

Ordinance No. 597

**AN ORDINANCE TO AMEND CHAPTER 54 TRAFFIC & VEHICLES ARTICLE I.
GENERAL, SECTION 54-6 SNOWMOBILE/ORVS & OFF-ROAD VEHICLES OF THE CITY
OF GLADSTONE CODE OF ORDINANCES**

The City of Gladstone ordains and is hereby ordained by the authority of the same as follows:

Sec. 54-6. - Snowmobile/ORVs and off-road vehicles.

A. Definitions.

Off-road vehicle (ORV) 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 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ORV does not include a registered snowmobile/ORV, 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.

Snowmobile means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

B. Purpose.

The intent of this ordinance is to establish access routes along the streets within the City of Gladstone for use by snowmobile/ORV; establish the terms and conditions upon which such access routes may be used; and provide penalties for the violations thereof.

1. Designation of Streets for snowmobile/ORV Use.

- a. Unless specifically designated otherwise as provided herein, all city streets and alleys within the city are hereby designated to be access routes upon which snowmobile/ORVs may be operated for the purpose of providing access to and from trails where snowmobile/ORV operation is permitted. Such access routes do not include or involve US 2&41 and M-35 unless approved as a MDOT connector route.
- b. The City Commission by resolution is hereby authorized to designate those streets or alleys under its jurisdiction, or parts or sections thereof, upon which the operation of snowmobile/ORVs shall be prohibited.

2. Regulations on Snowmobile/ORV Operation.

- a. Snowmobile/ORVs shall only be operated on any approved street or alley for the following reasons:
 - i. For the purpose of gaining access to or from trails where snowmobile/ORV operation is permitted, using the most direct route from the home of the operator.

3. A snowmobile/ORV operated on a street or alley pursuant to this ordinance shall at all times be operated:

- a. On the outermost right side of the roadway, but not on grassy areas or areas not normally used for vehicular travel

- b. In single file, with the flow of traffic
 - c. In compliance with all the provisions of federal, state and local statutes, rules, regulations and ordinances applicable to such snowmobile/ORV operation
 - d. At a speed not to exceed fifteen (15) miles per hour
4. An snowmobile/ORV may be operated on the roadway of a street or alley under the jurisdiction of the city, whether or not such operation has been prohibited only:
- a. In a life-threatening emergency
 - b. By crossing such roadway at right angles, for the purpose of getting from one area to another if the operation can be done safely. The operator shall bring the snowmobile/ORV to complete stop prior to crossing the roadway and shall yield the right-of-way to oncoming traffic.
5. An snowmobile/ORV may not be operated:
- a. For the purpose of traveling to or from work or school
 - b. On the part of a street normally occupied by ditches, front slopes, back slopes, or utilities such areas being more specifically defined as those parts of the street between the outside shoulder point and the right-of-way boundary line;
 - c. Within city owned parks except at designated access points approved by the City Commission, or any natural areas within the city
 - d. Upon US2 & 41 & M-35
 - e. On those shoulders, paths or areas specifically designed as non-motorized facilities
 - f. In violation of any of the provisions of MCL 324.81101 et. Seq. and that various subsections thereof, as amended as well as all other statutes, rules, regulations and ordinances applicable to such snowmobile/ORV operations.
6. Violations and Penalties
- a. Any person who violates any provision of this section is committing a municipal civil infraction, and will be liable for a civil fine.

(Ord. No. 573, § 1, 6-23-2008)

State Law reference— Authority to allow snowmobile/ORVs on streets, MCL 324.82119; snowmobile/ORVs generally, MCL 324.82101, MCL 324.81131 .

THE CITY OF GLADSTONE

Jay Bostwick, Mayor

Kimberly Berry, City Clerk

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