



Quincy Joint Planning Commission
May 29, 2025
7:00 PM
Agenda

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Approval/Changes to Agenda
4. Approval of Minutes
 - A. JPC Meeting Minutes for February 26, 2025
5. Public Comment
6. New Business
 - A. *Village* – ORV Review and Discussion
 - B. *Township* – Corn Island Discussion
7. Public Comment
8. Next Meeting- July 10, 2025 at 7 PM
 - *subject to change
9. Adjournment

47 Cole St

Quincy

Michigan

49082

517.639.9065

www.Quincy-MI.org



Quincy Joint Planning Commission

February 26, 2025

7:00 PM

Minutes

1. Call to Order and Pledge of Allegiance

2. Roll Call

- A. Those Present: B. Lah, E. Snellenberger, M. Ostrander, B. Bowerman, S. Walls
- B. Those Absent: T. McClughen, B. Badders
- C. Others Present: Township Zoning Administrator Andy Craig (AC), Village Zoning Administrator Brittany Butler (BB) and 5 guests.

3. Approval/Changes to Agenda

Motion to approve agenda by M. Ostrander, second by B. Lah

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

4. Approval of Minutes

A. JPC Meeting Minutes for January 16, 2025

Motion to approve agenda by M. Ostrander, second by B. Lah

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

B. JPC Meeting Minutes for February 13, 2025

Motion to approve agenda by M. Ostrander, second by B. Lah

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

5. Public Comment – None

6. Public Hearing

Motion to open public hearing at 7:02 PM by S. Walls, second by M. Ostrander

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

A. Village – Special Land Use / Site Plan Review – Chris and Amanda Berlincourt
Burly's PWC Repair – 164 E. Chicago Street – 081-N01-000-229-00

- i. B. Butler went over the special land use application.
- ii. Chris Berlincourt spoke about his business and what he will be doing
- iii. B. Butler went through the standards for the special land use and then the site plan review criteria.

Motion to close public hearing at 7:16 PM by M. Ostrander, second by B. Lah

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

7. New Business

A. Village – Special Land Use / Site Plan Review – Chris and Amanda Berlincourt
Burly's PWC Repair – 164 E. Chicago Street – 081-N01-000-229-00

Motion to approve agenda by M. Ostrander, second by S. Walls

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

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B. Village – Site Plan Review – Frank Keller – MidStar Home Builders
181 E Chicago St – 081-N01-000-293-02

- i. B. Butler went through the requirements for site plan review, property conforms
- ii. Frank Keller spoke briefly about what he is planning to do with the lot. Will have two display homes, no utilities except for power. She also informed that ZBA approved their variance requests for more than allowed accessory buildings.

Motion to approve agenda by E. Snellenberger, second by B. Lah

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

C. Village – Site Plan Review – Ken Holroyd – Breco LLC
57 Cole St – 081-N01-000-065-08

- i. B. Butler went through the requirements for site plan review, and informed the JPC board that the ZBA board approved the variance for setback reduction.

Motion to approve agenda by B. Lah, second by M. Ostrander

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

8. Public Comment

9. Next Meeting- July 10 at 7 PM (Unless otherwise needed)

10. Adjournment

A. Motion to adjourn by S. Walls, second by B. Lah

Ayes: 5 Nays: 0 Absent: 2 Motion Passed.

ORDINANCE # _____

AN ORDINANCE TO AMEND CHAPTER 71 OF THE VILLAGE OF QUINCY CODE OF ORDINANCES;
SNOWMOBILES AND ALL-TERRAIN VEHICLES

INTENT

It is the intent of the Village Council to amend Chapter 71 Snowmobiles and All- Terrain Vehicles, to authorize and regulate the operation of Snowmobiles, All-Terrain Vehicles (“ATVs”), Off-Road Vehicles (“ORVs”) and Utility Terrain Vehicles (UTVs) on public streets within the Village of Quincy limits. For the purpose of this ordinance amendment of Snowmobiles, All-Terrain Vehicles (“ATVs”), Off-Road Vehicles (“ORVs”) and Utility Terrain Vehicles (UTVs) shall be referred to as “ORVs”

SECTIONS:

71.01 Definitions

71.02 Regulations and restrictions

71.02(A) Operating Requirements

71.02 (B) Additional Requirements for Operation of ORV Mandated by Statute

71.02 (C) Operation of ORV by Operator under 18 years of Age

71.03 Exceptions to Regulations

71.04 Equipment Required

71.05 Unattended Vehicles

71.06 Liability

71.07 Validity and Severability

SECTION 71.01 DEFINITIONS:

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

All-Terrain Vehicle (ATV) A self-propelled vehicle designed for travel on land or water.

