

**ORDINANCE #344**  
**ORV**

Adopted: 1/12/16  
Effective: 01/16/16

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Bangor Township, 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 CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:**

**SECTION 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 1,000cc gasoline engine or an engine of comparable size using other fuels.
- B. "County" means the County of Bay.
- C. "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.
- D. "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.
- 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" 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 single-track, multitrack or multi-wheel drive vehicle, an ATV, motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a low speed vehicle, a ground effect air cushion vehicle, snowmobile or other means of transportation deriving motor power from a source other than muscle or wind. (Amended by Ordinance #363, effective 03/22/18)*
- H. "Road" means a county primary road or county local road as described in Section 5 of 1951 PA 51, MCL 247.655.

- I. "Road Commission" means the Board of County Road Commissioners for the County of Bay.
- J. "Safety certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81129, or comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- K. "Street" means a city or township major street or city or township local street as described in Section 9 of 1951 PA 51, MCL 247.659.
- L. "Township" means the Charter Township of Bangor.
- M. "Township Board" means the Board of Trustees for the Charter Township of Bangor.
- 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.

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

- a. the roads in which the Township and/or cities have designated closed. See Appendix A.
- b. roads designated closed by the Bay County Road Commission.

**SECTION 3.** All sections of the Natural Resources and the Environmental Protection Act relative to off road vehicles shall apply and that this township ordinance shall not infringe, modify or in any way reduce the authority of said act.

**SECTION 4.** 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 5.** 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. ½ hour before sunrise until ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
- h. 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.
- i. 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.

- j. while the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- k. pursuant to noise emission standards defined by law.

**SECTION 6.** A child less than 16 years of age shall not operate an ORV on county roads 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.

**SECTION 7.** Unless a person possesses a valid driver's license, a person shall not operate an ORV on a county road or street if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

**SECTION 8.** 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, together with Court costs; the Court may further order restitution. Fines and restitution shall be deposited by the County Treasurer into the ORV fund with such funds to be distributed to the agencies and for the purposes set forth in MCL 324.81131 (14).

**SECTION 9.** 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 10. Severability.** The provisions of this ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

**SECTION 11. Repealer.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed and shall be of no further force and effect on the effective date of this ordinance.

**SECTION 12.** This Ordinance shall become effective immediately after the last required publication following adoption.

The above Ordinance was adopted at a regular meeting of the Township Board on the 12<sup>th</sup> day of January, 2016, and shall be published in the *Bay City Democrat and Legal News* on or before the 21<sup>st</sup> day of January, 2016.

## **APPENDIX A**

### **ORV CLOSED ROADS/RAIL TRAIL**

- M-13 – From Fisher Road to Two Mile Road
- M-247 – From M-13 intersection to the entrance to the Bay City State Recreation Area
- Wilder Road – From Patterson Road to Two Mile Road
- State Street Road – From Wilder Road to Richmark Lane
- Kiesel Road – From M-13 to Two Mile Road
- M-25 – From M-13 to Two Mile Road
- All of Rail Trail