



LAW DEPARTMENT

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May 10, 2023

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan

Re: Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article V, *Offenses Against Public Peace*, by adding Section 31-5-18, *Prohibition on direct fueling of unregistered ATVs at gas stations; signage required*.

Honorable City Council:

Council Member Benson has requested that the Law Department prepare an ordinance to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article V, *Offenses Against Public Peace*, by adding Section 31-5-18, *Prohibition on direct fueling of unregistered ATVs at gas stations; signage required*, to provide for the prohibition for direct fueling of an unregistered ATV or ORV in the City of Detroit and to further provide for required signage at all dispensing locations. A copy of the ordinance which has been approved as to form is attached for your review and consideration.

We are available to answer any questions that you may have concerning this proposed ordinance.

Respectfully submitted,

Tonja R. Long

Tonja R. Long
Chief Administrative Corporation Counsel

Enclosure

cc: Malik Washington, City Council Liaison

SUMMARY

This ordinance amends Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article V, *Offenses Against Public Peace*, by adding Section 31-5-18, *Prohibition on direct fueling of unregistered ATVs at gas stations; signage required*, to provide for the prohibition for direct fueling of an unregistered ATV or ORV in the City of Detroit and to further provide for required signage at all dispensing locations.

1 **BY COUNCILMEMBER** _____

2 **AN ORDINANCE** to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article
3 *V, Offenses Against Public Peace*, by adding Section 31-5-18, *Prohibition on direct fueling of*
4 *unregistered ATVs at gas stations*, to provide for the prohibition for direct fueling of an
5 unregistered ATV or ORV in the City of Detroit and to further provide for required signage at all
6 dispensing locations.

7 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
8 **THAT:**

9 **Section 1.** Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article V, *Offenses Against*
10 *Public Peace*, be amended by adding Section 31-5-18, to read as follows:

11 **CHAPTER 31. OFFENSES**

12 **ARTICLE V. OFFENSES AGAINST PUBLIC PEACE**

13 **Sec. 31-5-18. Prohibition on direct fueling of an unregistered ATV or ORV at gas stations.**

14 (a) It shall be unlawful for an owner, operator, or employee of any gas station or other
15 retail dealer of gasoline to sell, offer for sale, or attempt to sell gasoline for use in any unregistered
16 ATV or ORV, or permit any such vehicle’s tank to be filled.

17 (b) It shall be unlawful for any person to purchase or attempt to purchase gasoline from
18 a gas station for use in an unregistered ATV or ORV.

19 (c) Signs with the words “FUELING OF AN UNREGISTERED ATV OR ORV
20 PROHIBITED” shall be posted at all dispensing locations.

21 (d) Definitions. For the purposes of this section, the following words and phrases shall
22 have the meanings respectively ascribed to them by this section:

1 (1) *ATV or All Terrain Vehicle* means a vehicle with 3 or more wheels that is designed
2 for off-road use, has low-pressure tires, has a seat designed to be straddled by the
3 rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of
4 comparable size using other fuels.

5 (2) *ORV or Off Road Vehicle* means a motor-driven off-road recreation vehicle capable
6 of cross-country travel without benefit of a road or trail, on or immediately over
7 land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or
8 multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3
9 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or
10 other means of transportation may be an ORV. An ATV is an ORV. ORV or vehicle
11 does not include a registered snowmobile, a farm vehicle being used for farming, a
12 vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle
13 owned and operated by a utility company or an oil or gas company when
14 performing maintenance on its facilities or on property over which it has an
15 easement, a construction or logging vehicle used in performance of its common
16 function, or a registered aircraft.

17 **Sections 31-5-19 – 31-5-40. Reserved.**

18 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace,
19 health, safety, and welfare of the People of the City of Detroit.

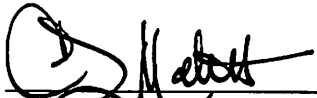
20 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
21 repealed.

22 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City
23 Council Members serving, it shall be given immediate effect and become effective upon

1 publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this
2 ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it
3 shall become effective on the thirtieth (30) day after enactment in accordance with Section 4-118
4 of the 2012 Detroit City Charter.

5 **Section 5.** This ordinance shall remain in effect until September 30, 2023.

Approved as to form:



Conrad L. Mallett
Corporation Counsel