Direct Supervision means the direct observation of the operator with the unaided or normally corrected eye by an observer who is able to come to the immediate aid of the operator.

Driver’s License means a valid operator’s or chauffeur’s license issued by the State of Michigan or another state, or an international license complying with MCL 257.302a.

Highway means a state trunk line highway or a segment of a state trunk line highway.

Maintained Portion means the roadway and any shoulder of a street, county road, or highway.

Municipality means a city or village.

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

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

ORV or, unless the context implies a different meaning, “vehicle,” means 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. A multitrack or multi-wheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation designated as an ORV. An ATV is an ORV. ORV or vehicle does not include a registered snowmobile, 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, or a registered aircraft.

ORV Safety Certificate means an ORV safety certificate issued under section 811303 or, except as used in section 81130, a comparable safety certificate issued under the authority of another state or province of Canada.

Owner means any of the following:

- 1) A vendee or lessee of an ORV that is the subject of an agreement for the conditional sale or lease of the ORV, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee.
- 2) A person renting an ORV, or having the exclusive use of an ORV, for more than 30 days.
- 3) A person who holds legal ownership of an ORV.

Roadway means the portion of a street, county road, or highway improved, designed, or ordinarily used for travel by vehicles registered under the code. Roadway does not include the shoulder.

Shoulder means that portion of a street, county road, or highway contiguous to the roadway and generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped motor vehicles otherwise permitted on the roadway.

Snowmobile Any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under M.C.L.A. 257.1 through 257.923.

Traffic Lane means a clearly marked lane on a roadway.

Unmaintained Portion means the portion of a street, county road, or highway that is not the maintained portion.

Utility Task Vehicle means a type of off-road vehicle characterized by its side-by-side seating arrangement, robust design, and ability to handle various terrains and tasks. UTVs are built more for work rather than recreation.

SECTION 71.02 REGULATIONS AND RESTRICTIONS:

(A) *Regulations.* It shall be unlawful for any person to operate an ORV under the following circumstances.

- 1) On private property of another without the express permission to do so by the owner or occupant of the property.
- 2) On public school grounds, park property, playgrounds or recreational areas without express provision or permission to do so by the public authority.
- 3) In a manner so as to create loud, unnecessary, or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- 4) In a careless, reckless, or negligent manner so as to endanger the safety of any person or property of any person.
- 5) Failing to yield the right of way to motor vehicle and pedestrian traffic.
- 6) On any sidewalk within the village.
- 7) Without having the ORV registered as provided for by Michigan statute, except that this provision shall not apply to the operation of an ORV on the private property of the owner by the owner or a member of his immediate family.
- 8) An ORV may not be operated on the road surface, roadway, shoulder, or right-of-way of any State or Federal highway in Branch County, including but not limited to U.S. 12, except as indicated in paragraph 10 of this section.
- 9) A person operating an ORV on a Village Street may cross an excluded road as indicated in paragraph 9 of this section for the sole purpose of continuing travel

on the Village Streets. The crossing of the excluded road shall only be performed if the operation can be done safely. The operator shall bring the vehicle to a complete stop before proceeding across the excluded road and shall yield the right-of-way to oncoming traffic.

10) An ORV may not be operated on any linear trail within the Village Limits.

11) Restriction of operation. The Village Council may, by resolution, prohibit the operation of ORVs within the right-of-way of the public roads or streets or other village property within the village, when in their opinion the public safety and welfare so requires.

