which is in the best interests of this city. If a traffic engineer is not appointed, the authority of such engineer shall be vested in the Public Safety Director.
(Code 1975, § 10.1; Code 1991, § 30-170)

Sec. 44-26. Duties of traffic engineer.

The general duties of the traffic engineer are as follows:

- To plan and determine the installation and proper timing and maintenance of traffic control devices;
- To conduct engineering analyses of traffic accidents and to devise remedial measures;
- To conduct engineering investigations of traffic conditions;
- To plan the operation of traffic on the streets of this city, including parking areas;
- To cooperate with other officials of this city in the development of ways and means to improve traffic conditions;
- To carry out the additional powers and duties imposed by the ordinances of this city.

(Code 1975, § 10.1; Code 1991, § 30-171)

Sec. 44-27. Emergency regulations.

The public safety director is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions. Temporary regulations shall remain in effect for not more than 90 days.
(Code 1975, § 10.1; Code 1991, § 30-172)

Sec. 44-28. Traffic-control orders.

The authority in this article to regulate traffic shall be exercised by the traffic engineer by the issuance of traffic-control orders which shall specify the rules and regulations adopted or established by the Director. Such traffic-control orders shall become effective upon being filed with the City Clerk and upon erection of adequate signs or signals which give notice of the existence of such regulation, if signs or signals are required by the provisions of this article which pertain to such regulation.

Traffic-control orders may be issued by the traffic engineer on the Director's own authority, but when so issued shall be known as temporary traffic-control orders or emergency traffic-control orders and shall not be effective after the expiration of 90 days from the date of filing, and such temporary traffic-control orders shall not be renewed or extended, except upon approval by the City Commission.

Permanent traffic-control orders shall be issued by the traffic engineer, approved by the City Commission, and filed with the City Clerk.

Temporary orders shall become permanent orders upon being approved by the City Commission and notice of such approval shall be filed with the City Clerk.

All traffic-control orders and any actions which modify or repeal such orders shall be kept by the City Clerk in a separate book which shall be known as the traffic-control order book.

A copy of a traffic-control order, certified by the City Clerk to be a true copy compared by the City Clerk with the original in the City Clerk's office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic-control sign, signal or device that conforms to the provisions of this article was erected or in place when the alleged violation of this article occurred, such showing shall be prima facie evidence of the existence of a lawful traffic-control order which authorizes such traffic-control sign, signal or device, and it is not necessary for the prosecution to affirmatively show the existence of a valid traffic-control order in such cases unless and until such presumption is rebutted by competent evidence.

(Code 1975, § 10.1; Code 1991, § 30-20

Sec. 44-29. Authority to install traffic control devices.

The traffic engineer shall place, maintain or remove traffic-control signs, signals, lane markings and other devices and shall determine the hours and days during which any traffic control device shall be in operation or in effect. This shall be done when and as required under the traffic ordinances of this city to indicate and to carry out the provisions of such ordinances of this city and under state law to regulate, warn or guide traffic.

(Code 1975, § 10.1; Code 1991, § 30-251) State law reference

Placing and maintaining traffic control devices on highways under jurisdiction of local authorities, MCL 257.610.

Sec. 44-30. Tow-away zones.

The traffic engineer may establish tow-away zones as follows:

At locations already designated as no stopping, standing or parking zones;

On streets where the normal width of the roadway is reduced by a building or buildings or by a construction project;

At or adjacent to streets and locations where safety and traffic movement is affected by occurrence of a public event;

Such tow-away zones shall be designated by posting signs which read "tow-away zone." Such signs shall be posted independently or as an extra panel attached below the posted signs which prohibit stopping, standing or parking at the location. The distance between such posted signs shall be not more than 100 feet

Sec. 44-31. Traffic control devices on private property; violation as civil infraction.

With the consent or at the request of the owners or persons in charge of private property that is open to the general public for travel, the traffic engineer may determine controls of the

movement of vehicles and pedestrians and the parking of vehicles as needed for the safety and convenience of the public and users of the property.

The property owner shall place and maintain whatever traffic control devices are necessary to give notice of the controls determined to be necessary.

The traffic engineer shall adopt such additional reasonable rules with respect to traffic and parking in a parking area as local conditions may require for the safety and convenience of the public or of the users of the property.

The owners or persons in charge of the private property that is open to the general public shall be liable for the cost of the signs or traffic control devices, cost of installation and the cost of maintenance of the signs or control devices.

A person who violates the directions of the traffic control devices is responsible for a civil infraction.

(Code 1975, § 10.1; Code 1991, § 30-184)

Sec. 44-32. Curb loading zones.

The traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs which indicate the zones and which state the hours during which the zones are restricted for loading purposes.
(Code 1975, § 10.1; Code 1991, § 30-185)

Sec. 44-33. Permits for curb loading zones.

The traffic engineer shall not designate or sign any curb loading zones upon special request of any person unless such person makes application for a permit for such zone and for two signs to indicate the ends of each zone. When approved by the traffic engineer, the city clerk, upon granting a permit and issuing such signs, shall collect from the applicant and deposit with the city treasurer a service fee for one year or a fraction thereof in an amount specified by resolution of the city commission. The city may, by regulations, impose conditions upon the use of the signs and provide for reimbursement for the value of the signs if they are lost or damaged and for return of the signs if they are misused or upon expiration of the permit. Every such permit shall expire at the end of one year.
(Code 1975, § 10.1; Code 1991, § 30-186)

Sec. 44-35. - Citation of illegally parked vehicles.

When a motor vehicle without a driver is found parked or stopped in violation of any restriction imposed by ordinances of this city or by state law, the officer who finds the vehicle shall take its registration number and may take any other information displayed on the vehicle which might identify its user and shall conspicuously affix to the vehicle a traffic citation.

***State law reference—**Similar provisions, MCL 257.672

Sec. 44-36. - Parking prohibited in specified places.

