

ARTICLE TWENTY TWO (22)

ORV ORDINANCE

22.01 Purpose

The purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Newfield Township, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to, MCL 324.81131

22.01 Definitions

1. County means county of Oceana.
2. Township means township of Newfield
3. Township Board means a board of trustees of the township of Newfield.
4. Driver license means an operator's or chauffeur's license or permit issued to an individual by the secretary of state for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
5. Operate means to ride in or on, and be in actual physical control of the operation of an ORV.
6. Operator means a person who operates or is an actual physical control of the operation of an ORV.
7. 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, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, golf cart, 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. 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 on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft. A golf cart, Gator, Mule, Quad, four-wheeler and dirt bike are considered ORVs, properly equipped and determined by the Department of Transportation.

8. Road means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.

9. Road Commission means the Oceana County Road Commission.

10. Safety certificate means a certificate issued pursuant to 1954 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state.

11. 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.

22.02 Operating an ORV on township roads

An ORV may be operated only on the far right of the maintained portion of a road in Newfield Township with no more than two wheels on the paved part of the road. The maintained portion of a road is any portion that is graded or paved. ORVs may be operated on private property with written permission of the property owner. An ORV can be operated only after March 31 and prior to December 1 of each year.

22.03 Township roads prohibited from operating ORVs

1. ORVs are prohibited from riding on any state highway such as M-20 and M – 120. An ORV may not be operated on the road surface, roadway, shoulder or right of way of any state or federal highway in the county. Operators of ORVs

may cross any state highway at a 90-degree angle in order to travel from one approved riding location to another.

2. ORVs are prohibited from riding on any power line, gas line, or railroad right of way.

3. ORVs are prohibited on any U.S. Forest Service road or two tracks in the township.

4. ORVs are prohibited on all primary roads except Loop Road east of 192nd.

22.04 Conditions of operation:

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in Newfield Township:

1. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.

2. By a person not less than 12 years of age.

3. With the flow of traffic.

4. In a manner which does not interfere with traffic on the road or street

5. Traveling single file, except when overtaking and passing another ORV.

6. While displaying a lighted headlight and lighted taillight.

7. While the operator and each passenger is wearing a crash helmet and protective eye wear 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.

8. 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.

9. While the ORV is equipped with a spark arrester type United States forest service approved muffler, in good working order and in constant operation.

10. Pursuant to noise emission standards defined by law.

11. Operated in a manner that does not cause damage to the environment, a township road, or other property.

12. Operated with the full understanding that the operator of the ORV involved in an accident is considered at fault under this ordinance until proven otherwise.

22.05 License provisions:

1. A person under 18 years of age shall not operate an ORV on a road unless the person is in possession of a valid driver license or under the direct visual supervision of an adult and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state. A person under 12 years of age shall not operate an ORV pursuant to this ordinance. The requirements of this section are in addition to any applicable requirement of MCL 324.81129.

2. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road in the Township if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

3. Under this ordinance, an ORV must have a proper state ORV registration sticker.

22.06 Violations of Ordinance

1. Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not less than \$100 or more than \$ 500.00. The Oceana County Sheriff and his or her deputies as well as any township or village municipal police officer with jurisdiction over a road or street in this township may enforce the Ordinance as the "Enforcement Officer." If an Enforcement Officer determines that there is probable cause that this Ordinance

has been violated, the Officer is authorized to issue and serve an Appearance Ticket upon a person or entity violating this Ordinance. The Appearance Ticket shall direct the recipient to appear at the Oceana County District Court to respond to the alleged violation.

2. A court may order a person who causes damage to the environment, a road, or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

3. All fines and damages collected under this ordinance should be used for repairing damage to roads, the environment, and for posting signs indicating ORV speed limits or indicating whether roads are open or closed to the operation of ORVs. All fines for damage done to the public entity or person whose road way or property was damaged should be properly paid to such.

22.07 County Road Commission Authority

1. The County Road Commission may close not more than 30% of the total linear miles of roads in the township to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The County Road Commission may not close a municipal street to ORVs opened under MCL 324.81131 subsection 5. The County Road Commission may reduce the speed limit on any road where ORVs are authorized under this Ordinance to 15 miles per hour if the County Road Commission determines that such reduction is reasonable and necessary to public safety and provide such lowered speed limit is posted as reasonable intervals.

22.08 Master Map

1. The township shall maintain a master map of all roads under the jurisdiction of the Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to this Ordinance. The township shall make such master map

available for interested groups or organizations to make copies for distribution to the general public.