

Manistee County, Local Unit of Government ORV Use Allowance

ORV use on road shoulders in Manistee County is determined by each individual local unit of government, the Manistee County Road Commission (MCRC), the Michigan Department of Transportation (MDOT), the United States Forest Service (USFS), and the Department of Natural Resources (DNR).

This guide outlines which local units of government allow ORV use and specifically which roads are open to use. Local units of government closed to ORV use may still have roads open for use under a different agency. (Example: Marilla Township contains roads open to use that are maintained by the USFS.)

This information is subject to change and any individual interested in ORV use on public roads should

CHECK WITH THE LOCAL UNIT OF GOVERNMENT TO BE SURE OF MAP VALIDITY.

Some roads shown as open are only open seasonally; check with the respective entities for these restrictions or to gather more information regarding ORV use.

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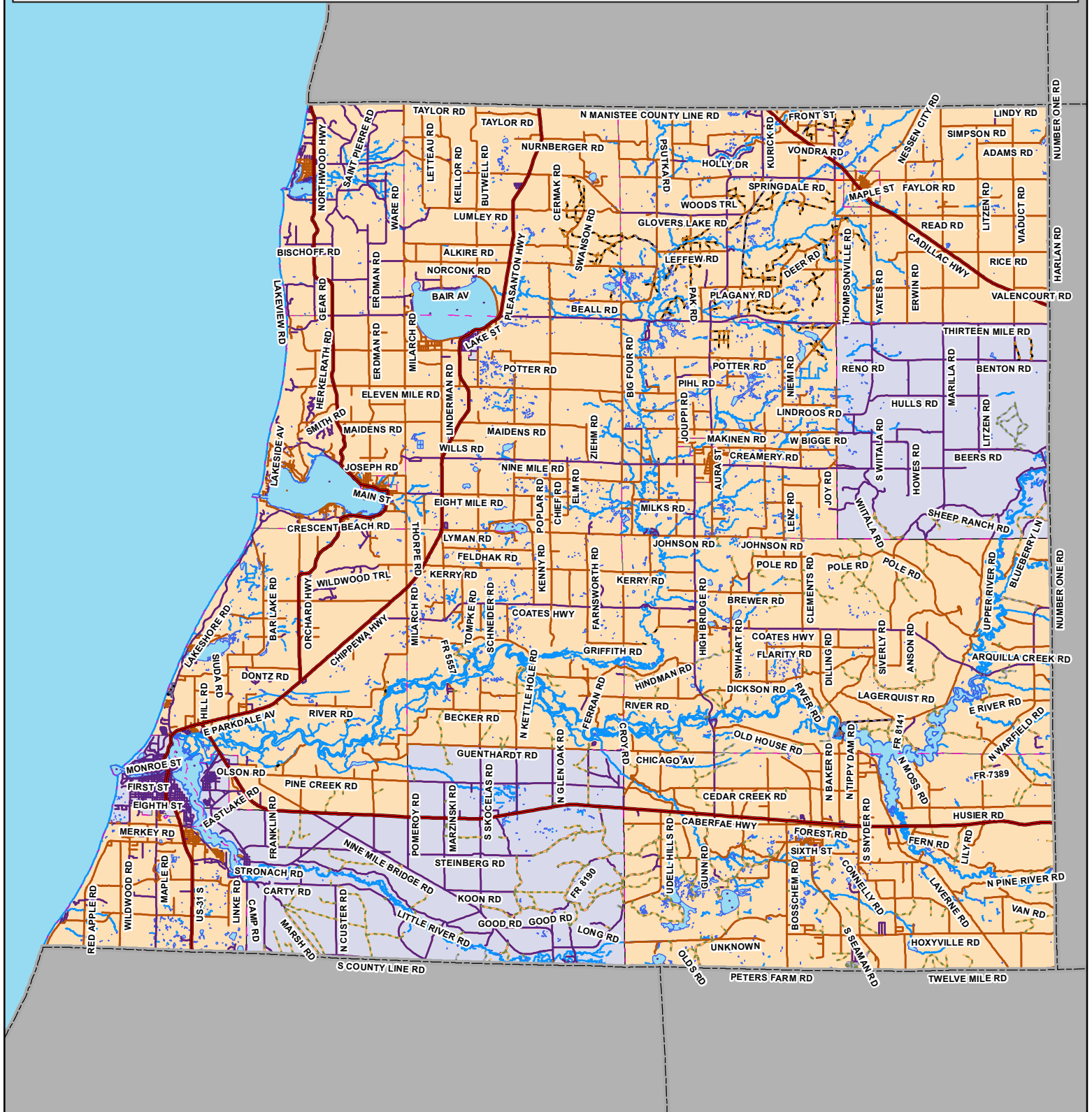
Manistee County ORV Use Allowance Map

Legend

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| Roads Open to ORV Use | Forest Service Roads Open to ORV's | DNR Roads Open to ORV's | Units Allowing ORV Use |
| Roads Closed to ORV Use | Forest Service Roads Closed to ORV's | DNR Roads Closed to ORV's | Units Not Allowing ORV Use |
| Local Unit Boundaries | Adjacent Counties | Highways Closed to ORV Use | Water Bodies |
| | | | Hydrology |

Published August 2023

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Arcadia Township ORV Use Allowance Map

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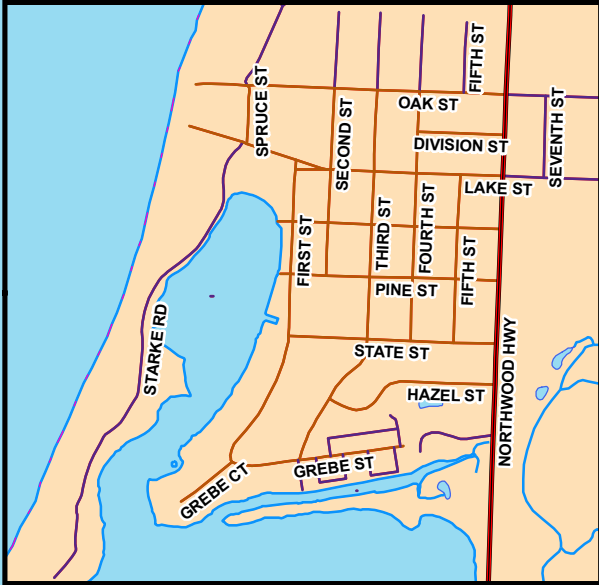
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Published August 2023

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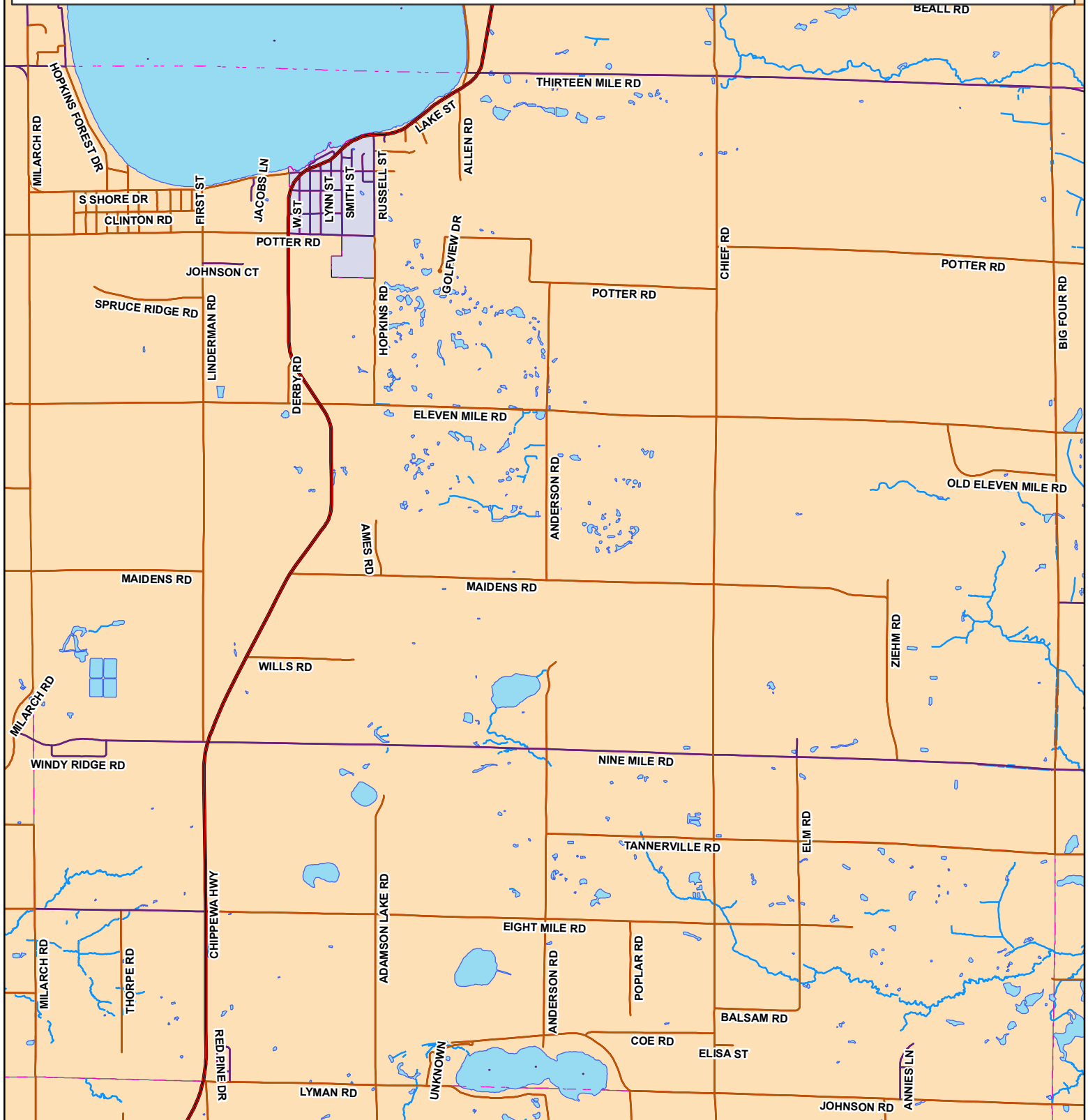
Bear Lake Twp. & Village ORV Use Allowance Map

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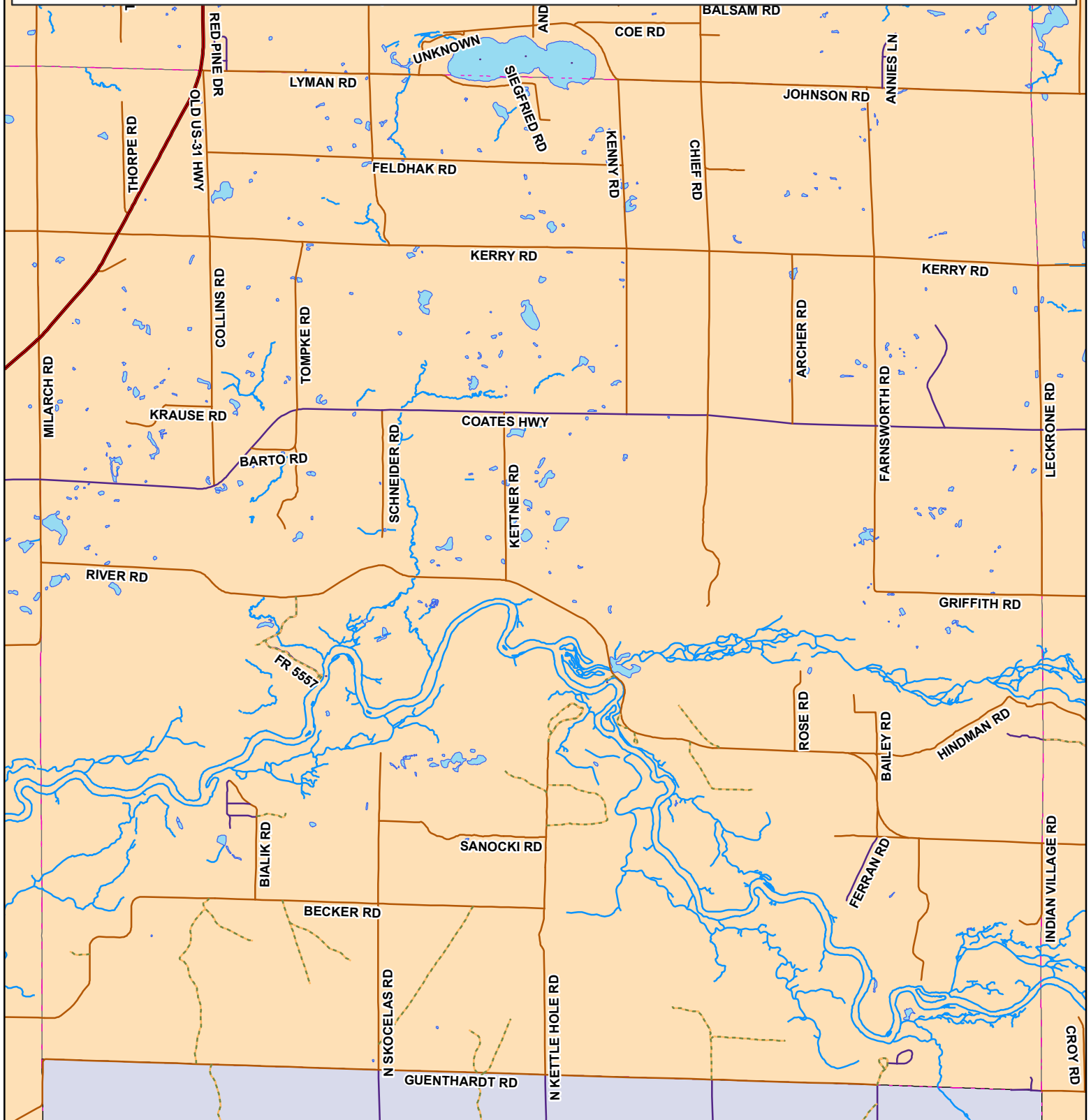
Brown Twp. ORV Use Allowance Map

