

# Manistee County, Local Unit of Government ORV Use Allowance

*Where one is allowed to ride ORV's on road shoulders in Manistee County is determined by each individual local unit of government. This guide outlines which local units of governments allow ORV use and specifically which roads are open to use.*

ORV's may be driven on the far right shoulder of SOME roadways within the following local units of government in Manistee County:

- Arcadia Township
- Pleasanton Township
- Springdale Township
- Cleon Township
- Marilla Township
- Village of Kaleva
- Bear Lake Township
- Onekama Township
- Onekama Village
- Dickson Township

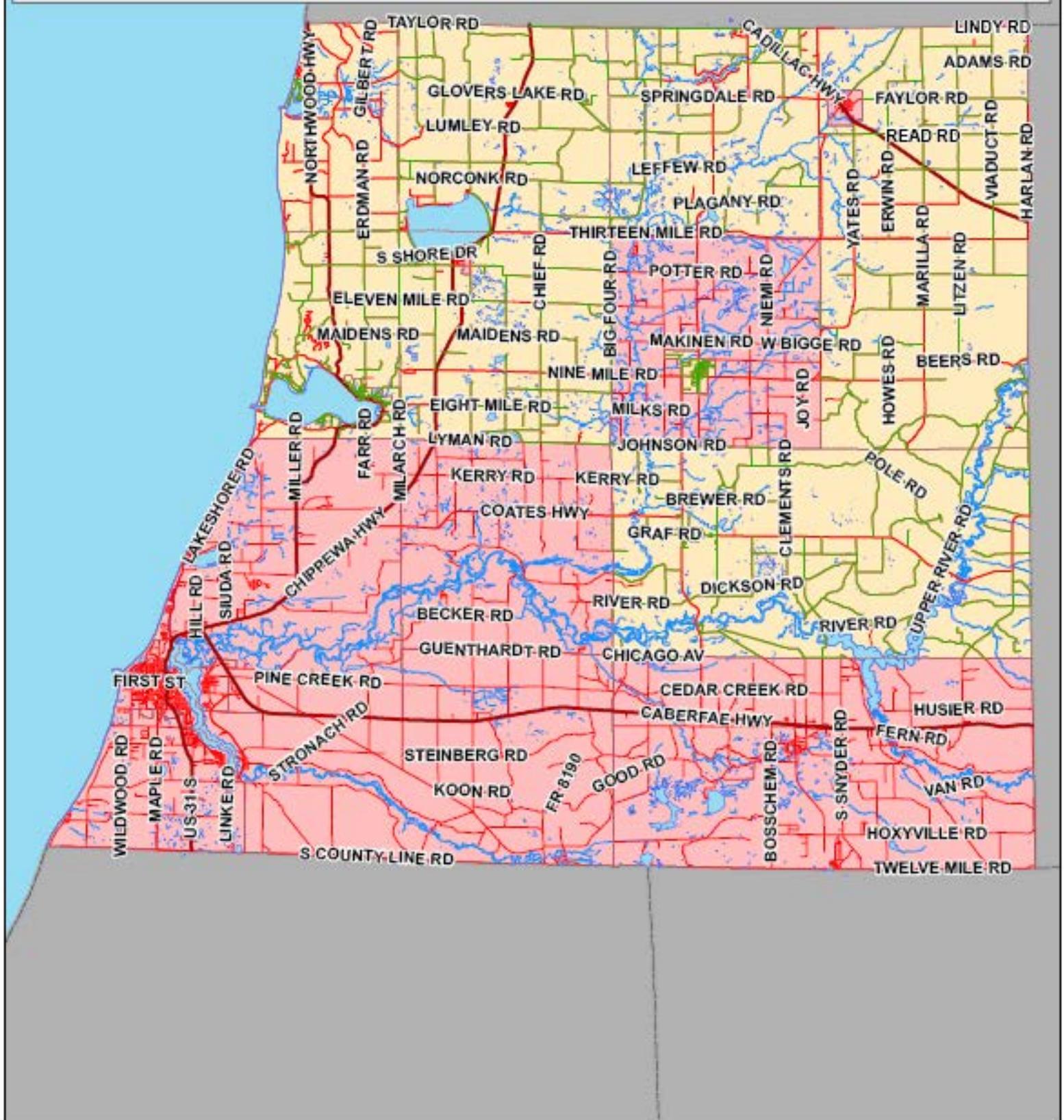
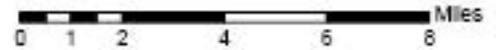
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# Manistee County ORV Use Allowance Map

## Legend

- Roads Open to ORV Use
- Roads Closed to ORV Use
- Highways Closed to ORV Use
- Hydrology
- Water Bodies
- Units Allowing ORV Use
- Units Not Allowing ORV Use
- Local Unit Boundaries
- Adjacent Counties



# Arcadia Township ORV Use Allowance Map

## Legend

- Roads Open to ORV Use
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- Adjacent Counties



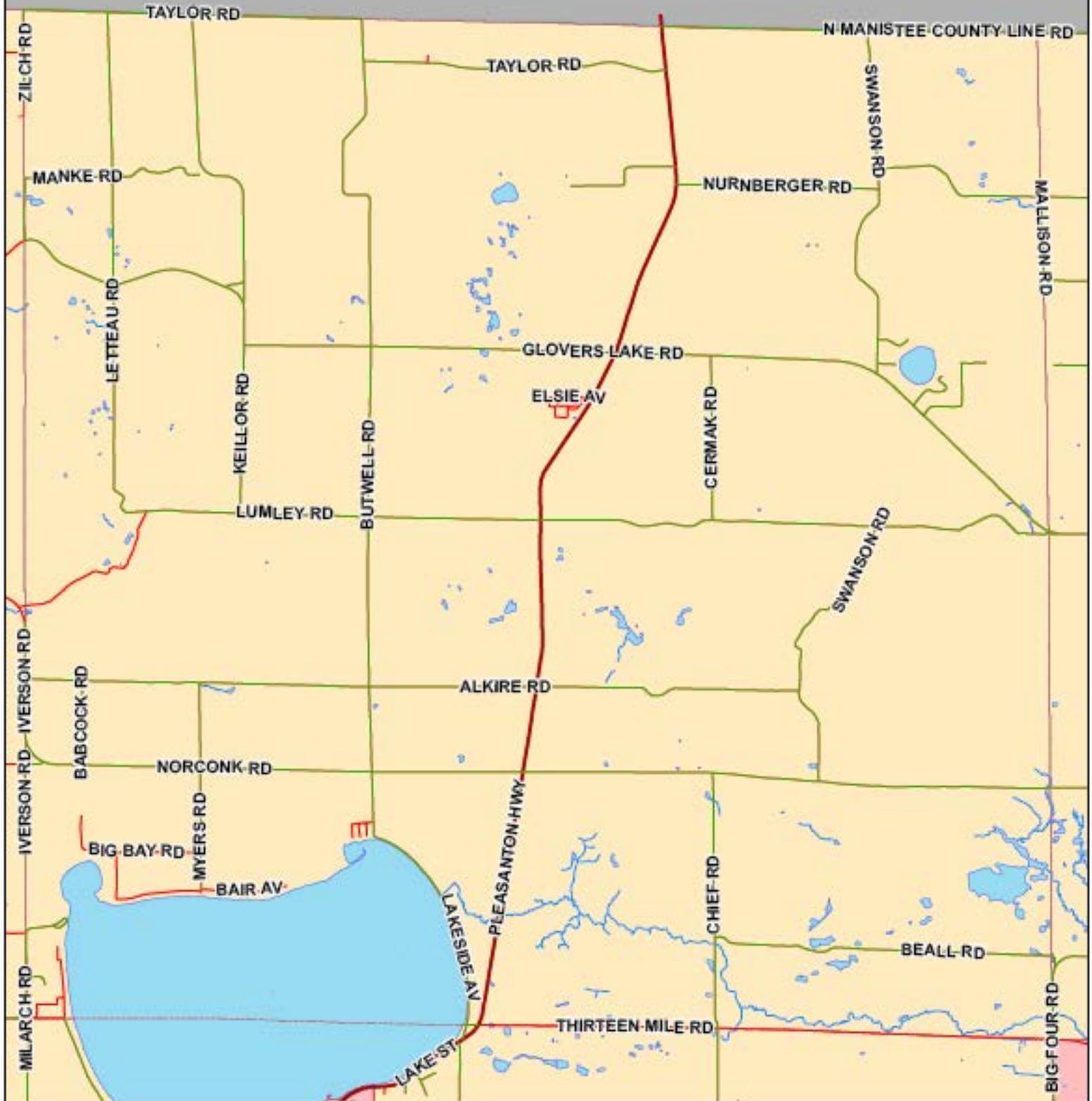
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# Pleasanton Township ORV Use Allowance Map

