

## Golf Carts and ORVs/ATVs on Local Streets

### Introduction

Two separate pieces of legislation allow for the use of golf carts and Off-Road Vehicles/All-Terrain Vehicles (ORVs/ATVs) on municipal streets, and each requires a different municipal action. Under the Michigan Vehicle Code, golf cart use requires a resolution, and under the Natural Resources and Environmental Protection Act (NREPA), an ordinance is required to allow the use of ORVs/ATVs.

### Golf Carts—summary of requirements

Public Act 491 of 2014 enables local units of government with a population of 30,000 or less to adopt a resolution to allow the use of golf carts on certain streets within their jurisdiction—streets with a speed limit of 30 MPH or less. The city or village may maintain a recorded list of golf cart operators; if so, they may not charge operators to compile the list.

The local unit of government does not have the ability to modify the requirements or conditions established by the state, with the exception of further prohibiting golf carts on selected streets with a 30 MPH or lower speed limit.

The following conditions are required under the Michigan Vehicle Code:

#### An Operator

- Must be at least 16 and have a valid driver's license.
- Must comply with signal requirements.
- Must ride as far to the right as possible.
- Is not required to wear a helmet.

#### Golf Carts

- Shall not be operated on sidewalks.
- May not pass between lines of traffic.
- May travel at a maximum speed of 15 MPH.
- May not be operated 1/2 hour before sunset or 1/2 hour after sunrise.
- Are only permitted to operate on streets that are 30 MPH or less.
- By local ordinance may be required to use a path adjacent to a road, over the use of the roadway, if a path adjacent to a road is provided.

\*The local unit may by resolution further restrict which streets golf carts are allowed on.

### Off-Road Vehicles (ORVs) and All-Terrain Vehicles (ATVs)

Municipalities are permitted to adopt an ordinance allowing ORVs and ATVs to operate on their streets in a manner allowed under NREPA. The following conditions are required:

#### ORVs/ATVs

- May travel at a maximum speed of 25 MPH.
- Must have a lighted headlight and taillight.
- Driver must wear a helmet and eye protection (unless the ORV has a windshield and a roof or roll bar which meets or exceeds crash helmet standards and the driver is wearing a safety belt).
- Driver must be at least 18 years old; or, between 12 and 18, the driver must either have a valid driver's license or have a valid ORV safety certificate on them and be under the immediate visual supervision of an adult.
- Are required to attach the license to the vehicle.

**Village of Lake Isabella**  
1010 Clubhouse Drive  
Lake Isabella, MI, 48893

**RESOLUTION 2015-05**

**Authorization of Golf Carts on Village Streets**

WHEREAS, Public Act 491 of 2014 recently amended Public Act 300 of 1949, commonly known as the Michigan Vehicle Code, being MCL 257.1 through MCL 257.923; and,

WHEREAS, Public Act 491 of 2014 created a new section to the Michigan Vehicle Code which allows for the limited and regulated use of Golf Carts on public streets and highways which is found at MCL 257.657a; and,

WHEREAS, under the amended Michigan Vehicle Code, local units of government may allow for the limited and regulated use of Golf Carts on their streets and highways under the terms and conditions specified in MCL 257.657a via the adoption of a Resolution; and,

WHEREAS, the Village of Lake Isabella desires to allow for the limited use of Golf Carts on its streets and highways as permitted and regulated by MCL 257.657a; and,

NOW THEREFORE BE IT RESOLVED: that under the conditions contained in Michigan Vehicle Code, as amended, being MCL 257.657a, the Village of Lake Isabella does hereby allow for the use of Golf Carts on the streets and highways of the Village of Lake Isabella which conform to the requirements of Public Act 491 of 2014; and,

NOW THEREFORE BE IT FURTHER RESOLVED: the Village of Lake Isabella reserves the right to rescind this approval if in the future it is determined that the limited and regulated use of Golf Carts on the Village's streets and highways has become a safety hazard or is deemed to be a nuisance.

I, Jeffrey P. Grey, the duly qualified and acting Clerk of the Village of Lake Isabella, Isabella County, Michigan (the "Village") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council at a meeting held on April 21, 2015, the original of which is on file in the Village Office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeffrey P. Grey  
Lake Isabella Village Clerk

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Timothy R. Wolff  
Lake Isabella Village Manager

## Ordinance 2015 – 04

### ORVs

The Village of Lake Isabella hereby ordains:

#### SECTION 1 PURPOSE

The purpose of this Ordinance is to create Chapter 404 of the Codified Ordinances of the Village of Lake Isabella. This new Chapter is adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on the roads and highways of the Village of Lake Isabella, and for the purpose of providing penalties for the violation thereof.