Legend

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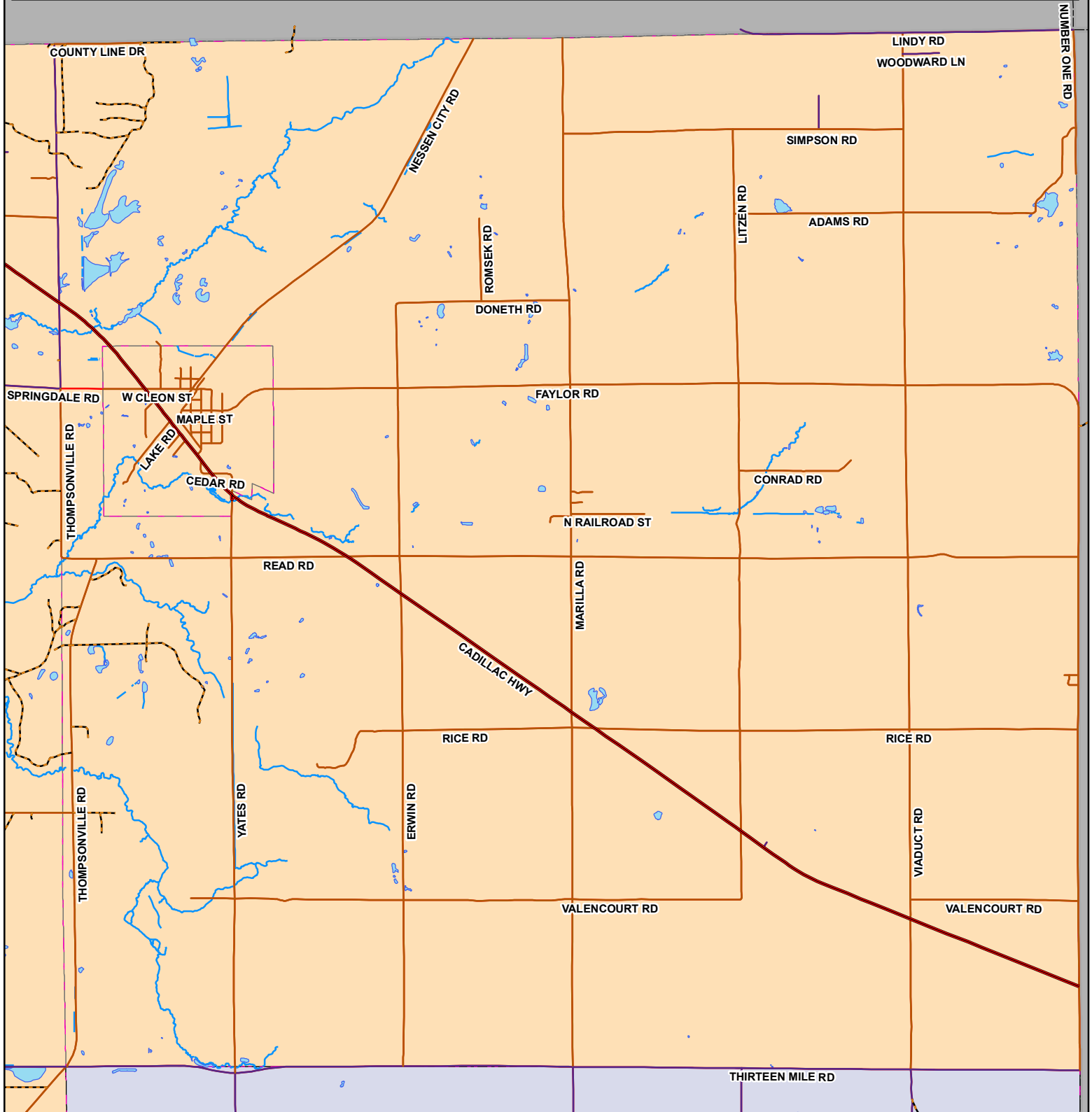
Cleon Township ORV Use Allowance Map

Legend

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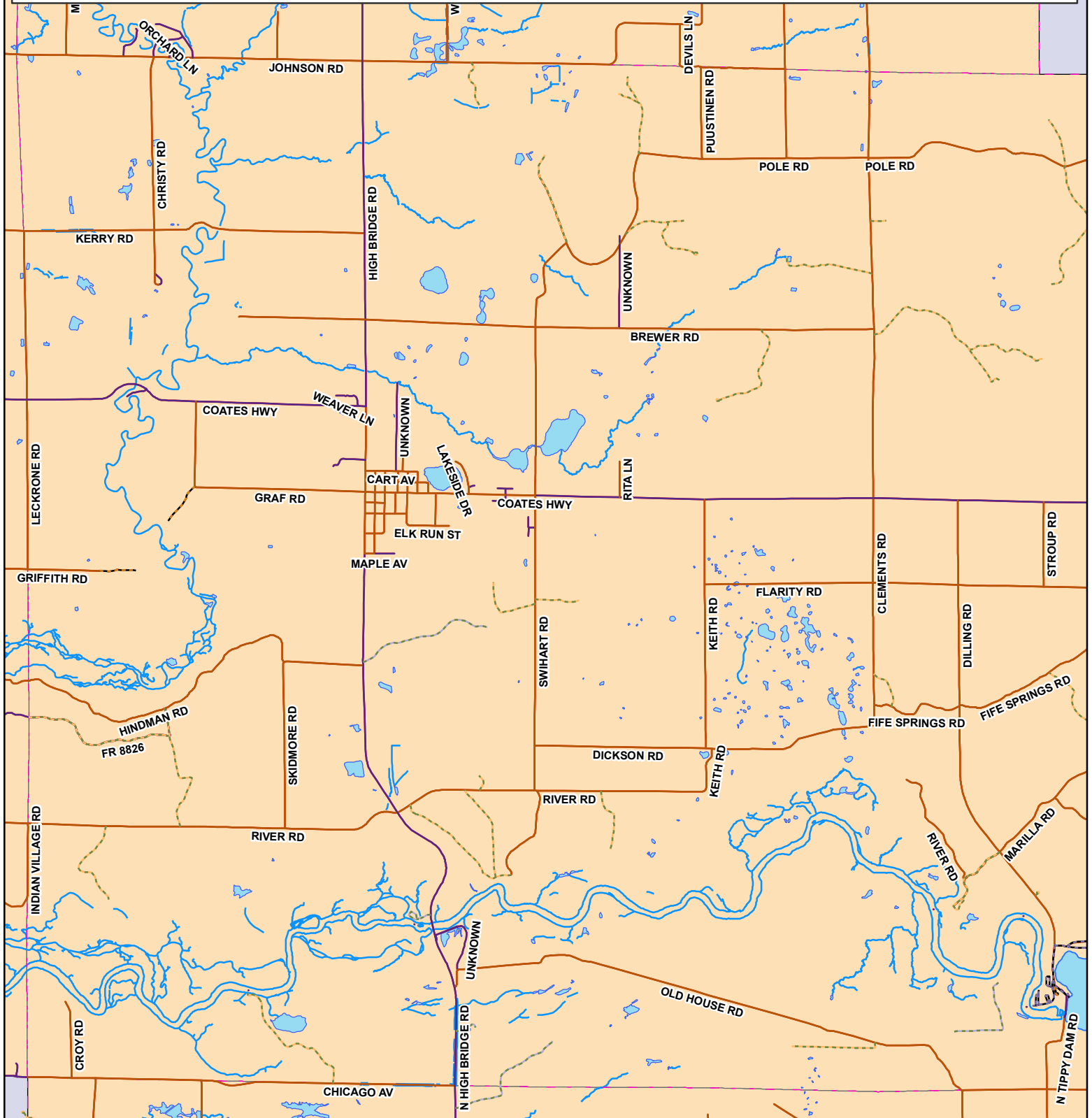
Dickson Twp. "West" ORV Use Allowance Map

Legend

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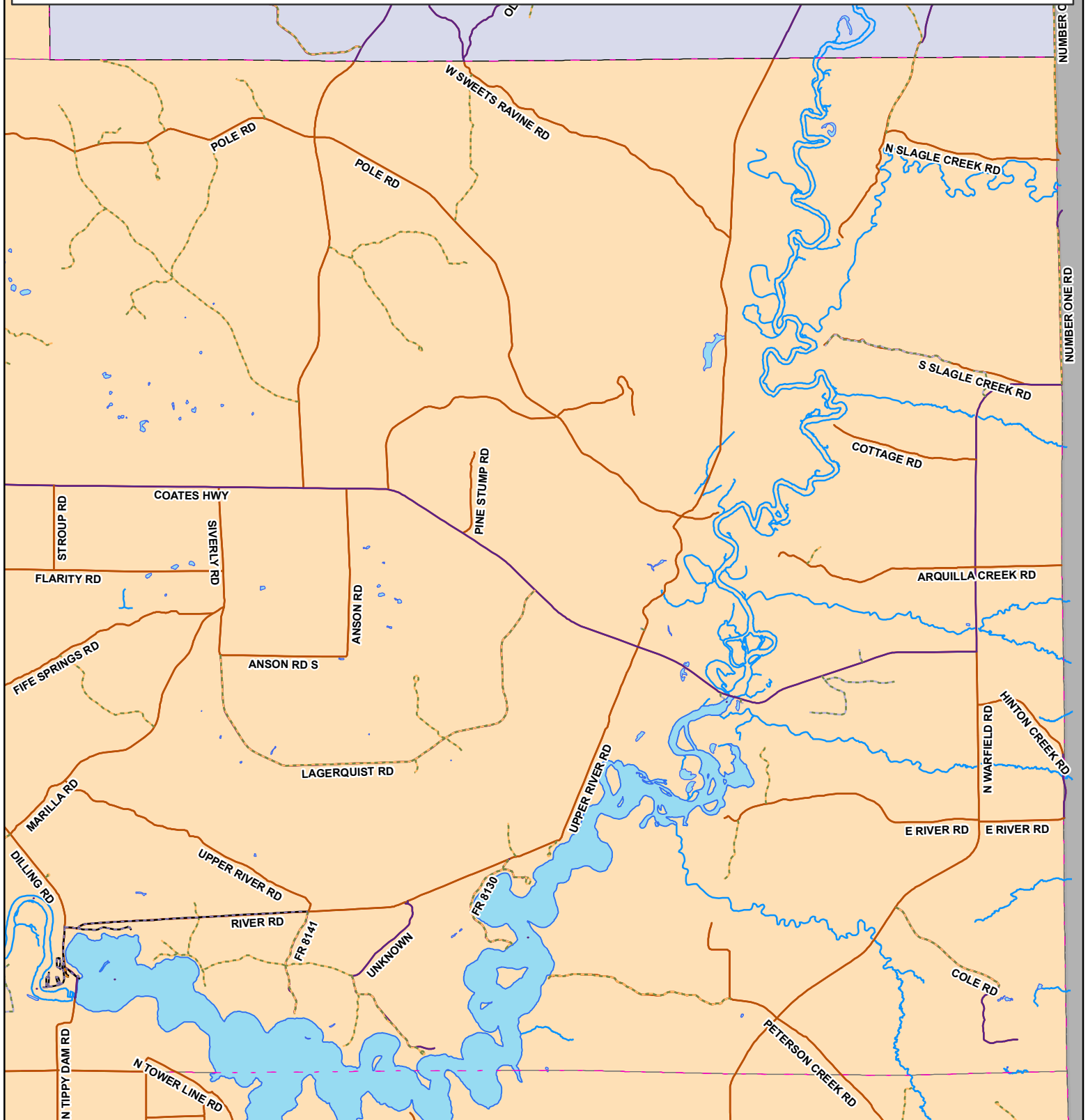
Dickson Twp. "East" ORV Use Allowance Map

Legend

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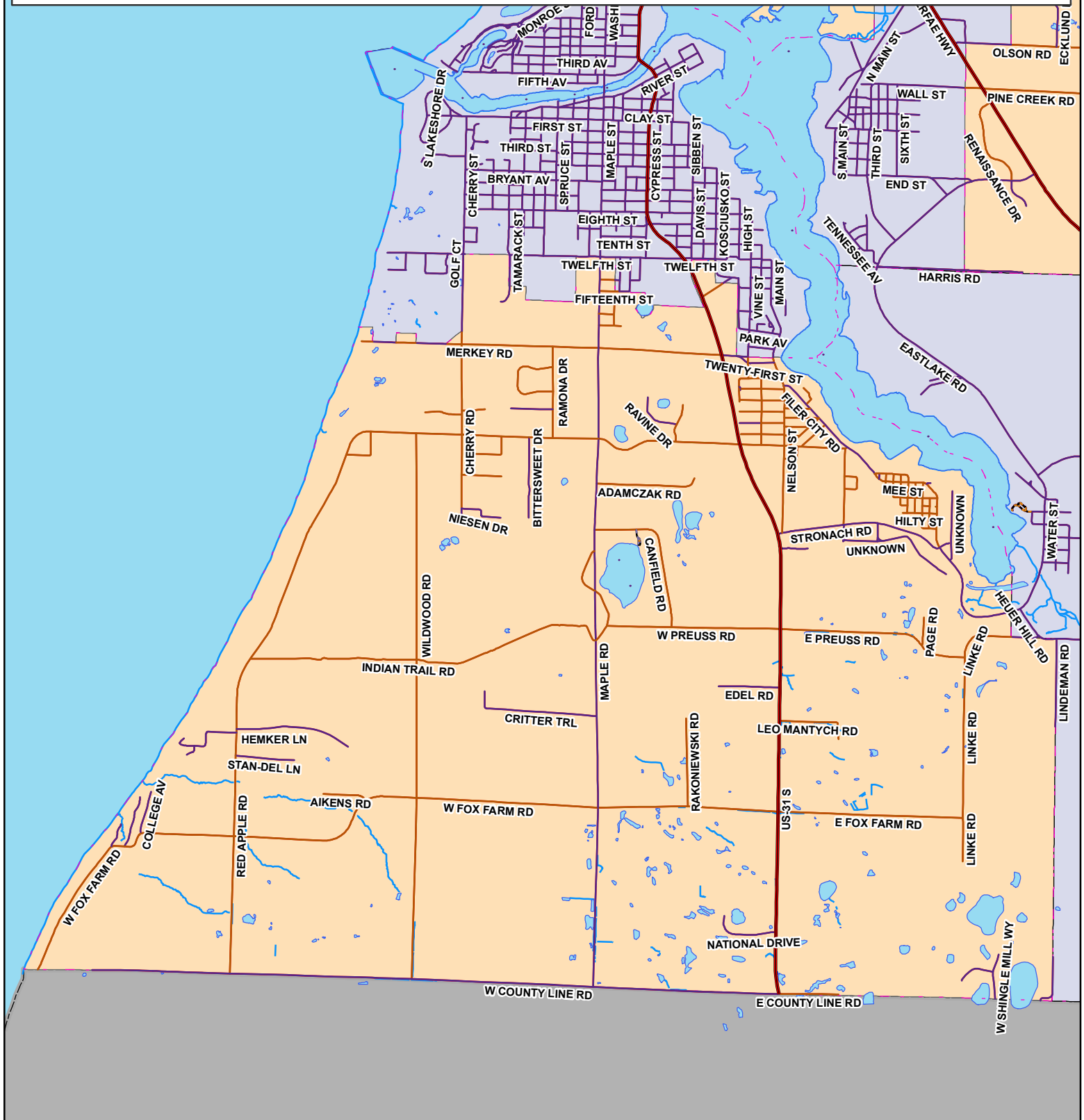
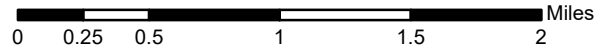


