

**ORDINANCE NO. 2024 - 05**

**CITY OF ST. CLAIR**

**COUNTY OF ST. CLAIR, MICHIGAN**

**AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 58 "TRAFFIC AND VEHICLES," BY ADDING ARTICLE X "OFF-ROAD VEHICLES."**

**THE CITY OF ST. CLAIR ORDAINS:**

**SECTION 1. AMENDMENT.**

Chapter 58 "Traffic and Vehicles" is hereby amended by to adding Article X "Off-Road Vehicles" to read as follows:

**CHAPTER 58.—TRAFFIC AND VEHICLES  
ARTICLE X – OFF-ROAD VEHICLES**

**Sec. 58.300. - Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*City* means the City of St. Clair.

*County* means St. Clair County.

*Direct supervision*, means the direct visual observation of the operator with the unaided or normally correct eye, where the observer is able to come to the immediate aid of the operator.

*Driver's license* means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL §257.301-329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

*Maintained portion* means that portion of road, improved, designated, and/or ordinarily used for vehicular traffic, including the gravel shoulder or paved shoulder of the road.

*Operate* means to ride in or on and be in actual physical control of the operation of an ORV.

*Operator* means a person who operates or is in actual physical control of the operation of an ORV.

*Off-Road Vehicle ("ORV")* for the purposes of this chapter, means utility terrain vehicles (UTVs), side by side, or golf cart. ORV does not include a registered snowmobile, a multitrack or multi-wheel drive vehicle, an ATV, a motorcycle or related two-wheel, three-wheel, or four-wheel vehicle, an amphibious machine or ground effect air cushion vehicle.

*Road* means a county primary road or county local road as described in §5 of 1951 PA 51, MCL §247.655.

*Road commission* means the county road commissioners for the county of St. Clair, MI.

*Street* means a city major street or city local street as described in §9 of 1951 PA 51, MCL §247.659, or a segment thereof.

**Sec. 58.301. - Operation of ORVs on city streets.**

An individual may operate an ORV on all streets located within the City provided that the ORV is operated only with the flow of traffic, on the far right of the maintained portion of the street, subject to the following regulations:

(A) An ORV may not be operated on paved or asphalted streets in the City that have a speed limit of 45 miles per hour or more.

(B) A person shall not operate an ORV at a speed greater than twenty-five (25) miles per hour, or lower posted ORV speed limit, or in a manner that interferes with traffic on the street.

(C) Subsections (A) and (B) do not apply to a police officer, city officials, city employees, city contractors or city volunteers in the performance of city duties.

(D) All ORVs must be insured for coverage of personal injury or property damage resulting from operation of the subject ORV.

(E) ORVs shall travel single-file, except when passing or being passed by another ORV.

(F) All ORVs operating shall display a lighted headlight and taillight when equipped.

(G) Unless a person possesses a driver's license, a person shall not operate an ORV on a street if the ORV is registered as a motor vehicle under the Michigan Vehicle Code and the ORV is either more than sixty-five inches (65") wide or has three (3) wheels.

(H) A person under the age of eighteen (18) shall not operate an ORV on a street unless the person is in possession of a valid driver's license or is under the direct supervision of a parent or guardian and the person has in his or her possession an ORV safety certificate issued by Michigan or another state or the province of Canada.

(I) All operators must, upon demand by a law enforcement officer, present either an ORV safety certificate or driver's license.

(J) An owner or person in control or charge of an ORV shall not allow an ORV to be operated by an individual who is incompetent to operate a vehicle because of a mental or physical disability.

(K) A person shall not operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner having undue regard for conditions.

(L) A person shall not operate or ride on an ORV unless they are wearing on their head a helmet and protective eyewear approved by the United States Department of Transportation. This section does not apply if the ORV is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger are wearing properly adjusted and fastened safety belts.

(M) A person shall not operate an ORV during the hours of one-half hour before sunset and one-half hour after sunrise without a working brake light that is brighter than the taillight.

