

CITY OF REED CITY

ORDINANCE NO. 003-2020

AN ORDINANCE TO AMEND PART FOUR, TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF REED CITY BY ADDING CHAPTER 480, GOVERNING THE OPERATION OF UTILITY TASK VEHICLES

At a January 19, 2021 regular meeting of the City Council held at 7:00 P.M. by electronic remote access.

The City of Reed City ordains:

Part Four of the City Code is amended to add Chapter 480 for the purpose of authorizing and regulating the operation of UTV Off Road Vehicles on streets in the City of Reed City, providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.811131.

480.01 OPERATION RESTRICTED.

No Utility Task Vehicle shall operate within the City of Reed City except as provided in this chapter.

480.02 DEFINITIONS.

As used in this chapter, the following definitions shall apply:

- a) "City" means the City of Reed City.
- b) "Driver 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 UTV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an UTV.
- e) "UTV" or "Utility Vehicle/Utility Task Vehicle/Side By Side", is defined as, a motor driven off road recreational 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. UTV vehicles are limited to UTV's with a minimum of 2 person seating, of 4 wheels with means of transportation deriving motive power from a source other than muscle or wind. UTV 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, or a construction or logging vehicle.

- f) "Street" means a City street within the City limits.
- g) "City Council" means the City Council for the City of Reed City.
- 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 aid of the operator.

480.03 PERMITTED ROUTES.

- a) A UTV may be operated on the far right of the maintained portion of a street. See attached map for designated routes highlighted in GREEN.
- b) The City may close streets to protect the environment or if the operation of a UTV pose a particular and demonstrable threat to public safety.
- c) A UTV may not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal Highway or street highlighted in RED on the attached map.

480.04 OPERATIONAL REGULATIONS.

Except as set forth herein or otherwise provided by law, an UTV meeting all of the following conditions may be operated on city streets.

- a) At posted City speed limits.
- b) With the flow of traffic.
- c) In a manner which does not interfere with traffic on street.
- d) Traveling single file except when overtaking and passing another UTV or parked motor vehicle.
- e) When visibility is substantially reduced due to weather conditions displaying a lighted headlight and lighted tail light is required.
- f) ½ hour before sunrise until ½ hour after sunset unless displaying a lighted headlight and lighted tail light.
- g) While the operator and each passenger is wearing a crash helmet and eye protection approved by the department of transportation unless the vehicle is equipped with a windshield and roll cage that meets or exceeds United State standards for a crash helmet and eye protection and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- h) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- i) While the UTV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- j) Pursuant to noise emission standards defined by law.
- k) All UTVs must have a current year state issued ORV road permit.

480.05 LICENSE REQUIRED.

- a) An Operator of a UTV must be 16 years old or older and have in their possession a driver license.
- b) Unless a person possesses a valid driver's license, a person shall not operate an UTV on any street if the UTV is registered as a motor vehicle and is more than 60 inches wide.

480.06 PENALTY.

a) 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.

b) A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an UTV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

c) The City Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Reed City Council Board shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the City Of Reed City for repairing damage to roads and the environment that may have been caused by ORVs, and for need signage as required.
- b) Fifty percent to the City Of Reed City Police Department for ORV enforcement and training.

Effective Date: Thirty (30) days after publication

This ordinance was introduced on December 21, 2020 by Councilperson GUILLES.

On the 19th day of January, 2021, upon the motion by Councilperson _____, and seconded by Councilperson _____, this ordinance was adopted.

Voting yeas: _____

Voting nays: _____

Jacalyn R. Beam
City Clerk

Roger W. Meinert
Mayor

I certify that the foregoing is a true and complete copy of an Ordinance adopted at a Meeting of the Council of the City of Reed City, Osceola County, Michigan, held on January 19, 2021 and that public notice of said meeting was given as required by Law.

Dated: January 19, 2021

Jacalyn R. Beam, City Clerk
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