

ORDINANCE NO. 5-1300

AN ORDINANCE REGULATING OFF-ROAD VEHICLE USE

THE CITY OF ISHPEMING ORDAINS:

Section 5-1301. Purpose.

The purpose of this ordinance is to authorize and regulate the operation of Off-Road Vehicles (ORVs) in the City of Ishpeming, to provide specific access routes within the City of Ishpeming for ORV use, establish the terms and conditions upon which such access routes may be used, and to provide penalties for the violations thereof, pursuant to the Michigan Natural Resource and Environmental Protection Act, MCL §324.81101 et. seq.; MCL §324.81131, et. seq.

Section 5-1302. Definitions.

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

- (1) "Highway" or "road right of way" 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 ORV.
- (3) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- (4) "Off-Road Vehicle" means a motor driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multi-track or multi-wheel vehicle, an All-terrain vehicle, a 2-, 3- or 4-wheeled vehicle designed for off-road use, 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 does not include vehicles with a maximum width greater than 65 inches. The following vehicles and equipment are **not** considered ORVs for the purposes of this ordinance: snowmobiles; farming equipment; police, fire, and military vehicles and equipment; utility company vehicles and equipment, when being used in the conduct of corporate business on property over which the company has an easement, lease, or ownership rights.
- (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 transitory accommodation of disabled or stopped vehicles which are otherwise permitted on the roadway.

Section 5-1303. Designation of Highways for ORV 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 ORVs may be operated for the purpose of providing access to and from areas where ORV operation is permitted. Such access routes do not include state or federal highways (Business Route 28, U. S. 41/M-28).
- (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 ORVs 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 ORVs is prohibited. Copies of such map shall be maintained and made available to the public (payment requirement deleted).
- (4) Attached to this ordinance is a map showing the preferred ORV corridor for ORV travel through the City from east to west or west to east. Persons transiting through the City using an ORV are requested to use this route. This route shall be marked with appropriate signage indicating it is the preferred ORV route.

Section 5-1304. Regulations on ORV Operation.

- (1) No ORV shall be operated on any highway, street, alley, or any part or section thereof, under the jurisdiction of the City where the operation of ORVs on such highway or street, or part or section thereof, has been specifically prohibited by Resolution of the City Council.
- (2) An ORV operated on a highway, street or alley pursuant to this ordinance shall at all times be operated only:
 - (a) For the purpose of gaining access to or from areas where ORV 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 and not on pathways or trails not normally used for automobile 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 ORV operation;
 - (e) At a speed no faster than 10 MPH; and
- (3) An ORV 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 authorized area to another authorized area if the operation can be done in safety. The Operator shall bring the ORV 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 ORV 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 cemetery properties within the City;
- (c) Upon, along, or within federal or state highways;
- (d) On those shoulders and pathways specifically designated as non-motorized facilities; or
- (e) Upon, along, or within the following City streets:
 - North Third Street from U. S. 41 to Pearl Street
 - Main Street from Euclid Street to Johnson Street
 - South Pine Street from Front Street to Johnson Street
 - First Street from Hematite Drive to Division Street
 - Second Street from Hematite Drive to Division Street
 - Front Street from Lake Street to Main Street
 - Bank Street from Main Street to Third Street
 - Cleveland Avenue from Lake Street to Fourth Street
 - Pearl Street from Lake Street to Fourth Street
- (f) 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 ORV operations.

Section 5-1305. Revocation of ORV Designation.

The City Council may, from time to time, by Resolution, prohibit ORV 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.

Section 5-1306. Penalty.

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars, plus costs, or by imprisonment in the County Jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment.