## Legend

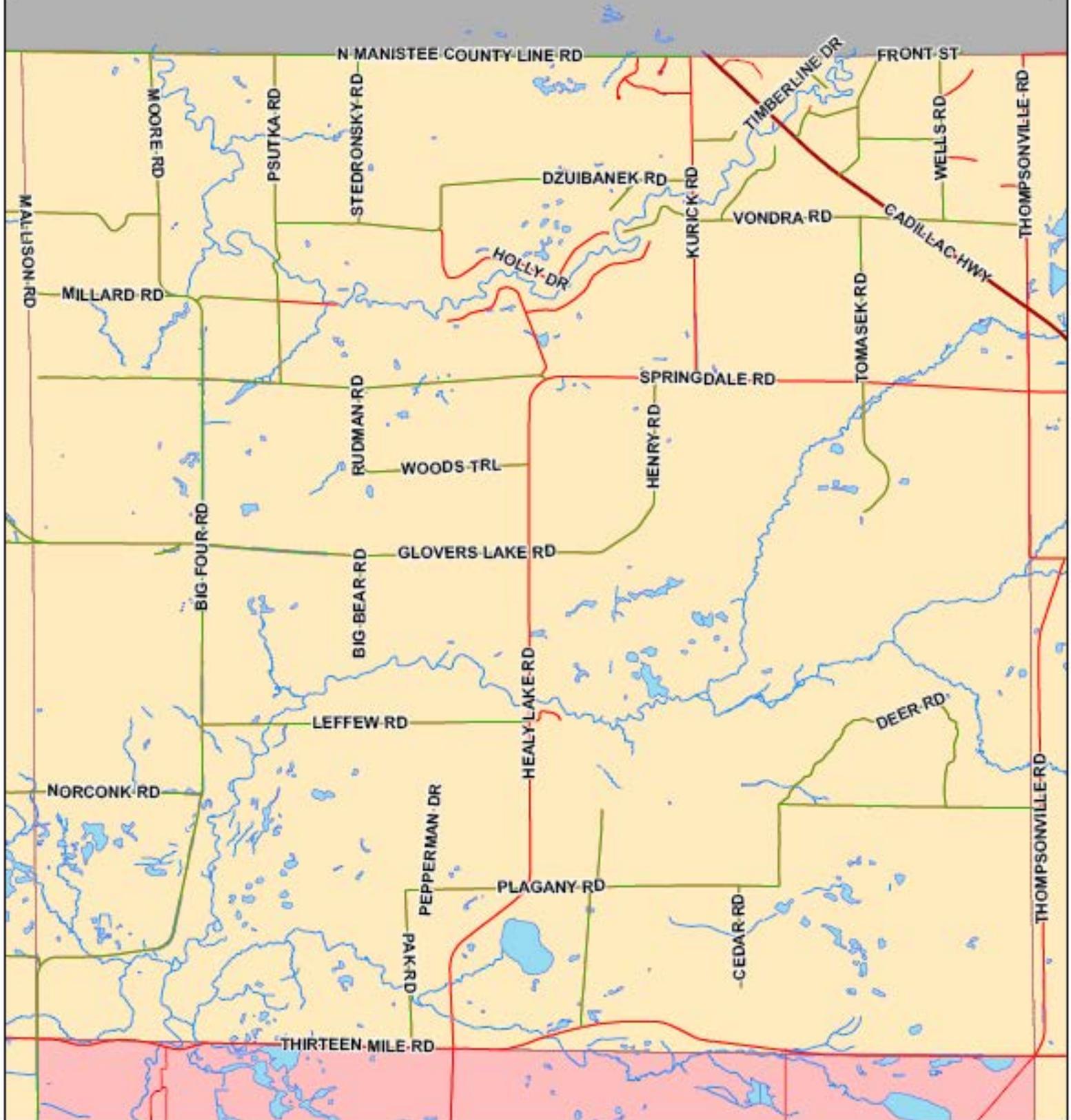
- Roads Open to ORV Use
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# Springdale Township ORV Use Allowance Map

## Legend

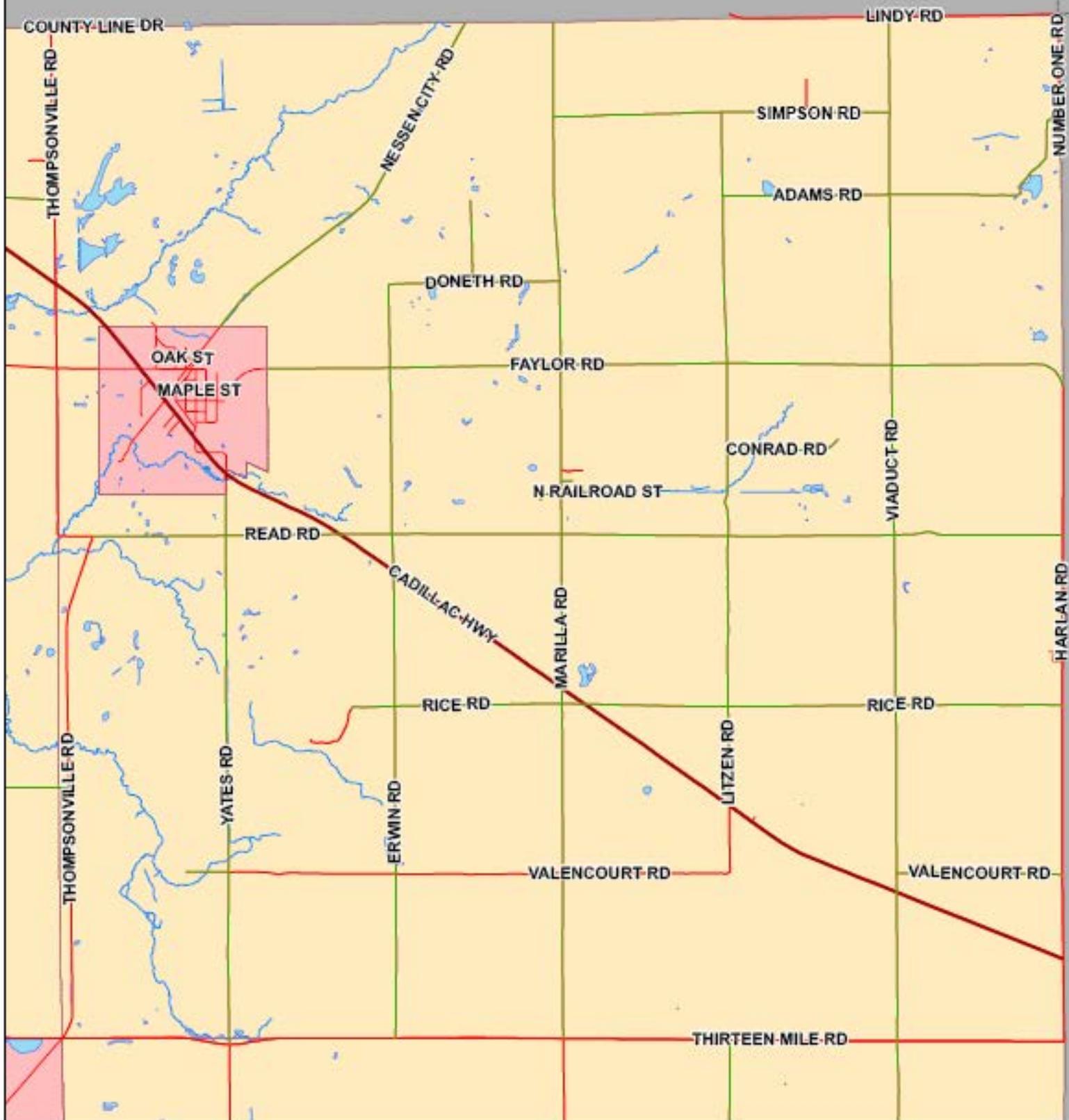
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# Cleon Township ORV Use Allowance Map