12) Traffic regulations. Each person operating a snowmobile or A.T.V. shall directly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the village authorized to direct or regulate traffic.

SECTION 71.02(A) OPERATING REQUIREMENTS

An ORV operated under this ordinance must be operated in accordance with Michigan law. See MCL 324.81101 et seq. Pursuant to MCL 324.81131, it is considered a civil municipal ordinance violation if an ORV is operated on a Village Street in violation of the following:

- 1) ORVs must be operated at a speed of no more than 25 miles per hour, or at a lower posted ORV speed limit if one is posted.
- 2) ORVs must be operated at a reasonable and proper speed with regard to the current conditions of the roadway and not in a careless manner, irrespective of the stated or assumed speed limit.
- 3) ORVs must be operated with the flow of traffic.
- 4) ORVs must be operated on the maintained portion of the road.
- 5) ORVs must be operated in a manner that does not interfere with the normal flow of traffic.
- 6) ORVs must be operated in a single file line with other ORVs, unless overtaking or passing another ORV.
- 7) ORVs must display a functioning headlight and taillight at all times.
- 8) ORVs shall not be operated pursuant to this ordinance during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.

- 9) 3I. An ORV shall be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation. See MCL 324.8133(f).

SECTION 71.02 (B) ADDITIONAL REQUIREMENTS FOR OPERATION OF ORV MANDATED BY STATUTE

The following Operating Requirements are required by Michigan law and stated herein for ease of reference for the operator. Please note, however, that the below list of requirements is intended to be consistent with those found specifically in MCL 324.81101 *et seq*, and in the case of inconsistency or omission, Michigan Statutory law controls. A violation of the following is a violation of State law and may be punished as described by Michigan law.

- 1) An ORV shall not be operated while transporting on the vehicle a bow unless unstrung or encased, or a firearm unless unloaded and securely encased, or equipped with and made inoperative by a manufactured key-locked trigger housing mechanism, except as otherwise provided in section 324.40111.
- 2) An ORV shall not be operated on an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic.
- 3) An individual shall not operate an ORV to hunt, pursue, worry, kill, or attempt to hunt, pursue, worry, or kill an animal, whether wild or domesticated.
- 4) An individual shall not operate an ORV in a manner so as to leave behind litter or other debris.
- 5) An individual shall not operate an ORV while transporting or possessing, in or on the vehicle, alcoholic liquor in a container that is open or uncapped or upon which the seal is broken, unless the container is in a trunk or compartment separate from the passenger compartment or, if a separate trunk or compartment does not exist, in an encased or enclosed container.
- 6) An individual shall not operate an ORV while transporting any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.
- 7) An individual who is operating or a passenger in an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation, unless the individual is wearing a properly adjusted and fastened safety belt and the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet.

- 8) An individual shall not operate an ORV in a manner that will cause damage to the road surface or shoulder.
- 9) An Individual shall not operate an ORV if their operators or chauffer's license is suspended or revoked. See MCL 324.81140a.
- 10) The owner or person in charge of an ORV shall not knowingly permit the vehicle to be operated by an individual who is incompetent to operate the vehicle because of mental or physical disability.
- 11) The operator of a vehicle involved in an accident resulting in injuries to, or the death of, a person, or resulting in property damage in an estimated amount of \$100.00 or more, shall immediately, by the quickest available means of communication, notify a state police officer, or the sheriff's office of the county in which the accident occurred. The police agency receiving the notice shall complete a report of the accident on forms prescribed by the director of the department of state police and forward the report to the department of state police and the department. See MCL 324.81143.

SECTION 71.02 (C) OPERATION OF ORV BY OPERATOR UNDER 18 YEARS OF AGE

- 1) A person under 18 years of age shall not operate an ORV as authorized pursuant to this section unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- 2) A person under 12 years of age shall not operate an ORV as authorized pursuant to this section.
- 3) Unless the person possesses a Driver's License, a person shall not operate an ORV as authorized pursuant to subsection (2), (3), (5), or (6) if the ORV is registered as a motor vehicle under chapter II of the Michigan vehicle code, 1949 PA 300, MCL 257.201 to 257.259, and either is more than 65 inches wide or has 3 wheels.
- 4) The owner or person in charge of a 3-wheeled ATV shall not knowingly permit the vehicle to be operated by a child less than 16 years of age.
- 5) When operating an ORV, a child who is less than 16 years of age shall present the ORV safety certificate to a peace officer upon demand.