Filer Twp. ORV Use Allowance Map

Legend

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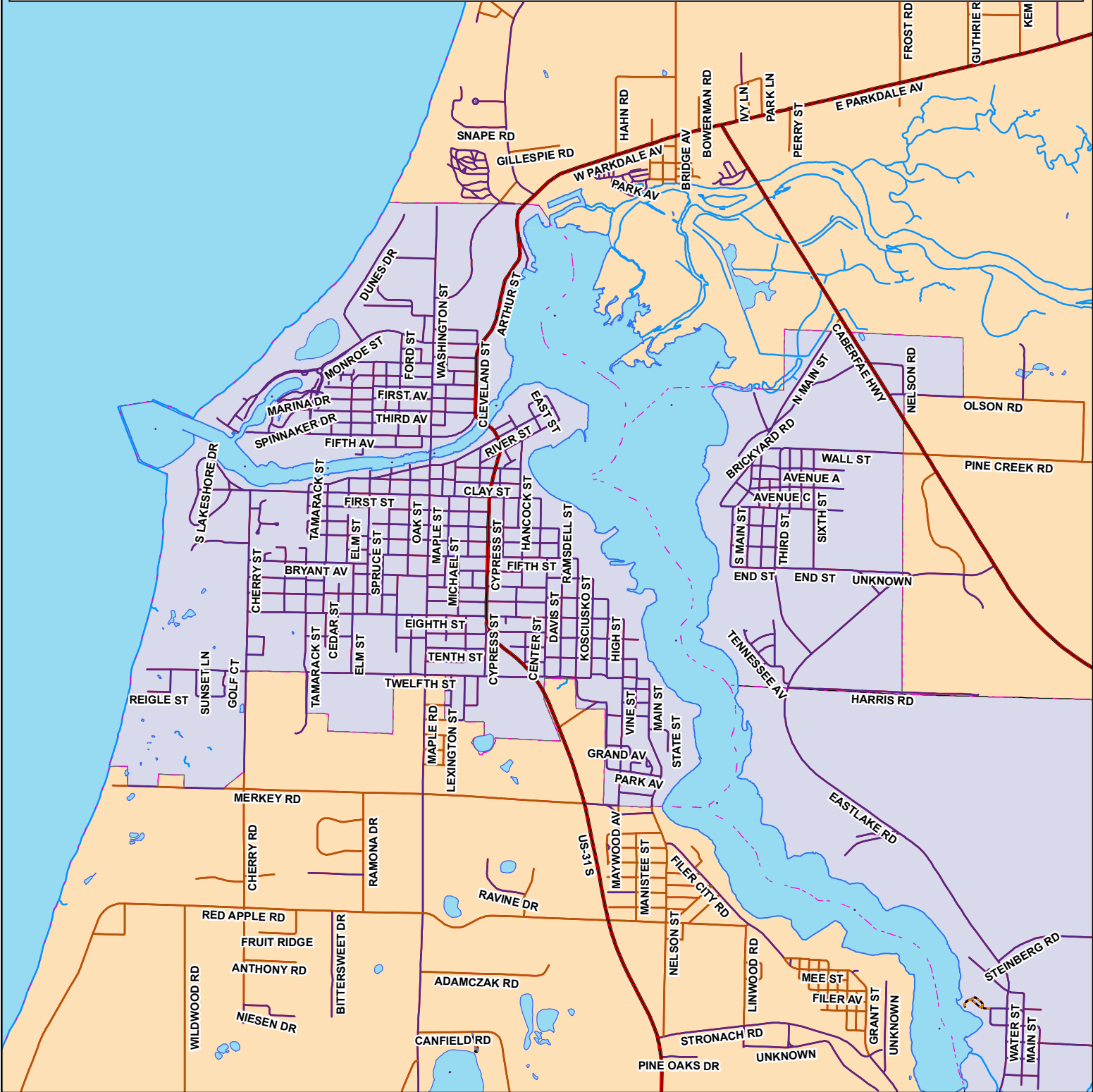
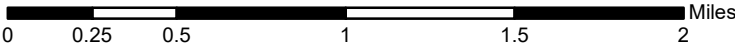
City of Manistee & Eastlake Village

ORV Use Allowance Map

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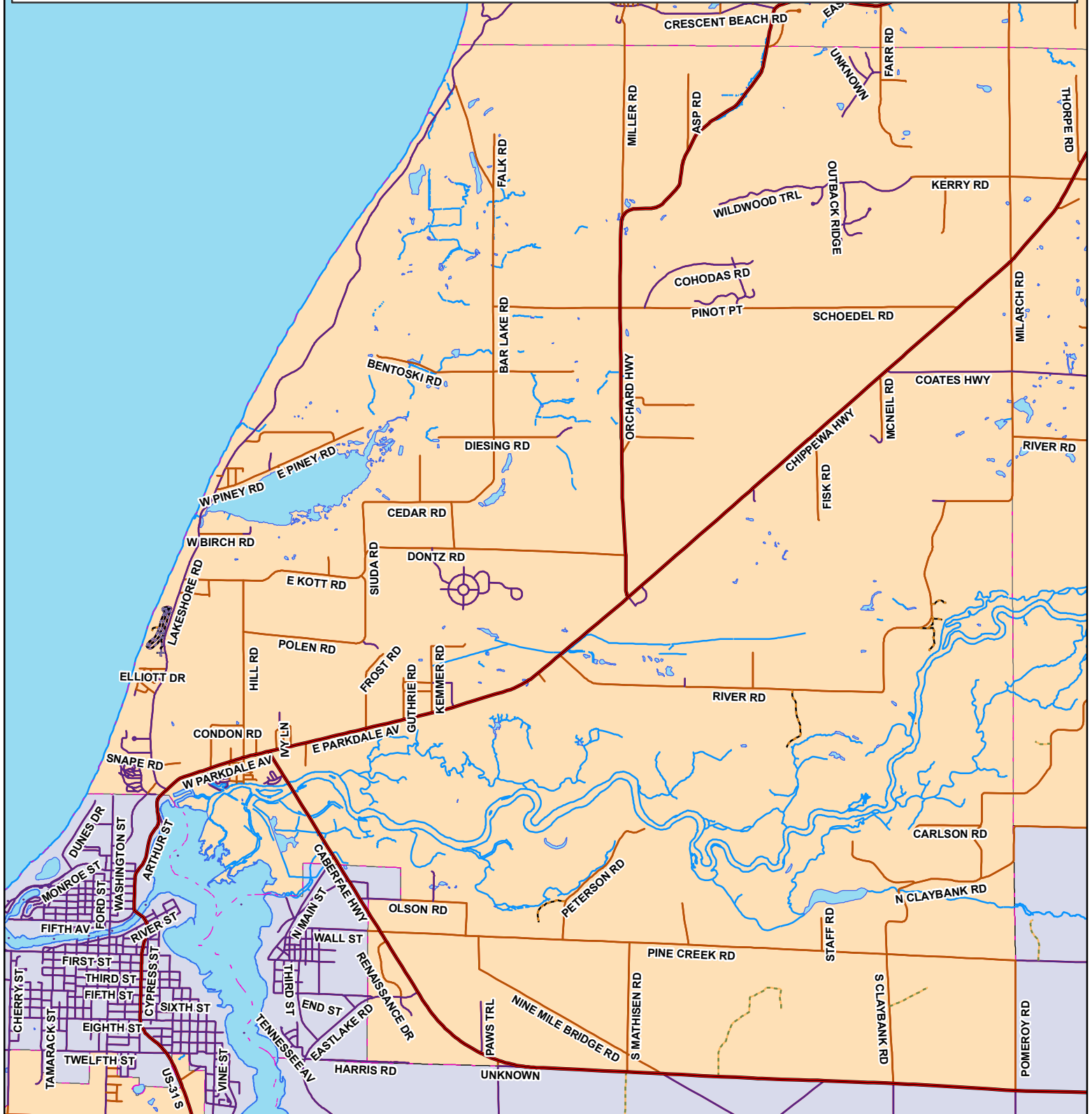
Manistee Twp. ORV Use Allowance Map

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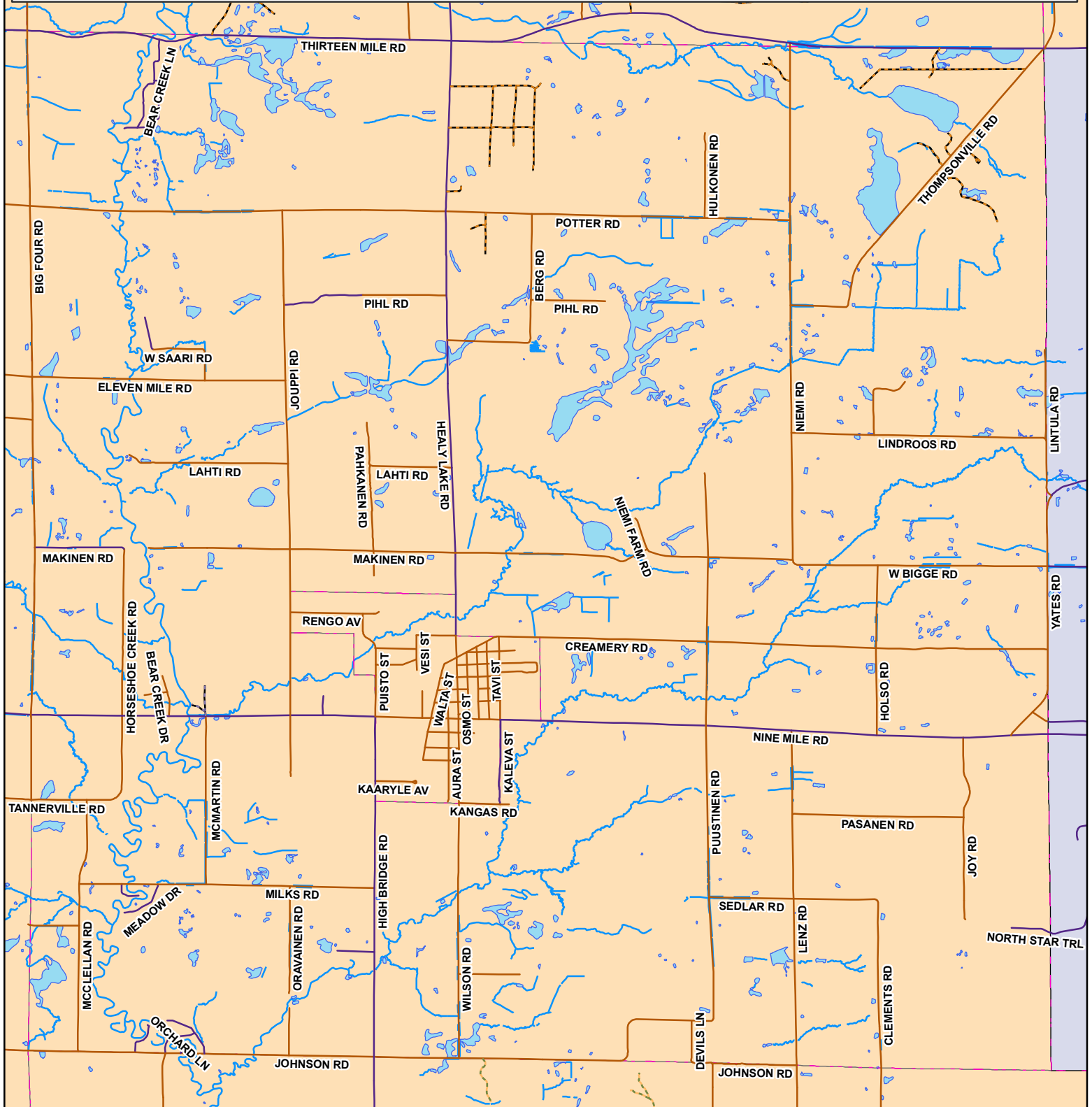
Maple GroveTwp./Kaleva Village ORV Use Allowance Map

Legend

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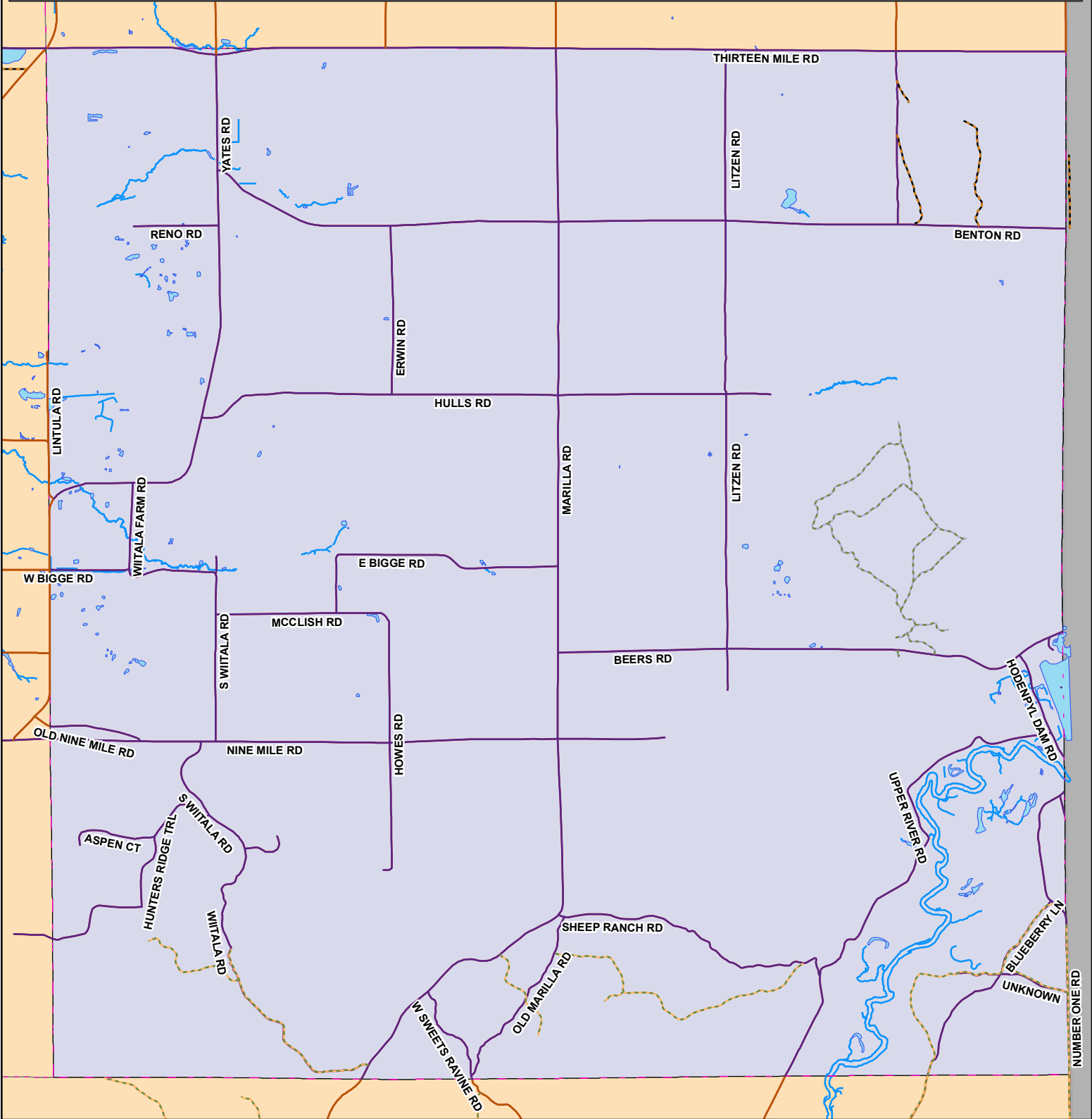
Marilla Township ORV Use Allowance Map