## Legend

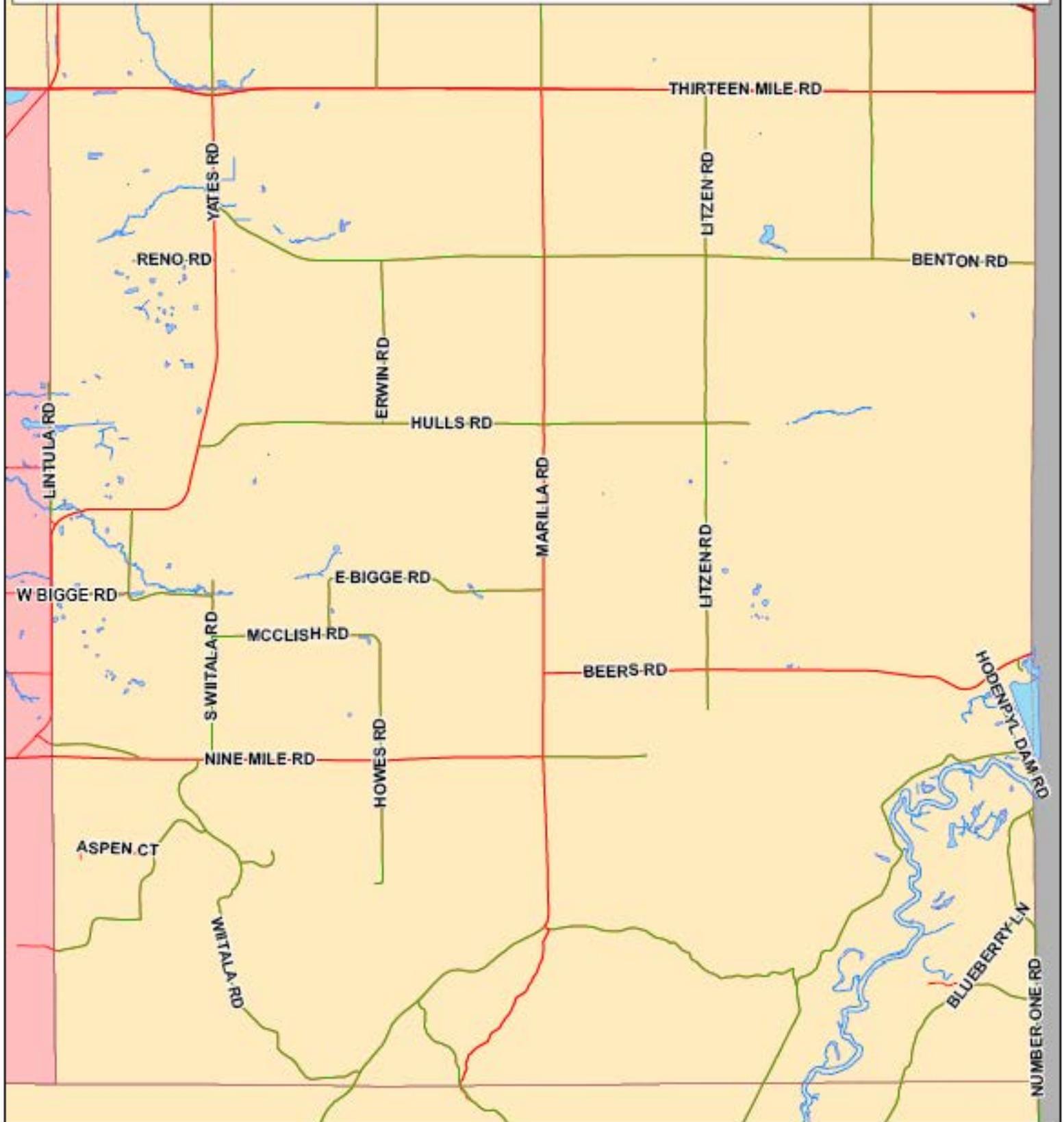
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# Marilla Township ORV Use Allowance Map

## Legend

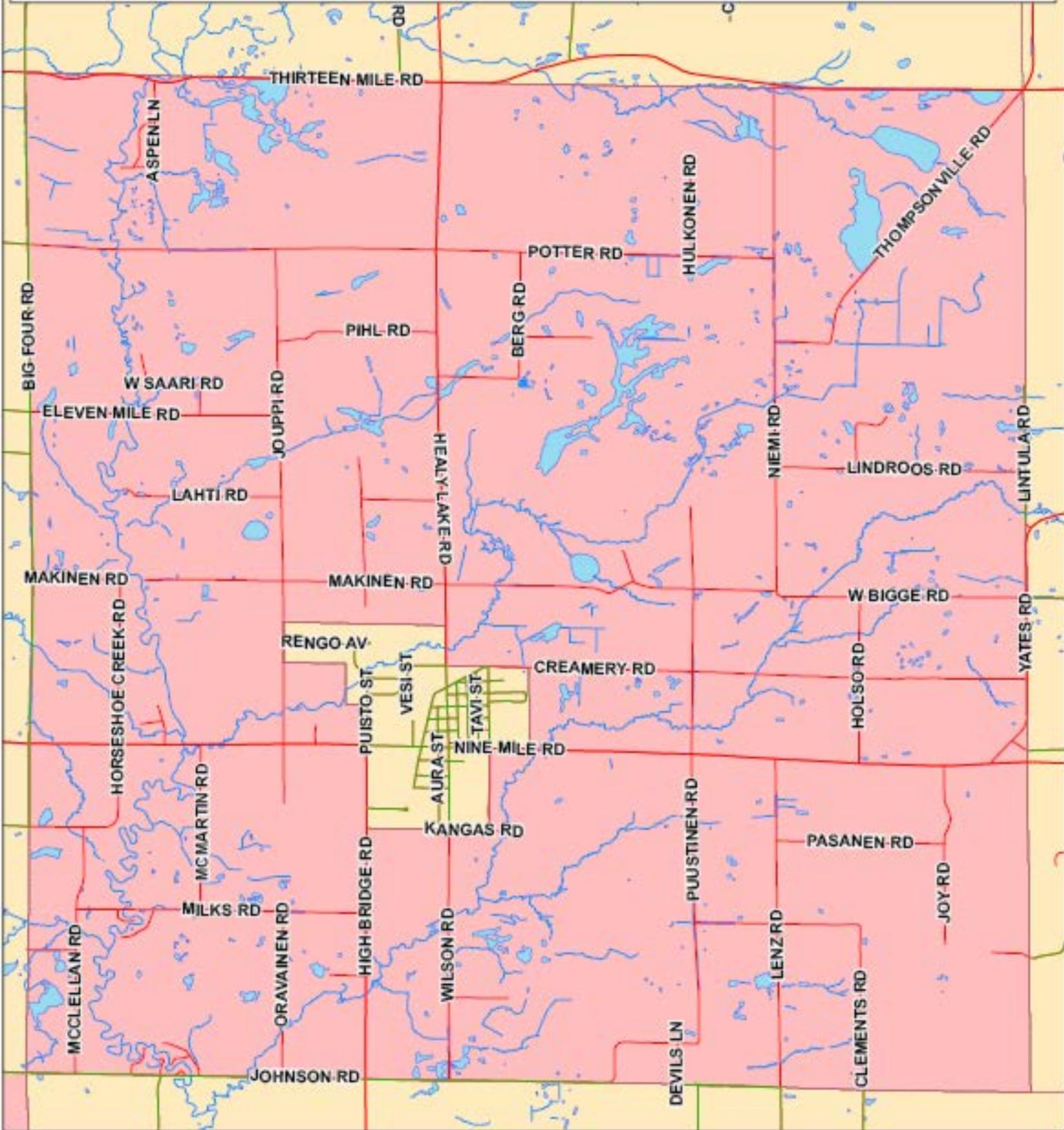
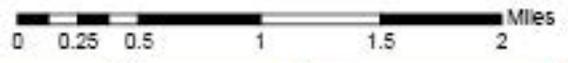
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# Maple Grove Twp./Kaleva Village ORV Use Allowance Map

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# Bear Lake Twp. & Village ORV Use Allowance Map

## Legend

- Roads Open to ORV Use
- Roads Closed to ORV Use
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# Onekama Twp. & Village ORV Use Allowance Map

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- Units Not Allowing ORV Use
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- Adjacent Counties



