

Hamilton Township – Clare County

Harrison Michigan 48625

ORV ORDINANCE

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in the Township of Hamilton, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

The Township of Hamilton Ordains:

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

- a) "Township" means the Township of Hamilton.
- 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.
- c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e) "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 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 deriving motive power from a source other than muscle or wind. A golf cart as defined by State law (MCL 257.25b) being a four-wheel motor vehicle whose speed attainable in one mile is more than twenty miles per hour but not more than twenty-five miles per hour on a paved level surface is defined as an ORV in accordance with MCL 324.8 1101.
- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL247.655 and private roads.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Clare.
- h) "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.

- i) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Section 2. An ORV may be operated on the far right of the maintained portion of a road within the Township of Hamilton.

Section 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 county. At no time shall an ORV be operated upon the sidewalk.

Section 4. 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 Township.

- a) At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- b) By a person not less than 12 years of age.
- c) With the flow of traffic.
- d) In a manner which does not interfere with traffic on the road or street.
- e) Traveling single file except when overtaking and passing another ORV.
- f) When visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) 1/2 hour before sunrise until 1/2 hour after sunset unless displaying a lighted headlight and lighted taillight.
- h) While displaying a lighted headlight and lighted taillight at all hours.
- i) 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.
- j) 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) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- l) Pursuant to noise emission standards defined by law.

Section 5. A child less than 16 years of age shall not operate an ORV on a road in the county unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

Section 6. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the county if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Section 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.

Section 8. 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 damage above and beyond the penalties paid for civil fines.

Section 9. The provisions of this Ordinance are hereby declared to be severable. If any clause, section, subsection, paragraph or sentence is declared to be void or inoperable for any reason, it shall not affect any other portion thereof.

Section 10. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 11. This Ordinance shall conform to all applicable county, state, and federal laws.

Section 12. This Ordinance will take effect and be in force ten (10) days after publication thereof.

Adopted this 6th day of May, 2010, by the Township of Hamilton