(a) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places or manners:

(1) Parking in a manner so that the vehicle is not parallel to the roadway and with the right wheels of the vehicle within 12 inches of any existing right-hand curb;

(2) Parking in a manner that obstructs traffic on a street that leaves insufficient with of the roadway available for free movement of vehicular traffic

(3) Parking on a sidewalk;

(4) Parking in any manner so as to block or hamper the immediate use of any entrance or driveway to any private property, public building, public park, or cemetery

(5) Parking within 15 feet of a fire hydrant;

(6) Parking within an intersection;

(7) Parking on a crosswalk;

(8) Parking within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of streets or highways;

(9) Double Parked - Parked on the roadway side of a vehicle stopped or parked at the edge of curb or street;

(10) Parking in any place or in any manner so as to block immediate egress from any emergency exit or exits, conspicuously marked, providing an emergency means of egress from any building

(11) Parking in a place where an official sign prohibits stopping, standing or parking;

(12) Parked in a parking space clearly identified by an official sign as being reserved for use by handicappers, which is on public property or private property available for public use, unless the person is a handicapper unless the person is parking the vehicle for the benefit of a handicapper. In order for the vehicle to be parked in the parking space, the vehicle shall display one of the following:

a. A certificate of identification issued under section 675(5) of the Act (MCL 257.675(5)) to a handicapper on the lower left corner of the front windshield;

b. A special registration plate issued under section 803d of the Act (MCL 257.803d) to a handicapper;

c. A similar certificate of identification issued by another state to a handicapper;

d. A similar special registration plate issued by another state to a handicapper;

(13) **Parking, stopping or standing in alley prohibited; exception**; - A person shall not park a vehicle in an alley except when authorized by official signs. A person shall not stop or stand a vehicle in any alley except while actually in the process of loading or unloading such vehicle

(14) **Abandoned Vehicle** – a person shall not park a vehicle on any street for the principal purpose of doing any of the following:

a. Storage for more than 48 hours

b. Washing, polishing, greasing or repairing such vehicle except for repairs necessitated by an emergency

c. Displaying such vehicle for sale;

d. Displaying advertising;

e. Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this city;

(15) **Seasonal overnight parking restrictions**.- It shall be unlawful for any person to park a motor vehicle or cause or permit a motor vehicle to be parked or left unattended between

the hours of 2:00 a.m. and 7:00 a.m. (Central Time) of any day of on any street of the city between the thirty-first day of October and the first day of April of the following year. Any person violating the provisions of this section may have their vehicle towed away at the owner's expense.

(16) **Parking in freight curb loading zone during certain prohibited hours exception:** A person shall not stop, stand or park a vehicle for any purpose or period of time, except for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

(17) Parking on wrong side of street so that the front of the vehicle is facing oncoming traffic;

(18) Parking in boulevard; no person shall park between the curb or curbline and sidewalk on the lot line nearest the street, on any street or road not under state or county control, the area being commonly known as the lawn extension, whether or not any sidewalk or curb is actually in place on such street. This subsection shall not apply to those areas that are paved with permission from the city or its designated agent and there is sufficient room to park a vehicle without blocking traffic on the street or sidewalk

(19) Parking within 200 feet of an accident at which a public safety officer is in attendance;

(20) Parking within 500 feet of a fire scene at which fire apparatus are in attendance;

(21) Parking in a place or manner that blocks an alley

(22) The parking of a vehicle upon or across a line or mark designating a parking space

(23) Parking within 30 feet upon the approach of any flashing beacon, stop signs, or traffic-control signal located at the side of a street or highway;

(Code 1975, § 10.4 code 1991,)

Secs. 44-37-44-51. Reserved

DIVISION 2. PARKING VIOLATIONS BUREAU

Sec. 44-52. Established.

Pursuant to section 8395 of the Revised Judicature Act of 1961 (MCL 600.8395), as amended, a parking violations bureau, for the purpose of handling alleged parking violations within the city, is hereby established. The parking violations bureau shall ~~be under the supervision and control of the finance director/treasurer.~~ be administered and enforced by and within the Ironwood Public Safety department. The Director of Public Safety shall be in charge of the traffic violations bureau and shall enforce, as provided in this article, all of the traffic parking regulations prescribed by the Uniform Traffic Code of the city, namely, the office of the traffic engineer and all rules and regulations established pursuant thereto.

(Code 1975, § 1.250; Code 1991, § 30-646; Ord. No. 321, 11-28-1983)

~~**Sec. 44-53. Location and operation.**~~

~~The finance director/treasurer shall, subject to the approval of the city commission, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof.~~

~~(Code 1975, § 1.251; Code 1991, § 30-647)~~

Sec. 44-53 Reserved.

Sec. 44-54 . Violations handled.

Parking violations shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau except as provided by section 44-55. In any case, the person in charge of such bureau may refuse to dispose of such violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

(Code 1975, § 1.252; Code 1991, § 30-648; Ord. No. 321, 11-28-1983)

Sec. 44-55 . General procedure.

No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine or attempt to determine the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice the person or in any way diminish the rights, privileges and protection accorded to the person by law.

(Code 1975, § 1.253; Code 1991, § 30-649)

Sec. 44-56 . Issuance and contents of traffic ticket or notice of violation.

The issuance of a traffic ticket or a notice of violation by an enforcement officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the ticket or notice was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a citation may be sought for that person's arrest if such person fails to respond within the time limited.

(Code 1975, § 1.254; Code 1991, § 30-650; Ord. No. 321, 11-28-1983)

Sec. 44-57 . Arrest procedure.

If a parking violation notice other than a citation is attached to a motor vehicle and if an admission of responsibility is not made and the civil fine and cost, if any, prescribed by the ordinance for the violation are not paid within 30 days at the parking violations bureau, a citation may be filed with the court and a copy of the citation may be served by first-class mail on the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a public safety officer ~~or parking meter person who is authorized by the city to issue such a notice~~.

(Code 1991, § 30-651; Ord. No. 321, 11-28-1983)

Sec. 44-58. Scheduled offenses and fines; accountability.

There shall be established by the Director of Public Safety, in conjunction with the approval of the City Council, a schedule of offenses and fines, which shall be binding on the traffic violations bureau in all cases which may be settled before it, and no other fines than those contained in such schedule shall be charged. However, any such schedule of fines shall not be binding upon

any court having jurisdiction under this division or the Uniform Traffic Code, in cases where the violator elects, or is required to answer a complaint before such court.

It shall be the duty of the traffic violations bureau to keep a full and complete and accurate account of all violations settled before it, and of all monies received by it, and it shall deposit all such monies with the city treasurer each month.

If the fine is not paid within ten days from the date of issuance and the person who was issued the citation fails to notify the Public Safety Department of their desire to contest the citation, the fine shall be doubled.

Parking violations; penalties.