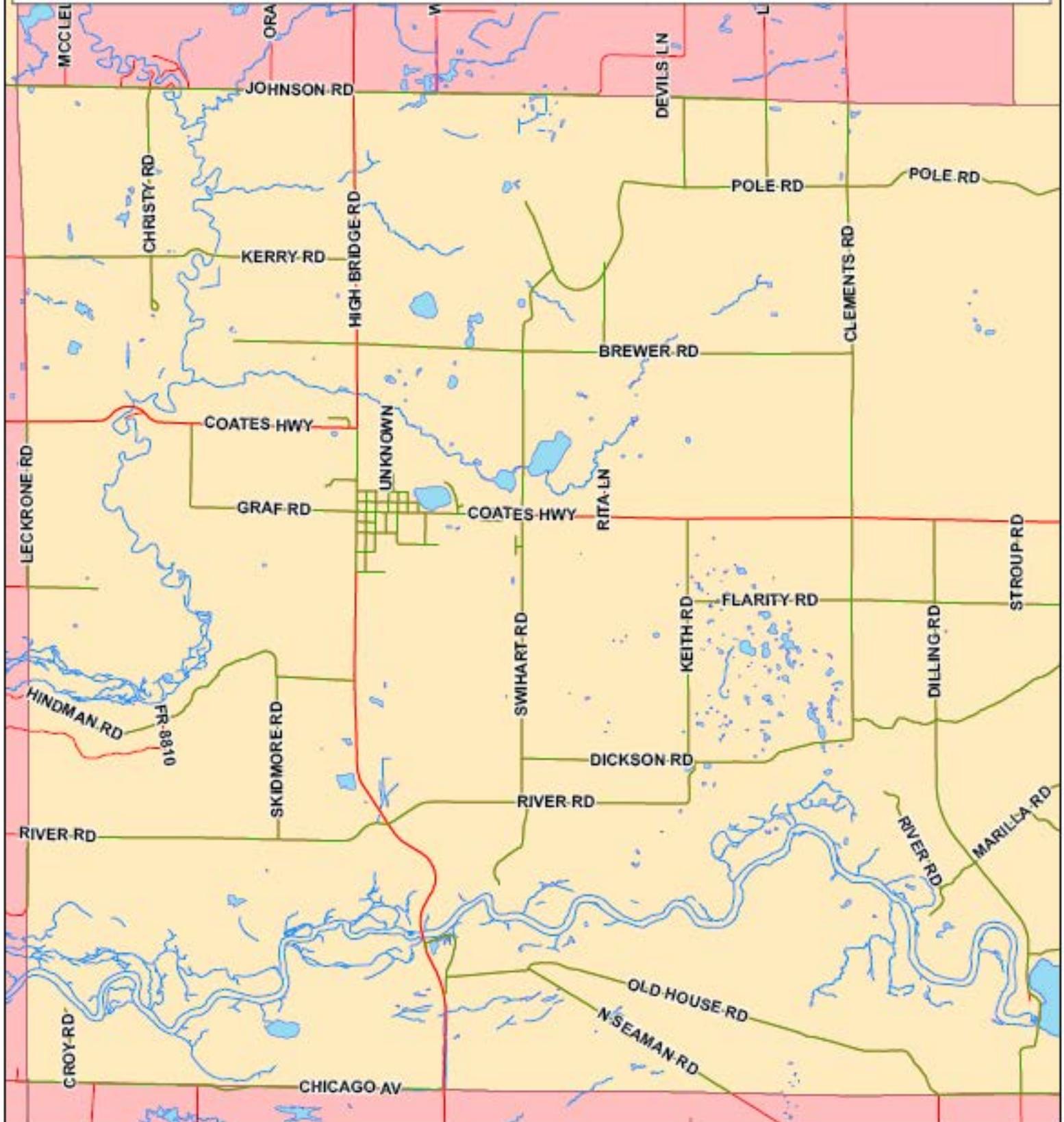
## Map Inset



# Dickson Twp. "West" ORV Use Allowance Map

## Legend

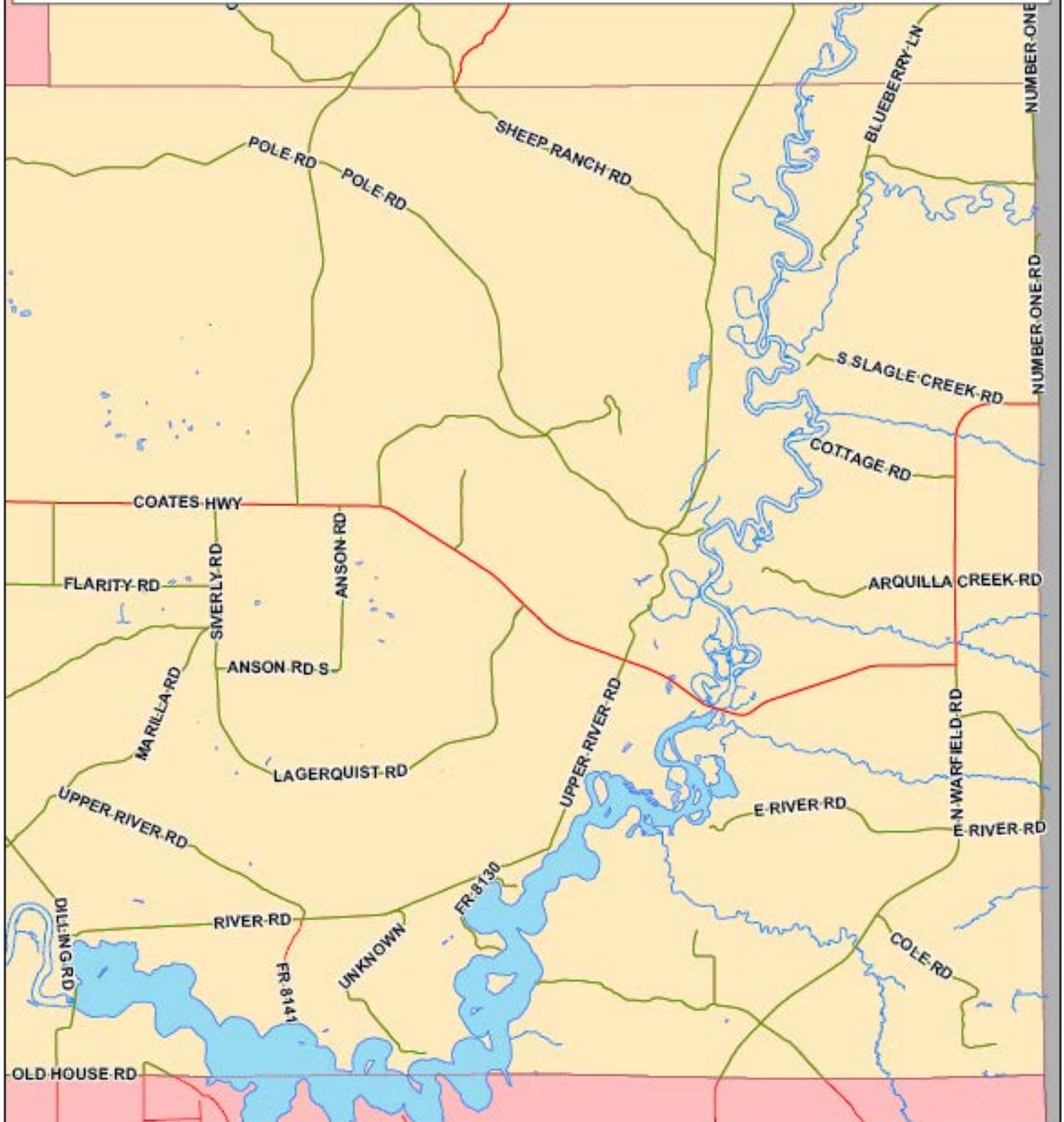
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# Dickson Twp. "East" ORV Use Allowance Map

## Legend

- Roads Open to ORV Use
- Roads Closed to ORV Use
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**ARCADIA TOWNSHIP**

**MANISTEE COUNTY, MICHIGAN**

**NOTICE OF ADOPTION OF ORV ORDINANCE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF ARCADIA TOWNSHIP,  
MANISTEE COUNTY, MICHIGAN, AND ANY OTHER INTERESTED  
PERSONS:

PLEASE TAKE NOTICE that at a special meeting on July 20, 2009 the Arcadia Township Board adopted the following Ordinance No. 169. The original ordinance may be inspected or a copy purchased by contacting the Arcadia Township Clerk, Evelyn Wilson, at the Arcadia Township Offices, 3422 Lake Street, P.O. Box 318, Arcadia MI 49613, (231) 889-4463.

**ARCADIA TOWNSHIP**

**MANISTEE COUNTY, MICHIGAN**

**ORDINANCE NO. 169**

**ARCADIA TOWNSHIP ORV ORDINANCE**

**ADOPTED: July 20, 2009**

**EFFECTIVE: August 24, 2009**

An Ordinance enacted pursuant to MCL 324.81131 (as amended by 2008 Public Act 240) to authorize the operation of off-road vehicles on the maintained portion of public roads located within the Township; to designate a violation of the Ordinance as a municipal civil infraction subject to a fine and other sanctions; and to repeal Ordinance No. 163 (ATV Ordinance) adopted July 3, 2007.

**THE TOWNSHIP OF ARCADIA,**

**MANISTEE COUNTY, MICHIGAN,**

**ORDAINS:**

**SECTION 1**

**DEFINITIONS**

For purposes of this Ordinance the term "ORV" is defined as specified in Michigan Compiled Law 324.81101(n).

## **SECTION 2**

### **ORV OPERATION AUTHORIZED ON PUBLIC ROADS**

Subject to the restrictions specified in Section 3 of this Ordinance, an ORV may be operated on the maintained portion of the following public roads within Arcadia Township: all public streets included within the area between the intersection of M-22 and Oak Street, west to the end of Oak Street, south the Grebe Street and east to M-22.

## **SECTION 3**

### **ORV OPERATION RESTRICTIONS**

- A. The operation of an ORV on public roads within the Township as authorized by Section 2 of this Ordinance shall be subject to all of the following restrictions:
1. The ORV shall be operated with the flow of traffic on the far right of the maintained portion of the road; but shall not be operated on sidewalks.
  2. The ORV shall be operated at a speed no greater than 25 mph or other lower posted speed limit, and at a careful and prudent speed that is reasonable and proper with regard to existing conditions.
  3. The ORV shall be operated in a manner that does not interfere with traffic on the road.
  4. The ORV shall travel single file, except an ORV may be next to another ORV when it is overtaking and passing or being overtaken and passed by another ORV.
  5. A valid driver's license shall be required to operate an ORV pursuant to this Ordinance when required by State law.
  6. A person under 12 years of age shall not operate an ORV pursuant to this Ordinance.
  7. A person shall not operate an ORV pursuant to this Ordinance from ½ hour after sunset to ½ hour before sunrise, or when visibility is substantially reduced due to weather conditions, without displaying a lighted headlight and lighted tail light; provided that beginning January 1, 2010 a person shall not operate an ORV pursuant to this

Ordinance at any time or in any conditions without displaying a lighted headlight and lighted tail light.