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Norman Twp. "West" ORV Use Allowance Map

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Norman Twp. "West" ORV Use Allowance Map

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- # Norman Twp. "West" ORV Use Allowance Map
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Norman Twp. "West" ORV Use Allowance Map

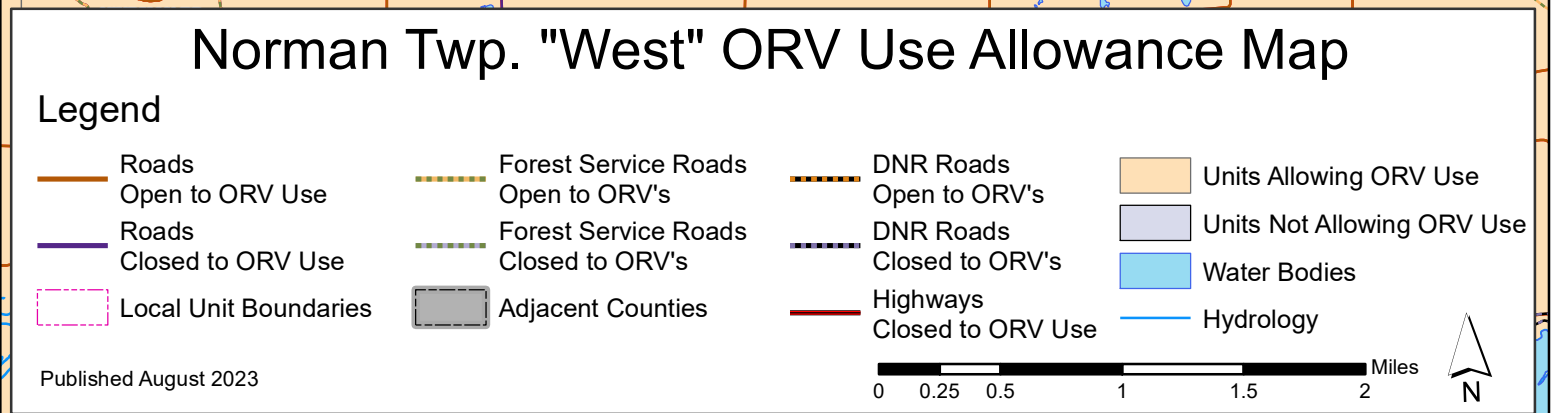
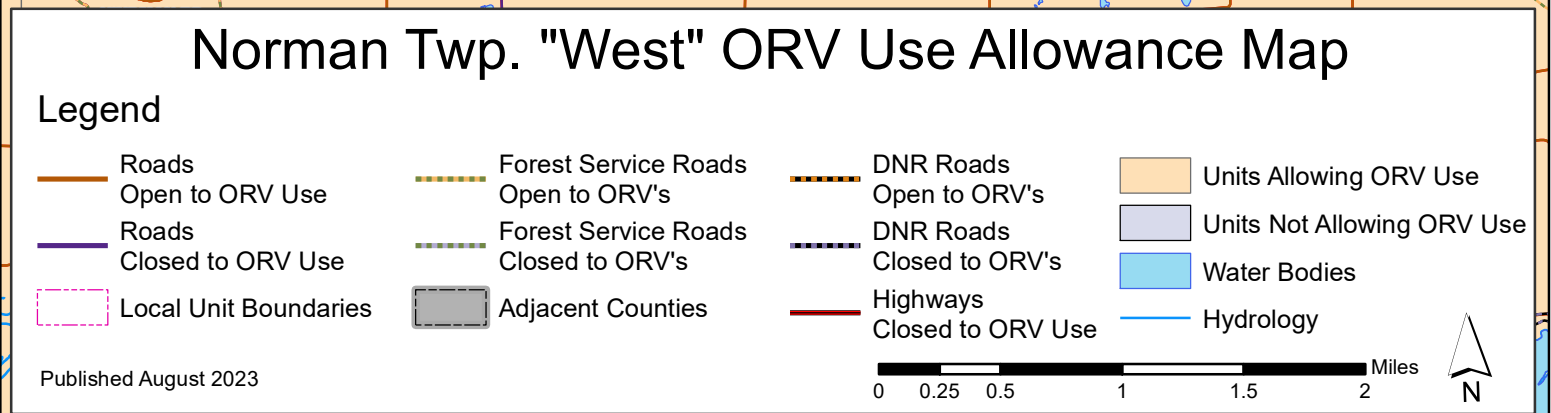
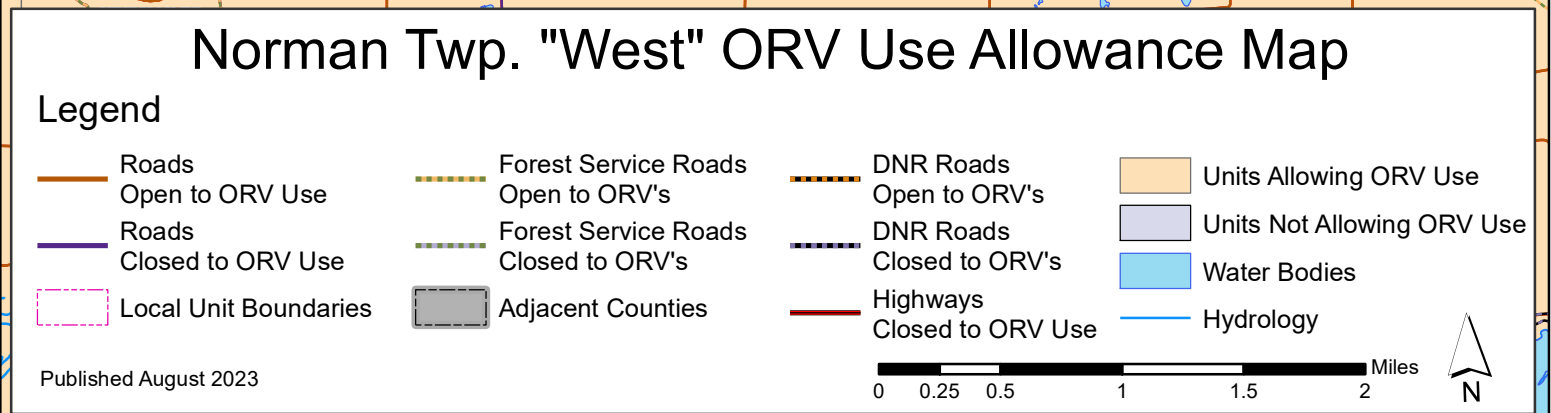
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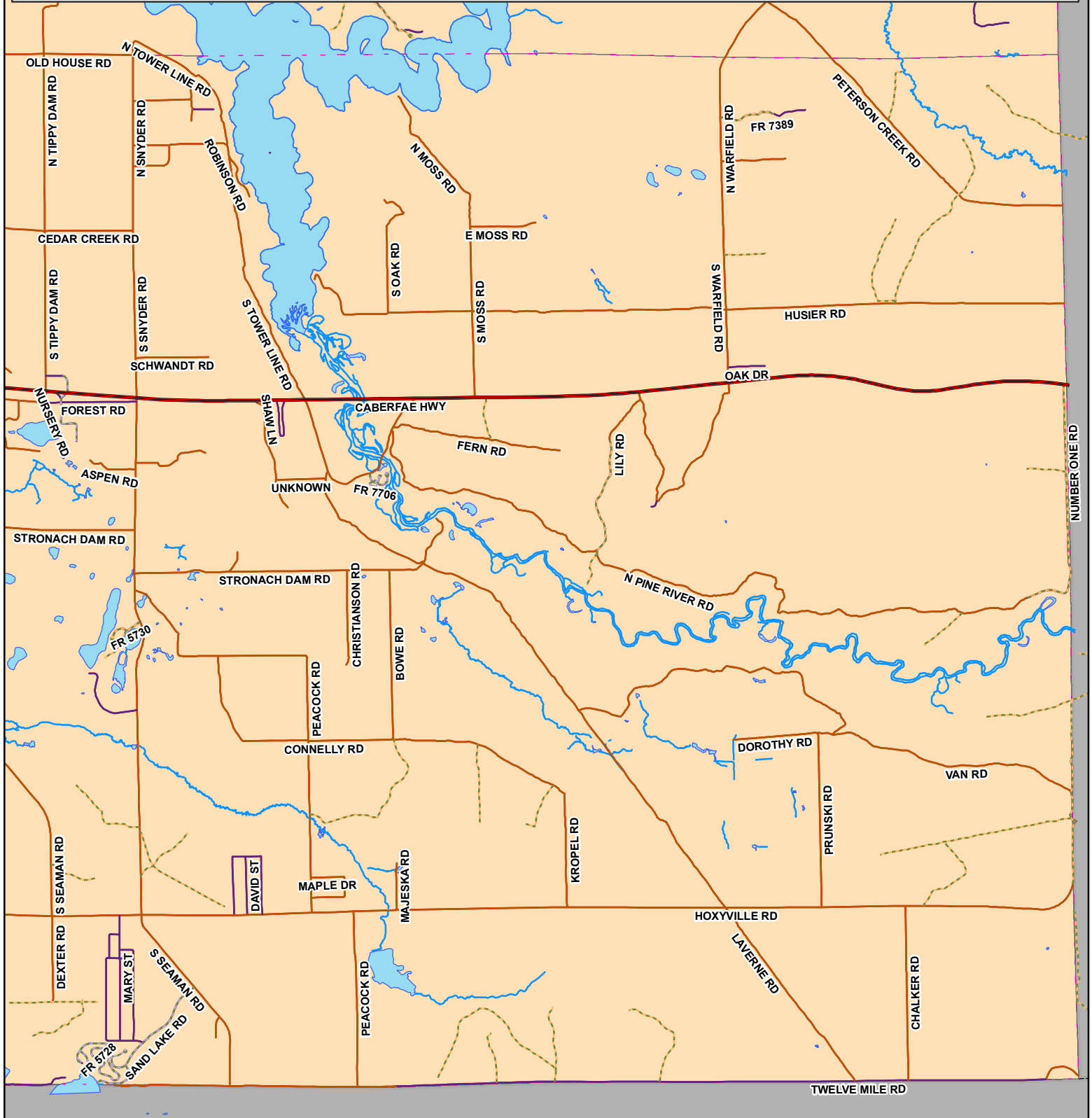
Norman Twp. "East" ORV Use Allowance Map

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Onekama Twp. & Village ORV Use Allowance Map

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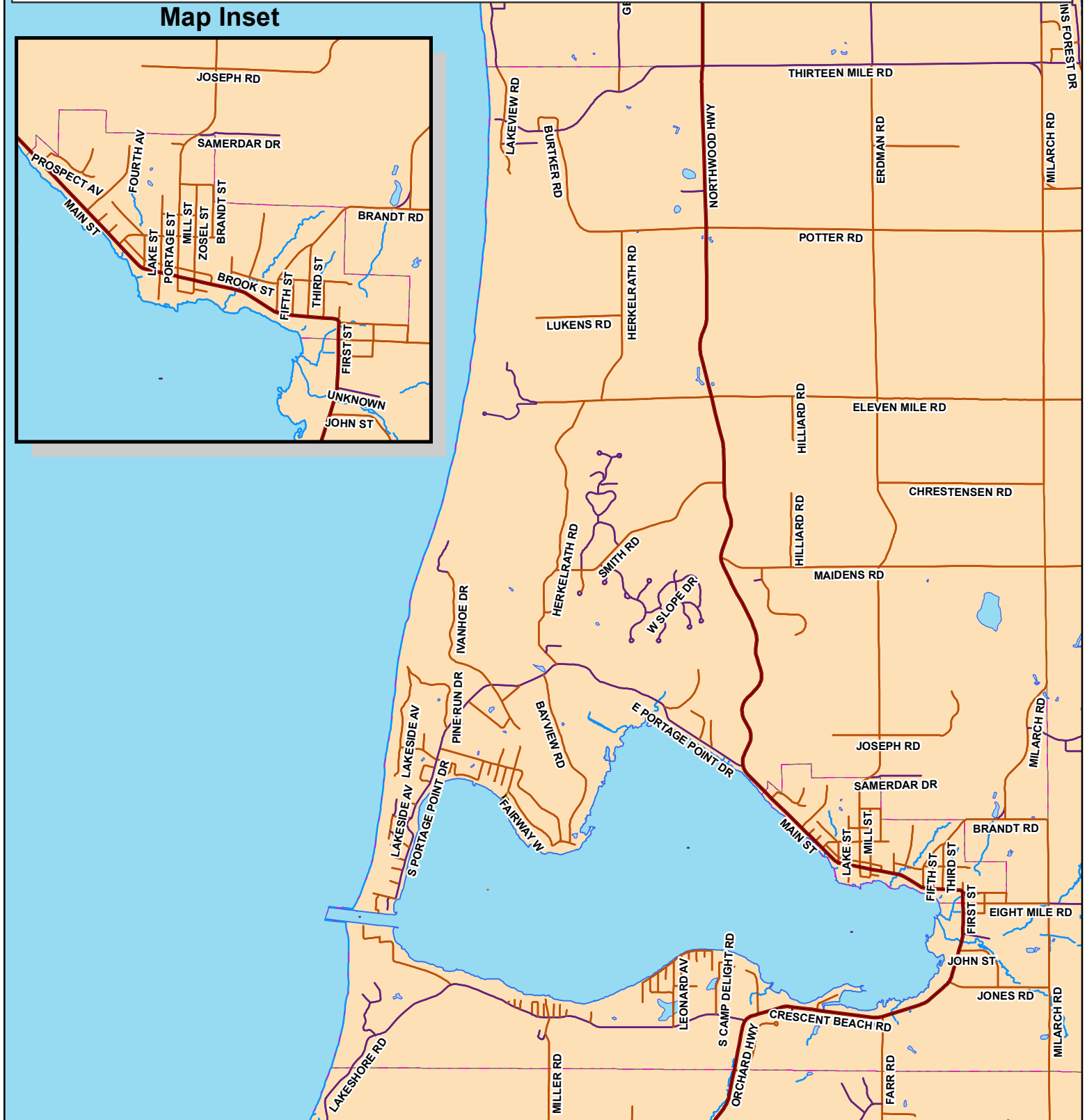
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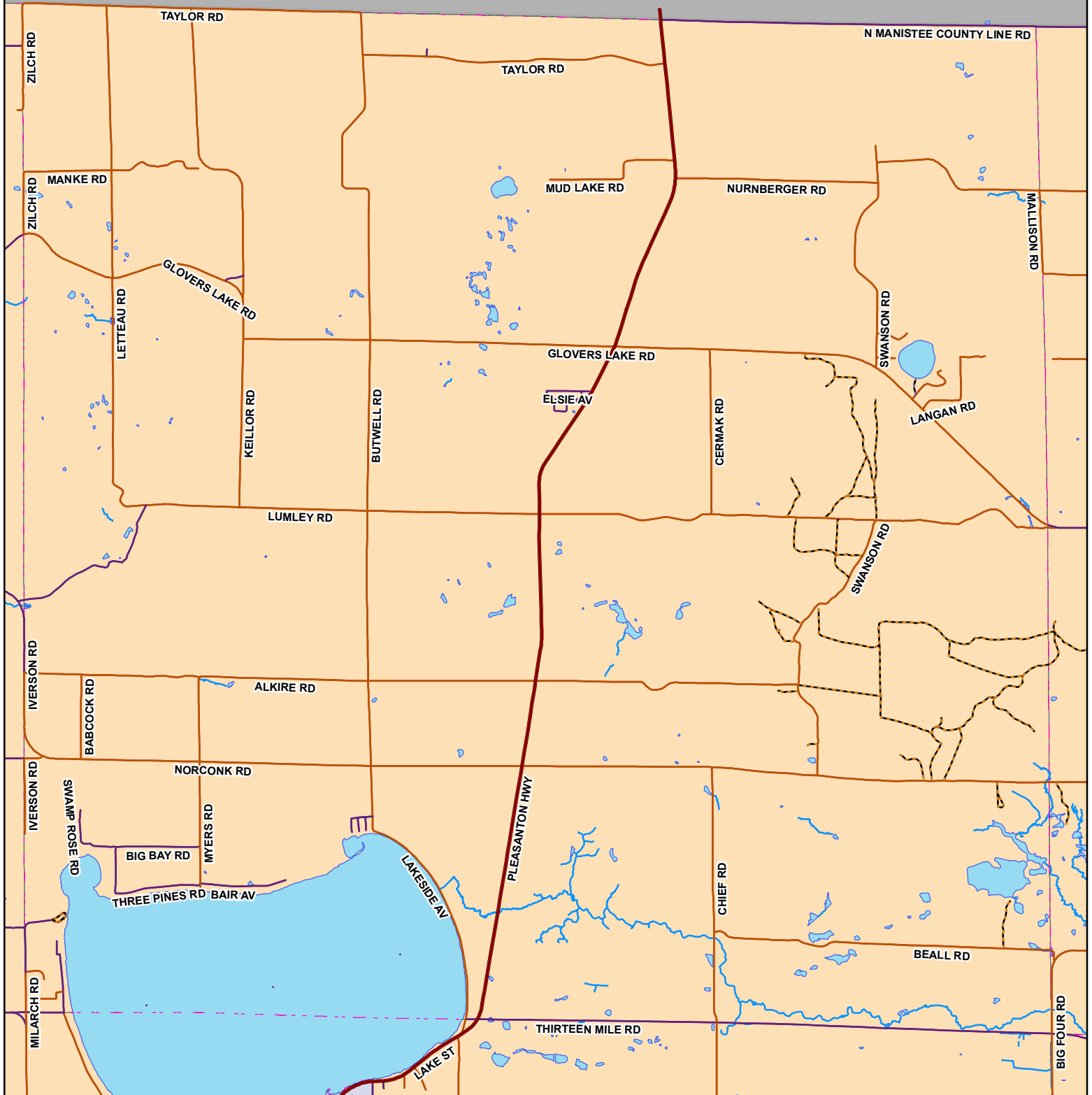
Pleasanton Township ORV Use Allowance Map

