

The Village of Lawton ordains that the Lawton Village Code is hereby amended to add Section 71.03 to Chapter 71, Recreational Vehicles, to allow and regulate the use of Off Road Recreational Vehicle (ORV) on Village Streets as more specifically set forth in PA 451 of 1994 (the "Act") , MCL 324.81101 *et seq.*, as amended.

§71.03 OFF ROAD RECREATIONAL VEHICLES.

(A) *Applicable Law.* Consistent with the letter and spirit of PA 451 of 1994, MCL 324.81101 *et seq.*, as amended, and specifically MCL 324.8113(1) and (5) the Village shall permit an ORV to be operated on local Village Streets.

(B) *Compliance with Law.* The Operator of an ORV shall comply with all applicable federal, local, and state regulations, including but not limited to the provisions of Part 811 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81101 *et seq.*, as amended.

(C) *Additional Restrictions.*

- (1) An ORV shall not operate on the street during the time period from ½ hour before sunset to ½ hour after sunrise without displaying a lighted taillight, brake light and headlight.
- (2) An ORV shall not operate on the street between the hours of 11PM and 5AM
- (3) The operator of an ORV shall possess a valid motor vehicle driver license.
- (4) Operation of an ORV is prohibited in all cemeteries in the Village.
- (5) Operation of an ORV is prohibited on all sidewalks, and other pathways not specifically designed for motor vehicle use. This prohibition shall not apply to agents of the Village, or other law enforcement personnel in the performance of their official duties.
- (6) A person shall not transport any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.
- (7) A person shall not operate an ORV unless the vehicle is 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; and 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.
- (8) An individual shall not operate an ORV unless the vehicle is equipped with a Roll-Over Protective Structure ("ROPS") as that term is defined in the Occupational Safety and Health Administration regulations.
- (9) An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States department of transportation. This subsection does not apply to an individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States department of transportation standards for a crash

helmet.

- (10) An ORV shall not be operated on any state trunk line right-of-way, except that the operator of a vehicle may cross the State Trunk Line (Highway M-40) at the most direct line of crossing. No crossing shall occur at Union Street, Second Street, or Third Street

- (D) *Penalty. See §71.99.* In addition to the penalties set forth in Section 71.99, a court shall order violators of this ordinance to pay the cost of repairing any damage to the environment, a street, county road, or highway, or public property as a result of the violation pursuant to MCL 324.81131(17).

Moved by:

Support by:

Roll call vote:

Yea:

_____.

Nay: _____.

Absent: _____.

LAWTON VILLAGE CODE amendment creating § 71.03 declared adopted.

March 12, 2019

Daniel Bishop, Village Manager

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an amendment to the Lawton Village Code adopted by the Village Council at a meeting held on March 12, 2019, at which meeting a quorum was present, and that this Code Amendment was ordered to take effect 20 days after its adoption or upon publication, whichever occurs first. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 et seq).

Daniel Bishop, Village Manager