

Chapter 18

TRAFFIC AND VEHICLES*

* **State Law References:** Michigan vehicle code, MCL 257.1 et seq.; regulation by local authorities, MCL 257.605, 257.606, 257.610.

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ARTICLE I.

IN GENERAL

Sec. 18-1. Michigan vehicle code adopted.

- (a) The Michigan vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.), is adopted by reference.
- (b) References in the Michigan vehicle code to "local authorities" shall mean the Village of Lyons.
- (c) The penalties provided by the Michigan vehicle code are adopted by reference; provided, however, that the city may not enforce any provision of the Michigan vehicle code for which the maximum period of imprisonment is greater than 93 days.

State Law References: Authority to adopt the Michigan vehicle code by reference, MCL 41.181(3).

Sec. 18-1-1. ORV

An Ordinance adopted for the purpose of authorizing and regulating the operation of off-road vehicles (ORV) on roads in the Village of Lyons, Michigan, Ionia County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA240, as amended, MCL 324.81122, 324.81131, and 324.81133.

- 1). As used in this ordinance, the following definitions shall apply:
 - a). Village means the Village of Lyons
 - b). 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 PA300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
 - c). Operate means to ride in or on, and be in actual physical control of the operation of an ORV.
 - d). Operator means a person who operates or is in actual physical control of the operation of an ORV.
 - e). ORV or vehicle means a motor driven off-road vehicle capable of cross-county travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. ORV or vehicle includes, but is not limited to a multi-track or multi-wheel drive vehicle, or related 2-wheel or 4 wheel vehicle, 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 a registered snowmobile, golf cart, unless such golf cart shall satisfy the criteria of an ORV. “ORV”, however does not include 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.
 - f). Street means a village street, major street, local street or alley.
 - f). Maintained portion-means that portion of a road improved, designated or ordinarily used for vehicle traffic.
 - h). Road means a road or street which is in the Village of Lyons street system. Road does not include a private road. Street and road are to be interchangeable phrases.
 - i). Shoulder means that portion of the street continuous to the roadway generally extending the contour of the roadway, not designed for vehicle travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.
 - j). Sidewalk means that portion of the street between the curb lines or lateral lines of the street and the adjacent property lines intended for the use of pedestrians.
 - k). Visual supervision means the direct 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.
 - l). Safety certificate means a certificate issued pursuant to 1994 PA451, as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

- 2). The Village may by resolution and at its discretion, close any village street to protect the environment, or if the operation of ORVs pose a particular and demonstrable threat to public safety.

- 3). An ORV cannot be operated anywhere in the village while transporting a passenger without a seat as designed by the manufacture. An ORV shall not haul a trailer that is not in the acceptable size as specified by the manufacture.

- 4). Permitted ORV Operations
 - a). A Person may operate an ORV on the far right of the maintained portion of the roadway on all streets within the village.
 - b). When operating an ORV as authorized under this ordinance, the operator shall comply with all of the following regulations:
 - i. The operator shall be a person 18 years of age or older.

- ii. The operator and each passenger shall wear a crash helmet and protective eyewear approved by the United States Department of Transportation 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.
- iii. If the operator is a person 18 years of age or older, the operator shall have in his or her possession a valid driver's license.
- iv. If the ORV is registered as a motor vehicle and is either more than 60 inches wide then the operator shall have in his or her possession a valid driver's license.
- v. The ORV shall not be operated at a speed greater than 25 miles per hour or at a speed greater than any posted ORV speed limit.
- vi. When the ORV is operated within 100 feet of a dwelling, the ORV shall not be operated at a speed greater than the minimum speed required to maintain controlled forward movement of the vehicle.
- vii. The ORV shall be operated with the flow of traffic on the street.
- viii. The ORV shall be operated in a manner that does not interfere with traffic on the street.
- ix. The ORV shall be operated in a single-file formation, except when overtaking and passing another ORV.
- x. The ORV shall at all times be operated displaying a lighted headlight and lighted taillight.
- xi. The ORV shall be equipped with 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.
- xii. The ORV shall be equipped with an arrester type United States Forest Service approved muffler in good working order and in constant operation.
- xiii. The ORV shall be operated in full compliance with all noise emission standards defined by law.