For specific Uniform Traffic Code parking violations or violations of this chapter, the penalties shall be as follows:

City Code Section	Offense	Penalty 1	Penalty 2
44-36 (A)(1)	Parked too far from curb (over 12 in.)	$20.00	$40.00
44-36 (A)(2)	Obstructing traffic lane for free movement of vehicular traffic	$20.00	$40.00
44-36 (A)(3)	Parked on sidewalk	$20.00	$40.00
44-36 (A)(4)	Parked blocking or hampering driveway	$20.00	$40.00
44-36 (A)(5)	Parked within 15 feet of fire hydrant	$20.00	$40.00
44-36 (A)(6)	Parked within an intersection	$20.00	$40.00
44-36 (A)(7)	Parked on a crosswalk	$20.00	$40.00
44-36 (A)(8)	Parked within 20 feet of a crosswalk or within 15 feet of street intersection	$20.00	$40.00
44-36 (A)(9)	Double parked	$20.00	$40.00
44-36 (A)(10)	Parking that blocks emergency exit or egress from building	$20.00	$40.00
44-36 (A)(11)	Parking or stopping in zone prohibited by sign	$20.00	$40.00
44-36 (A)(12)	Parked in handicapper space	$75.00	$150.00
44-36 (A)(13)	Parking or stopping or standing in alley	$20.00	$40.00
44-36 (A)(14)	Abandoned vehicle	$20.00	$40.00
44-36 (A)(15)	Seasonal overnight parking 2:00am - 7:00am	$40.00	$80.00
44-36 (A)(16)	Parking in loading zone	$20.00	$40.00
44-36 (A)(17)	Parked facing wrong direction	$20.00	$40.00
44-36 (A)(18)	Parking in boulevard	$20.00	$40.00
44-36 (A)(19)	Parking within 200 feet of accident	$20.00	$40.00
44-36 (A)(20)	Parking within 500 feet of fire scene	$20.00	$40.00
44-36 (A)(21)	Parking in manner blocking an alley	$20.00	$40.00
44-36 (A)(22)	Parked on or across a parking space line	$20.00	$40.00
44-36 (A)(23)	Parked withing 30 feet from any flashing beacon, stop sign or traffic control signal	$20.00	$40.00

1 Violation penalty if paid within 10 Days of ticket being issued.

2 Violation penalty if paid after 10 Days of ticket being issued.

(Code 1975, § 10.4; Code 1991, § 30-548; Ord. No. 320, 11-28-1983; Ord. No. 359, 3-13-1989; Ord. No. 370, 6-10-1991)

Sec. 44-59. Duties of police officer generally; in relation to unlawful parking.

If any police officer of the city shall witness a violation of any of the provisions of this article or the Uniform Traffic Code, or of any rule and/or regulation made pursuant thereto, it shall be his duty to either arrest the violator forthwith, and bring him before the bureau or the district court, if timely and appropriate, or if that course is impractical, to give to such violator a written notice, directing him to appear before the bureau or district court within 48 hours, or as may be otherwise prescribed, after receipt of such notice.

Any vehicle parked on any public street or alley in the city, or parked on any private property, in violation of the provisions of section 44-58 or the Uniform Traffic Code, then a notice as provided in subsection (a) of this section shall be affixed, by the officer witnessing the violation, to some part of the vehicle, in such manner as to give to the owner or operator of such vehicle the same notice as would be given were the notice served upon him personally. The notice provided in this section shall further state the nature of the violation and when and where it occurred. It shall state that unless the offender appears before the bureau within the designated period, a complaint will be made before the district court of the city. If such person so summoned fails or refuses to appear before the bureau within such designated period, then it shall become the duty of the person in charge of the bureau to cause such complaint to be made.

Sec. 44-60. Finality of disposition.

Any cases which may come within the jurisdiction of the traffic violations bureau, as provided in this division, and which may be settled therein, shall be deemed settled in full, and such settlement shall be res adjudicata, and no further proceedings shall be taken under any traffic regulations for the same violation.

Secs. 44-58 61—44-87. Reserved.

DIVISION 3. - OFF-STREET PARKING LOTS AND STRUCTURES

Sec. 44-88. - Supervision.

The automobile parking system of the city shall be under the supervision and direction of the city manager.

(Code 1975, § 2.90; Code 1991, § 30-671)

Sec. 44-89. - Establishment of rates.

The rates for parking in off-street parking lots and structures operated as a part of the automobile parking system shall be established by resolution of the city commission from time to time upon recommendation of the city manager. Such rates need not be uniform throughout the system but shall be based upon demand for parking in the area which the lot or structure serves and such other considerations as the commission shall deem pertinent. The rates and charges in effect upon the date of the adoption of this Code shall remain in effect until thereafter changed.

(Code 1975, § 2.91; Code 1991, § 30-672)

Sec. 44-90. - Parking in designated areas.

No person shall park any motor vehicle in any parking lot or structure other than within the boundaries of the space designated as allocated for the parking of a single motor vehicle by appropriate lines or other markings. Any person parking any motor vehicle in any parking lot or structure otherwise than as prescribed in this section shall be guilty of a violation of this division.

(Code 1975, § 2.92; Code 1991, § 30-673)

Sec. 44-91. - Payment of rates in garages and nonmetered lots.

Every person who parks a motor vehicle in any nonmetered parking lot or garage of the automobile parking system shall pay the rates duly established for such parking before removing the vehicle from the parking lot or structure.

(Code 1975, § 2.93; Code 1991, § 30-674)

Sec. 44-92. - Vehicle abandonment.

Any motor vehicle parked for over 24 consecutive hours in any parking lot or structure of the parking system shall be deemed abandoned and may be removed by the city and impounded. Any motor vehicle otherwise parked in violation of this division may be removed by the city from the parking lot or structure in which it is parked and impounded. Any vehicle so impounded by the city shall not be released to the owner until all parking charges, storing and towing charges shall have been paid by the owner. The procedure for disposing of impounded vehicles shall be as specified in law and ordinance. The abandonment of a vehicle as provided in this section shall constitute a violation of this division.

(Code 1975, § 2.95; Code 1991, § 30-676)

Sec. 44-93. - Presumption from ownership.

In any proceeding for violation of the provisions of this division relating to parking, proof that the particular vehicle described in the complaint was parked in violation of this division, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

(Code 1975, § 2.96; Code 1991, § 30-677)

Secs. 44-94—44-113. - Reserved.

ARTICLE III. - WEIGHT LIMITS

Sec. 44-114. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial motor vehicle means a vehicle constructed or used for the transportation of goods, wares, or merchandise, and/or other motor vehicles, other than a mobile home, having a gross vehicle combination weight rating of 30,001 or more pounds. The term "commercial motor vehicle" does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

Gross combination weight rating or *GCWR* means the value specified by the manufacturer as the loaded weight of a single vehicle.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

Gross weight means the weight of a vehicle without a load plus the weight of any load thereon.

