

Village of Nashville
Ordinance No. 5-13-2021-2

AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF OFF-ROAD
VEHICLES (ORV'S) ON STREETS IN THE VILLAGE OF NASHVILLE.

THE VILLAGE OF NASHVILLE ORDAINS:

Section 1. TITLE.

This ordinance shall be known and cited as the “ORV Ordinance.”

Section 2. DEFINITIONS. As used in this ordinance, the following definitions shall apply:

- a. “ATV” means a vehicle with 4 or more wheels that is designed for off-road use, has low-pressure tires, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.
- b. “Village” means Village of Nashville.
- c. “Visual Supervision” means the direct visual observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.
- d. “Driver’s License” means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.
- e. “Maintained Portion” means the street and any shoulder of a street.
- f. “Operate” means to ride in or on, and be in actual physical control of, the operation of an ORV.
- g. “Operator” means a person who operates or is in actual physical control of the operation of an ORV.
- h. “ORV” means a motor-driven off-road recreation vehicle capable of cross country travel without the benefit of a road, street or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes multi-wheel drive vehicles or a vehicle with 4 or more wheels. An ATV is an ORV. Per this ordinance ORV does not include a snowmobile, a motorcycle, a dirt bike, a 3 wheeler, a farm vehicle being used for farming, a vehicle used for military, fire emergency or law enforcement purposes, a vehicle owned 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.
- i. “Street” or “Streets” means a Village major or local street as described in Section 5 of 1951 PA 51, as amended, MCL 247.659, or a segment thereof. A Street does not include any bike path, sidewalk or recreational trail such as Paul Henry – Thornapple Trail or any other such trail marked as non-motorized.
- j. “Safety Certificate” means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.92231, or a comparable ORV safety certificate issued under the authority of another state or a prince of Canada.
- k. “Code” means the Michigan Motor Vehicle Code, 1949 PA 300, MCL 257.1 et seq., as amended.

Section 3. OPERATING CONDITIONS. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on all Streets in the Village of Nashville:

- a. At a speed of no more than 25 miles per hour, or a lower posted ORV speed limit.
- b. On the far right-hand side of the maintained portion of the Street.

- c. With the flow of traffic and in a manner which does not interfere with traffic on the street.
- d. Must display an ORV sticker per 1994 PA 451 as amended, MCL 324.81116.
- e. Operators must follow all manufacturer's recommendations for ORVs.
- f. Traveling single file, except when overtaking and passing another ORV.
- g. While displaying a securely attached white-lighted headlight on at all times.
- h. The ORV shall be equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.
- i. Each operator and passenger must wear a crash helmet and protective eyewear approved by the United States Department of Transportation (DOT) unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- j. Pursuant to noise emission standards defined by law.
- k. ORVs must not be operated in a manner that will cause damage to the street surface or shoulder. In this regard, prohibited activity includes but is not limited to actions such as "fishtailing" and spinning of tires that disperses gravel and creates ruts and other damage.

Section 4. DESIGNATED ROADWAYS.

- a. ORVs are not permitted on State highways including, but not limited to, M-66 and M-79.
- b. Operators on a designated street may cross an excluded state highway as indicated in letter (a) if and only if the operation can be done safely and only at a right angle. Operators must bring the vehicle to a complete stop before proceeding across the excluded road and shall yield the right-of-way to oncoming traffic.

Section 5. LICENSE; SAFETY CERTIFICATE. A person shall not operate an ORV on a street in the Village unless the person is in possession of a valid driver's license. A person less than 18 years of age shall not operate an ORV on a street in the Village unless the person is in possession of a valid driver's license or unless the person is under the Visual Supervision of a parent or guardian and has in his or her possession an ORV Safety Certificate.

Section 6. PENALTIES.

- a. A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.
- b. In addition to the fine specified above, the court may order a person who causes damage to the environment, a street or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties for civil fines.

Section 7. REPEALER CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8. VALIDITY AND SEVERABILITY. Should any portion of this ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this ordinance.

Section 9. EFFECTIVE DATE. This ordinance shall be effective immediately after publication of notice of its adoption.

PASSED and adopted by the Village of Nashville, Michigan on May 13th , 2021.

YEAS: Callton, Courtney, Priddy, Hartwell, Felder, Hodge and Kenyon

NAYS: None

ABSENT: None

Ordinance No. 5-13-2021-2 adopted.

Mike Kenyon, Village President

Kayce Nelson, Village Clerk

I, Kayce Nelson, the Clerk for the Village of Nashville, Barry County, Michigan, hereby certify that the forgoing is a true and accurate copy of an ordinance adopted by the village council of the Village of Nashville at a regular meeting held on May 13th , 2021.

Kayce Nelson, Village Clerk

Adopted 5-13-2021

Published 5-15-2021

Effective 5-15-2021