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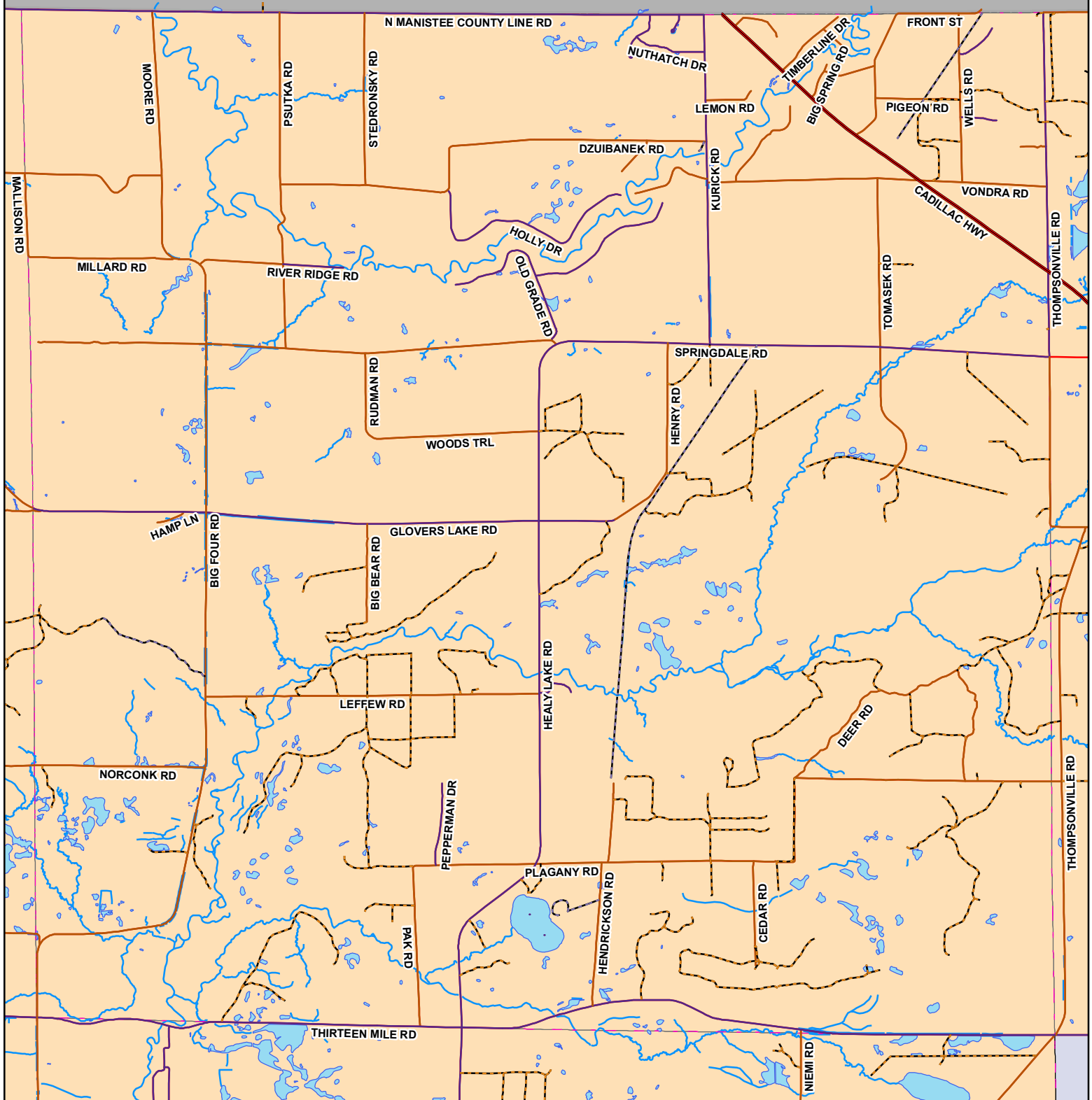
Springdale Township ORV Use Allowance Map

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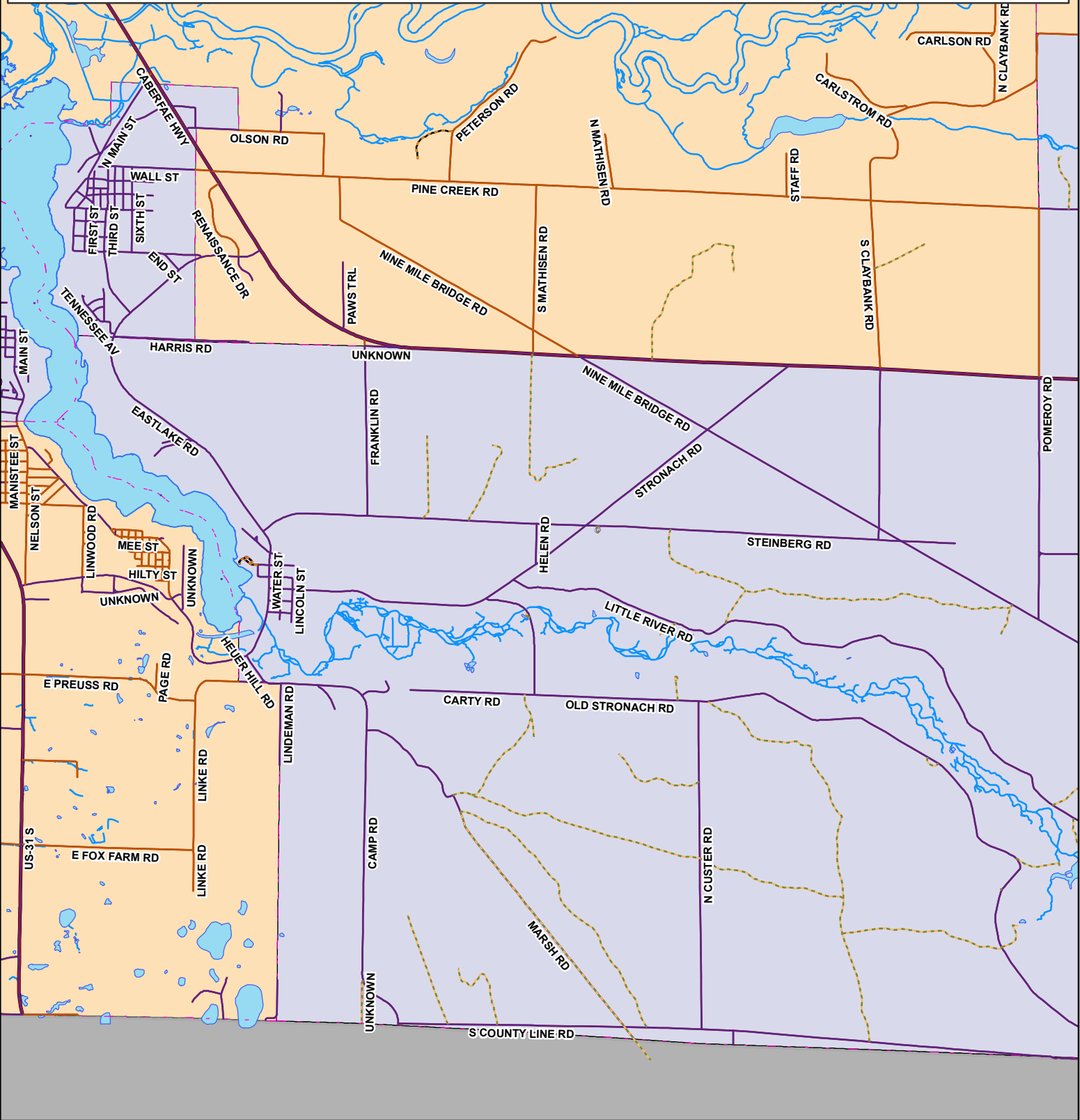
Stronach Twp. "West" ORV Use Allowance Map

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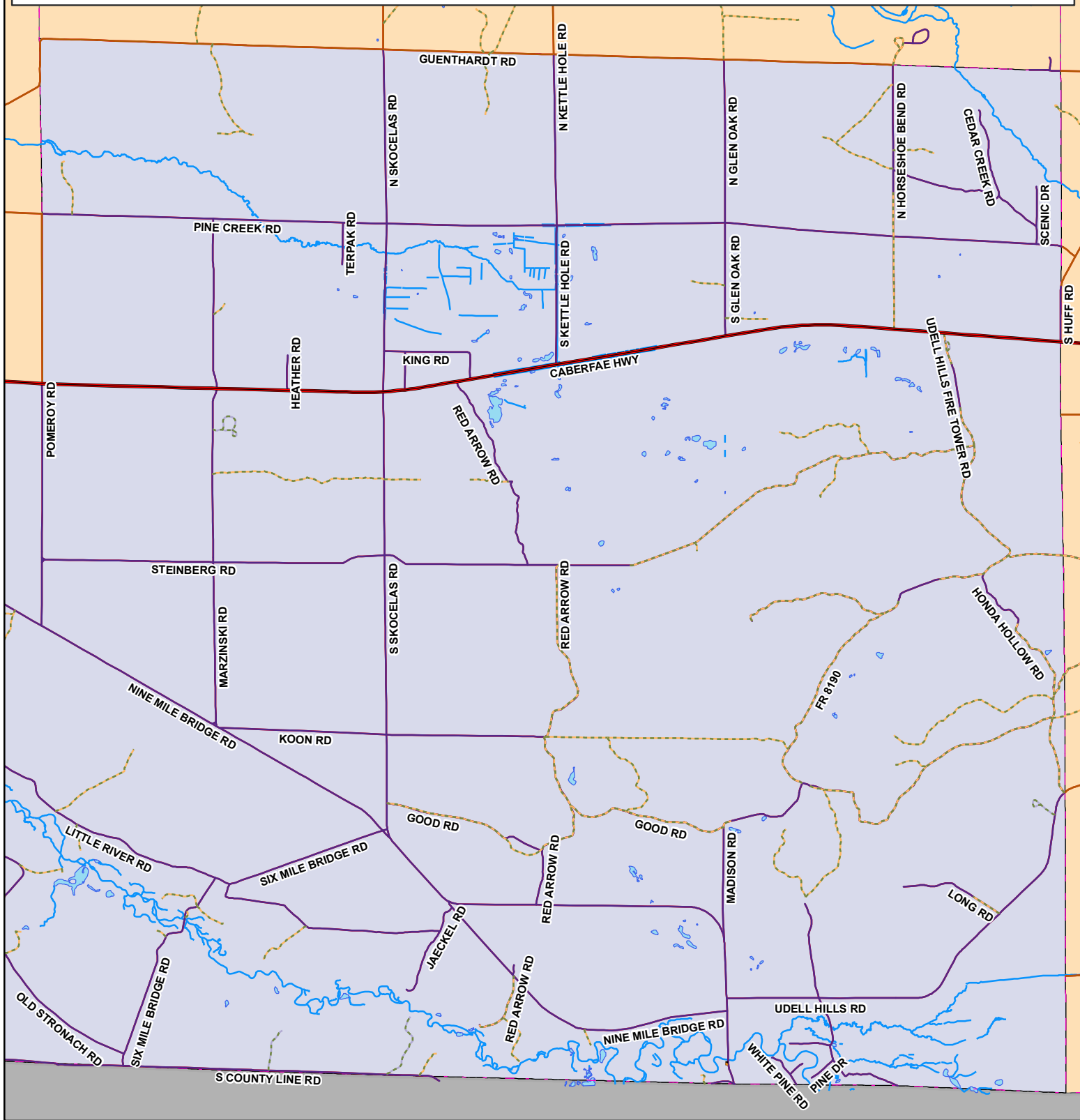
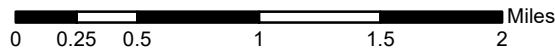


Stronach Twp. "East" ORV Use Allowance Map

Legend

-  Roads Open to ORV Use
 Roads Closed to ORV Use
 Local Unit Boundaries
 Forest Service Roads Open to ORV's
 Forest Service Roads Closed to ORV's
 Adjacent Counties
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Published August 2023



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

COPY

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 eye, 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
Deanna Pattison, Clerk

Vern Best
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 21, 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

**BROWN TOWNSHIP
MANISTEE COUNTY, MICHIGAN
ORDINANCE NO. 2022-2 ORV ORDINANCE**

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

The Township of Brown Ordains:

Section 1. Short Title

This Ordinance shall be known and cited as the Brown Township ORV Ordinance.