Highway or *street* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, notwithstanding that they may be temporarily closed or travel restricted for the purpose of construction, maintenance, repair or reconstruction.

Local authorities means the public safety director or designee.

Motor vehicle means every motor vehicle which is self-propelled.

Person means every natural person, partnership, firm, association, company, syndicate or corporation, and any receiver, trustee, conservator or officer having jurisdiction and control of property by virtue of a law or by appointment of a court.

Truck means a motor vehicle designed, used or maintained primarily for the transportation of property and every commercial motor vehicle.

(Code 1991, § 29-117; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-115. - Promulgation and incorporation of rules by reference.

The state transportation department, pursuant to Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq.), as amended, has promulgated rules permitting and regulating the operation of a vehicle of a weight which exceeds the weight limitations in this article. The above rules and regulations are hereby incorporated by reference into the provisions of this article.

(Code 1991, § 29-110; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-116. - Exceptions.

The provisions of this article governing weight and load shall not apply to fire apparatus, emergency vehicles, school buses, utility vehicles, an implement of husbandry incidentally moved upon a highway, vehicles operated by the city in connection with the rendering of necessary service to the residents of the city, or a vehicle operated under the terms of a special permit issued as provided in this article.

(Code 1991, § 29-111; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-117. - Violation of general provisions of article a misdemeanor.

Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move, or for the owner to cause or permit to be driven or moved, on a highway or street a vehicle of a weight exceeding the limitations stated in this article or otherwise in violation of this article. The maximum weight specified in this article shall be lawful throughout the city.

(Code 1991, § 29-112; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-118. - Permissible truck routes—Generally.

It shall be unlawful for any truck or other commercial vehicle, whether loaded or unloaded, weighing or having a gross vehicle weight rating (GVWR) of more than 30,000 pounds to be operated or parked on any street in the city, except those streets designated in section 44-119 as permissible truck routes; except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only with proof of the delivery address and by entering such street at the nearest intersection to a permissible truck route and taking the shortest route to the destination. On streets designated as permissible truck routes, other parking restrictions notwithstanding, no truck shall park at any time except while loading and unloading, and such times shall in no event exceed one hour.

(Code 1991, § 29-113; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-119. - Permissible truck routes—List of streets.

The streets in section 44-118 referred to as permissible truck routes are hereby designated as follows:

(1)Cloverland Drive.

(2) Business Route Highway U.S. 2, which includes:

a. Silver Street to Aurora Street.

b. Aurora Street West of Suffolk Street.

c. Suffolk Street North of Aurora Street to Frederick Street.

d. Frederick Street from Suffolk Street to Douglas Boulevard.

e. Douglas Boulevard from Frederick Street to Cloverland Drive.

(3) Easy Street.

(4) Commerce Street.

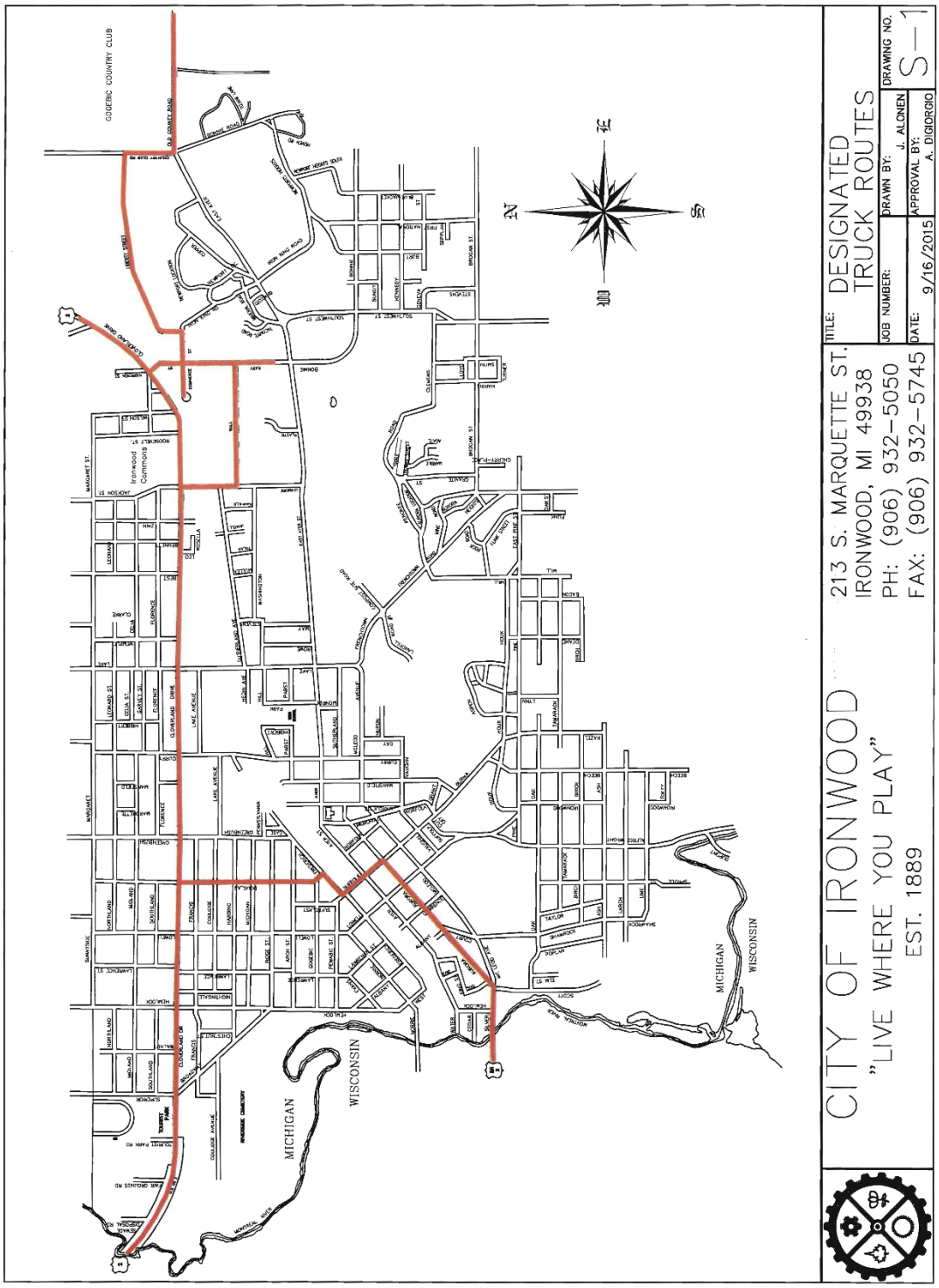
(5) Liberty Street.