5). Penalties

- a). A person who violates any provision of the ordinance shall be guilty of a municipal civil fine of not less than \$250.00 nor more than \$500.00
- b). In addition to the fine specified in subsection (A) 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.

6). 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.

(Approved 12/21/2015, eff 1/2/2016)

Sec. 18-2. Uniform traffic code adopted.

(a) The Uniform Traffic Code for Cities, Townships and Villages, promulgated by the director of state police and published in the Michigan Administrative Code, in accordance with Public Act No. 62 of 1956 (MCL 257.951 et seq.), is hereby adopted by reference.

(b) References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the Village of Lyons.

State Law References: Authority to adopt the Uniform Traffic Code by reference, MCL 257.951.

Sec. 18-3. Rate of speed upon public streets.

No person shall operate a motor vehicle upon the streets of the village at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of said streets or so as to endanger the life or limb of any person or the safety of any property and shall not in any event operate said motor vehicle at a greater speed than 25 miles per hour upon any other street in said village unless otherwise posted.
(Comp. Ords. 1999, § 31.001; Ord. of 12-7-1923, § 1; Ord. No. 523, 4-13-1987)

Secs. 18-4--18-24. Reserved.

ARTICLE II.

STOPPING, STANDING AND PARKING*

* **State Law References:** Authority to regulate standing or parking of vehicles, MCL 257.606(1)(a); stopping, standing or parking of vehicles, MCL 257.672 et seq.

Sec. 18-25. No parking on streets at night.

(a) No person shall park a vehicle on the streets of the village from 2:00 a.m. until 7:00 a.m.

(b) Any person violating this section shall be responsible for a municipal civil infraction with a fine of \$100.00 for each violation.

Secs. 18-26--18-53. Reserved.

ARTICLE III.

TRUCK ROUTES

Sec. 18-54. Purpose.

The purpose of this article is to regulate the orderly operation of trucks on the streets of the village. The primary objectives are to facilitate the transfer of goods and services by trucks to businesses and to preserve the quality of life of neighborhoods. Prime considerations involved with the purpose of this article are:

- (1) The safety of the village's citizens;
- (2) Avoidance of unreasonable or unnecessary disturbance or reduction in property values due to truck noise, vibrations and/or air pollution;
- (3) Protection against the deterioration of those streets not designated for truck traffic; and
- (4) Adequate truck service to businesses and residences in an expeditious manner, having due regard for economical vehicle operation.

(Ord. No. 2006-1-30.036, § 36.001, 12-18-2006)

Sec. 18-55. Traffic control signs.

Where density of traffic, protection of life and property, construction and condition of the roadway, or any hazardous condition makes it advisable, the direction of traffic flow, and routing of buses, trucks and heavy vehicles, will be made by this article by duly posting traffic control signs and it shall be unlawful to drive or cause to be driven, any vehicle in violation of such direction and routing.
(Ord. No. 2006-1-30.036, § 36.002, 12-18-2006)

Sec. 18-56. Truck routes map.

The streets designated as forming the truck route system are indicated upon the truck route map and all notations, references or other information located thereon, are made a part of this article and shall have the same force and effect as if there were fully set forth or described herein. The map shall be properly attested by the street administrator and shall be on file with the village clerk.
(Ord. No. 2006-1-30.036, § 36.003, 12-18-2006)

Sec. 18-57. Street designations.

The streets of the village are hereby designated for purposes of this article as follows: truck routes; those streets or portions of streets specifically designated as truck routes in section 18-58.
(Ord. No. 2006-1-30.036, § 36.004, 12-18-2006)

Sec. 18-58. Truck routes.

The following roadways, or portions of roadways, in the village, are hereby designated as truck routes for purposes of this article:

Street locations

Keefer Hwy. to Libhart St. to W. Bridge St.

Riverside Dr. to Libhart St.

