

Adopted May 20, 2009

STATE OF MICHIGAN
COUNTY OF CRAWFORD
ORV ORDINANCE
No. 052009ORV

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Crawford County, and 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 CRAWFORD ORDAINS:

Sec. 1. As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Crawford.
- b) "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.
- c) "Far Right of the Maintained Portion of the Road" means the shoulder of the road which is improved by pavement, tar and chips, concrete, or other similar materials and means the extreme right of the open portion of the right of way when the roadway is not improved by pavement, tar and chips, concrete or other similar materials.
- c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e) "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, 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 however 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.
- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of

Crawford.

h) "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." To obtain a safety certificate, the operator must take an ORV safety education course and pass the certification exam. Information on courses and scheduling can be obtained by calling the Department of Natural Resources at 517-373-1230 or by visiting the Recreation Safety Classes section of the Michigan DNR website at www.dnr.state.mi.us/recnsearch/.

i) "Shoulder" means that portion of a street or highway to the immediate right of the road surface while facing the direction of travel, which is not generally used for vehicular travel.

Sec. 2. An ORV may be operated on the far right of the maintained portion of a road within the county with these exceptions:

a). An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway including but not limited to M18, M-72, M-93 or I-75 or any other State or Federal highway in Crawford County. An ORV may not operate within the limits of the City of Grayling unless the city council specifically permits such use. See attached Appendix A for a list of county primary and local roads that are closed to ORV traffic.

b). Between November 15 through December 31, and January 1 through March 31, of each year.

Sec. 3. 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:

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

b) by a person not less than 12 years of age.

c) with the flow of traffic.

d) in a manner which does not interfere with traffic on the road or street.

e) traveling single file except when overtaking and passing another ORV.

f) when visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.

g) 1/2 hour before sunrise until 1/2 after sunset unless displaying a lighted headlight and lighted taillight.

h) while displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.

i) 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.

j) 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.

k) while the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.

l) pursuant to noise emission standards defined by law.

Sec. 4. A person less than 16 years of age shall not operate an ORV on a road in the county unless the person is in possession of a valid driver's license or under the direct supervision of a parent or guardian and

the person has in his or her possession an ORV safety certificate or a comparable ORV Safety Certificate issued under the authority of another state or province of Canada.

Sec. 5. 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.

Sec. 6. Camp Grayling Joint Maneuver Training Center is a military training base owned and operated by the Michigan National Guard. Many of the counties primary and local roads run through the military reservation. Frequently the military will close county roads to facilitate range live fire activities. When this occurs the road networks in the areas involved are closed by range gates. This is done for the safety of both civilian and military personnel. Under no circumstances are you allowed to go around these range gates. A road closed by a range gate is to be considered closed to ORV traffic inasmuch as any other road closed to ORV traffic. Violators are putting themselves in great danger of immediate bodily harm by munitions fired by the military. In addition to the danger involved in entering a live fire range area, Crawford County will impose any and all fines and costs allowed by law in addition to the fines and costs contained in this ordinance. Camp Grayling routinely publishes a range firing schedule in the Crawford County Avalanche. Additional information on Range Firing activities and restricted range areas may be obtained by calling Camp Grayling Range Control at 989-344-6163.

Sec. 7. In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road or street pursuant to state law was in a collision with an ORV required to be operated on the far right of the maintained portion of the road or street pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

Sec. 8. 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 by a court of law. 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 the violation.

Sec. 9. 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 Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Crawford County Road Commission or, in the case of a city or village, to the department responsible for street maintenance in the city or village, for repairing damage to roads or streets and the environment that may have been caused by ORV's, and or for posting sign indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the County Sheriff for ORV enforcement and training.

Sec 10. The County 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 ORV's is permitted and prohibited pursuant to this Ordinance. The County shall make such master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to make, or to assume any expense associated with the making of such copies.

Sec. 11. This ordinance becomes effective upon publication in the local newspaper "Crawford County Avalanche".

This Ordinance is adopted by action of the Crawford County Board of Commissioners this 20th day of May, 2009.

Commissioners voting "Aye" - five (5)

Commissioners voting "Nay" - one (1)

Commissioners Absent – one (1)

David. Stephenson, Chairman
Crawford County Board of Commissioners

Certification

I, Sandra A. Moore, Clerk/Register of Deeds of the County of Crawford, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Crawford County Board of Commissioners on the 20th day of May, 2009.

Sandra Moore, County Clerk/Register of Deeds
Crawford County

Appendix "A"
 ORV Road Closures in Crawford County
 As amended 5/26/09

<u>Name</u>	<u>Location</u>
City of Grayling	All road within City limits
Maple Forest Township	All roads within Township borders
Chase Bridge Road	From Hickey Creek Rd north to M-72
F-32 (North Down River Rd)	From the intersection of Wakeley Bridge Road and North Down River Rd northeast to Lovells Township Border
F-32 (North Down River Rd)	From Wilcox bridge Rd to I-75 Business Loop
F-97 (McMasters Bridge Rd)	From Sunrise Rd to F-32 (North Down River Rd)
M-18	All
M-72	All
M-93	All
I-75	All
Manistee River Road	From M-72 to County Road 612
Military Road	From 4 Mile Rd north to M-93
North Higgins Lake Drive	From Old US-27 east to the I-75 Business Loop
Old M-76 (S. Grayling Rd)	From Fletcher Rd to North Higgins Lake Dr
Hartwick Pines Road	From Bobcat Trail to County Road 612
County Road 612	From Frederic to Kalkaska County Line
Wakeley Bridge Road	From M-72 north to F-32 (North Down River Rd)
4 Mile Road	From Military Rd to Barker Lake Rd
South Branch Road	From intersection South Branch Ranch Road to Canoe Harbor Road
Mason Tract Trail	All
Durant Castle Road	All
Jetway Drive	All
Lovells Road	All
Hi Banks	All
Range Road	All
Wakeley Bridge Road	From Lovells Twp line to County Road 612
K.P. Truck Trail	All
Lonesome Lake Road	All
Lint Trail	All
Ski Hill Road	All
Jackpine Plains Road	All
Campground Trail	All
Shupac Trail	All
Harold's Trail	All

Shannon Road	All
MB Extension	All
Boondocks Road	All
Pickerel Lake Road	All
Nephew Trail	All
McCormic Road	All
Big Creek Lodge Road	All
East Town Line Road	All
Griffin Road	All
Northern Heights Subdivision	All
Warblers Hideaway Subdivision	All
Morley Road	South of Cherry Creek
County Road 612	Lovells Township Line to K.P. Truck Trail
Creekview Subdivision	All
Key Phyve Lake Trail	All
KP Lake Road	All
Fruit Farm Road	All
Shupac Lake Road	All
DeVlieg Road	All
Dam 4 Road	All
Martindale Road	All
Dyer Truck Trail	All
Old County Road 612	All