(6) Country Club Road North of Ayer Street (Old County Road).

(7) Wall Street.

(8) Old County Road from South Davis Road to Country Club Road.

(9) Luxmore Street from Wall Street to Highway U.S. 2.



(Code 1991, § 29-114; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-120. - Permissible truck routes—Posting.

The permissible truck routes established in this article shall be designated by appropriate signs placed on the highways and streets of same. The design and placement of the signs shall be consistent with the requirements of the Uniform Traffic Code.

(Code 1991, § 29-115; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-121. - Special permits for nonconforming vehicles.

(a) Local authorities, with respect to streets under their jurisdiction, upon application in writing and good cause being shown, may issue a special permit authorizing the applicant to operate or move a vehicle of a weight exceeding the maximum specified in this article or otherwise not in conformity with this article upon a street under the jurisdiction of the local authority.

(b) The application for a special permit shall be on a form prescribed by the local authority and shall specifically describe the vehicle and load to be operated or moved and the particular street upon which the permit to operate is required.

(c) A permit shall specify the trip or trips and date or dates for which it is to be valid and the local authority may restrict or prescribe conditions of operation of the vehicle, if necessary, to protect the safety of the public or to insure against undue damage to the road foundations, structures or installations, and may require a reasonable inspection fee and other security as may be considered necessary to compensate for damages caused by the movement. A permit may be issued on an annual basis.

(d) A permit issued under this section shall be carried in the vehicle to which it refers and shall be open to inspection by a law enforcement officer. A person shall not violate any of the terms or conditions of the special permit.

(Code 1991, § 29-118; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-122. - Powers of law enforcement.

Any law enforcement officer having reason to believe that the weight of a vehicle or a load is in violation of any provision of this article may require the driver to stop and the officer may investigate, weigh the vehicle and weigh the load. If after personally investigating or weighing, the officer determines that the load or weight of a vehicle are in violation of the requirements of this article, the officer may temporarily detain the driver of the vehicle for purposes of making a record, may make an arrest for the violation, and may proceed as otherwise provided by law.

(Code 1991, § 29-119; Ord. No. 511, § 1, 9-8-2015)

Sec. 44-123. Truck routes; load limits.

The traffic engineer is hereby authorized to prohibit the use of designated streets by trucks or other commercial vehicles and to impose limitations as to the weight of vehicles on designated streets; however, prohibitions and limitations shall not become effective until notice thereof is given by means of official signs.

(Code 1975, § 10.1; Code 1991, § 30-198)

Secs. 44-124—44-144. - Reserved.

ARTICLE IV. - SNOWMOBILES

Sec. 44-145. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Highway* or *street means the entire width between the boundary lines of every publicly maintained highway or street when any part thereof is open to the use of the public for purposes of vehicular travel.

Operate means to ride in or on and to control the operation of a snowmobile.

Operator means any person who operates or is in actual physical control of a snowmobile.

Owner means any of the following:

(1) A person who holds the legal title to a snowmobile;

(2) A vendee or lessee of a snowmobile, which is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditional vendee or lessee;

(3) A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.

Person means an individual, partnership, corporation, the state and any of its agencies or subdivisions and any body or person, whether incorporated or not.

Right-of-way means that portion of a highway or street less the roadway and any shoulder.

Roadway means that portion of a highway improved, designated or ordinarily used for vehicular travel. If a highway includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.

Shoulder means the portion of a highway on either side of the roadway which is normally snowplowed for the safety and convenience of vehicular travel.

Snowmobile means any motor-driven vehicle designed for travel primarily on snow or ice and which is of a type that utilizes sled-type runners or skis or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated. A snowmobile is not a vehicle which must be registered under the Michigan Vehicle Code (MCL 257.1 et seq.).

(Code 1975, §§ 10.1, 10.51; Code 1991, § 30-586)

Sec. 44-146. - Registration required; exceptions.

A snowmobile shall not be operated within the corporate limits of the city unless and until it is registered by the owner pursuant to part 821 of the Natural Resources and Environmental Protection Act (MCL 324.82101 et seq.), as amended, except that the following snowmobiles may be operated without being registered:

(1) A snowmobile operated exclusively on lands owned by or under the control of the snowmobile owner;

(2) A snowmobile used entirely in an approved safety education and training program conducted by a certified snowmobile safety instructor;

(3) A snowmobile that is exclusively operated in a special event of limited duration which is conducted according to a prearranged schedule under a permit from the city.

(Code 1975, §§ 10.1, 10.51; Code 1991, § 30-587)

State Law reference— Similar provisions, MCL 324.82103, 324.82104.

Sec. 44-147. - Certificate of registration; carrying; display; duplicate.

A certificate of registration shall be carried on the snowmobile when it is in operation and shall be displayed on demand of a public safety officer. If the certificate is lost, mutilated or illegible, the owner shall immediately obtain a duplicate certificate of registration by application to the secretary of state.

(Code 1975, § 10.1; Code 1991, § 30-588)

Sec. 44-148. - Brakes.

A snowmobile shall be equipped with brakes which are capable of one of the following while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more:

(1) Stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles an hour;

(2) Locking the snowmobile traction belt or belts.

(Code 1975, §§ 10.1, 10.56; Code 1991, § 30-590)

State Law reference— Similar provisions, MCL 257.1513(1).

Sec. 44-149. - Lights.

A snowmobile shall be equipped with one headlight and one taillight. The lights shall be lighted when the snowmobile is in operation.

(Code 1975, §§ 10.1, 10.56, 10.57(3); Code 1991, § 30-591; Ord. No. 423, 10-26-1998)

State Law reference— Similar provisions, MCL 324.82122.

Sec. 44-150. - Muffler.

(a) Except as provided under subsection (b) of this section, a person shall not operate a snowmobile unless the snowmobile is equipped with a muffler in good working order and in constant operation from which noise emission does not exceed either of the following:

(1) For a snowmobile manufactured after July 1, 1977, and sold or offered for sale in the state, 78 decibels at 50 feet, as measured using the 2003 Society of Automotive Engineers Standard J192.