Section 2. Purpose

The purpose of this ORV Ordinance is to provide designated ORV riding opportunities, protect the health, safety and general welfare of Brown Township residents, preserve forest, farmland and the environment, and diminish conflicts among residents.

Section 3. Definitions

- A. "County" means Manistee County, Michigan
- B. "County Road Commission" means the Manistee County Road Commission
- C. "County Road" means a county primary road or county local road as described in Section 5 of Public Act 51 of 1951, MCL 647.655 or a segment thereof excluding all private roads, private property, open private property, seasonal roads and State of Michigan and United States lands.
- D. "Driver's License" means an operator's or chauffer's license or permit 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.
- E. "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 and other similar materials, and it means the extreme right of the roadway when it is not improved by pavement, tar and chips, concrete and other similar materials.
- F. "Operate" means to ride in or on, and be in actual physical control of an ORV.

- G. "Operator" means a person who is in actual physical control of an ORV.
- H. "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, wetland or other natural terrain. ORV includes but is not limited to a multi-track or multi-wheel drive vehicle, an amphibious machine, a golf cart, a ground effect air cushion vehicle, an ATV or other means of transportation deriving motor power from a source other than muscle or wind. This definition does not include snowmobiles.
- I. "Township" means Brown Township.
- J. "Safety Certificate" means a certificate issued under Section 81130 of the Natural Resources and Environmental Protection Act, 1994 PA 451 or comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- K. "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 4. Operation of an ORV on County Roads within Brown Township

- A. An individual may operate an ORV on all County Roads in the Township (provided that the ORV is licensed with the Department of Natural Resources or registered under the Michigan Vehicle Code and operated in compliance with all applicable Federal and State laws, rules and regulations), *except for* County Roads closed to ORV traffic by the Road Commission, including Coates Highway and *except for* roads within the Huron-Manistee National Forest that are for highway legal vehicles only (Seasonal Designation), and US-31, as posted. An individual may cross the above-mentioned roads at a right angle so long as the individual complies with **Section 5** of this Ordinance.
- B. The ORV must be operated on the far right of the maintained portion of the County Roads.

Section 5. Conditions and Regulations

- A. An ORV meeting every one of these conditions may be operated within the Township pursuant to Section 4. The ORV must have:
 - 1. A lighted headlight and taillight.
 - 2. A spark arrester type US Forest Service approved muffler in good working order. Noise emission levels established by US EPA must be met.

3. A throttle that will immediately return the engine speed to idle when pressure on the throttle is released.

B. An Operator shall:

1. Not travel at a speed greater than 25 miles per hour.
2. Operate with the flow of traffic.
3. Travel single file except when passing or being passed by another ORV.
4. Possess a valid driver's license or safety certificate.
5. Not allow a person to operate the ORV who is mentally or physically impaired or otherwise impaired due to use of alcohol or other substance.
6. Wear a helmet and protective eyewear approved by the US DOT, unless the ORV is equipped with a roof that meets or exceeds standards for a crash helmet and properly adjusted and fastened safety belts are worn.
7. Yield to horses, bikes and pedestrians.
8. Operate the ORV in full compliance with all noise emission standards defined by law.
9. 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 ORV.

Section 6. Operation of ORV by a child

A parent or 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 County 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 certification or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A parent or guardian of a child less than 16 years of age shall otherwise not permit that child to violate any provision of this Ordinance.

Section 7. Enforcement and Penalties

- A. A violation of this Ordinance is a municipal civil infraction, and a person responsible for a civil infraction shall pay a fine of not more than \$500.00 plus costs and actual reasonable attorney fees incurred by the Township or County for enforcing this Ordinance. In addition, the court may order the defendant to pay the cost of repairing

any damage to the environment, a road or public property damaged as a result of the violation.

- B. Officers, deputies, members and/or agents of Manistee County law enforcement are authorized to enforce this Ordinance and to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- C. The Township Treasurer shall deposit all fines and damages collected under this Ordinance into a fund to be designated the "ORV Fund". The Township Board shall appropriate revenue in the ORV Fund as follows:
 - 1. Fifty (50) percent to the Manistee County Road Commission for repairing damage to streets, county roads, or highways and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether streets, county roads, or highways are open or closed to the operation of ORVs under this section.
 - 2. Fifty (50) percent to the Manistee County Sheriff for ORV enforcement and training.

Section 8. Repeal of Conflicting Ordinances

Any prior Township ORV ordinance or part of an ordinance in conflict with this Ordinance, is hereby repealed.

Section 9. Severability

If any section, paragraph or clause of this Ordinance is held to be invalid for any reason, the invalidity of any such section, paragraph or clause shall not affect the remaining provisions of this Ordinance.

Section 10. Review

The approved ORV Ordinance will be reviewed one year after its adoption.

Section 11. Effective Date

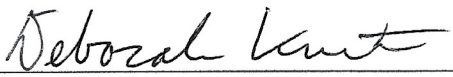
This Ordinance shall take effect thirty (30) days following its publication as required by law, following adoption by the Township Board.

Those voting in favor: Paul Adamski – yes; Deborah Knutson – yes; Lani Millsap – yes; Paul Wondolowski - yes

Those voting against: None

Those absent or abstaining: Tim Joseph – absent

Ordinance Declared Passed: Paul Adamski, Supervisor



Deborah Knutson, Clerk

CERTIFICATION

The undersigned Clerk of Brown Township hereby certifies that the foregoing is a true and correct copy of the Ordinance adopted by the Brown Township Board of Trustees at a regular meeting thereof, duly called, noticed and held on the 13th day of July, 2022 in accordance with Act 276 of the Public Acts of 1976, as amended.



Deborah Knutson, Clerk

Publication Date – July 29, 2022

**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 Litzen 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 Cleon 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 Cleon 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.

Copy

STATE OF MICHIGAN
COUNTY OF MANISTEE
TOWNSHIP OF CLEON
VILLAGE OF COPEMISH
Ordinance No. 2013-1

An Ordinance to authorize and regulate the operation of Off Road Vehicles (ORVs) on the roads in the Village of Copemish, 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 COPEMISH ORDAINS:

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

- a) **"Village"** means the Village of Copemish.
- 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-wheel 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 village as the same as may be designated from time to time by the village council.

- 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.
- i) 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 operate on the far right of the maintained portion of any road within the Village except 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 Village solely for the purpose of gaining access to the roads open to ORV's within the Village.

Sec. 4 An ORV traveling 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. (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 on ORV on a road in the village 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 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. 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 Board shall appropriate revenue on 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 Village Council.

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.

Ordinance adopted on the 11th day of March 2013 at a regular meeting of the Village Council.

Elaine Gibbs, Village Clerk

STATE OF MICHIGAN
COUNTY OF MANISTEE
TOWNSHIP OF DICKSON

ORDINANCE NO. 3-29-2010
AS AMENDED 01-11-2023

An amended 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 the 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 not limited to, a multi-track or multi-wheel drive vehicle, a motorcycle or related 2-wheel, 3-wheel, or a 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, except as proved by Section 3 below.

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. Only crossing of roads at right angles may be allowed.

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.
- 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 driver's "license except as authorized under Sec. 5, below."
- 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 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.
- j) Shall be equipped with a spark arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- k) Shall observe all noise emission standards defined by law.
- l) Shall be equipped with right and left rear-view mirrors.
- m) Shall be equipped with brakes, lights and turn signals.
- n) Shall be equipped with reflector material on the side of each vehicle.
- o) Shall be required to wear a helmet, unless equipped with a rollbar.

SEC 5 A parent or legal guardian of a child less than Sixteen (16) years of age shall not permit, and a child less than Sixteen (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 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 sixty (60") wide or has three (3) 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 that Five Hundred (\$500.00) dollars, 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 (50) 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 operation of an ORV.
- b) Fifty (50) percent to the Manistee County Sheriff for ORV enforcement and training.

SEC 9 This Ordinance becomes effective on the 30th day following its adoption and publication as required by law.

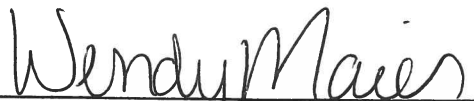
SEC 10 All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

Trustees voting "Aye: Tracy Wilks, Bertha Asiala, Wendy Maier and Sharon Buning

Trustees voting "Nay": None

Trustees absent or abstaining: Koreen MacNeil

RESOLUTION DECLARED PASSED BY SUPERVISOR SHARON BUNING


Wendy J. Maier, Clerk


Dated

ORDINANCE NO. 2021-2

CHARTER TOWNSHIP OF FILER
MANISTEE COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF FILER CODE OF ORDINANCES BY ADDING NEW CHAPTER 32, TO AUTHORIZE AND REGULATE THE OPERATION OF OFF-ROAD VEHICLES (ORVs) ON THE ROADS IN THE CHARTER TOWNSHIP OF FILER, TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, TO PROVIDE FOR APPROPRIATION OF FINES AND DAMAGES RESULTING FROM THE OPERATION OF ORVs, AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE CHARTER TOWNSHIP OF FILER ORDAINS:

Section 1. Amendment to Code of Ordinances. The Charter Township of Filer Code of Ordinances is hereby amended by the addition of a new Chapter 32, which reads, in its entirety, as follows:

CHAPTER 32 – OFF-ROAD VEHICLE OPERATION ON ROADS

32.01 Definitions

As used in this ordinance, the following terms shall have the meanings hereinafter stated:

County means the County of Manistee.

County Road means a county primary road or county local road as described in Section 5 of 1951 PA 51, as amended, MCL 247.655, or a segment thereof.

Direct Supervision means the direct visual observation of the operator with the unaided or normally correct eye, where the observer is able to come to the immediate aid of the operator.

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, and the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.

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

Forest Road means a hard surfaced road, gravel or dirt road, or other route capable of travel by a 2-wheel drive, 4-wheel conventional vehicle designed for road use. Forest road does not include a county road or highway.

Highway means a state trunk line highway or a segment of a state trunk line highway.

Maintained portion means the roadway and any shoulder of a county road or highway.

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

Operator means an individual who operates or is in actual physical control of the operation of an ORV.

ORV or, unless the context implies a different meaning, *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, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a golf cart, a ground effect air cushion vehicle, an ATV as defined in Section 81101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.81101, or other means of transportation deriving motor 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.

ORV Safety Certificate means a certificate issued under Section 81130 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.81130, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

Owner means any of the following:

- i. A vendee or lessee of an ORV that is the subject of an agreement for the conditional sale or lease of the ORV, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee.
- ii. A person renting an ORV, or having the exclusive use of an ORV, for more than 30 days.
- iii. A person who holds legal ownership of an ORV.

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

Roadway means the portion of a county road or highway improved, designed, or ordinarily used for travel by vehicles registered under the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923. Roadway does not include the shoulder.

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

Township means the Charter Township of Filer, Michigan.

Unmaintained Portion means the portion of a county road or highway that is not the maintained portion.

32.02 Operation of ORVs on County Roads

Subject to Section 5 of this ordinance, Part 811 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81101 to 324.81151, and the rules and regulations administered by the Michigan Department of Natural Resources, an individual may operate an ORV with the flow of traffic on the far right of the maintained portion of any county road located within the Township, except for the following:

- a. Maple Road.
- b. Merkey Road, 21st Street, and Filer City Road east of US-31.
- c. South County Line Road between Maple Road and US-31.
- d. Stronach Road.

32.03 Operation of ORVs on State or Federal Highway Prohibited; Exception

Subject to State or Federal law, rule, or regulation, an individual shall not operate an ORV on any roadway, shoulder, or right-of-way of any State or Federal highway, including, but not limited to, US-31, except that an individual may operate an ORV to cross a highway at a right angle if the operation can be done safely. The operator shall bring the ORV to a complete stop before proceeding to cross a State or Federal highway, and shall yield the right-of-way to any approaching traffic.

32.04 Operation of ORVs on Federally Managed Forest Roads Prohibited.

Unless otherwise provided by Federal law, rule, or regulation, an individual shall not operate an ORV on any forest road under the management of the United States Forest Service.

32.05 Operation Conditions and Regulations

Except as set forth herein or otherwise provided by law, the following requirements apply to the operation of an ORV on a county road within the Township under this ordinance:

- a. Except for when crossing at a right angle, an ORV shall travel only on the far right of the maintained portion of the road, and in the direction of the flow of traffic.
- b. A person shall not operate an ORV at a speed greater than 25 miles per hour, or a lower posted ORV speed limit.
- c. Notwithstanding subsection (b), a person shall not operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner having undue regard for road conditions.
- d. A person shall not operate an ORV in a manner that interferes with traffic.
- e. ORVs shall travel in single file, except when passing or being passed by another ORV.
- f. ORVs shall display a lighted headlight and taillight at all times while operating.
- g. A person shall not operate an ORV during the hours of 1/2 hour after sunset and 1/2 hour before sunrise without a working brake light that is brighter than the taillight.
- h. Unless a person possesses a driver's license, a person shall not operate an ORV on a road if the ORV is registered as a motor vehicle under the Michigan Vehicle Code, 1949 PA 300, MCL 257.201 to 257.259, and the ORV is either more than 65 inches wide or has three wheels.
- i. A person under the age of 12 shall not operate an ORV on any road.
- j. A person under the age of 18 shall not operate an ORV on a county road unless the person is in possession of a valid driver's license or is under the direct supervision of a parent or guardian and the person has in his or her possession an ORV safety certificate issued by the State of Michigan, another state, or a province of Canada. A person 18 years of age or older shall not operate an ORV on a road in the Township without a valid driver's license.
- k. A child less than 16 years of age shall not operate a 3-wheeled ORV.
- l. All operators must, upon demand by a law enforcement officer, present either an ORV safety certificate or driver's license.