#### SECTION 2 CHAPTER 404 CREATED

Chapter 404 of the code of the Village of Lake Isabella is hereby amended to read as shown on the attached “*Exhibit A.*”

#### SECTION 3 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### SECTION 4 ORDINANCES REPEALED

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

#### SECTION 5 EFFECTIVE DATE

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

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We, the undersigned, President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # 2015-04 “*ORVs*” of the Village of Lake Isabella was adopted in the following manner; with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at a regular meeting of the Lake Isabella Council, originally introduced by Councilmember Cueny, and offered for adoption by councilmember Lacca, and seconded by councilmembers Grffin and Eberhart.

<b>Village Council Introduction</b>	<b>March 27, 2015</b>
<b>Village Council Public Hearing</b>	<b>April 21, 2015</b>
<b>Village Council Enactment</b>	<b>April 21, 2015</b>

The vote on this Ordinance was taken by roll-call with the “yeas” and “nays” recorded as such.

YEAS: Cueny, Eberhart, Grey, Griffin, Lacca, & Torgerson

NAYS: None

ABSTAIN: None

ABSENT: Kiel

Dated at Lake Isabella, Michigan, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Village Council President  
Dave Torgerson

\_\_\_\_\_  
Village Clerk  
Jeffrey P. Grey

# EXHIBIT A

## Article IV – Transportation & Public Works

### Chapter 404 – ORVs

Originally Adopted: Ordinance 2015-\_\_\_; Dated \_\_\_\_\_

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Chapter 404.01 Definitions

Chapter 404.03 Streets or Highways Closed to ORV Traffic

Chapter 404.05 Operating Rules

Chapter 404.07 Careless or Reckless Operation

Chapter 404.09 Driver's License Requirement

Chapter 404.11 Notice of Accident

Chapter 404.13 Penalties

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#### 404.01 DEFINITIONS

As used in this Chapter, the following words are hereby defined as follows:

- a) **Driver's License** means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of person to operate motor vehicles.
- b) **Operate** means to ride in or on, and to be in actual physical control of the operation of an ORV/ATV.
- c) **Operator** means a person who operates, or is in physical control of the operation of an ORV.
- d) **ORV 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. ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive 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, 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.
- e) **Road** means a Major or Local Street owned and maintained by the Village of Lake Isabella.
- f) **Safety Certificate** means a certificate issued pursuant Public Act 451 of 1994, as amended, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- g) **Shoulder** means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.
- 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 immediate aid of the operator.

#### 404.03 STREETS OR HIGHWAYS CLOSED TO ATV/ORV TRAFFIC

All public streets in the Village of Lake Isabella shall be open to ATV/ORV traffic via this ordinance except Coldwater Road, which is a "Primary Road", owned and maintained by the Isabella County Road Commission.

#### **404.05 OPERATING RULES**

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in the Village of Lake Isabella:

- a) At a speed of not more than 25 miles per hour, or a lower posted ORV speed limit.
- b) On the far right-hand side of the maintained portion of the roadway.
- c) By a person not less than 12 years of age.
- d) With the flow of traffic.
- e) In a manner which does not interfere with traffic on the road.
- f) While traveling single-file, except when overtaking or passing another ORV or golf cart.
- g) While displaying a lighted headlight and a lighted taillight at all times.
- h) When the person and any passenger in or on the vehicle is wearing on his or her head a crash helmet and protective eyewear approved by the United States Department of Transportation. This subdivision does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.
- i) 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.
- j) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- k) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour, a brake light brighter than a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise.
- l) Pursuant to noise and emission standards defined by law.

#### **404.07 CARELESS OR RECKLESS OPERATION**

In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a highway pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, is involved in a collision with an ORV on a road, the driver of the ORV involved in the collision shall be considered prima facie negligent

#### **404.09 DRIVER'S LICENSE REQUIREMENT**

A person less than 18 years of age shall not operate an ORV on a road in the Village of Lake Isabella unless the person is in possession of a valid driver's license or is under the direct visual supervision of an adult and the person 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.

#### **404.11 NOTICE OF ACCIDENT**

The operator of an ORV/ATV involved in an accident resulting in injuries to or death of any person, or property damage in an estimated amount of \$100 or more, or some person acting for him/her, or the owner of the ORV/ATV having knowledge of the accident shall immediately by the quickest means of communication notify Isabella County Central Dispatch

#### **404.13 PENALTIES**

- a) A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.
- b) In addition to the fine specified above, the court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV/ATV to pay full restitution for that damage above and beyond the penalties for civil fines.