(2) For a stationary snowmobile manufactured after July 1, 1980, and sold or offered for sale in the state, 88 decibels, as measured using the 2004 Society of Automotive Engineers Standard J2567.

(b) A person is exempt from the requirement of subsection (a) of this section under either of the following circumstances:

(1) While operating a snowmobile during an organized race on a course that is used solely for racing.

(2) While operating a snowmobile on private property, with the permission of the private property owner, in preparation for an organized race, if the operation of the snowmobile is in compliance with applicable local noise ordinances.

(Code 1975, §§ 10.1, 10.57(5); Code 1991, § 30-593)

State Law reference— Similar provisions, MCL 324.82126(c), (d).

Sec. 44-151. - Operation on designated public and private property.

A snowmobile shall be operated within the corporate limits of the city only on public property and private property open to the public which has been so designated by the city commission or on property owned or under the control of the owner of the snowmobile.

(Code 1975, § 10.1; Code 1991, § 30-594)

Sec. 44-152. - Time and conditions of operation.

Operation of a snowmobile on public property and private property open to the public shall be carried on only at times and under conditions determined by the public safety director or designee.

(Code 1975, § 10.1; Code 1991, § 30-595; Ord. No. 423, 10-26-1998)

Sec. 44-153. - Speeds.

A person shall not operate a snowmobile on public property or private property open to the public at a speed greater than is reasonable and proper having due regard for existing conditions. No snowmobile shall be operated at a speed of more than 25 miles per hour while on a street or roadway within the city.

(Code 1975, §§ 10.1, 10.57(1); Code 1991, § 30-596)

State Law reference— Similar provisions, MCL 326.82126(1)(a).

Sec. 44-154. - Operating snowmobile under influence of alcoholic liquor or a controlled substance.

(a) A person shall not operate a snowmobile in the state if any of the following apply:

(1) The person is under the influence of alcoholic liquor or a controlled substance, or both.

(2) The person has a blood alcohol content of 0.08 gram or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(3) The person has in their body any amount of a controlled substance listed in Schedule 1 under section 7212 of the Public Health Code, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the Public Health Code, MCL 333.7214.

(b) The owner of a snowmobile or a person in charge or in control of a snowmobile shall not authorize or knowingly permit the snowmobile to be driven or operated by a person if any of the following apply:

(1) The person is under the influence of alcoholic liquor or a controlled substance, or both.

(2) The person has an alcohol content of 0.08 gram or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(3) The person's ability to operate a snowmobile is visibly impaired due to the consumption of an alcoholic liquor, a controlled substance, or a combination of an alcoholic liquor and a controlled substance.

(c) A person shall not operate a snowmobile when, due to the consumption of an alcoholic liquor or a controlled substance, or both, the person's ability to operate the snowmobile is visibly impaired. If a person is charged with violating subsection (a) of this section, a finding of guilty under this subsection may be rendered.

(d) A person who is less than 21 years of age, whether licensed or not, shall not operate a snowmobile if the person has any bodily alcohol content. As used in this subsection, the term "any bodily alcohol content" means either of the following:

(1) An alcohol content of 0.02 gram or more but less than 0.08 gram per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2018, an alcohol content of 0.02 gram or more but less than 0.10 gram per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(e) A person is subject to the following requirements:

(1) A person shall not operate a snowmobile in violation of subsection (a), (c), or (d) or subsection (4) or (5) of section 82127 of the Natural Resources and Environmental Protection Act (MCL 324.82127(4) or (5)) while another person who is less than 16 years of age is occupying the snowmobile.

(2) A person shall not operate a snowmobile in violation of subsection (d) of the section while another person who is less than 16 years of age is occupying the snowmobile.

(Code 1975, §§ 10.1, 10.57(2); Code 1991, § 30-597)

State Law reference— Similar provisions, MCL 324.82127.

Sec. 44-155. - Operation in nursery, planting area or area of forest reproduction.

No person shall operate a snowmobile in any nursery, planting area or natural area of forest reproduction and when growing stock may be damaged.

(Code 1975, § 10.57(4); Code 1991, § 30-598)

Sec. 44-156. - Nighttime operation.

A person shall not operate a snowmobile within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m. at a speed greater than the minimum required to maintain forward movement of the snowmobile.

(Code 1975, §§ 10.1, 10.57(7); Code 1991, § 30-599; Ord. No. 423, 10-26-1998)

State Law reference— Similar provisions, MCL 324.82126(1)(d).

Sec. 44-157. - Operation on cemetery or burial ground.

A person shall not operate a snowmobile on or across a cemetery or burial ground.

(Code 1975, §§ 10.1, 10.57(6); Code 1991, § 30-600)

State Law reference— Similar provisions, MCL 324.82126(1)(g).

Sec. 44-158. - Operation on public sidewalk.

A person shall not operate a snowmobile on a public sidewalk which is planned and open for pedestrian traffic, except that a snowmobile may be driven across a sidewalk at a regular driveway.

(Code 1975, §§ 10.1, 10.57(8); Code 1991, § 30-601)

Sec. 44-159. - Operation on limited-access highway.

A person shall not operate a snowmobile on a limited-access highway.

(Code 1975, § 10.1; Code 1991, § 30-602)

Sec. 44-160. - Operation on roadway or highway prohibited; exceptions.

(a) Snowmobiles shall not be operated on the main portion of any street, roadway or alley in the city which has been designated as a local street or a major street designated pursuant to Act No. 51 of the Public Acts of Michigan of 1951 (MCL 247.651 et seq.), as amended, or upon any portion of U.S. Highway 2 or U.S. Highway 2 Business Route within the city, except under the following conditions and circumstances:

(1) A snowmobile may be operated across a public highway, other than egress and ingress highways specified in this subsection, at right angles to the highway, for the purpose of getting from one area to another when the operation can be done in safety and another vehicle is not crossing the highway at the same time in the same general area and it does not interfere with the free movement of vehicular traffic approaching from any direction on such highway. An operator shall bring the snowmobile to a complete stop before proceeding across the public highway and shall yield the right-of-way to oncoming traffic.

(2) Snowmobiles may be operated on a street or roadway in the city which is not maintained for winter vehicular traffic by snow removal.

(3) Snowmobiles may be operated on a street and highway during a period of emergency when so declared by the public safety department when travel by conventional automobile equipment is not possible.

(4) Snowmobiles may be operated on a street or highway for a special snowmobile event of limited duration which is conducted according to a prearranged schedule under permit from the city.

(5) Snowmobiles may be operated pursuant to Michigan state statutes and upon streets designated by resolution of the city commission as egress and ingress routes.

