

**STATE OF MICHIGAN  
COUNTY OF Ogemaw  
ORV ORDINANCE**

An ordinance for the regulation of operation of ORV's on streets and highways located north of M-55 in Ogemaw County. It is amended that all portions of the townships of Logan and Ogemaw be included as well as those streets and highways within township boundaries that lie south of M-55.

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

- a) "Streets and Highways" means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel.
- b) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- c) "ORV" means a motor driven off-road recreational vehicle with forward movement made possible by the use of two, three, four or six wheels with surface contact made by rubber tires. The vehicle must have a measurement from ground surface to base of seat height greater than eighteen inches. On three, four or six wheeled vehicles the wheel rims may not exceed thirteen inches.
- d) "Road surface" means that portion of a roadway improved, designated, or ordinarily used for vehicular travel, and does not include within it's meaning the shoulder or right-of-way.
- e) "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 Except as set forth herein an ORV may only be operated on the shoulder of county streets or highways in the direction of traffic in a single file manner. ORV's shall not be operated on the road surface of any streets or highways with the exceptions of sections of streets or highways that do not have an adequate shoulder allowing the ORV to avoid contact with the road surface. In these cases the ORV must remain to the far right of the roadway contacting the least amount of road surface as possible. The operator of an ORV may cross a public highway, other than a limited access highway, at right angles, for the purpose of getting from one area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway, and shall yield the right-of-way to oncoming traffic.

Sec.3 Any ORV being operated on a street or highway in Ogemaw County pursuant to this ordinance must operate at all times in accordance with sections 324.81101 through 324.81150 of the Michigan Complied Laws, being part of the Natural Resources and Environmental Protection Act, P.A. 1994, No. 451.

Sec.4 An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State highway including but not limited to M-55, M-33 or another State highway in Ogemaw County. An ORV may not be operated within city limits of the City of West Branch or City of Rose City unless the governing bodies of those municipalities specifically permit such use.

Sec.5 Any person who violates this ordinance is guilty of a civil infraction, punishable by a fine of \$60.00 plus the cost of prosecution upon the first conviction and \$100.00 plus the total cost of prosecution for any subsequent conviction.

Sec.6 Any person who causes damage to any street, highway, or other property as a result of the operation of an ORV, in an area permitted by this ordinance, is guilty of a civil infraction, punishable by a fine of \$250.00 plus the cost of prosecution. The Court may also order that the individual pay full restitution for any damage.

Sec.7 Any ORV being operated on a street or highway in Ogemaw County pursuant to this ordinance must not exceed a rate of speed greater than 20 MPH during hours of operation. Operation of an ORV is to be between the hours of ½ hour before sunrise to ½ hour after sunset.

Sec. 8 A review in three years will take place by the County Commissioners to determine if the ORV Ordinance has accomplished it's economic objectives, address problems and decide whether or not to continue the existing Ordinance.

Sec. 9 The county adopted this ordinance allowing ORV use of the county road shoulders as access routes in Rose, Klacking, Foster and Rose City, and that the following townships of Goodar, Cummings, Churchill, Hill and all of Logan Township and Ogemaw Township be included on a 1 year trial basis. A township may opt in or out of this ordinance on January 1<sup>st</sup>, the anniversary of this ordinance, by holding a properly publicized public hearing, proceeded by a majority vote of the township officials. Access routes can be restricted by the same public hearing process and township board vote on an annual basis as well.

Sec. 10 This ordinance becomes effective January 1, 2005.