

**SECTION I. Title.** The Ordinance shall be known and may be cited as the ORVs Ordinance of the City of Norway.

**SECTION II. Purpose of Ordinance:**

The purpose of this Ordinance is to regulate and control the operation of ORVs within the limits of the City of Norway; to provide for penalties for violation thereof, and except as otherwise provided herein, to incorporate and adopt the laws of the State of Michigan governing the use of ORVs, being Part 811 of Act No. 451 of the Public Acts of 1994, as amended and repeal Ordinance number 336.

Attached to this Ordinance and marked Appendix A is a map of the City of Norway identifying the designated areas for the use of ORVs.

**SECTION III. Definitions.** As used in this Ordinance, the following words shall be defined as follows:

(a) **Alley:** Any dedicated public way affording secondary means of access to abutting property.

(b) **Street or Highway:** 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.

(c) **Operator:** Any person who operates or is in physical control of an ORV.

(d) **Operate:** To ride in or on and to control the operation of an ORV.

(e) **ORV:** ORV means 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. It includes, but is not limited to, a multi-tract or multi-wheel drive or low-pressure tire vehicle, an amphibious machine, a ground effect air-cushioned vehicle, or other means of transportation deriving motor power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common functions, or a registered aircraft.

(f) **Roadway:** That portion of a street or highway ordinarily used for vehicular travel.

(g) **Right of Way:** That portion of a street or highway less the roadway and any shoulders.

**SECTION IV. Operations:**

(1) ORVs shall not be operated unless 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 the standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt, and,

(2) no ORV shall be operated:

(a) except in single file;

(b) in a careless or reckless manner, or operated in any way which endangers any person or any property;

(c) at a rate of speed greater than 25 mph;

(d) by anyone under the influence of intoxicating liquor or any controlled substance, or by anyone whose ability to operate said ORV may be impaired.

(e) by anyone transporting thereon a firearm, unless the same is securely encased.

(f) except from dawn to dusk.

(g) Any person who violates any ordinance or state law relating to the operation of a motor vehicle, within the City of Norway may be charged with violation of a City Ordinance or State law.

**SECTION V. Street Crossings.** All ORVs shall come to a complete stop before proceeding, at right angles, across any public sidewalk, street or intersection. All ORVs shall yield the right-of-way to motor vehicles and pedestrian traffic. Towing of sleds, toboggans or other such device occupied by people is prohibited while crossing a public street.

**SECTION VI. Operations Within City Limits.**

(a) An ORV may be operated upon the designated streets of the City of Norway as indicated on the Map of the City of Norway attached hereto and made a part hereof as Appendix A.

(b) No ORV shall be operated in any alley except to access and return from designated streets or for purposes of storage of the vehicle.

(c) There shall be no operations of ORVs on highways within the City of Norway.

**SECTION VII.** Beginning January 1, 2010, ORVs shall not be operated unless they are displaying a lighted headlamp and lighted tail light at all hours.

**SECTION VIII.** A person under 18 years of age shall not operate an ORV pursuant to this section unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A person under 12 years of age shall not operate an ORV pursuant to this section. The requirements of this subsection are in addition to any applicable requirements of State law.

**SECTION XI. Responsibility.** A person who is responsible for any property damage, person or animal resulting in any property damage, person or animal to the local police immediately.

**SECTION XII. Parental Responsibility.** Any person who knowingly permits or allows any minor to operate an ORV in violation of this ordinance shall be in violation of this ordinance.

**SECTION XIII. Impoundment.** Any ORV used or operated in violation of this ordinance for a period not to exceed thirty (30) days, and the operator shall be responsible to pay for all costs involved in impounding the ORV. If the operator of the impounded ORV shall notify the owner of such impoundment as soon as practical, but within 24 hours.

**SECTION XIV. Penalty-Civil Infraction.** Any person who is guilty of an activity that violates this Ordinance shall be guilty of a misdemeanor, or as provided below:

(a) A person found responsible for a civil infraction shall be guilty of a civil infraction and shall be fined a civil fine according to the following schedule:

- 1. First offense with no prior offenses shall be fined not more than \$100.00.
- 2. Second offense shall be fined not more than \$200.00.

(b) Any person who commits a civil infraction for the first time shall be guilty of a civil infraction and shall be fined not more than \$100.00 plus court costs. If the offender will pay a \$100.00 daily impoundment fee, the impoundment fees shall be made in full. Failure to do so will result in the ORV being impounded daily until all fees are paid.

(c) For purposes of computing the penalty, the date the first ticket was issued shall be the date of the offense.

**SECTION XV. Repeal of Ordinance.** Ordinance 336 is hereby repealed. This Ordinance shall be reviewed on or before August 1, 2010.

**SECTION XVI. Severability.** If any provision of this Ordinance is deemed severable, and should any section, subsection, sentence, clause, phrase, word, or words be declared unconstitutional or contrary to the Constitution of the State of Michigan, the remainder of this Ordinance as a whole or any part thereof shall remain in full force and effect and shall not be unconstitutional or invalid.

**SECTION XVII. Recordation.** The City Clerk of Council shall cause this Ordinance to be recorded in the City Clerk's Office.

**SECTION XVIII. Effective Date.** This Ordinance shall take effect fifteen (15) days after the date of publication in the City of Norway.

Enacted by the City Council of the City of Norway.

ADOPTED AND SIGNED THIS 15th day of August, 2010.

Signed \_\_\_\_\_  
George E. Bal

Signed \_\_\_\_\_  
Trisha Plank

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Norway, Dickinson, State of Michigan, at a regular meeting held on August 10, 2010, and in full compliance with the Open Meetings Act, Public Act No. 137 of the Michigan Legislature, 1976, and that the minutes of said meeting shall be made available as required by said Act.

I further certify that the following members of the City Council: McCarthy, Hayes, Bubloni and Oja and the Mayor, George E. Bal, voted in favor of the adoption of said Ordinance.

I further certify that Member Oja and the Mayor, George E. Bal, voted in favor of said motion was supported by Member Bubloni.

I further certify that the following members of the City Council: Bal, McCarthy, Hayes, Bubloni and Oja, voted against adoption of said Ordinance.

I further certify that said Ordinance was duly recorded and that such recording has been authenticated by the City Clerk.