(N) All ORVs shall conform to the noise emission levels established by the United States Environmental Protection Agency under the Noise Control Act of 1972, 42 USC §4901- 4918.

(O) No person who is an operator or passenger on an ORV shall transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken.

(P) An ORV shall be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

(Q) An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including, but not limited to, Part 811 of the Natural Resources and Environmental Protection Act, MCL §324.81101 *et seq.*

(R) An ORV shall not be operated upon any portion of a state highway, unless specifically authorized by the Michigan Department of Transportation pursuant to MCL §324.81131(6) and (7).

(S) The operation of three-wheels, dune buggies, and/or sand rails on streets within the city is prohibited under this chapter.

**Sec. 58.302. - No City duty to maintain.**

Nothing herein shall be construed to require the City to maintain the maintained portion or unmaintained portion of a county road or a street within its boundaries in a condition reasonably safe and convenient for the operation of ORVs, except for ORVs which are registered as motor vehicle.

**Sec. 58.303. - Careless or reckless operation.**

In court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a road, or street pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL §257.1 *et seq.*, is involved in a collision with an ORV, the operator of the ORV involved in the collision shall be considered prima facie negligent.

**Sec. 58.304. - Operation of ORV by child.**

A parent or guardian of a child less than sixteen (16) years of age shall not permit or allow the child to violate any provision of this chapter.

**Sec. 58.305. - Master map.**

The city shall maintain a master map that conspicuously indicates those streets and parts or sections thereof where the operation of ORVs is permitted and prohibited pursuant to this chapter. The city shall make such master map available to the public and shall provide a master map to those registering an ORV as set forth in §58-306 below. Nothing in this section requires the city to bear the costs or expenses associated with distributing copies of the map to the public.

**Sec. 58.306. - Registration of ORVs.**

The number of ORVs kept, maintained, and operated on city streets shall be registered with the city clerk and the owner or custodian thereof shall obtain a registration seal identifying same. The city clerk shall maintain a record of registered ORVs that shall include their make, model, and age, and the names and addresses of the individuals or parties responsible for them. Registration seals shall expire December 31 of each year and shall be conspicuously displayed at all times.

**Sec. 58.307. - Enforcement.**

(A) A violation of this chapter is a municipal civil infraction and a person responsible for a civil infraction under this chapter shall pay a fine of not less than \$100.00 or no more than \$500.00 plus costs and actual reasonable attorney fees incurred by the city in enforcing this chapter.

(B) Police Officers and/or agents of the City are authorized to enforce this chapter and to issue municipal civil infraction citations directing alleged violators of this chapter to appear at City Hall, where the city treasurer shall accept admissions of responsibility and collect fines.

(C) Respondents who deny responsibility or fail to pay fines within the time prescribed on the municipal civil infraction shall be issued a civil infraction/appearance ticket for resolution at the St. Clair County 72nd District Court.

(D) The city treasurer shall deposit fines and costs collected under this chapter under the applicable provisions of the Revised Judicature Act, MCL §600.8379, into a fund designated as the ORV fund.

(E) The city treasurer shall appropriate revenue in the ORV fund as follows:

(1) Fifty percent (50%) to the City of St. Clair Department of Public Works for repairing damage to streets and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits or indicating whether streets are open or closed to the operation of ORVs.

(2) Fifty percent (50%) to the City of St. Clair Police Department for ORV enforcement and training.

**SECTION 2. SEVERABILITY.**

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

**SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.**

Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

**SECTION 4. RATIFICATION.**

All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

**SECTION 5. PUBLICATION.**

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

**ORDINANCE DECLARED ADOPTED.**

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William Cedar, Jr., Mayor  
City of St. Clair, Michigan

**CERTIFICATION**

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the \_\_\_\_ day of August, 2024, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present:

Members Absent:

It was moved by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_ to adopt the Ordinance.

Members voting yes:

Members voting no:

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

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Annette Sturdy, City Clerk  
City of St. Clair, Michigan

INTRODUCED: July 15, 2024

ADOPTED:

PUBLISHED:

EFFECTIVE:

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