

HILLSDALE COUNTY  
ORV ORDINANCE

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Hillsdale 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.

**HILLSDALE COUNTY ORDAINS:**

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

- a) "County" means Hillsdale County.
- b) "Driver's 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) "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, a golf cart 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.
- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 1951, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for Hillsdale County.
- 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.
- i) "Township" means an individual township within Hillsdale County.
- j) "Township board" means a board of trustees of any township within Hillsdale County.

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

- a) All State Roads.
- b) All Federal roads.

**Section 3.** A township board of a township in the County may adopt an ordinance to close no more than 30% of the total linear miles of roads within the boundaries of the township to the operation of ORVs permitted by the County to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety.

Should a township elect to close a road or a portion of a road under this section, They SHALL erect signage notifying ORV operators of the closure at the beginning and end of such sections and at any intersection of any open section of public roadway and the closed section. The township SHALL be responsible for any costs associated with such signage.

**Section 4.** 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.

Should the County Road Commission elect to close a road or a portion of a road under this section, They SHALL erect signage notifying ORV operators of the closure at the beginning and end of such sections and at any intersection of any open section of public roadway and the closed section. The County Road

commission SHALL be responsible for any costs associated with such signage. The Road Commission may not close a municipal street to ORVs opened under MCL 324.81131 subsection 5.

**Section 5.** 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.

**Section 6.** 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 16 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) While displaying a lighted headlight and lighted taillight at all hours.
- g) While an operator under the age of 18 and each passenger under the age of 18 is wearing a crash helmet approved by the United States Department of Transportation.
- h) 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.
- i) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- j) Pursuant to noise emission standards defined by law.
- k) The ORV shall be licensed by the Michigan Department of Natural Resources, and the ORV license/sticker shall be permanently attached and visibly displayed in the manner prescribed by the Michigan Department of Natural Resources in accordance with State law.

**Section 7.** Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the County.

**Section 8.** No person shall operate an ORV as provided under this Ordinance with a Blood Alcohol Content (BAC) of .08 or greater.

**Section 9.** 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.

**Section 10.** 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.

**Section 11.** 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 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 opened or closed to the operation of ORVs.
- b) Fifty percent to the County Sheriff for ORV enforcement and training.

**Section 12.** This ordinance becomes effective immediately upon its adoption by the Board of Commissioners.

**Section 13.** This ordinance SHALL expire 5 years from its date of adoption. Upon review of its effectiveness and consideration of changes in Michigan statute it MAY be renewed for periods not to exceed 5 years.

This Ordinance is adopted by action of the Hillsdale County Board of Commissioners this

23rd day of September 2014.

Commissioners voting "Yes": Benzing, Brown, Burtka, Weldon, Wiley

Commissioners voting "No": None

Commissioners Absent: None

Mark Wiley, Hillsdale County Board of Commissioners Chair

CERTIFICATION:

I, Marney Kast, Clerk of the County of Hillsdale, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Hillsdale County Board of Commissioners on the 23rd day of September 2014.

Marney M. Kast, Hillsdale County Clerk