- B. Nothing in the preceding specified restrictions applicable to operation of an ORV pursuant to Section 2 of this Ordinance shall be considered to supercede or otherwise affect all applicable state laws relating to the operation of an ORV and required safety equipment on an ORV.

#### **SECTION 4**

#### **VIOLATIONS AND ENFORCEMENT**

- A. The following acts are prohibited and constitute a violation of this Ordinance:

1. Operation of an ORV on any public road contrary to Section 2 of this Ordinance (except as may otherwise be authorized by law).
2. Operation of an ORV contrary to any of the restrictions specified in Section 3A of this Ordinance.

- B. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
▪ 1st offense	\$ 150.00	\$ 500.00
▪ 2nd offense	\$ 325.00	\$ 500.00
▪ 3rd or subsequent offense	\$ 500.00	\$ 500.00

- C. The violator shall also pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. In addition, the Court shall order the Defendant to pay the cost of repairing any damage to the environment, a road or street, or public property damaged as a result of a violation.
- D. The Township Treasurer shall deposit fines and damages collected by the District Court under this Ordinance and remitted to the Township into a fund to be designated as the "ORV fund". The Township Board shall appropriate revenue in the ORV fund as specified by Michigan Compiled Law 324.81131(14) or other applicable law.
- E. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Arcadia Township, and by such other person or persons as the Township Board may designate.

**SECTION 5**

**EFFECTIVE DATE/REPEAL**

- A. This Ordinance shall become effective 30 days after publication as required by law.
- B. Ordinance No. 163 (ATV Ordinance) adopted July 3, 2007 is repealed in its entirety.
- C. This Ordinance shall be considered repealed on July 17, 2013, unless the "sunset" provision in the enabling statute for this Ordinance [MCL 324.81131(7)] is revised or eliminated, in which event this Ordinance shall continue in effect pursuant to such statutory amendment.

Evelyn Wilson  
Arcadia Township Clerk

STATE OF MICHIGAN  
TOWNSHIP OF PLEASANTON  
ORDINANCE No. 2-3

An ordinance to amend Ordinance 8-A which is an ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Pleasanton 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 324.81 131 which is incorporated by reference in its entirety; this ordinance amends Ordinance 8-A to clarify what is meant by "multi-wheel vehicle" and to delete the requirement that ORV's have turn signals.

THE TOWNSHIP OF PLEASANTON ORDAINS:

Sec. 1 Amendment of Section 1 of Ordinance No. 8-A

Section of Pleasanton Township Ordinance No. 8-A is hereby amended to read as follows:

- a. "Township" means the Township of Pleasanton.
- 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.
- b. "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- c. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- d. "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 motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, golf car, 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 multi-track vehicle, or multi-wheel drive vehicle designed primarily for operation on public roads and highways, 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 it's facilities or on property over which it has an easement, a construction or logging vehicle used in performance of it's common function, or a registered aircraft.
- e. "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
- f. "Road Commission" means the Board of County Road Commissioners for the County of Manistee.
- g. "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.
- h. "Township Board" means the board of trustees of Pleasanton Township.
- i. "County" means the County of Manistee.

- j. "Maintained portion" means on a: 1. Paved road with fog lines - between the lines, white line to white line. 2. Paved road without fog lines - edge of asphalt to edge of asphalt. 3. Gravel road - bladed portion of the road.
- k. "Direct supervision," means the direct visual 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. "Residence" means the dwelling in which an operator lives.

**Sec. 2** An ORV may be operated on the far right of the maintained portion of a road within the county and the gravel portion of paved roads within the Township when available except for the following:

- a. As designated by the map, attached Exhibit A with special attention to the following closed roads; Three Pines Rd, Big Bay Rd, Bair Rd, Hopkins Forest Dr.
- b. Not after December 1 and not before March 31, of each year.
- c. Any roadway, shoulder or right-of-way of any State or Federal highway including but not limited to US-31.

**Sec. 3** An ORV may be operated from ones "Residence" on a road closed by the Township or Manistee County Road Commission solely for the purpose of gaining access to the roads open to ORV's within the Township.

**Sec. 4** 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 2c of this ordinance.

**Sec. 5** Amendment of Section 5 of Ordinance No. 8-A

Section 5 of Pleasanton Township Ordinance No. 8-A is hereby amended to read as follows:

**Sec. 5** Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street 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. Operation hours; one 1/2 hour before sunrise until one 1/2 after sunset.
- g. While displaying a lighted headlight and lighted taillight at all operational hours beginning January 1, 2010.
- h. Shall be equipped with right and left rear-view mirrors.
- i. Shall be equipped with brakes, and brake lights.

- j. 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.
- k. 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.
- l. While the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- m. Pursuant to noise emission standards defined by law.

**Sec. 6** A person less than 18 years of age shall not operate an ORV on a road in the Township unless the person is in possession of a valid drivers license or under the direct supervision of a parent or legal guardian and the person has in his or her possession an ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A person 18 years of age or older shall not operate an ORV on a road or street in Pleasanton Township without a valid drivers license.

**Sec. 7** In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road or street pursuant to state law was in a collision with a ORV required to be operated on the far right of the maintained portion of the road or street pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

**Sec. 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.

**Sec. 9** A court shall 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. 10** The Township Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Pleasanton Township Board shall appropriate revenue in the ORV Fund as follows:

- a. Fifty percent to the Manistee County Road Commission 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 are open or closed to the operation of ORVs.
- b. Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

**Sec. 11** The Township shall maintain a master map of all roads under jurisdiction of the Road Commission upon which shall be indicated those roads and parts of sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to this ordinance. The township shall make such a master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to make, or to assume any expense associated with the making of such copies.

- a. The Township shall update the master map once annually, between January 1 and February 28 of each year, to incorporate any changes to the designation of any road, or parts or sections thereof, upon why the operation of ORV is permitted or prohibited pursuant to this ordinance.
- b. It shall be the responsibility of the respective Pleasanton Township Board to determine, prior to January 1 of each year, of any changes to be incorporated in to the master map for the year.

**Sec 12** Agricultural: Agricultural use of an ORV falls under State regulation MCL 324.81122.

This ordinance shall be effective 10 days following its publication in a newspaper of general circulation within the Township.

Ayes: Girven, Cross, Merrill, Ertel, Babcock  
Nays: 0

Absent: 0

Dated: 3-14-11 Amy Cross

I, Amy Cross, Pleasanton Township Clerk, do hereby certify the foregoing ORV Ordinance was duly adopted by the Pleasanton Township Board at its regular meeting of which a quorum was present on 3-14-11

Amy Cross, Clerk  
Pleasanton Township Board

Published in Manistee News Advocate  
March 30, 2011.

alc

## **ORV Master Map Review - Feb., 2015:**

"Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.

"Maintained portion" means on a: 1. Paved road with fog lines - between the lines, white line to white line. 2. Paved road without fog lines - edge of asphalt to edge of asphalt. 3. Gravel road - bladed portion of the road.

An ORV may be operated (maximum speed of 25 mph) on the far right of the maintained portion of a road within the Township except:

- a. for the following closed roads; Healy Lake/Thompsonville Road (669), Thirteen Mile Road (600).
- b. not after Dec. 1 and not before March 31 of each year.
- c. any roadway, shoulder or right-of-way of any State or Federal highway including but not limited to M-115.

STATE OF MICHIGAN  
TOWNSHIP OF SPRINGDALE  
ORDINANCE No. 2010-001

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Springdale 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 324.81 131 which is incorporated by reference in its entirety.

THE TOWNSHIP OF SPRINGDALE ORDAINS:

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

- a. "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.
- b. "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV,
- c. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.

- d. "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 multi-track or multi-wheel drive vehicle, an ORV, 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.
  
- e. "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655,
  
- f. "Road Commission" means the Board of County Road Commissioners for the County of Manistee.
  
- g. "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."
  
- h. "Township" means the Township of Springdale.
  
- i. "Township Board" means the board of trustees of Springdale Township.
  
- j. "County" means the County of Manistee.
  
- k. "Maintained portion" means on a: 1. Paved road with fog lines - between the lines, white line to white line. 2. Paved road without fog lines - edge of asphalt to edge of asphalt. 3. Gravel road - bladed portion of the road.

- l. "Direct supervision" means the direct visual 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 and the gravel portion of paved roads within the Township when available except for the following:

- a. As designated by the map, attached Exhibit A with special attention to the following closed roads; Healy Lake/Thompsonville Road (669), Kurick Road, Thirteen Mile Road (600) and Glovers Lake Road.
- b. Not after December 1 and not before March 31, of each year.
- c. Any roadway, shoulder or right-of-way of any State or Federal highway including but not limited to M-115.

**Sec. 3** Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street 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. Operation hours; one 1/2 hour before sunrise until one 1/2 after sunset.
- g. While displaying a lighted headlight and lighted taillight at all operational hours beginning January 1, 2010.
- 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.

**Sec. 4** A person less than 18 years of age shall not operate an ORV on a road in the Township unless the person is in possession of a valid drivers license or under the direct supervision of a parent or legal guardian and the person has in his or her possession an ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A person 18 years of age or older shall not operate an ORV on a road or street in Springdale Township without a valid drivers license.