SECTION 71.03 EXCEPTIONS TO REGULATIONS

No person shall operate a snowmobile or A.T.V. upon the main travel portion of any roadway as defined in Public Act 300 of 1949, section 55, being M.C.L.A 257.55, or on a highway or street within ten feet of the roadway, with the following exceptions.

- ~~1) Properly registered snowmobiles or A.T.V.'s may cross public highways, except limited access highways, as defined in M.C.L.A. 257.26, and freeways, as defined in M.C.L.A. 257.18A, if the crossing can be made in safety and it does not interfere with the free movement of vehicular traffic approaching from any direction on the highway. The snowmobile or A.T.V. operator shall yield the right-of-way to all vehicular traffic from any roadway.~~
- 2) ORVs may be operated on highways and village road systems which are not maintained for winter wheel vehicular traffic by removal of snow.
- 3) ORVs may be operated on a street or highway during a period of emergency when so declared by a police agency having jurisdiction, when travel by conventional automotive equipment is not possible,
- 4) ORVs may be operated on the highways within the restrictions set forth herein for the purpose of crossing bridges and culverts.
- ~~5) Snowmobiles or A.T.V.'s may be operated on county highways not having ten or more feet of traversable right-of-way, outside the traveled portion of the roadway as far off the roadway as possible.~~
- 6) ORVs may be operated on a street or highway for a special ORVs event of limited duration, which is conducted according to a prearranged schedule under permit from the governmental unit having jurisdiction.
- 7) Whenever it is impractical to gain immediate access to an area adjacent to a public highway where ORVs is to be operated, the vehicle may be operated adjacent and parallel to the highway for the purpose of gaining access to the area of operation. This shall apply to the operation of a snowmobile from the point where the vehicle is unloaded from a motorized conveyance to and from the area where the snowmobile is to be operated when loading and unloading cannot be affected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on the highway. Loading or unloading must be accomplished with due regard to safety at the nearest possible point to the area of operation.
- 8) Notwithstanding the prohibitions of this chapter, the Parks and Recreation Director / Village Manager shall have authority to supervise and regulate events or programs in connection with events conducted by the Parks and Recreation Department in which Snowmobiles, ATVs, and ORVs are used. The Parks and

Recreation Director / Village Manager shall have the authority to designate village park areas that he/she shall deem available for the use of ORVs

SECTION 71.04 EQUIPMENT REQUIRED

All **ORVs** operated within the village shall have the following equipment.

- 1) Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle, and no person shall use a muffler, cut-out, by-pass, or similar device on the vehicle.
- 2) Adequate brakes in good working condition and at least one headlight and one taillight.
- 3) A safety or so-called dead-man throttle in operating condition. A SAFETY or DEAD-MAN THROTTLE is defined as a device, which when pressure is removed from the accelerator or throttle, causes the motor to be disengaged from the driving track.

SECTION 71.05 UNATTENDED VEHICLES

It is unlawful for the owner or operator to leave or allow an **ORV** to be or remain unattended on public property while the motor is running or with the keys for starting the vehicle left in the ignition. (Ord. 75, passed 11-2-70) Penalty, see § 10.99

SECTION 71.06 LIABILITY

Subject to section 5 of 1964 PA 170, MCL 691.1405, this state, a board of county road commissioners, a county board of commissioners, and a local unit of government are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained portion or unmaintained portion of a highway, road, or street, of an ORV that is not registered under the code or that is registered under the code but is operated as authorized pursuant to MCL 324.81131(2), (3), (5), or (6). The immunity provided by this subsection does not apply to actions of an employee of this state, an employee of a board of county road commissioners, an employee of a county board of commissioners, or an employee of a local unit of government that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

SECTION 71.07 VALIDITY AND SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or portion of this chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.