

## AGENDA REPORT

TO: Mayor & City Commission

FROM: Ken Hibel, City Manager

DATE: April 15, 2009

RE: Adoption of Ordinance 2010-010 - Amend Chapter 44 (Traffic & Vehicles) of the Ordinance Codes of the City of Clare



For the Agenda of April 19, 2010

Background. By adoption of its Resolution 2010-014, the City Commission approved the restriction of use and operation of Off-Road Recreational Vehicles in the City. Based on that decision, the City Attorney drafted an amendment (*copy att'd* – Ordinance 2010-001) to Chapter 44 (Traffic & Vehicles) of the City's current ordinance codes, thereby formalizing the City Commission's decision.

The City Commission conducted a public hearing and a first reading of the proposed ordinance amendment at the scheduled meeting of April 5, 2010. No public comment was received.

In order to complete the process to adopt the proposed ordinance (Ordinance 2010-001), the City Commission is required to direct a second reading (all first and second readings of ordinance amendments are Consent Agenda items of the Clare City Commission unless properly removed from the Consent Agenda). Thereafter, the City Commission may adopt the proposed ordinance.

Issues & Questions Specified. Should the City Commission direct a second reading of the proposed ordinance and thereafter take formal action to adopt the ordinance?

Alternatives.

1. Direct a second reading and adopt the new ordinance.
2. Direct the second reading but do not adopt the ordinance.
3. Do not direct the second reading, thereby disapproving the ordinance in its current form.
4. Set aside decision regarding this matter to a later date.

Financial Impact. There is no direct fiscal impact to the City other than the administrative costs of publishing the public notice.

Recommendation. I recommend that the City Commission approve the proposed ordinance by adoption of Resolution 2010-024 (*copy att'd*).

Attachments.

1. Ordinance 2010-001.
2. Resolution 2010-024.

ORDINANCE NUMBER 2010- 001

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE.

**Chapter 44, Article I, Section 44-5 of the Code of Ordinances, City of Clare, Michigan, is hereby added as follows:**

Section 44-5

No person may operate an ORV on a City street except as provided by State law being MCL 324.81101 et seq., being part 811 of the Natural Resources Environmental Protection Act. This section permits:

1. Crossing a public highway at a right angle to get from one legal operation area to another, if it can be done safely and consistent with normal traffic regulations involving stopping and yielding before the crossing.
2. Operation on a public street for a special event of limited duration by prearrangement and with a permit.
3. In connection with farm operations.

An ORV shall be defined as a motor driven off road recreation vehicle capable of cross-country 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, an ATV, a motorcycle or related 2-wheel, 3-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. A golf cart as defined by State law (MCL 257.25b) being a four-wheel motor vehicle whose speed attainable in one mile is more than twenty miles per hour but not more than twenty-five miles per hour on a paved level surface is defined as an ORV in accordance with MCL 324.81101.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted by the City Commission of the City of Clare this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Diane Schmidt, Clerk

2010-024

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A REVISION TO CHAPTER 44 (TRAFFIC AND VEHICLES) OF THE ORDINANCE CODES OF THE CITY OF CLARE.**

**WHEREAS**, the City Commission held a public hearing to consider comment related to said Ordinance and receiving none, approved the first reading of said proposed Ordinance, and

**WHEREAS**, the City Commission approved a second reading of said proposed Ordinance at a scheduled meeting and subsequently considered said Ordinance and determined that adoption served the best interests of the City of Clare and its citizens.

**THEREFORE IT IS HEREBY RESOLVED** by the Clare City Commission that Ordinance 2010-001, an Ordinance governing the use of Off-Road Recreational Vehicles within the geographical boundaries of the City of Clare, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.**

The Resolution was introduced by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_. The Resolution declared adopted by the following roll call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

Resolution approved for adoption on this 19<sup>th</sup> day of April 2010.

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Diane Schmidt  
City Clerk