W. Bridge St. from Libhart to E. Bridge St. to Kimball Rd.

Tabor St. from E. Bridge St. north to the corporate limits.

Edward St. from W. Bridge St. north to corporate limits.

(Ord. No. 2006-1-30.036, § 36.005, 12-18-2006)

Sec. 18-59. Motor vehicles of restricted class.

Motor vehicles of the restricted class as used in this article are defined as all motor vehicles having a weight of 10,000 pounds or more including the load therein, except vehicles carrying or designated to carry passengers, all governmentally owned or leased vehicles, public utility vehicles and vehicles used for private refuse handling.

(Ord. No. 2006-1-30.036, § 36.006, 12-18-2006)

Sec. 18-60. Travel into or out of village.

Motor vehicles of the restricted class, which do not have a pickup, delivery or service within the village, shall enter and exit the village on truck routes only. Motor vehicles of the restricted class are subject to the county seasonal load restrictions on the truck routes or any other roadway in the village during the seasonal load restriction times placed on county roadways.

(Ord. No. 2006-1-30.036, § 36.007, 12-18-2006)

Sec. 18-61. Travel within the village; truck routes; exceptions.

Motor vehicles of the restricted class, while, in the village, shall travel on truck routes only, except as follows:

- (1) The operation of authorized emergency vehicles may occur on any roadway in the village.
- (2) The operation of recreational vehicles as defined by state law, which are of the restricted class, may use any roadway in the village.
- (3) The operation of motor vehicles of the restricted class is permitted on any roadway in the village for pickup, delivery or service where the destination is not on a truck route, provided that ingress and egress thereto or therefrom is accomplished in the following manner:
 - a. Vehicles of the restricted class shall utilize designated truck routes to the point closest to delivery, pickup or service.
 - b. Upon leaving or returning to the truck route, vehicles of the restricted class shall utilize the shortest route available to reach the delivery, pickup or service destination.
 - c. In making consecutive deliveries, pickups or services to destinations not on truck routes, motor vehicles of the restricted class shall proceed on roadways other than truck routes only if the distance traveled on nontruck routes as a result of this routing would be less than the distance traveled on nontruck routes if the vehicle had returned to a truck route as in subsection (3)b of this section and then proceeded to the next delivery points as specified in subsection (3)a and (3)b of this section.
- (4) The roadways designated as truck routes in section 18-58 shall be posted with signs at appropriate intervals. Such signs shall consist of the words "Truck Route," below which shall be placed an arrow indicating the direction of the truck route.
- (5) Non-truck-route streets may be posted with signs at reasonable intervals where appropriate. Such signs shall indicate "No Trucks" or "Not a Truck Route."
- (6) It shall be the duty of any person driving or in charge or control of any buses, trucks or heavy vehicles, other than vehicles carrying or designed to carry passengers upon any roadway not a

designated truck route, upon the request of a police officer to stop and answer any questions regarding the weight of the truck, its destination and its point of origin, and such persons shall also present a log book, weight slips, delivery slips and other written evidence of destination or point of origin for the officer's examination.

- (7) If any designated truck route or portion thereof shall be under repair or otherwise temporarily out of use, motor vehicles of the restricted class shall use such other temporary truck routes as may be designated by the village division of public works (DPW), or his or her designee.
- (8) In case of an emergency, a temporary permit allowing exceptions to this article may be issued by the village DPW or his or her designee.
- (9) Any truck or equipment owned or operated by the village, or working under the direction of the village, shall be exempt from this section.

(Ord. No. 2006-1-30.036, § 36.008, 12-18-2006)

Sec. 18-62. Municipal civil infraction.

(a) A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$500.00, plus costs of repair of damaged streets, and other sanctions, for each infraction.

(b) Repeat offenses shall be subject to increased civil fines as provided by subsection (c) of this section.

(c) The fine for a first violation, second violation, third or any subsequent violation of this article shall be \$500.00, \$750.00, and \$1,000.00 respectively.

(Ord. No. 2006-1-30.036, § 36.009, 12-18-2006)