**Sec. 5** In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road or street pursuant to state law was in a collision with a ORV required to be operated on the far right of the maintained portion of the road or street pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

**Sec. 6** 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. 7** A court shall 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. 8** The Township Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Springdale Township Board shall appropriate revenue in the ORV Fund as follows:

- a. Fifty percent to the Manistee County Road Commission 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 are open or closed to the operation of ORVs.
  
- b. Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

**Sec. 9** The Township shall maintain a master map of all roads upon which shall be indicated those roads and parts of sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to this ordinance. The township shall make such a master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to make, or to assume any expense associated with the making of such copies.

- a. The Township shall update the master map once annually, between January 1 and February 28 of each year, to incorporate any changes to the designation of any road, or parts or sections thereof, upon which the operation of ORV is permitted or prohibited pursuant to this ordinance.
  
- b. It shall be the responsibility of the respective Springdale Township Board to determine, prior to January 1 of each year, of any changes to be incorporated in to the master map for the year.

**Sec 10** Agricultural: Agricultural use of an ORV falls under State regulation MCL 324.81122.

This ordinance becomes effective:

Ayes:

Nays:

Absent:

Dated:

---

I, Donna Humphrey-Kirbach, Springdale Township Clerk, do hereby certify the foregoing ORV Ordinance was duly adopted by the Springdale Township Board at a special meeting of which a quorum was present on the \_\_\_\_\_.

Donna Humphrey-Kirbach, Clerk  
Springdale Township Board

**STATE OF MICHIGAN  
COUNTY OF MANISTEE  
TOWNSHIP OF CLEON**

**An ordinance to authorize and regulate the operation of Off Road Vehicles (ORVs) on the roads in the Township of Cleon, to provide penalties for the violation thereof, to provide for appropriation of fines and damages resulting from the operation of ORVs and repeal all ordinances in conflict herewith.**

**THE TOWNSHIP OF CLEON ORDAINS:**

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

- a) **"Township"** means the Township of Cleon.
- b) **"Drivers License"** means an operators or chauffeurs 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 an ORV.
- d) **"Operator"** means a person who operates or is in actual physical control of an ORV.
- e) **"ORV"** means a motor-driven recreation vehicle designed for off-road use and 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 includes, but is not limited to, a multi-track or multi-wheel drive vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, an ATV as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, or other means of transportation deriving motive power from a source other than muscle or wind. ORV does not include a vehicle described in this definition that is registered for use upon a public highway and has the security required by law.
- f) **"Road"** means local roads of the Township as the same may be designated from time to time by the Township Board.
- g) **"Safety Certificate"** means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or comparable ORV safety certificate issue under the authority of another state or province of Canada.
- h) **"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**

Subject to the regulations of this Ordinance and part 811 of the natural resources and environmental protection act, 1994 PA 324.81101, an ORV may be operate on the far right of the maintained portion of any road within the Township except streets within the Village of Copemish, the natural beauty road (Valencourt Road and Litzan Road from Yates road to M-115), Healy Lake Road, township

border roads; Harlan Road, 13 Mile Road and any roadway, shoulder right-of-way of any State or Federal highway.

- Sec. 3** An ORV may be operated from a residence on a road closed by the Township or Manistee County Road Commission solely for the purpose of gaining access to the roads open to ORV's within the Township.
- Sec. 4** An ORV traveling on a road in the Township shall meet all of the following conditions, in addition to any others that may be imposed by law:
- a) Shall travel at a speed of no more than 25 miles per hour or a lower posted speed limit.
  - b) Shall be operated by a person not less than 12 years of age. (SEE SECTION 5.)
  - c) Shall travel with the flow of traffic.
  - d) Shall be operated in a manner that does not interfere with traffic on the road.
  - e) Shall travel in single file except when overtaking and passing another ORV.
  - f) Shall not travel on a road when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
  - g) Shall not operate before ½ hour before sunrise or after ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
  - h) Shall at all times display a lighted headlight, lighted tail light.
  - i) Shall only be 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.
  - j) Shall be equipped 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) Shall be equipped with a spark arrester type, United States Forest Service approved muffler in good working order and in constant operation.
  - l) Shall observe all noise emission standards defined by law.
- Sec. 5** A parent or legal guardian of a child less than 16 years of age shall not permit, and a child less than 16 years of age shall not operate an ORV on a road in the Township 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 driver's license, a person shall not operate an ORV on a road in the Township 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. In addition, 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. 8** The Township Treasurer shall deposit all fines and damages collected under this Ordinance into a fund to be designated as the "ORV Fund". The Clean Township Board shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Manistee County Road Commission for repairing damage to roads and the environment that may have been caused by ORV'S. Signs should be posted indicating whether a road is closed to the operation of ORV's.
- b) Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

**Sec. 9** This ordinance shall take effect sixty (60) days following its publication as required by law, following adoption by the Clean Township Board.

**Sec.10** The approved ORV Ordinance will be reviewed in one year.

**Sec. 11** All ordinances or part of ordinances in conflict herewith are replaced to the extent of the conflict.

**State of Michigan**  
**County of Manistee**  
**Township of Marilla**

An Ordinance to authorize and regulate the operation of off road vehicles (ORVs) on the roads in the Township of Marilla, to provide penalties for the violation thereof, to provide for appropriation of fines and damages resulting from the operation of ORVs and repeal all ordinances in conflict herewith.

The Township of Marilla ordains:

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

- a) "Township" means the Township of Marilla.
- b) "Driver's license" means an operators or chauffeurs 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 an ORV.
- d) "Operator" means a person who operates or is in actual physical control of an ORV.
- e) "ORV" means a motor driven recreation vehicle designed for off-road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to 2-wheel, 3-wheel or 4 wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, an ATV as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, or other means of transportation deriving motive power from a source other than muscle or wind. ORV does not include a vehicle described in this definition that is registered for use upon a public highway and has the security required by law.
- f) "Road" mean local roads of the Township as the same may be designated from time to time by the Township Board.
- g) "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 Province of Canada.
- h) "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 Subject to the regulations of this Ordinance and part 811 of the natural resources and environmental protection act, 1994 PA 324.81101, an ORV may be operated on the far right of the maintained portion of the road within the Township except Beers Road, 9 Mile Road, Yates Road, Marilla Road, 13 Mile Road and any roadway, shoulder right of way of any state or Federal highway.

Sec. 3 An ORV may be operated from a residence on a road closed by the Township or Manistee County Road Commission solely for the purpose of gaining access to the roads open to ORVs within the Township.

Sec. 4 An ORV traveling on the road in the Township shall meet all of the following conditions, in addition to any others that may be imposed by law:

- a) Shall travel at a speed of no more than 25 miles per hour or a lower posted speed limit.
- b) Shall be operated by a person not less than 12 years of age. (See Section 5.)
- c) Shall travel with the flow of traffic.
- d) Shall be operated in a manner that does not interfere with traffic on the road.
- e) Shall travel in a single file except when overtaking and passing another ORV.
- f) Shall not travel on a road when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) Shall not operate before ½ hour before sunrise or after ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
- h) Shall at all times display a lighted headlight and lighted taillight.
- i) Shall only be operated while the operator and each passenger is wearing a crash helmet and protective eyewear approve by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- j) Shall be equipped with a throttle so designed that when the pressure used to advance the throttle is removed, the engines speed will immediately and automatically return to idle.
- k) Shall be equipped with a spark arrestor type, United States Forest Service approved muffler in good working condition and in constant operation.
- l) Shall observe all noise emission standards defined by law.

Sec. 5 A parent or legal guardian of a child less than 16 years of age shall not permit, and a child less than 16 years of age shall not operate an ORV on a road in the Township 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 driver's license, a person shall not operate an ORV on a road in the Township 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. In addition, 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. 8 The Township Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the "ORV Fund". The Marilla Township Board shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Manistee County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs. Signs should be posted indicating whether a road is closed the operation of ORVs.
- b) Fifty percent to the Manistee County Sherriff for ORV enforcement and training.

Sec. 9 This ordinance shall take effect sixty (60) days following its publication as required by law, following adoption by the Marilla Township Board.

Sec. 10 The approved ORV ordinance will be reviewed in one year.

Sec. 11 All ordinances or part of ordinances in conflict herewith are replaced to the extent of the conflict.

**BEAR LAKE TOWNSHIP**  
**Ordinance No. 2 of 2011**

AN ORDINANCE PURSUANT TO 2008 PA 240, MCL 324.81131,  
AUTHORIZING AND REGULATING THE OPERATION OF OFF-ROAD  
VEHICLES ON ROADS WITHIN BEAR LAKE TOWNSHIP, MANISTEE  
COUNTY, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND  
PROVIDING FOR THE DISTRIBUTION OF PUBLIC FUNDS RESULTING  
FROM THOSE PENALTIES

THE TOWNSHIP OF BEAR LAKE, MANISTEE COUNTY ORDAINS:

**Section 1. Title.**

This Ordinance shall be known as the Bear Lake Township ORV Ordinance.

