

**STATE OF MICHIGAN
COUNTY OF ANTRIM
ORV ORDINANCE
Ordinance #02 2009**

Ordinance #02 of 2009 by Larry Bargy, seconded by Bernard Blackmore

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Antrim County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

THE COUNTY OF ANTRIM ORDAINS:

Section 1 Definitions

1.101 As used in this ordinance, the following definitions shall apply:

- 1.101.1 “County” means the County of Antrim, State of Michigan.
- 1.101.2 “Driver license” means an operator’s or chauffeur’s license or permit issued to an individual by the secretary of state under chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- 1.101.3 “Operate” means to ride in or on, and be in actual physical control of the operation of an ORV.
- 1.101.4 “Operator” means a person who operates or is in actual physical control of the operation of an ORV.
- 1.101.5 “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 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. 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.

- 1.101.6 “Road” means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
- 1.101.7 “Road Commission” means the Board of County Road Commissioners for the County of Antrim.
- 1.101.8 “Safety certificate” means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- 1.101.9 “Township” means an individual township within the County of Antrim.
- 1.101.10 “Township Board” means a board of trustees of any township within the County of Antrim.
- 1.101.11 “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.

Section 2 Closed Roads

- 2.101 An ORV may be operated on the far right of the maintained portion of a road within the county with these exceptions:
 - 2.101.1 All State roads including State forest roads.
 - 2.101.2 All roads, streets and alleys in any Village within the County.
 - 2.101.3 All Federal roads.
 - 2.101.4 East Torch Lake Drive, from the intersection of East Torch Lake Drive and Alden Highway to the intersection of East Torch Lake Drive and M-88, being in Helena, Forest Homes and Central Lake Townships.
 - 2.101.5 Northwest Torch Lake Drive from the intersection of Indian Road and Northwest Torch Lake Drive to the intersection of Northwest Torch Lake Drive and Barnes Road being in Milton and Torch Lake Townships.
 - 2.101.6 All named and unnamed roads in Jordan, Warner, Star and Chestonia Townships within an area bounded by M-66, Old State Road/County Road 624, Adams Road, M-32, US-131, and County Road 620 commonly known as the Jordan River Valley.

Section 3 Township Roads

- 3.101 A township board of a township in the County may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the County. Beginning July 17, 2009, the township board of a township in the County may adopt an ordinance authorizing the operation of ORVs on the maintained portion of 1 or more roads located within the township, pursuant to MCL 324.81131(3).

Section 4 Closing Road by Order of the County Road Commission

- 4.101 The County Road Commission may close no more than 30% of the total linear miles of roads in the County to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The road commission may not close a municipal street to ORVs opened under MCL 324.81131 subsection 5.

Section 5 Operation of ORV

- 5.101 An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any state highway in the county.
- 5.102 Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the county:
- 5.102.1 At a speed of no more than 25 miles per hour or a lower posted speed limit.
 - 5.102.2 By a person not less than 12 years of age.
 - 5.102.3 With the flow of traffic.
 - 5.102.4 In a manner which does not interfere with traffic on the road or street.
 - 5.102.5 Traveling single file, except when overtaking and passing another ORV.
 - 5.102.6 When visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight and taillight.
 - 5.102.7 One-half hour before sunrise until ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
 - 5.102.8 While displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.

- 5.102.9 While the operator and each passenger is wearing a crash helmet and protective eyewear 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.
- 5.102.10 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.
- 5.102.11 While the ORV is equipped with a spark arrester-type United States Forest Service approved muffler in good working order and is in constant operation.
- 5.102.12 Pursuant to noise emission standards defined by law.

Section 6 Restrictions of Operation by children less than 16 years of age

- 6.101 A child less than 16 years of age shall not operate an ORV on a road in the county unless the child is under the direct visual supervision of an adult and the child 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 or a province of Canada.
- 6.102 Unless a person possesses a valid drivers license, a person shall not operate an ORV on a road or street in the county if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Section 7 Penalties –Use of Fines/Costs

- 7.101 Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.
- 7.102 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.
- 7.103 The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The County’s Board of Commissioners shall appropriate revenue in the ORV Fund as follows:
 - 7.103.1 Fifty percent for the County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of an ORV.

7.103.2 Fifty percent to the County Sheriff for ORV enforcement and training.

Section 8 Effective Date

8.101 This ordinance shall be effective November 12, 2009 and upon publication of notice of adoption of the Ordinance. If within 50 days after the County Board of Commissioners has adopted an Ordinance, a petition, signed by not less than 20% of the electors residing in the county, is filed with the County Clerk asking that the Ordinance be submitted to the electors of the county for approval or rejection, then the Ordinance shall not take effect until it has been approved by a majority of the electors of the county voting on that issue at a regular scheduled election date.

This Ordinance is adopted by action of the Antrim County Board of Commissioners this 12th day of November, 2009.

Commissioners voting “Aye”: Jerroll Drenth, Gene Dawson, Larry Bargy, Michael Crawford, Bernard Blackmore

Commissioners voting “Nay”: Jack White, David Howelman, Laura Stanek

Commissioners Absent: None

Chairperson
Antrim County Board of Commissioners

Certification

I, Laura Sexton, Clerk of the County of Antrim, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Antrim County Board of Commissioners on the ____ day of _____, 2009.

Laura Sexton
Antrim County Clerk