

FIRST READING: August 11, 2005
SECOND READING: September 8, 2005
PUBLICATIONS: September 30, 2005 & October 3, 2005
EFFECTIVE: October 10, 2005

ORDINANCE No. 2005-1

All Terrain Vehicle Use on City Streets

The City of Negaunee ORDAINS:

That Part Four of the Codified Ordinances of the City of Negaunee, Michigan shall be and the same hereby is amended to the following ordinance and adopt to read as follows:

REPEALER

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order or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, hereby repealed.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

AMENDMENT

Chapter 415

(a) Purpose.

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

(b) Definitions.

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

- (1) "Highway" means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for the purpose of vehicular travel. "Highway" includes city streets and alleys.
- (2) "Operate" means to ride in or on, and to be in actual control of, the operation of an ATV.

- (3) "Operator" means a person who operates or is in actual physical control of the operation of an ATV.
- (4) "ATV" or "All Terrain Vehicle" means a 3- or 4-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50 cc to 500 cc gasoline engine or an engine of comparable size using other fuels or such other definition as may be provided by State Law.
- (5) "Roadway" means that portion of a highway improved, designated, or ordinarily used for vehicular travel, not including the shoulder. If a highway includes two or more separate roadways, the term roadway refers to a roadway separately, but not to all roadways collectively.
- (6) "Shoulder" means that portion of the highway contiguous to the roadway, generally extending the contour of the roadway, not specifically designed for vehicular travel, but maintained for the temporary accommodation of disabled or stopped vehicles which are otherwise permitted on the roadway.

(c). Designation of Highways for ATV Use.

- (1) Unless specifically designated otherwise as provided herein, all highways, city streets and alleys within the City are hereby designated to be access routes upon which ATVs may be operated for the purpose of providing access to and from areas where ATV operation is permitted. Such access routes do not include or involve state or federal highways.
- (2) The City Council is hereby authorized, by Resolution, to designate those highways, streets or alleys under its jurisdiction, or parts or sections thereof, upon which the operation of ATVs shall be prohibited.
- (3) The City shall maintain a map of all highways and streets under its jurisdiction, upon which shall be indicated all such highways and streets and parts or sections thereof upon which the operation of ATVs is prohibited. Copies of such map shall be maintained and made available to the public upon payment of the cost of reproduction thereof.

(d) Regulations on ATV Operation.

- (1) No ATV shall be operated on any highway, street, alley, or any part or section thereof, under the jurisdiction of the City where the operation of ATVs on such highway or street, or part or section thereof, has been specifically prohibited by Resolution of the City Council.
- (2) An ATV operated on a highway, street or alley pursuant to this ordinance shall at all times be operated:
 - A) For the purpose of gaining access to or from areas where ATV operation is permitted, using the most direct route;

- B) On the outermost five (5) feet of the shoulder, or, in situations where no delineated shoulder exists, then on the outermost right side of the roadway, but not on grassy areas or areas not normally used for vehicular travel;
- C) In single file, with the flow of traffic;
- D) In compliance with all of the provisions of statutes, rules, regulations, and ordinances applicable to such ATV operation;
- E) At a speed not to exceed five (5) miles per hour; and
- F) Only between the hours of eight o'clock a.m. and eight o'clock p.m.

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

- A) In a life threatening emergency; or
- B) By crossing such roadway at right angles, for the purpose of getting from one area to another if the operation can be done in safety. The Operator shall bring the ATV to a complete stop prior to crossing the roadway, and shall yield the right of way to oncoming traffic, per MCL 324.81122.

(4) An ATV may not be operated:

- A) On the part of a highway normally occupied by ditches, front slopes, back slopes, or utilities, such areas being more specifically defined as those parts of the highway between the outside shoulder point and the right of way boundary line;
- B) Within City owned parks, or any natural areas, or cemetery properties within the City;
- C) Upon, along, or within federal or state highways;
- D) On those shoulders specifically designated as non-motorized facilities; or
- E) In violation of any of the provisions of MCL 324.81101 et. seq. and the various subsections thereof, as amended, as well as all other statutes, rules, regulations, and ordinances applicable to such ATV operations.

(e) Revocation of ATV Designation.

The City Council may, from time to time, by Resolution, prohibit ATV use upon any highway, street, or alley under its jurisdiction or any part or section thereof, with or without cause, when such action is deemed appropriate by the City Council. Such prohibition shall become effective immediately.

(f) Violations and Penalties.

Any person who violates any provision of this Chapter is responsible for a civil infraction, and shall pay a civil fine of not more than one hundred dollars (\$100.00), plus costs of prosecution, for each offense.

The above Ordinance shall be published as required by law, and shall be effective on the Tenth day of October 2005.

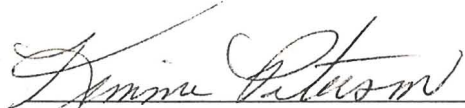
Upon roll call,

Council members voting aye: Council Members Perucco, Stanaway, Thomas
Gravedoni, Dompierre, Johnson and Mayor Peterson

Council members voting nay: None

WHEREUPON, this Ordinance is declared passed and adopted on this 8 day of September, 2005.

CITY OF NEGAUNEE



By: Kimme Peterson, Its Mayor

Attest:



By: Joan Terzaghi, Its Clerk