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Off-Road Vehicle (ORV) Travel

New ORV Ordinance New ORV Ordinance #08-01

The Houghton County Board of Commissioners has passed a new ORV Ordinance on October 21st, 2008. The Ordinance allows ORV usage on most of the county roads, following are some of the requirements/restrictions:

1. All Houghton County Road Commission Primary Roads except, Big Traverse Road, Horoscope Road, Lake Avenue, Lake 13 Road, Mud Lake Road, South Laird Road, Sturgeon River Road & West Old 28 Road are restricted for non-use by ORV traffic.
2. State and Federal highways are restricted by state law.
3. Maximum speed allowed on unrestricted roadways is 25 m.p.h.
4. ORV must travel with the flow of traffic and in the maintained portion of the roadway (ie NOT on slopes, ditches or anywhere right of the ditch).
5. 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 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. Any person who violates this ordinance is guilty of a municipal infraction and may be ordered to pay a civil fine of not more than \$500.
7. 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.
8. ORV must be operated in a manner that does not interfere with traffic on the road or street.
9. All local county roads are open to ORV traffic in the maintained portion of the roadway.

This notice is for informational purposes only, to help highlight some of the rules/regulations of the ordinance.

Contact the County Controller's Office for a copy of the actual Ordinance as passed by the County Board of Commissioners.

STATE OF MICHIGAN COUNTY OF HOUGHTON

ORV ORDINANCE ORDINANCE No. 08-01

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Houghton 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 HOUGHTON ORDAINS:

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

- a) "County" means the County of Houghton.

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) "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 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.

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 Houghton.

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 the County of Houghton.

j) "Township Board" means a board of trustees of any township within the County of Houghton.

k) "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.

l) "maintained portion" means the improved portion of the road and does not include the shoulders, slopes, ditch or anywhere right of the ditch for ORV use.

Sec. 2 An ORV may be operated on the far right of the maintained portion of a county road.

Sec. 3 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.

Sec. 4 Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a county road or street:

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. 5 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.

Sec. 6 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. 7 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.

Sec. 8 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.

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

a) Fifty percent the County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and 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 This ordinance becomes effective October 22, 2008.

This Ordinance is adopted by action of the Houghton County Board of Commissioners this 21th day of October, 2008.

Commissioners voting "Aye": Ala, Barrette, Jenich, Pintar, Luoma 5.

Commissioners voting "Nay": None 0

Commissioners Absent:

Paul Luoma, Chair

Houghton Board of Commissioners

Certification

I, Mary Schoos, Clerk of the County of Houghton County, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Houghton County Board of Commissioners on the 21st day of October, 2008.

Mary Schoos,
Houghton County Clerk

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