- m. An owner or person in control or charge of an ORV shall not allow the ORV to be operated by an individual who is not competent to operate a vehicle because of a mental or physical disability.
- n. A person shall not operate or ride on an ORV unless they are wearing on their head a helmet and protective eyewear approved by the United States Department of Transportation. This subsection does not apply if the ORV 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 safety belt.
- o. All ORVs shall conform to the noise emission levels established by the United States Environmental Protection Agency under the Noise Control Act of 1972, 42 USC 4901 to 4918.
- p. No person who is an operator or passenger of an ORV shall transport or possess alcoholic liquor in a container that is open or uncapped, or upon which the seal is broken.
- q. An ORV shall be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- r. An ORV shall have 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.
- s. An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including, but not limited to, Part 811 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81101 to 324.81151.
- t. An ORV shall not be operated upon any portion of a state highway unless specifically authorized by the Michigan Department of Transportation pursuant to MCL 324.81131(6) and (7).
- u. An ORV shall not be operated upon any portion of an interstate highway.

32.06 No Township Duty to Maintain County Roads

Despite the provisions contained in this ordinance allowing ORVs to use portions of county roads, the Township shall have no duty, and undertakes no duty, to maintain a road within its boundaries in a condition that is reasonably safe and convenient for the operation of ORVs. Pursuant to MCL 324.81131 and MCL 691.1405, the Township shall be immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained or unmaintained portion of a highway or road, of an ORV.

32.07 Careless or Reckless Operation

In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a road or highway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, is involved in a collision with an ORV, the operator of the ORV involved in the collision shall be considered prima facie negligent.

32.08 Operation of ORV by Child

A parent or guardian of a child less than 16 years of age shall not permit or allow the child to violate any provision of this ordinance.

32.09 Agricultural Use

Notwithstanding any provision to the contrary in this ordinance, a farmer, employee of a farmer, or family member of a farmer who is at least 16 years of age may operate an ORV on the far right of the maintained portion of a road or highway while traveling to or from the farmer's residence, work location, or field during the course of farming operations. An ORV shall not be operated pursuant to this subsection during the period of 30 minutes before sunset to 30 minutes after sunrise, or when visibility is substantially reduced due to weather conditions. An operator of an ORV under this subsection shall have attached to the ORV a flag made of reflective material. The flag shall extend not less than 8 feet from the surface of the ground, road, or highway beneath the ORV, and not less than 4 feet above the top of the ORV. The flag shall be not less than 12 inches high by 18 inches long and not measure less than 100 square inches.

32.10 Enforcement and Penalties

- a. A violation of this ordinance is a municipal civil infraction, and a person responsible for a municipal civil infraction under this ordinance shall pay a fine of not more than \$500.00 plus costs and actual reasonable attorney fees incurred by the Township or County in enforcing this ordinance. In addition, the Court may order the defendant to pay the cost of repairing any damage to the environment, a road, or public property damaged as a result of the violation.
- b. Officers, deputies, members, and agents of the Manistee County Sheriff's Office are authorized to enforce this ordinance and to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in Court.
- c. The Township Treasurer shall deposit fines and costs collected under this ordinance in accordance with the applicable provisions of Section 8379 of the Revised Judicature Act, 1961 PA 236, MCL 600.8379, into a fund designated as the "ORV Fund."
- d. The Township Board of Trustees shall appropriate revenue in the ORV Fund as follows:

- i. 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.
- ii. Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

Section 2. Severability. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

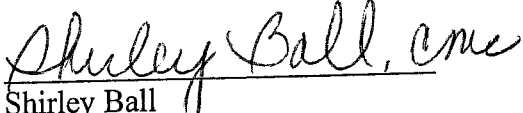
Section 3. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 4. Effective Date. This ordinance shall be effective on the day following its publication as required by law.

THOSE VOTING IN FAVOR: Walker, Chycinski, Kolanowski, Kruse, Stege, Krus

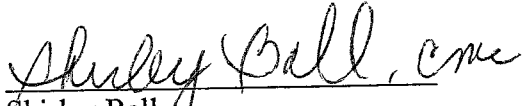
THOSE VOTING AGAINST: Ball

THOSE ABSENT OR ABSTAINING: None


Shirley Ball
Township Clerk

CERTIFICATION

I, Shirley Ball, Clerk of the Charter Township of Filer, Manistee County, Michigan, do hereby CERTIFY that the foregoing is a true and correct copy of the Ordinance adopted by the Township Board at a regular meeting held on the 6th day of April, 2021.


Shirley Ball
Township Clerk

FILER TOWNSHIP
ROADS CURRENTLY
CLOSED TO ORV TRAFFIC
BY THE MCRC

10/7/15

Area
Lake

MERKEY/21ST/
FLIER CITY ROADS

STRONACH ROAD

SOUTH COUNTY LINE ROAD

Map labels include: CANFIELD LAKE, BUTCHER LAKE, GUMB'S LAKE, WINGENENE LAKE, MERKEY RD., STRONACH RD., MAPLE RD., CHERRY RD., BLOSSOM TRAIL, SNOWTALS DR., TIMBER RIDGE DR., MEADOW WOOD DR., RAMONA RD., WINDSON LN., FRUIT RIDGE, ANTHONY DR., OLD RED APPLE RD., CRABAPPLE RD., RED APPLE, INDIAN, WILLOW GROVE, MADISON, MAYWOOD AVE, MAIN ST, PARK ST, PROSPECT, FILER CITY, LINCOLN, WATER ST, STENBERG RD, FRANKLIN, CAMP RD, LUNDEMAN RD, PREUSS, HILL RD, COLT RD, HEIDER RD, MONTELEONE RD, STONACH RD, 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, 31ST, 32ND, 33RD, 34TH, 35TH, 36TH, 37TH, 38TH, 39TH, 40TH, 41ST, 42ND, 43RD, 44TH, 45TH, 46TH, 47TH, 48TH, 49TH, 50TH, 51ST, 52ND, 53RD, 54TH, 55TH, 56TH, 57TH, 58TH, 59TH, 60TH, 61ST, 62ND, 63RD, 64TH, 65TH, 66TH, 67TH, 68TH, 69TH, 70TH, 71ST, 72ND, 73RD, 74TH, 75TH, 76TH, 77TH, 78TH, 79TH, 80TH, 81ST, 82ND, 83RD, 84TH, 85TH, 86TH, 87TH, 88TH, 89TH, 90TH, 91ST, 92ND, 93RD, 94TH, 95TH, 96TH, 97TH, 98TH, 99TH, 100TH.

S11C/01

Lake

Area

~~RD.~~ MERKBY/21 ST/
FLIER CITY ROADS

STRONG CH ROAD

45-31

ROAD

College Avenue
Collins Road
Connelly Road

Linke Road
Lintula Road

C-11, 12
J-5

**MANISTEE TOWNSHIP
STATE OF MICHIGAN**

Ordinance No. 2021-01

ORV ORDINANCE

AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF OFF-ROAD VEHICLES (ORVs) ON COUNTY ROADS IN THE TOWNSHIP OF MANISTEE, MICHIGAN, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND FOR THE DISTRIBUTION OF FINES AND COSTS RESULTING FROM THOSE PENALTIES PURSUANT TO 2009 PA 175, MCL 324.81131.

THE TOWNSHIP OF MANISTEE ORDAINS:

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- a. "Township" means the Township of Manistee, Michigan.
- b. "Direct Supervision" means the direct visual observation of the operator with the unaided or normally correct eye, where the observer is able to come to the immediate aid of the operator.
- c. "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, and the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.
- d. "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-ofway when the roadway is not improved by pavement, tar and chips, concrete or other similar materials.
- e. "Operate" means to ride in or on and be in actual physical control of the operation of an ORV/ATV.
- f. "Operator" means an individual who operates or is in actual physical control of the operation of an ORV/ATV.
- g. "ORV" or, unless the context implies a different meaning, a "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 multi wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV as defined in section 81101 of the Natural Resources and Environmental Protection act, 1994 PA 451, MCL 324.81101 is an ORV. "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.

- 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 Manistee.
- j. "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.

Section 2. Operation of ORVs on County Roads. An individual may operate an ORV on all roads located within the Township provided that the ORV is licensed with the Michigan Department of Natural Resources or an ORV dealer, or registered under the Michigan Vehicle Code, operated in compliance with all applicable Federal and State laws, rules, and regulations, including rules and regulations administered by the Michigan Department of Natural Resources, and is operated on the far right of the maintained portion of the road, except for the following:

- a. Roads closed to ORV Traffic by the Manistee County Road Commission, which include Coates Highway, Eastlake Road, and Lakeshore Road/Crescent Beach Road.
- b. Any roadway, shoulder, or right-of-way of any State or Federal Highway including but not limited to M-22, M-55, US-31.
- c. Notwithstanding the prohibition set forth in Section 2(b), an individual may cross a State and Federal Highway at a right angle so long as said individual complies with Section 3 of this Ordinance.

Section 3. Operation Conditions and Regulations. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road within the Township:

- a. A person shall not operate an ORV at a speed greater than 25 miles per hour, or a lower posted ORV speed limit or in a manner that interferes with traffic on the county road.
- b. A person shall not operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner having undue regard for conditions.
- c. ORVs shall operate with the flow of traffic
- d. ORVs shall travel single file, except when passing or being passed by another ORV.
- e. All ORVs operating shall display a lighted headlight and taillight.
- f. Unless a person possesses a driver's license, a person shall not operate an ORV on a road if the ORV is registered as a motor vehicle under the Michigan Vehicle Code and the ORV is either more than 65 inches wide or has three wheels.
- g. A person under the age of 12 shall not operate an ORV on a road.
- h. A person under the age of 18 shall not operate an ORV on a road unless the person is in possession of a valid driver's license or is under the direct supervision of a parent or guardian and the person has in his or her possession an ORV safety certificate issued by Michigan or another state or province of Canada. A person 18 years of age or older shall not operate an ORV on a road in Manistee Township without a valid drivers license.
- i. All operators must, upon demand by a law enforcement officer, present either an ORV safety certificate or driver's license.
- j. An owner or person in control or charge of an ORV shall not allow an ORV to be operated by an individual who is incompetent to operate a vehicle because of a mental or physical disability.
- k. A child less than 16 years of age shall not operate a 3-wheeled ORV or ATV.
- l. A person shall not operate or ride on an ORV unless they are wearing on their head a helmet and protective eyewear approved by the United States Department of Transportation. This section does not apply if the ORV 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 safety belt.
- m. A person shall not operate an ORV during the hours of 1/2 hour before sunset and 1/2 hour after sunrise without a working brake light that is brighter than the taillight.

- n. All ORVs shall conform to the noise emission levels established by the United States Environmental Protection Agency under the Noise Control Act of 1972, 42 USC 4901 to 4918.
- o. No person who is an operator or passenger on an ORV shall transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken.
- p. An ORV shall be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- q. An ORV shall have 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.
- r. An ORV shall be licensed with the Michigan Department of Natural Resources or an ORV dealer, or registered under the Michigan Vehicle Code.
- s. An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including, but not limited to, Part 811 of the Natural Resources and Environmental Protection Act, MCL 324.81101, et seq.
- t. An ORV shall not be operated upon any portion of a state highway unless specifically authorized by the Michigan Department of Transportation pursuant to MCL 324.81131(6) and (7).
- u. An ORV shall not be operated upon any portion of a freeway.

Section 4. No Township Duty to Maintain County Roads. Despite the provisions contained in this Ordinance allowing ORVs to use portions of County roads, the Township shall have no duty, and undertakes no duty, to maintain a road within its boundaries in a condition that is reasonably safe and convenient for the operation of ORVs. Pursuant to MCL 324.81131 and MCL 691.1405, the Township shall be immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained or unmaintained portion of a highway or road, of an ORV.

Section 5. Careless or Reckless Operation. In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a road or highway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, is involved in a collision with an ORV, the operator of the ORV involved in the collision shall be considered prima facie negligent.

Section 6. Operation of ORV by Child. A parent or guardian of a child less than 16 years of age shall not permit or allow the child to violate any provision of this Ordinance.

Section 7. Enforcement and Penalties.

- a. A violation of this Ordinance is a municipal civil infraction, and a person responsible for a civil infraction under this Ordinance shall pay a fine of not more than \$500.00 plus costs and actual reasonable attorney fees incurred by the Township or County in enforcing this Ordinance. In addition, the Court may order the defendant to pay the cost of repairing any damage to the environment, a road, or public property damaged as a result of the violation.
- b. Officers, deputies, members, and/or agents of the Manistee County Sheriff's Office are authorized to enforce this Ordinance and to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in Court.
- c. The Township Treasurer shall deposit fines and costs collected under this Ordinance under the applicable provisions of the Revised Judicature Act, MCL 600.8379, into a fund designated as the ORV Fund.
- d. The Township Board shall appropriate revenue in the ORV Fund as follows:
 - i. 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.
 - ii. Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

Section 8. Master Map. The Township shall maintain a master map that conspicuously indicates those roads and highways and parts or sections thereof where the operation of ORVs is permitted and prohibited pursuant to this Ordinance. The Township shall make such master map available to the public. Nothing in this section requires the Township to bear the costs or expenses associated with distributing copies of the map to the public.

- 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 Manistee Township Board to determine, prior to January 1 of each year, of any changes to be incorporated into the master map for the year.

Section 9. Agricultural. Agricultural use of an ORV falls under state regulation MCL 324.81122.

Section 10. Severability. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance which shall continue in full force and effect.

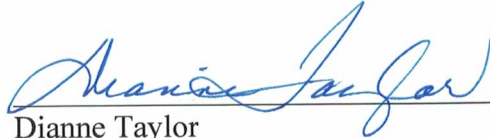
Section 11. Effective Date. This ordinance shall take effect thirty (30) days after its publication as required by law.