(6) A snowmobile may be operated on the right-of-way of the designated permitted egress and ingress streets and highway routes and shall be operated at the extreme right of the open portion of the street or highway and with the flow of traffic on the highway. Snowmobiles operated on the right-of-way of the public highway, as provided in this section, shall travel single-file and shall not be operated abreast except when overtaking and passing another snowmobile.

(7) A snowmobile may be operated in the roadway or shoulder when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right-of-way to an approaching vehicle on the highway.

In a court action in the state where competent evidence demonstrates that a vehicle which is permitted to be operated on a highway pursuant to the Act is in a collision with a

snowmobile on a roadway, the driver of the snowmobile involved shall be considered prima facie negligent.

(Code 1975, §§ 10.1, 10.54; Code 1991, § 30-603; Ord. No. 423, 10-26-1998; Ord. No. 510, § 1, 7-27-2015)

Sec. 44-161. - Age restrictions of operators; violations.

(a) A parent or legal guardian shall not permit their child who is less than 12 years of age to operate a snowmobile without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian.

(b) A person who is at least 12 but less than 17 years of age may operate a snowmobile if one of the following conditions exist:

(1) The person is under the direct supervision of a person who is 21 years of age or older.

(2) The person has in immediate possession a snowmobile safety certificate issued pursuant to a program conducted under section 82107 of the Natural Resources and Environmental Protection Act (MCL 324.82107).

(3) The person is on land owned or under the control of their parent or legal guardian.

(4) The person possesses a snowmobile safety certificate issued to the person under the authority of a law of another state or province of Canada.

(a) A person who is operating a snowmobile pursuant to subsection (b)(2) of this section shall present the snowmobile safety certificate to any peace officer upon demand.

(b) Notwithstanding section 82119 of the Natural Resources and Environmental Protection Act (MCL 324.82119), an operator who is less than 12 years of age shall not cross a highway or street. An operator who is at least 12 years of age but less than 17 years of age may cross a highway or street only if the operator has a valid snowmobile safety certificate in immediate possession.

(c) The owner of a snowmobile shall not permit the snowmobile to be operated contrary to this section.

(d) When the judge of a juvenile court determines that a person who is less than 17 years of age has violated this section, the judge shall immediately report the determination to the department. The department, upon receiving a notice of a determination pursuant to this subsection, may suspend the snowmobile safety certificate without a hearing.

(Code 1975, § 10.55; Code 1991, § 30-604; Ord. No. 423, 10-26-1998)

State Law reference— Similar provisions, MCL 324.82120.

Sec. 44-162. - Accident notice; report.

(a) The operator of a snowmobile who is involved in an accident which results in an injury to or the death of any person or in property damage in an estimated amount of not less than $100.00 shall immediately notify the public safety department.
(b) The public safety department shall complete a report of the accident on a form prescribed by the director of the department of state police and shall forward the report to that department. A copy of the accident report shall be retained by the public safety department for not less than three years.

(Code 1975, §§ 10.1, 10.58; Code 1991, § 30-605)

State Law reference— Similar provisions, MCL 324.82132.

Sec. 44-163. - Selling or offering for sale.

(a) A person shall not sell or offer to sell in the state a snowmobile that is manufactured after July 1, 1978, unless it meets the minimum safety standards for snowmobile product certification of the snowmobile safety and certification committee's November 23, 1976, volume 3, entitled "Safety Standards for Snowmobiles for Product Certification," including a detailed standard supplement and test specifications and procedures, covering machine sound levels, seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips and general hazard requirements.
(b) Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and which is approved by the state department of natural resources.
(c) The material in this section is incorporated by reference.

(Code 1975, § 10.1; Code 1991, § 30-606)

State Law reference— Similar provisions, MCL 324.82122.

Sec. 44-164. - Duties of dealer; liability insurance.

(a) A dealer who rents, leases or otherwise furnishes snowmobiles to the public shall maintain the snowmobiles so rented, leased or furnished in safe operating condition. The dealer, the dealer's agents or the dealer's employees shall explain the operation of the snowmobile being rented, leased or furnished. If the dealer or the dealer's agent or employee believes the person to whom the snowmobile is to be rented, leased, or furnished is not competent to operate the snowmobile with competency to oneself and to the safety of others, the dealer shall refuse to rent, lease, or furnish the snowmobile.

(b)(1) A dealer who rents, leases or otherwise furnishes a snowmobile shall carry a policy of liability insurance subject to limits, exclusive of interests and costs, with respect to the snowmobile as follows:

a. $20,000.00 because of bodily injury to or death of one person in any one accident and subject to that limit for one person;

b. $40,000.00 because of bodily injury to or death of two or more persons in any one accident;

c. $10,000.00 because of injury to or destruction of property of others in any one accident;

(2) In the alternative, a dealer shall demand and be shown proof that the person renting, leasing or being furnished a snowmobile carries a liability policy of at least the type and coverage specified in this subsection (b).

(Code 1975, § 10.1; Code 1991, § 30-607)

State Law reference— Similar provisions, MCL 324.82117.

Sec. 44-165. - Operation in violation of article.

The owner of a snowmobile shall not permit the owner's snowmobile to be operated in violation of the provisions of this article.

(Code 1975, § 10.1; Code 1991, § 30-608)

State Law reference— Similar provisions, MCL 324.82120(5).

Sec. 44-166. - Registered number as evidence of operation by owner.

In a proceeding for a violation of this article involving prohibited operation or conduct, the registration number displayed on a snowmobile constitutes prima facie evidence that the owner of the snowmobile was the person operating the snowmobile at the time of this offense.

(Code 1975, §§ 10.1, 10.59(2); Code 1991, § 30-609)

State Law reference— Similar provisions, MCL 324.92134(2).

Sec. 44-167. - Stopping at direction of uniformed public safety officer; violation; identification of official law enforcement vehicle.

(a) The operator of a snowmobile who is given a visual or audible signal by hand, voice, emergency light or siren by a public safety officer, who is acting in the lawful performance of duty, which directs the operator to bring the snowmobile to a stop shall do so. An operator shall not willfully fail to obey the direction by increasing speed, extinguishing lights or otherwise attempting to flee or elude the officer.

(b) The officer who gives the signal shall be in uniform. A vehicle or snowmobile that is used at night for purposes of enforcing this article shall be identified as an official law enforcement vehicle or snowmobile.

(Code 1975, §§ 10.1, 10.61; Code 1991, § 30-610)

State Law reference— Similar provisions, MCL 324.82135.