**Section 2. Definitions.** As used in this Ordinance,

"ATV" means a 3- or 4-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 500cc gasoline engine or an engine of comparable size using other fuels.

"County" means the County of Manistee.

"County Primary Road" and "County Local Road" mean those roads as described in section 5 of Act 51 of the Public Acts of 1951, as amended, being MCL 247.655.

"Driver's License" means any driving privileges, license, temporary instruction permit, or temporary license issued under the laws of any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.

"Far Right of the Maintained Portion of the Road" means the shoulder of the road when the roadway is improved by pavement, tar and chips, concrete, or other similar materials and means the extreme right of the open portion of the right-of-way when the roadway is not improved by pavement, tar and chips, concrete, or other similar materials.

"Official state personal identification card" means the official identification card issued by the Michigan Secretary of State under Act 222 of the Public Acts of 1972, as amended, or issued under a comparable statute by any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada to a person who is not legally blind and who has not currently had his or her driver's license suspended, revoked, or restricted.

"Operate" means to ride in or on and to be in actual physical control of the operation of an ORV.

"Operator" means a person who operates of an ORV.

"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 golf cart, 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.

"Road" 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.

"Road Commission" means the Board of County Road Commissioners for the County of Manistee.

"Roadway" means that portion of a road improved, designed, or ordinarily used for vehicular travel.

"Safety Certificate" means a certificate issued pursuant to Section 81129 of Act 451 of the Public Acts of 1994, as amended, being MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

"Shoulder" means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

"Visual Supervision" means the direct observation of the operator of an ORV with the unaided or normally corrected eyes, where the observer is able to come to the immediate aid of the operator.

### **Section 3. Regulations.**

- (a). No person shall operate an ORV on the roadway, shoulder, or any other portion of a state or federal road in Bear Lake Township, including US 31.
- (b). A person may operate an ORV on the far right of the maintained portion of all county primary and county local roads within Bear Lake Township, except the following:
  - (1). 13 Mile Road.
  - (2). 9 Mile Road.
  - (3). 8 Mile Road between US 31 and the west boundary line of Bear Lake Township.
- (c). When operating an ORV as authorized under this Ordinance, the operator shall comply with all of the following regulations:
  - (1). The operator shall be a person 16 years of age or older.
  - (2). The operator and each passenger shall wear a crash helmet and protective eyewear approved by the United States Department of Transportation, unless

the ORV is equipped with a roof that meets or exceeds the standards for a crash helmet and the operator and each passenger wears a properly adjusted and fasten seatbelt.

- (3). If the operator is a person 16 years of age or older, but less than 18 years of age, then the operator shall have in his or her immediate possession a valid driver's licence or a valid official state personal identification card and a safety certificate or he or she shall be under the direct visual supervision of a parent or guardian and shall have in his or her immediate possession a safety certificate.
- (4). If the operator is a person 18 years of age or older, then the operator shall have in his or her immediate possession a valid driver's licence or a valid official state personal identification card.
- (5). If the ORV is a 3-wheeled ATV, then the operator shall be a person 16 years of age or older.
- (6). If the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels, then the operator shall have in his or her immediate possession a valid driver's license.
- (7). Except as provided in subsection (9) below, the ORV shall not be operated at a speed greater than 25 miles per hour or at a speed greater than any posted ORV speed limit.
- (8). When the ORV is operated within 100 feet of a dwelling, the ORV shall not be operated at a speed greater than the minimum speed required to maintain controlled forward movement of the vehicle.
- (9). The ORV shall be operated with the flow of traffic on the road.
- (10). The ORV shall be operated in a manner that does not interfere with traffic on the road.
- (11). All ORVs shall be operated in a single-file formation, except when overtaking and passing another ORV or when being overtaken and passed by another ORV.
- (12). The ORV shall be operated displaying a lighted headlight and lighted at all times.
- (13). The ORV shall be equipped 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.
- (14). The ORV shall be equipped with an arrester type, United States forest service approved muffler in good working order and in constant operation.
- (15). The ORV shall be operated in full compliance with all noise emission standards defined by law.
- (16). The ORV shall be licensed by the Michigan Department of Natural Resources, and the license shall be permanently attached to the vehicle in the manner

prescribed and in the location designated by the Michigan Department of Natural Resources in accordance with state law.

**Section 4. Exception for Agricultural Use of an ORV.**

This Ordinance shall not apply to the operation of an ORV for agricultural purposes as authorized under MCL 324.81122(c).

**Section 5. Signs.**

With the consent of the road commission, the county shall procure and have posted on the applicable county primary and county local roads signs conforming to the requirements of the state manual and specifications for a uniform system of traffic-control devices that provide notice to the public that the operation of ORVs on the roads on which the signs are posted is prohibited under this Ordinance.

**Section 6. Penalties.**

- (a). A person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.
- (b). In addition to the fine specified in subsection (a) above, the 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.

**Section 7. Enforcement Officers.**

Deputies of the Manistee County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**Section 8. ORV Fund.**

The Bear Lake Township Treasurer shall deposit all fines and damages collected under Section 5 of this Ordinance into a fund to be designated as the "ORV Fund." The Bear Lake Township Board shall appropriate revenue in the ORV Fund as follows:

- (a). Fifty percent (50%) to the Manistee County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits and/or indicating whether roads are open or closed to the operation of ORVs.
- (b). Fifty percent (50%) to the Manistee County Sheriffs Department for ORV enforcement and training.

**Section 9. Validity.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**Section 10. Effective Date.**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

Ordinance No. 2 of 2011 was adopted on the 21 day of JUNE, 2011, by the Bear Lake Township as follows:

Motion by: GRIFFIS  
Seconded by: MAY  
Yeas: MAY, HARNISH, BEST, PATTISON, GRIFFIS  
Nays: NONE  
Absent: NONE

Deanna Pattison Vern Best  
Deanna Pattison, Clerk Vern Best, Supervisor

I, Deanna Pattison, the Clerk of the Township of Bear Lake, Manistee County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Bear Lake Township Board of said County at its regular meeting held on JUNE 31, 2011, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the \_\_\_\_\_ on JUNE 24, 2011.

Dated: JUNE 21, 2011 Deanna Pattison  
Deanna Pattison, Clerk

STATE OF MICHIGAN  
COUNTY OF MANISTEE  
TOWNSHIP OF ONEKAMA

November 1, 2010  
Amended Dec. 7, 2010

ORDINANCE No. 2010-1

COPY

An ordinance to authorize and regulate the operation of Off Road Vehicles (ORVs) on the roads in the Township of Onekama, to provide penalties for the violation thereof, to provide for appropriation of fines and damages resulting from the operation of ORVs and repeal all ordinances in conflict herewith.

THE TOWNSHIP OF ONEKAMA ORDAINS:

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

- a) "Township" means the Township of Onekama.
- b) "Drivers License" means an operators or chauffeurs 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 an ORV.
- d) "Operator" means a person who operates or is in actual physical control of an ORV.
- e) "ORV" means a motor-driven recreation vehicle designed for off-road use and 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 includes, but is not limited to, a multi-track or multi-wheel drive vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, an ATV as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, or other means of transportation deriving motive power from a source other than muscle or wind. ORV does not include a vehicle described in this definition that is registered for use upon a public highway and has the security required by law.
- f) "Road" means local roads of the Township as the same may be designated from time to time by the Township Board.
- g) "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 province of Canada.
- h) "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 Subject to the regulations of this Ordinance and part 811 of the natural resources and environmental protection act, 1994 PA 324.81101, an ORV may be operated on the far right of the maintained portion of any road within the Township except Portage Point Drive from M-22 to 2<sup>nd</sup> Street West and any roadway, shoulder right-of-way of any State or Federal highway. (The following sentence was amended and included in Section 2 at the Onekama Township Board meeting Tuesday, December 7, 2010): "This also includes access on Portage Point Drive from Herkelrath to Bayview."

**Sec. 3** An ORV may be operated from a residence on a road closed by the Township or Manistee County Road Commission solely for the purpose of gaining access to the roads open to ORV's within the Township.

**Sec. 4** An ORV travelling on a road in the Township shall meet all of the following conditions, in addition to any others that may be imposed by law:

- a) Shall travel at a speed of no more than 25 miles per hour or a lower posted speed limit.
- b) Shall be operated by a person not less than 12 years of age. (SEE SECTION 5.)
- c) Shall travel with the flow of traffic.
- d) Shall be operated in a manner that does not interfere with traffic on the road.
- e) Shall travel in single file except when overtaking and passing another ORV.
- f) Shall not travel on a road when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) Shall not operate before ½ hour before sunrise or after ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
- h) Shall at all times display a lighted headlight, lighted tail light.
- i) Shall only be 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.
- j) Shall be equipped 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) Shall be equipped with a spark arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- l) Shall observe all noise emission standards defined by law.