THOSE VOTING IN FAVOR: Finout, Jankwietz, Bjorkquist

THOSE VOTING AGAINST: Dontz, Taylor

THOSE ABSENT OR ABSTAINING: None

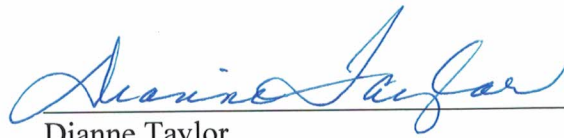
April 22, 2021
Date



Dianne Taylor
Manistee Township Clerk

CERTIFICATION

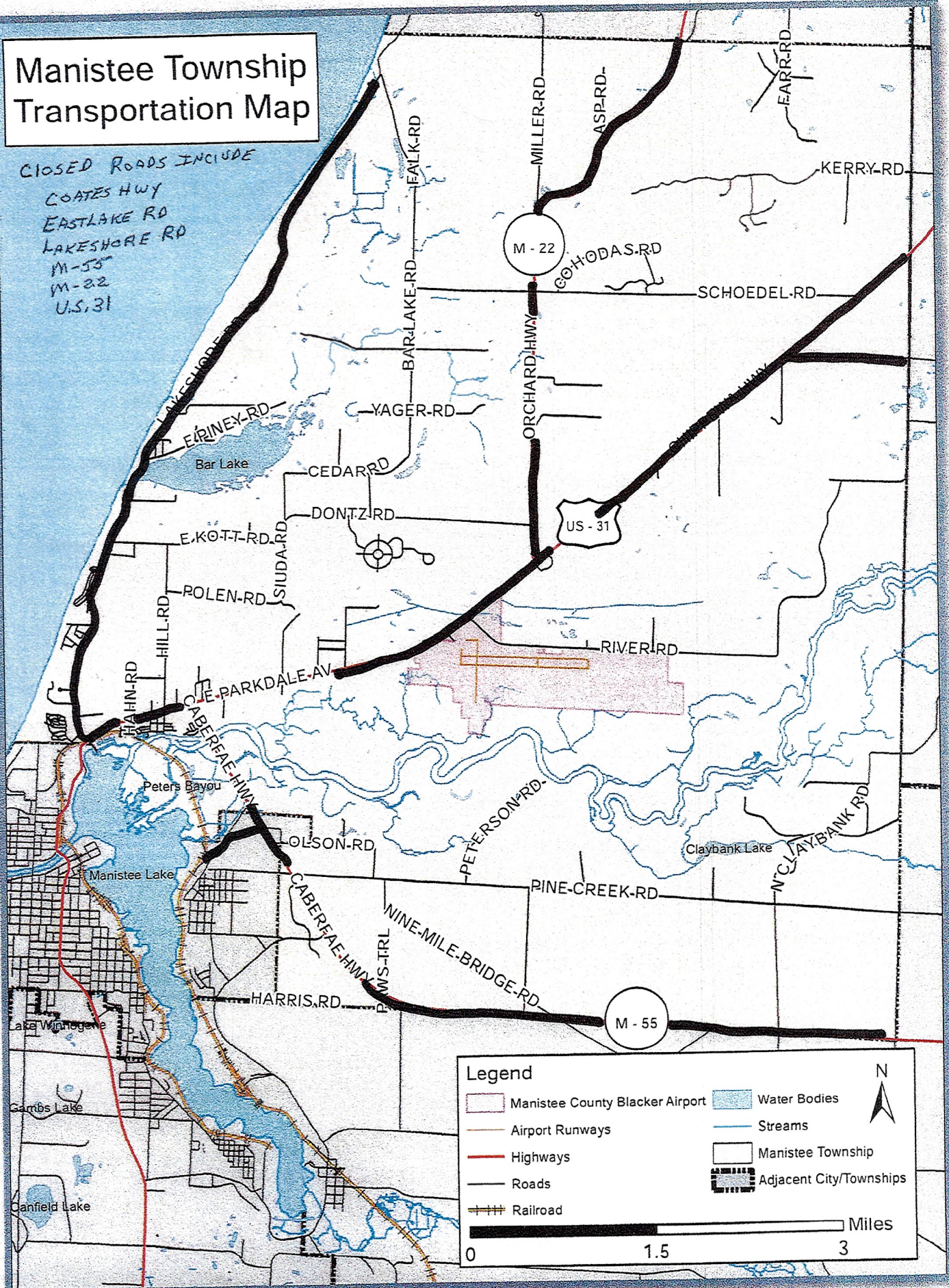
I, Dianne Taylor, being the Clerk of Manistee Township, certify that the above is a true and accurate copy of the ordinance adopted by the Manistee Township Board special meeting on the April 22, 2021.



Dianne Taylor
Manistee Township Clerk

Manistee Township Transportation Map

CLOSED ROADS INCLUDE
COATES HWY
EASTLAKE RD
LAKESHORE RD
M-55
M-32
U.S. 31



Map 5: Transportation Map

ORV
STATE OF MICHIGAN
COUNTY OF MANISTEE
TOWNSHIP OF MAPLE GROVE

ORDINANCE #17-2017

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

THE TOWNSHIP OF MAPLE GROVE ORDAINS:

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

- a) "Township" means the Township of Maple Grove,
- 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, swamped, or other natural terrain. ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, 3-wheel, or 4-wheel vehicle, an amphibious machine, golf carts, an ATV as defined in section 81101 of the Natural Resources and Environments 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 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, and ORV may be operated on the far right of the maintained portion of any road within the Township of Maple Grove.

Sec. 3 An ORV may not be operated on the road surface, road way, shoulder or right-of-way of any state or federal highway in the Township of Maple Grove closed to ORV use by the Manistee County Road Commission.

Sec 4 An ORV traveling on a road in the Township of Maple Grove 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 speed limit and not more than ten (10) mile 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 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.
- h) Shall be equipped with a spark arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- i) Shall observe all noise emission standards defined by law.
- j) Shall be equipped with brakes.
- k) Shall be equipped with reflector material on the side of each vehicle.
- l) Shall have a “Slow Moving Vehicle” sign on all ORV’s without lights.

2

Sec 5. A child less than 16 years of age shall NOT permit to operate an ORV on a road in the Township of Maple Grove unless accompanied by a parent or legal guardian.

Sec 6. Unless a person possesses a valid driver’s license, a person shall not operate an ORV on a road in the Township of Maple Grove if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three (3) 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 reasonable attorney fees. 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. This ordinance may be enforced by an Sheriff and/or Deputy of the Manistee County Sheriffs Department, and any officer of the Michigan State Police, and the Maple Grove Township Zoning Administrator, who are hereby authorized to issue civil infraction citations to anyone in violation of this ordinance.

Sec 9. The Township Treasurer shall deposit all fines and damages collected under this Ordinance in 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 10. This ordinance becomes effective within 24 hours following its adoption and publication as required by law.

Sec 11 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

STATE OF MICHIGAN
COUNTY OF MANISTEE
VILLAGE OF KALEVA

ORDINANCE No. #34

An ordinance to authorize and regulate the operation of Off Road Vehicles (ORVs) on the roads in the Village of Kaleva; 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 VILLAGE OF KALEVA ORDAINS:

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

- a) "Village" means the Village of Kaleva
- 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 Village as the same may be designated from time to time by the Village Council, excluding all private roads, private property, open private property, seasonal roads and State of Michigan and United States land.

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 Village.

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 traveling on a road in the Village shall meet all of the conditions, in addition to any others that may be imposed by law:

- a) Shall travel at a speed of no more than twenty-five (25) miles per hour.
- 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 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 eye-wear 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 Unless a person possesses a valid driver's 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. 6 Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine or 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. 7 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 Major 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. 8 This Ordinance becomes effective on the 30th day following its adoption and publication as required by law.

Sec. 9 All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

Trustees voting "Aye"

R. SCHAFER, S. KASKINEN, J. MCKINLEY,
D. GROSSNICKLE, D. PETERS, & D. HOLTZ

Trustees voting "Nay"

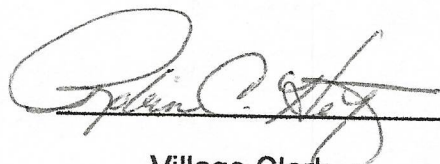
NONE

Trustees absent or abstaining:

D. THOMPSON

RESOLUTION DECLARED PASSED X

RESOLUTION DECLARED FAILED

 7-19-10
Village Clerk

ORV Ordinance
State of Michigan, County of Manistee
Township of Norman

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

THE TOWNSHIP OF NORMAN ORDAINS:

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

- a) "Township" shall mean the Township of Norman.
- 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, swamp and, 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 had the security required by law.
- f) "Road" means a major road or 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 compatible 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 air 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 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 twenty-five (25) miles per hours.
- b) Shall be operated by a person not less than sixteen (16) years of age who has in his or her possession a validity issued driver's 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 a single file except when overtaking and passing another ROV.
- f) Shall not travel on a road when visiblility is substantially reduced due to weather conditions unless displaying lighted headlight(s) and lighted taillight(s).
- g) Shall not operate before a half (1/2) hour before sunrise or a half (1/2) hour after sunset unless displaying lighted headlight(s) and lighted taillights(s).
- h) Shall at all times display lighted headlight(s) and lighted taillight(s).
- i) Shall only be operated while the operator, and each passenger, is wearing a crash helmet and protective eyewear approved by the United State Department of Transportation unless the vehicle is equipped with a roof that meets or exceed standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- j) Shall not operate between the hours of nine (9) p.m. and seven (7) a.m. from April 1st through November 30th.
- 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 emissions standards as defined by law.
- n) Shall be equipped with brakes and lights.
- o) Shall be equipped with reflector material on the side of each vehicle.

Sec.5 A parent or legal guardian of a child less than sixteen (16) years of age shall not permit a child less than 16 years of age to 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 sixty (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 All complaints against violations of this ordinance need to be made to the Manistee County Sheriff's Office. Only after the complaints have been made to the Sheriff's Office may a complaint come before the Board.

Sec. 10 This Ordinance becomes effective on the 30th day following its' adoption and publication as required by law.

Sec. 11 All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict. This ordinance shall be reviewed annually.

Adopted/Approved: 10-10-2017

Published: 10-26-2017

Effective: 11-25-2017

Mary E. Soule, 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 2nd 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 Onkama 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 Onkama 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.

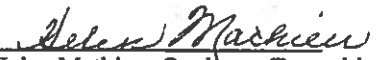
Motion by Beebe, second by Clement, to adopt Onekama Township ORV Ordinance No. 2010-1 with corrections.

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

Trustees voting "Nay":

Trustees absent or abstaining: None.

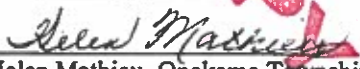
RESOLUTION DECLARED PASSED


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

- CORPORATE LIMITS ---
- STATE TRUNKLINE —
- COUNTY PRIMARY —
- COUNTY LOCAL —
- ADJACENT COUNTY —
- CITY OR VILLAGE —
- STREET —

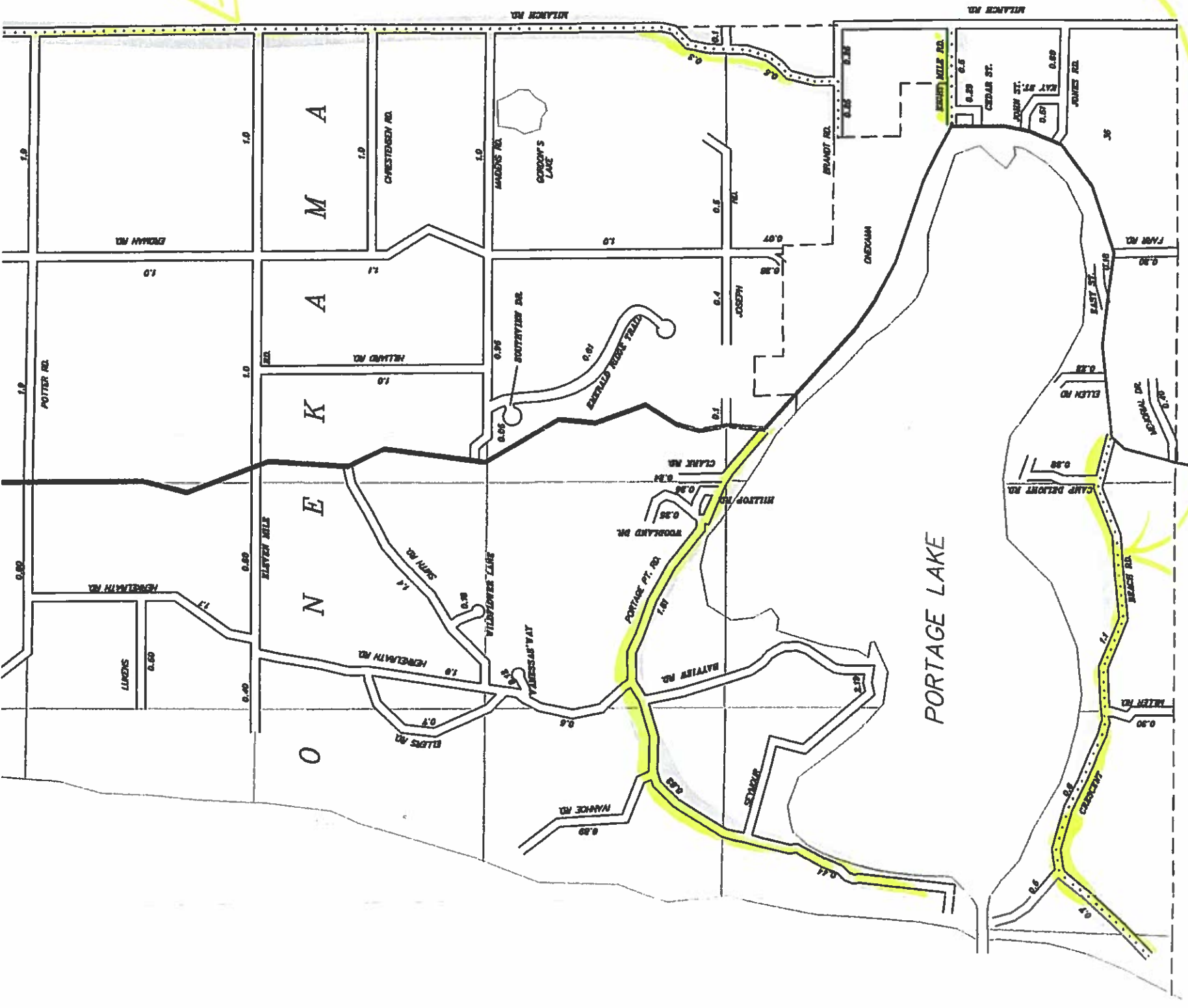
PRIMARY ROAD SYSTEM IS 7.83 MILES
 LOCAL ROAD SYSTEM IS 31.42 MILES

I HEREBY CERTIFY THAT THE ROADS SHOWN HEREON BY SYMBOLS OR IN RED AS PRIMARY ROADS AND THOSE SHOWN HEREON BY SYMBOL OR IN GREEN AS LOCAL ROADS ARE IN USE AND ARE UNDER THE JURISDICTION OF THE COUNTY ROAD COMMISSION.

CHAIRMAN _____ DATE _____



= closed to ORV's



**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 21st 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

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

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.

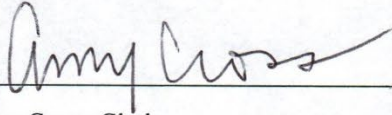
This ordinance shall be effective 10 days following its publication in a newspaper of general circulation.

Ayes: Girven, Cross, Merrill, Ertel, Babcock.

Nays: None

Absent: None

I, Amy Cross, Pleasanton Township Clerk, do hereby certify the foregoing ORV Ordinance was duly adopted by the Pleasanton Township Board and its regular meeting of which a quorum was present March 14, 2011.

A handwritten signature in cursive script, reading "Amy Cross", is written over a horizontal line.

Amy Cross, Clerk

Published in Manistee News Advocate March 30, 2011

**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 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. 1. Paved road with fog lines - between the lines, white line to white line.
 - 2. 2. Paved road without fog lines - edge of asphalt to edge of asphalt.
 - 3. 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 driver's 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 driver's 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 an 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 why 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 August 13th, 2010

Ayes: Green, Hitchingham, Humphrey-Kirbach, Wheelock & Moore Nays: None

Absent: None

Dated: July 12, 2010

Signed: Donna Humphrey-Kirbach

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 12th day of July 2010.

Donna Humphrey-Kirbach, Clerk
Springdale Township Board

ORV Master Map Review - Feb., 2013:

"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.