Sec. 44-168. - Violation as misdemeanor.

(a) A person who violates a provision of this article is guilty of a misdemeanor.
(b) When the judge of a juvenile court determines that a person who is less than 17 years of age has violated this article, the judge shall immediately report the determination to the state department of natural resources. The director of the state department of natural resources, upon receiving a notice of a determination pursuant to this subsection, may suspend the snowmobile safety certificate without a hearing.

(Code 1975, §§ 10.1, 10.59; Code 1991, § 30-611)

State Law reference— Similar provisions, MCL 257.1512a(6).

Sec. 44-169. - Arrest without warrant; procedures.

If a person is arrested without warrant for a violation of this article, except a violation of section 44-154, the arresting officer shall follow the procedures provided by law.

(Code 1975, § 10.1; Code 1991, § 30-612)

State Law reference— Similar provisions, MCL 324.82159.

Sec. 44-170. - Crash helmets required.

A person operating or riding on a snowmobile shall wear a crash helmet on the head. Helmets shall be approved by the United States Department of Transportation. This section does not apply to a person riding on or operating a snowmobile on such person's private property.

(Code 1991, § 30-613; Ord. No. 423, 10-26-1998)

State Law reference— Similar provisions, MCL 324.82123.

Secs. 44-171—44-193. - Reserved.

ARTICLE V. - OFF-ROAD VEHICLES

Sec. 44-194. - Purpose.

The intent of this article is to authorize the establishment of access routes along highways and street within the city for use by ORVs; 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.

(Code 1991, § 30-621; Ord. No. 478, 10-25-2010)

Sec. 44-195. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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. The term "highway" includes city streets and alleys.

Operate means to ride in or on, and to be in actual control of, the operations of an ORV.

Operator means a person who operates or is in actual physical control of the operation of an ORV.

ORV, off-road vehicle 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. A multitrack or multiwheel drive vehicle, a motorcycle or related two-wheel vehicle, a vehicle with three or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. The term "ORV," "off-road vehicle" 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.

Residence means a place in which one lives or dwells.

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.

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.

(Code 1991, § 30-622; Ord. No. 478, 10-25-2010)

Sec. 44-196. - Designation of highways for use.

(a) 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 ORVs may be operated for the purpose of providing access to and from areas where ORV operation is permitted. Such access routes do not include or involve state or federal highways.

(b) 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 thereof, upon which the operation of ORVs shall be permitted.

(c) 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 ORVs is prohibited. Copies of such map shall be maintained and made available to the public upon payment of the cost of reproduction thereof.

(Code 1991, § 30-623; Ord. No. 478, 10-25-2010)

Sec. 44-197. - Regulations on operation.

(a) No ORV shall be operated on any highway, street, alley, or any part or section thereof, under the jurisdiction of the city where the operation of ORVs on such highway or street, or part or section thereof, has been specifically prohibited by resolution of the city commission.

(b) An ORV operated on a highway, street, or alley pursuant to this article shall at all times be operated:

(1) 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.

(2) For the purpose of purchasing retail goods and services in conjunction with the legal operation of an ORV, by the most direct route available, utilizing the public alleys and streets located in the city and, in so doing, traveling in the most direct perpendicular manner available.

(3) On the outermost five 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 of areas not normally used for vehicular travel.

(4) In single file, with the flow of traffic.

(5) In compliance with all of the provisions of statutes, rules, regulations, and ordinances applicable to such ORV operation.

(6) During hours of operation that shall be regulated by resolution of the city commission.

(7) At a speed not to exceed 15 miles per hour, unless otherwise designated by resolution of the city commission.

(8) Only between April 1 and November 30.

(9) Pursuant to the Michigan Department of Natural Resource and 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 immediate possession a state-issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

b. An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. This subsection does not apply to any of the following:

1. An individual who owns the property on which the ORV is operating, is a family member of the owner and resides at that property, or is an invited guest of an individual who owns the property. An exception under this subsection does not apply to any of the following:

(i) An individual less than 16 years of age.

(ii) An individual 16 or 17 years of age, unless the individual has consent from that individual's parent or guardian to ride without a crash helmet.

(iii) An individual participating in an organized ORV riding or racing event if an individual who owns the property receives consideration for use of the property for operating ORVs.

2. An individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet.

3. An ORV operated on a state-licensed game bird hunting preserve at a speed of not greater than ten miles per hour.

4. An ORV operated for the purpose of towing a fishing shanty or supply shed over the frozen surface of public waters at the minimum speed required to maintain controlled forward movement of the vehicle or while traveling to and from a fishing shanty at a speed of not greater than ten miles per hour. An owner of private property is not liable for personal injuries, including death, to an individual who operates an ORV as described in this subsection without wearing a helmet while traveling on the owner's property.

(c) An ORV 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 in a life-threatening emergency.

(d) An ORV may not be operated in violation of any of the provisions of part 811 of the Natural Resources and Environmental Protection Act (MCL 324.81101 et seq.) and the

various subsections thereof, as well as other statutes, rules, regulations, and ordinances applicable to such ORV operations.

(Code 1991, § 30-624; Ord. No. 478, 10-25-2010)

Sec. 44-198. - Revocation of designation.

The city commission may, from time to time, by resolution, prohibit ORV 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.

(Code 1991, § 30-625; Ord. No. 478, 10-25-2010)

Sec. 44-199. - Violations and penalties.

Any person who violates any provision of this article 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 $75.00, plus costs.

(2) Second offense shall be $150.00, seven-day seizure of ORV, plus costs.

(3) Third offense shall be $150.00, 30-day seizure of ORV, plus costs.

(Code 1991, § 30-626; Ord. No. 478, 10-25-2010)

~~Secs. 30-549—30-565. Reserved.~~

Section 2. Repealer. Any Ordinance that is in conflict is hereby repealed.

Section 3. Severability. If any word, clause, sentence, paragraph, or provision of this ordinance is deemed to be invalid by a court of competent jurisdiction, such word, clause, sentence, paragraph, or provision so designated shall be deemed severable and the remaining provisions of the ordinance shall be deemed fully enforceable.

Section 4. Effective Date. The terms and provisions of this ordinance shall become effective upon publication and adoption in accordance with law.

Adopted and approved by the City Commission of the City of Ironwood, Michigan, this 9th day of November 2026.

Effective: November 12, 2026

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KIM S. CORCORAN, MAYOR

ATTEST:

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JENNIFER L. JACOBSON, CITY CLERK