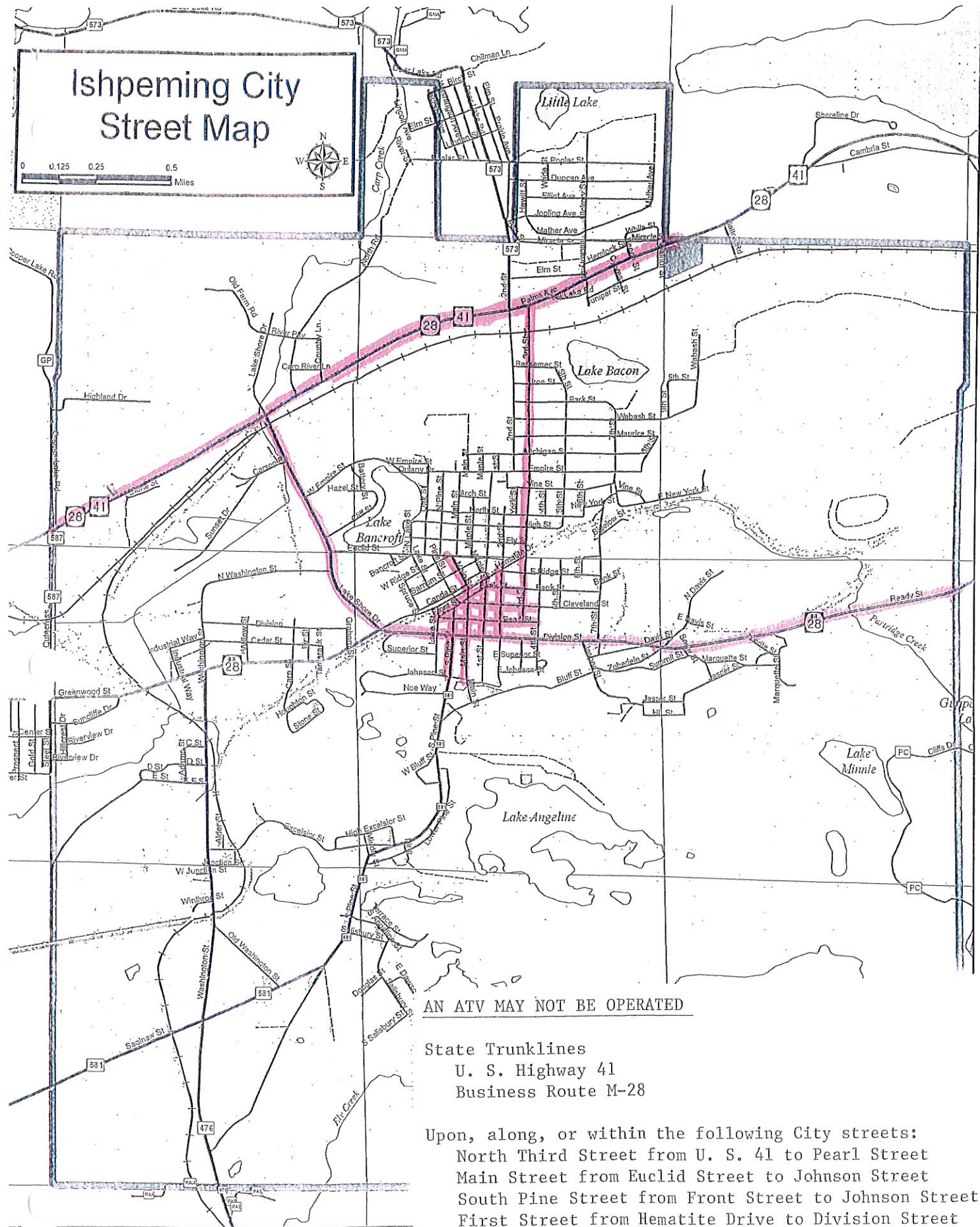
Adopted: February 6, 2008

Amended: May 9, 2012

Amended: April 13, 2016

Ishpeming City Street Map

0 0.125 0.25 0.5 Miles



AN ATV MAY NOT BE OPERATED

State Trunklines

U. S. Highway 41

Business Route M-28

Upon, along, or within the following City streets:

North Third Street from U. S. 41 to Pearl Street

Main Street from Euclid Street to Johnson Street

South Pine Street from Front Street to Johnson Street

First Street from Hematite Drive to Division Street

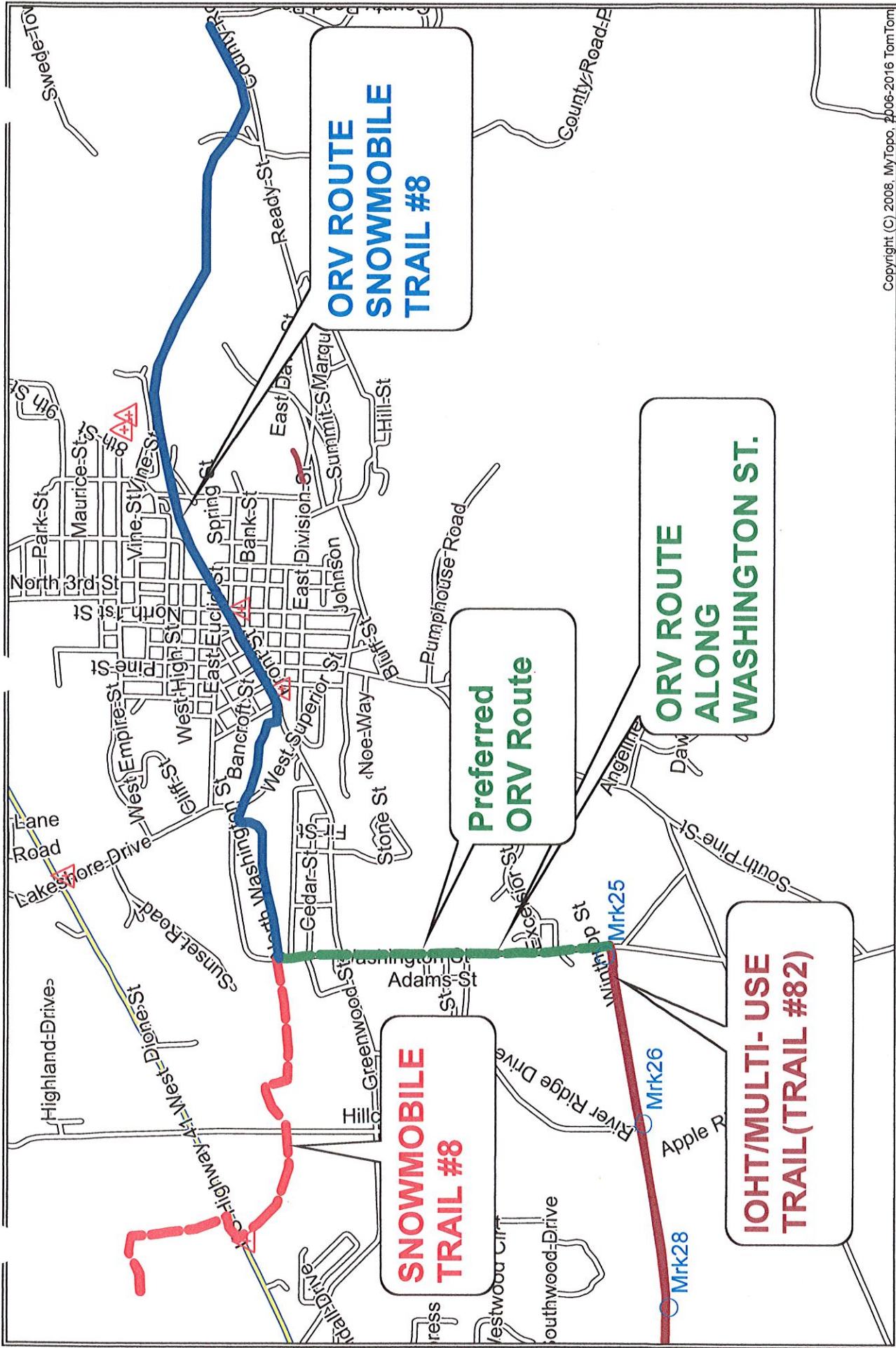
Second Street from Hematite Drive to Division Street

Front Street from Lake Street to Main Street

Bank Street from Main Street to Third Street

Cleveland Avenue from Lake Street to Fourth Street

Pearl Street from Lake Street to Fourth Street



**ORV ROUTE
SNOWMOBILE
TRAIL #8**

**Preferred
ORV Route**

**ORV ROUTE
ALONG
WASHINGTON ST.**

**SNOWMOBILE
TRAIL #8**

**IOHT/MULTI-USE
TRAIL (TRAIL #82)**

NOTICE OF ADOPTION OF
UNIFORM TRAFFIC CODE
AND
MICHIGAN VEHICLE CODE

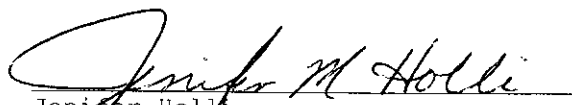
Please take notice that at a regular meeting of the Ishpeming City Council held on November 6, 2002, the Ishpeming City Council adopted the Uniform Traffic Code and the Michigan Vehicle Code.

The purpose of the Uniform Traffic Code is to regulate the operation of certain vehicles upon the streets of the City of Ishpeming; to provide for traffic administration and authority; to provide for impounding of vehicles; to provide for the maintenance of records of traffic violations, traffic accidents, arrests, dispositions, complaints, and annual traffic safety reports; provide for the duties of traffic engineer; issuance of traffic control orders; issuance of permits, promulgate traffic regulations; regulate the rights and duties of drivers and others; regulate conduct on public streets; regulate the operation of bicycles, motorcycles, mopeds and toy vehicles; define pedestrian's rights and duties; regulate stopping, standing and parking of vehicles; to establish penalties for violations of the regulations; and to repeal certain other ordinances inconsistent with this ordinance.

The purpose of the Michigan Vehicle Code is as follows: An act to provide for the registration, titling, sale, transfer and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this Act; to provide for civil liability of owners and operators of vehicles and service of process on residents and non-residents; to provide for the levy of certain assessments; to provide for the enforcement of this Act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this Act or contrary to this Act; and to repeal certain parts of this Act on a specific date.

A complete copy of the Uniform Traffic Code and a complete copy of the Michigan Vehicle Code are available for public inspection at the office of the Ishpeming City Clerk at the Ishpeming City Hall during normal business hours.

Date: November 7, 2002


Jennifer Holli
Ishpeming City Clerk