

**TOWNSHIP OF ARCADIA
MANISTEE COUNTY, MICHIGAN**

ORDINANCE NO. _____

ORV ORDINANCE

ADOPTED:

EFFECTIVE:

An Ordinance enacted pursuant to MCL 324.81131 and MCL 41.181 to authorize the operation of off-road vehicles on the maintained portion of public roads within the Township of Arcadia subject to specified restrictions; to designate a violation of the Ordinance as a municipal civil infraction subject to a fine and other sanctions; and to repeal Ordinance No. 169 (ORV Ordinance) adopted July 20, 2009.

**THE TOWNSHIP OF ARCADIA,
MANISTEE COUNTY, MICHIGAN,**

ORDAINS:

SECTION 1

DEFINITIONS

- A. For purposes of this Ordinance the following definitions shall apply:
1. "operate" (and any derivative term such as "operation") means to ride in or on and be in actual physical control of an ORV.
 2. "operator" means a person who operates and is in actual physical control of an ORV.
 3. "ORV" 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, swamp land, or other natural terrain. ORV includes a multitrack or multiwheel 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; but 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.

4. "public road" means any county-local road within the Township open to the general public; but not including M-22.
 5. "Township" means the Township of Arcadia.
 6. "visual supervision" means the direct observation of the operator of an ORV with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.
- B. Other words and terms as used in this Ordinance not defined herein but defined in MCL 324.81101 shall have the statutory meaning for purposes of this Ordinance.

SECTION 2

ORV OPERATION AUTHORIZED ON PUBLIC ROADS

Subject to the restrictions specified in Section 3 of this Ordinance, and in Part 811 of the Natural Resources and Environmental Protection Act of the State of Michigan (Public Act 451 of 1994, as amended), an ORV may be operated on any public road within the Township, not including M-22 (see definition of "public road" in Section 1 of this Ordinance).

SECTION 3

ORV OPERATION RESTRICTIONS

- A. The operation of an ORV on a public road as authorized by Section 2 of this Ordinance is subject to all of the following restrictions:
1. The ORV shall be operated with the flow of traffic on the far right of the maintained portion of the road; but shall not be operated on sidewalks.
 2. The ORV shall be operated at a speed no greater than 25 mph or other lower posted speed limit, and at a careful and prudent speed that is reasonable and proper with regard to existing conditions.
 3. The ORV shall be operated in a manner that does not interfere with traffic on the road.
 4. The ORV shall travel single file, except an ORV may be next to another ORV when it is overtaking and passing or being overtaken and passed by another ORV.
 5. The ORV shall at all times and in all conditions be operated with a lighted headlight and a lighted tail light.

6. A valid driver's license shall be required to operate an ORV pursuant to this Ordinance when required by State law.
 7. A person under 18 years of age shall not operate an ORV as authorized pursuant to Section 2 of this Ordinance 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 Michigan law or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A person less than 16 years of age but more than 12 years of age shall only operate an ORV as authorized pursuant to Section 2 of this Ordinance with the permission of a parent or legal guardian and as otherwise provided by all applicable provisions of Michigan law. A person under 12 years of age shall not operate an ORV pursuant to Section 2 of this Ordinance.
 8. An ORV operated pursuant to this Ordinance shall be equipped with a breaking system and exhaust system as required by all applicable provisions of Michigan law.
 9. A person who is the operator of an ORV and any passenger on an ORV operated pursuant to this Ordinance shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation; unless the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet and the person is wearing a properly adjusted and fastened safety belt.
 10. An ORV registered as a motor vehicle under chapter II of the Michigan Vehicle Code, 1949 PA 300 (MCL 257.201-257.259) shall not be operated on a public road as authorized by Section 2 of this Ordinance unless the ORV is either more than 65" wide or has 3 wheels and is operated by a person who possesses a license as defined in Section 25 of the Michigan Vehicle Code (MCL 257.25).
- B. Nothing in the preceding specified restrictions applicable to operation of an ORV pursuant to Section 2 of this Ordinance shall be considered to supercede or otherwise affect all applicable state laws relating to the operation of an ORV and required safety equipment on an ORV.

SECTION 4
VIOLATIONS AND ENFORCEMENT

- A. The following acts are prohibited and constitute a violation of this Ordinance:
1. Operation of an ORV on any public road contrary to Section 2 of this Ordinance (except as may otherwise be authorized by law).

2. Operation of an ORV contrary to any of the restrictions specified in Section 3A of this Ordinance.

B. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
▪ 1st offense	\$ 150.00	\$ 500.00
▪ 2nd offense	\$ 325.00	\$ 500.00
▪ 3rd or subsequent offense	\$ 500.00	\$ 500.00

C. The violator shall also pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. In addition, the Court shall order the Defendant to pay the cost of repairing any damage to the environment, a road or street, or public property damaged as a result of a violation.

D. The Township Treasurer shall deposit fines and damages collected by the District Court under this Ordinance and remitted to the Township into a fund to be designated as the "ORV fund". The Township Board shall appropriate revenue in the ORV fund as specified by MCL 324.81131(18) or other applicable law.

E. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of the Township of Arcadia, and by such other person or persons as the Township Board may designate.

SECTION 5

EFFECTIVE DATE/REPEAL

A. This Ordinance shall become effective 30 days after publication as required by law.

B. Ordinance No. 169 (ORV Ordinance) adopted July 20, 2009 is hereby repealed in its entirety to whatever extent it was not previously repealed; and all other ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

Tracy Catlin, Clerk
Township of Arcadia