**Sec. 5** A parent or legal guardian of a child less than 16 years of age shall not permit, and a child less than 16 years of age shall not operate an ORV on a road in the Township 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 driver's license, a person shall not operate an ORV on a road in the Township 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. In addition, 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. 8** The Township Treasurer shall deposit all fines and damages collected under this Ordinance into a fund to be designated as the "ORV Fund". The Onokama Township Board shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Manistee County Road Commission for repairing damage to roads and the environment that may have been caused by ORV'S. Signs should be posted indicating whether a road is closed to the operation of ORV's.
- b) Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

**Sec. 9** This ordinance shall take effect thirty (30) days following its publication as required by law, following adoption by the Onokama Township Board.

**Sec.10** The approved ORV Ordinance will be reviewed in one year.

Sec. 11 All ordinances or part of ordinances in conflict herewith are replaced to the extent of the conflict.

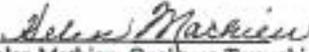
Motion by Beebe, second by Clement, to adopt Onekama Township ORV Ordinance No. 2010-1 with corrections.

Trustees voting "Aye": Roland Clement, LaVonne Schafer-Beebe, Helen Mathieu, James Wisniski, David Meister.

Trustees voting "Nay":

Trustees absent or abstaining: None.

**RESOLUTION DECLARED PASSED**

  
Helen Mathieu, Onekama Township Clerk

**CERTIFICATION**

I, Helen Mathieu, Clerk of the Township of Onekama, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Township Board on ~~November 1, 2010~~

Amended Dec. 7, 2010.

  
Helen Mathieu, Onekama Township Clerk

**STATE OF MICHIGAN  
COUNTY OF MANISTEE  
VILLAGE OF ONEKAMA**

**ORDINANCE No. 37**

**An ordinance to authorize and regulate the operation of Off Road Vehicles (ORVs) on the roads in the Village of Onekama, to provide penalties for the violation thereof, to provide for appropriation of fines and damages resulting from the operation of ORVs and repeal all ordinances in conflict herewith.**

**THE VILLAGE OF ONEKAMA ORDAINS:**

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

- a) "Village" means the Village of Onekama.
- b) "Drivers license" means an operators or chauffeurs 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 an ORV.
- d) "Operator" means a person who operates or is in actual physical control of an ORV.
- e) "ORV" means a motor-driven recreation vehicle designed for off-road use and 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 includes, but is not limited to, a multi-track or multi-wheel drive vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, an ATV as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, or other means of transportation deriving motive power from a source other than muscle or wind. ORV does not include a vehicle described in this

definition that is registered for use upon a public highway and has the security required by law.

- f) "Road" means a major road or a minor local road of the Village as the same may be designated from time to time by the Village Council of the Village.
- g) "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 province of Canada.
- h) "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** Subject to the regulations of this Ordinance and part 811 of the natural resources and environmental protection act, 1994 PA 324.81101, an ORV may be operated on the far right of the maintained portion of any road within the Village except Main Street, (M-22)

**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 Village.

**Sec 4** An ORV travelling on a road in the Village shall meet all of the following conditions, in addition to any others that may be imposed by law:

- a) Shall travel at a speed of no more than 25 miles per hour or a lower posted speed limit.
- b) Shall be operated by a person not less than 12 years of age.
- c) Shall travel with the flow of traffic.
- d) Shall be operated in a manner that does not interfere with traffic on the road.
- e) Shall travel in single file except when overtaking and passing another ORV.
- f) Shall not travel on a road when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) Shall not operate before ½ hour before sunrise or after ½ hour after sunset unless displaying a lighted headlight and lighted taillight.

- h) Shall at all times display a lighted headlight and lighted taillight at all hours beginning January 1, 2010.
- i) Shall only be 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.
- j) Shall be equipped 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) Shall be equipped with a spark arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- l) Shall observe all noise emission standards defined by law.

**Sec. 5** A parent or legal guardian of a child less than 16 years of age shall not permit, and a child less than 16 years of age shall not operate an ORV on a road in the Village unless the child is under the direct visual supervision of an adult and the child has 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 in the Village 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. In addition, 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. 8** The Village Treasurer shall deposit all fines and damages collected under this Ordinance into a fund to be designated as the

"ORV Fund". The Village Council shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the village Street Funds for repairing damage to roads and the environment that may have been caused by an ORV and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of an ORV.
- b) Fifty percent to the Manistee County Sheriff for ORV enforcement and training.
- c)

**Sec. 9** This ordinance becomes effective on the date of publication following adoption as required by law.

**Sec. 10** All ordinances or part of ordinances in conflict herewith are replaced to the extent of the conflict.

Trustees voting "Aye": Bob Blackmore, Ralph Drumm, Ken Bauer, Kim Lagerquist, Donald Schwing

Trustees voting "Nay": Alice Hendricks

Trustees absent or abstaining: None

**RESOLUTION DECLARED PASSED**

Ruth Hudson  
Village Clerk

**Certification**

I, Ruth M. Hudson, Clerk of the Village of Onekama, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Village Council on the 21<sup>st</sup> day of January, 2009.

Ruth M. Hudson  
Village Clerk

26 January, 2009

**Memo:**

Please be informed that the “**Village**” of Onekama has adopted a new **ORV Ordinance** effective, 24 January, 2009.

Sincerely,

Ruth M. Hudson  
Village of Onekama Clerk

Encl: ORV ORDINANCE No 37

CC:

Manistee County Board of Commissioners  
Manistee County Road Commission  
Manistee County Sheriff Department  
Manistee County Ranger Station, Manistee  
Michigan Natural Resource Department, Cadillac  
Michigan State Police, Manistee  
Onekama Township  
Bear Lake Township  
Little River Band of Ottawa Indians  
File

O.R.V.  
STATE OF MICHIGAN  
COUNTY OF MANISTEE  
TOWNSHIP OF DICKSON

ORDINANCE No. 329-2010

An ordinance to authorize and regulate the operation of Off Road Vehicles (ORVs) on the roads in the Township of Dickson, to provide penalties for the violation thereof, to provide for the appropriation of fines and damages resulting from the operation of ORVs and to repeal all ordinances in conflict herewith.

**THE TOWNSHIP OF DICKSON ORDAINS:**

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

- a) "Township" means the Township of Dickson.
- b) "Drivers 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 an ORV.
- d) "Operator" means a person who operates or is in actual physical control of an ORV.
- e) "ORV" means a motor-driven recreation vehicle designed for off-road use and 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 includes, but is not limited to, a multi-track or multi-wheel drive vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, an ATV as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, or other means of transportation deriving motive power from a source other than muscle or wind. ORV does not include a vehicle described in this definition that is registered for use upon a public highway and has the security required by law.
- f) "Road" means a major road or a minor local road of the Township as the same may be designated from time to time by the Township Board, excluding all private roads, private property, open private property, seasonal roads and State of Michigan and United States land.
- g) "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 province of Canada.

- h) "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** Subject to the regulations of this Ordinance and part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101, an ORV may be operated on the far right of the maintained portion of any road within the Township.

**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 Township closed to ORV use by the Manistee County Road Commission.

**Sec. 4** An ORV travelling on a road in the Township shall meet all of the following conditions, in addition to any others that may be imposed by law:

- a) Shall travel at a speed of no more than twenty (20) miles per hour or a lower posted speed limit and not more than ten (10) miles per hour when within two hundred (200) feet of a driveway, residence or pedestrian.
- b) Shall be operated by a person not less than Sixteen (16) years of age who has in his or her possession a validly issued drivers license.
- c) Shall travel on the extreme right hand portion of the traveled part of the road, giving way to other vehicles.
- d) Shall be operated in a manner that does not interfere with traffic on the road.
- e) Shall travel in single file except when overtaking and passing another ORV.
- f) Shall not travel on a road when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) Shall not operate before ½ hour before sunrise or after ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
- h) Shall at all times display a lighted headlight and lighted taillight at all hours.
- i) Shall only be 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.
- j) Shall not operate between the hours of eight (8) p.m. and seven (7) a.m. from April 1<sup>st</sup> through November 30<sup>th</sup>.
- k) Shall be equipped 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.
- l) Shall be equipped with a spark arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- m) Shall observe all noise emission standards defined by law.
- n) Shall be equipped with right and left rear-view mirrors.
- o) Shall be equipped with brakes, lights and turn signals.
- p) Shall be equipped with reflector material on the side of each vehicle.

Sec. 5 A parent or legal guardian of a child less than 16 years of age shall not permit, and a child less than 16 years of age shall not operate an ORV on a road in the Township 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 driver's license, a person shall not operate an ORV on a road in the Township 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, plus legal expenses. In addition, 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. 8 The Township Treasurer shall deposit all fines and damages collected under this Ordinance into a fund to be designated as the "ORV Fund". The Township Board shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Township Street Fund for repairing damage to roads and the environment that may have been caused by an ORV and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of an ORV.
- b) Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

Sec. 9 This ordinance becomes effective on the 30<sup>th</sup> day following its adoption and publication as required by law.

Sec. 10 All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

Trustees voting "Aye":

Trustees voting "Nay":

Trustees absent or abstaining:

RESOLUTION DECLARED PASSED

\_\_\_\_\_  
Township Clerk

Certification

I, Karin L. Boyer, Clerk of the Township of Dickson, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Township Board on the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Township Clerk