

**State of Michigan
Township of Richfield
Richfield Township Park Ordinance**

ORDINANCE NO. 50

An ordinance adopted to regulate the use and operation within Richfield Township Park and for providing penalties for the violation thereof.

THE TOWNSHIP OF RICHFIELD ORDAINS:

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

- a) "Township" shall mean Richfield Township, Roscommon County, Michigan.
- b). "Richfield Township Park" means any property owned by Richfield Township that is open to the public primarily for recreational use. This excludes all public land within the corporate boundaries of Richfield Township that is State or Federal owned.
- c) "Richfield Township Airport" means any land owned by Richfield Township designated as the Saint Helen Airport by FAA.
- d) "ORV" means a motor driven 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 ground effect air cushion vehicle, golf cart or other means of transportation deriving motive power from a source other than muscle or wind.
- e) "Safety certificate means a certificate issued pursuant to 1994 PA 451 as amended, PA 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada."
- f) "Drivers license" means an operator's or chauffeur's license issued to an individual by the secretary of state under chapter III of the Michigan vehicle code, 1940 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.
- g) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- h) "Operator" means an individual who operates or is in actual physical control of the operation of an ORV.
- 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.
- j) "Posted boundaries," means any form that the township deems reasonable to convey or mark where an ORV may operate.
- k) "Parking lot area" means the entire section of Richfield Township Park located south of Airport Road, Saint Helen, Michigan.

Sec. 2. Operation on Park Property; Speed Limit

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may operate within Richfield Township Park in the township:

- a) An ORV may operate within the posted sections of Richfield Township Park property located north of Airport Road.
- b) An ORV shall not to operate on the entire south side section of land known as the parking lot area of Richfield Township Park located south of Airport Road unless that ORV is being unloaded or reloaded and travels to and from Airport Road.
- c) An ORV shall not operate on land designated as the Saint Helen Airport.
- d) the maximum speeds at which an ORV may be operated as permitted, under the provisions of this ordinance is 10 mph. or less so as not to cause dust or gravel to leave the road.
- e) An ORV shall not be operated by a person less than 12 years of age.
- f) An ORV shall operate with the flow of traffic.
- g) ORV shall travel single file except when overtaking and passing another ORV.
- h) An ORV shall not be operated when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- i) An ORV shall not be operated absent a lighted headlight and lighted taillight at all hours beginning January 1, 2010.
- j) An ORV shall be operated 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) An ORV shall not be operated unless equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- l) An ORV shall comply with noise emission standards defined by law.
- m) An ORV shall not be operated in a negligent manner. For the purpose of this subsection "to operate in a negligent manner" is defined as the operation of an ORV in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of sidewalks, paths, trails, walkways, ball fields, play scape area, park building, pavilion or park area.
- n) An ORV shall not be used to carry more persons at one time than the number for which it is designed and equipped; or pull any equipment or equipment accessory thereto, including any related camping or establishment of temporary accommodations.

Sec. 3 A child less than 16 years of age shall not operate an ORV on any land known as Richfield Township Park 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. 4 Unless a person possesses a valid drivers license, a person shall not operate an ORV within Richfield Township Park if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Sec 5. Compliance with Uniform Traffic Code and Chapter III - Michigan Vehicle Code.

All ORV's operated within Richfield Township Park shall comply with the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of state police which is adopted by reference and is made a part of this Ordinance as if fully set forth in this Ordinance.

Sec 6. Civil Infractions; Penalties for Violation.

a) Any person violating any provisions of this Ordinance shall be responsible for a civil infraction. The penalty for the first offense shall be \$50 and for the first repeat offense, \$120.00. Repeat offense shall be defined as a violation of said ordinance, which has been ticketed for within the past 30 days. For any second or subsequent repeat offense, the fine shall be no more than \$250.00. It shall be the duty of the Richfield Township Public Safety Department to enforce the provisions of this Ordinance. If, after investigation, an officer determines that a violation of this Ordinance exists, the officer shall be authorized to issue a municipal civil infraction citation to any person, firm, or corporation that is responsible for violating the provisions of this Ordinance. Service of said civil infraction citation or civil infraction notice shall be made in accordance with MCL 600.8707, Public Act 12 of 1994.

b) 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 infractions.

Sec 7. Severability

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Sec 8. Effective Date

This Ordinance shall become effective in the Township of Richfield following adoption by the Richfield Township Board and thirty (30) days after publication.

ADOPTED:

PUBLISHED:

EFFECTIVE: