

**STATE OF MICHIGAN
COUNTY OF IRON
ORV ORDINANCE**

ORDINANCE NO. 2009-1

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in the County of Iron, 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, being MCL 324.81131.

THE COUNTY OF IRON ORDAINS:

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

- a) "County" means the County of Iron.
- 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, being MCL 257.301 through 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Local unit of government" means a county, township or municipality.
- d) "Municipality" means a city or village.
- e) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- f) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- g) "ORV" or "vehicle" 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 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.
- h) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, being MCL 247.655.
 - i) "Road Commission" means the Board of County Road Commissioners for the County of Iron.
 - j) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451, as amended, being MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
 - k) "Street" means a city or village major street or city or village local street as described in section 9 of 1951 of 1951 PA 51, being MCL 247.659.
 - l) "Township" means an individual township within the County of Iron.
 - m) "Township Board" means a board of supervisors of any township within the County of Iron.
 - n) "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.

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

Sec. 3 This ordinance does not authorize an ORV to be operated on the far right of the maintained portion of a street in a city or village or upon the road surface, roadway, shoulder or right-of-way of any state or federal highway in the county.

Sec. 4 A township board of a township in the county may 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 pursuant to MCL 324.81131(3). If a township board of a township in the county lawfully adopts such an ordinance, then the provisions of this ordinance as to such township in the county shall lapse and become unenforceable.

Sec. 5 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.

Sec. 6 The legislative body of a municipality in the county may adopt an ordinance authorizing the operation of ORVs on the maintained portion of one or more streets within the municipality pursuant to MCL 324.81131(5).

Sec. 7 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 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) $\frac{1}{2}$ hour after sunrise until $\frac{1}{2}$ hour before 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 exceed 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. 8 A child between the ages of twelve and sixteen 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. 8A A person not younger than sixteen nor older than seventeen shall not operate an ORV on a road in the county unless the person is under the direct supervision of a parent or guardian and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable IRV safety certificate issued under the authority of another state or a province of Canada.

Sec. 9 Unless a person possesses a valid drivers license, a person shall not operate an ORV on a road in the county except as otherwise provided for in Sections 8 and 8A.

Sec. 10 A person who violates this ordinance is guilty of a civil infraction and may be ordered to pay a civil fine of not more than \$500.00 together with the costs of prosecution.

Sec. 11 A court may order a person who causes damage to any road or other property as a result of the operation of an ORV in an area permitted by this ordinance to pay full restitution for the damage above and beyond the penalties paid for civil fines or misdemeanor violations.

Sec. 12 The treasurer of the local unit of government providing for the operation of ORVs on the roads within its boundaries shall deposit fines collected by that local unit of government under MCL 600.8379 and Section 10 of this ordinance and damages collected under Section 11 of this ordinance into a fund to be designed as the "ORV Fund". The legislative body of the local unit of government shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Board of County Road Commissioners of the County of Iron, 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 or streets are open or closed to the operation of ORVs.

- b) Fifty percent to the Iron County Sheriff's Office responsible for law enforcement in the local unit of government for ORV enforcement and training.

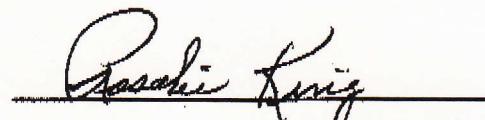
Sec. 13 This ordinance becomes effective February 1, 2009.

This Ordinance is adopted by the action of the **BOARD OF COMMISSIONERS OF THE COUNTY OF IRON** this 23rd day of December, 2008.

Commissioners voting "Aye": Larry Harrington, Bob Black, Fran Wills

Commissioners voting "Nay": None

Commissioners Absent: George Brunswick



Chairperson Rosalie King
Board of Commissioners of
the County of Iron