



**SAGINAW COUNTY
ORDINANCE #119**

**ORDINANCE TO AUTHORIZE AND REGULATE THE OPERATION OF
OFF ROAD VEHICLES (ORVs) ON ROADS AND STREETS**

Adopted: September 17, 2013

Effective: December 5, 2013

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads and streets in Saginaw County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 1994 PA 451, as amended, MCL 324.81131.

THE COUNTY OF SAGINAW ORDAINS:

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

- a) "ATV" means a 3-, 4-, or 6-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000 cc gasoline engine or an engine of comparable size using other fuels.
- b) "County" means the County of Saginaw.
- c) "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.
- d) "Local unit of government" means a county, township or municipality.
- e) "Low-speed vehicle" means a self-propelled motor vehicle which conforms to the definition of a low-speed vehicle under 49 CFR 571.3(b) and meets the standard for low-speed vehicles under 49 CFR 571.500.
- f) "Municipality" means a city or village.
- g) "Operate" means to ride in or on and be in actual physical control of the operation of an ORV.
- h) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- i) "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 multi-track or multi-wheel drive vehicle, an ATV, a golf cart that satisfies the criteria of an ORV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-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.

(1) 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.

- j) "Road" means a county primary road or county local road as described in Section 5 of 1951 PA 51, MCL 247.655.
- k) "Road Commission" means the Board of Road Commissioners for the County of Saginaw.
- l) "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."
- m) "Street" means a city or village major street or city or village local street as described in Section 9 of 1951 PA 51, MCL 247.659.
- n) "Township" means an individual Township within the County of Saginaw.
- o) "Township Board" means a Board of Supervisors of any township within the County of Saginaw.
- p) "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 or street located within the County.

Sec. 3 This ordinance is not intended to authorize the operation of an ORV on a street or road which is under the jurisdiction of a municipality.

Sec. 4 A Township Board of a Township in the County may adopt an ordinance to close any roads within the boundaries of the Township to the operation of ORVs permitted by the County. The Township Board of a Township in the County may adopt an ordinance authorizing the operation of ORVs pursuant to MCL 324.81131(3).

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. The Road Commission may not close a municipal street to ORVs opened under Section 6 of this Ordinance.

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 (1) or more streets within the municipality pursuant to MCL 324.81131(5).

Sec. 7 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, except to the extent necessary to cross such roads.

Sec. 8 Any ORV being operated on a road or street in the County pursuant to this Ordinance shall operate at all times in accordance with Sections 324.81101 through 324.81150 of the Michigan Compiled Laws and shall meet the following conditions, as applicable:

- a) The ORV is operated at a speed of no more than 25 miles per hour or any applicable lower posted ORV speed limit.
- b) The ORV is operated with the flow of traffic and in a manner which does not interfere with traffic on the road or street.
- c) The ORV travels in a single file line except when overtaking and passing another ORV.
- d) The ORV is not operated when visibility is substantially reduced due to weather conditions unless said ORV is displaying a proper lighted headlight and a proper lighted taillight.
- e) The ORV is not operated earlier than 1/2 hour before sunrise or later than 1/2 hour after sunset unless said ORV is displaying a proper lighted headlight and a proper lighted taillight.
- f) The ORV is operated displaying a proper lighted headlight and a proper lighted taillight at all hours.
- g) The ORV is operated 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.
- h) The ORV has 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) The ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- j) The ORV is operated pursuant to the noise emission standards defined by law.

Sec. 9 A child less than 16 years of age shall not operate an ORV on a road or street 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.

- a) A parent or legal guardian of a child not less than 12 years of age shall not permit the child to operate a 4-wheeled ATV on a road or street in the County.
- b) A parent or legal guardian of a child less than 16 years of age shall not permit the child to operate a 3-wheeled ATV on a road or street in the County.

Sec. 10 Unless a person possesses a valid Driver's 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 (3) wheels.

Sec. 11 Any 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.

Sec. 12 A court may order a person who causes damage to any street, highway, environment, or public property as a result of the operation of an ORV in an area permitted by this Ordinance to pay full restitution for that damage above and beyond the penalties paid for civil fines or civil infraction violations.

Sec. 13 The Treasurer of the local unit of government providing for the operation of ORVs on the roads and streets within its boundaries shall deposit fines collected by that local unit of government under MCL 600.8379 and Section 11 of this Ordinance and damages collected under Section 12 of this Ordinance into a fund to be designated as the "ORV Fund." The legislative body of the local unit of government shall appropriate revenue in the ORV Fund as follows:

- a) Fifty (50%) percent to the Board of County Road Commissioners 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 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 (50%) percent to the County Sheriff.

Sec. 14 Except as otherwise provided by law, neither the County nor the Board of County Road Commissioners has the duty to maintain the roads or streets within the County in a condition that is reasonably safe and convenient for the operation of ORVs and are immune from liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on a road or street within the County.

Sec. 15 This Ordinance becomes effective December 5, 2013.