

**STATE OF MICHIGAN
COUNTY OF ROSCOMMON
ORV ORDINANCE**

ORDINANCE No. 4

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Roscommon County, 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 COUNTY OF ROSCOMMON ORDAINS:

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

- a) "County" means the County of Roscommon.
- 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 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, or other means of transportation deriving motive power from a source other than muscle or wind. At present time this Ordinance will not include golf carts.
- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Roscommon.

- 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) "Township" means an individual township within the County of Roscommon.
- j) "Township Board" means a board of trustees of any township within the County of Roscommon.
- 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.
- l) "Maintained Portion" for this Ordinance includes the gravel shoulder/paved shoulder.
- m) "Winter Zone" means the area designated for access to frozen water of inland lakes in Roscommon County from December 1st to April 1st.

Sec. 2 An ORV may be operated on the far right of the maintained portion of the roads within the county here described: See attached Exhibit A.

Sec. 3 A township board of a township in the county may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the county. Beginning July 17, 2009, the township board of a township in the county may adopt an ordinance authorizing the operation of ORVs: on the maintained portion of 1 or more roads located within the township," pursuant to MCL 324.81131 (3).

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 5 of this ordinance.

Sec. 5 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.

Sec. 6 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) 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 after sunset unless displaying a lighted headlight and lighted taillight.
- h) while displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.
- 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 and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- 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.

Sec. 7 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 a parent/guardian 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. 8 Unless a person possesses a valid drivers 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.

Sec. 9 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. 10 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. 11 The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty Percent to the County sheriff or police department responsible for law enforcement in the local unit of government for ORV enforcement and training.
- b) Fifty Percent to the Board of County Road Commissioners or, in the case of a city or village, to the department responsible for street maintenance in the city or village, for repairing damage to roads or streets and the environment that may have been caused by ORVs and for posting signs indicating ORV

speed limits or indicating whether roads or streets are open or closed to the operation of ORVs under this section.

Sec. 12 This ordinance becomes effective November 15, 2008.

This Ordinance is adopted by action of the Roscommon County Board of Commissioners this 8th day of October, 2008.

Commissioners voting "Aye":

Commissioners voting "Nay":

Commissioners Absent:

Larry D. Mead, Chairman
Roscommon Board of Commissioners

Certification

I, Ann Bonk, Clerk of the County of Roscommon, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Roscommon County Board of Commissioners on the 8th day of October, 2008.

Ann Bonk
Roscommon County Clerk

<u>Road</u>	<u>Twsp</u>	<u>Segment</u>	<u>Reason</u>
Old 27	Roscommon	CR 402 Canoe Camp north to M-55	Business Gas/Food/Lodging
Welch Rd.	Roscommon	West of Old 27 then north to M-55	Business Gas/Food/Lodging
Cloverleaf Lane	Roscommon	Welch Rd. north to M-55	Business Gas/Food/Lodging
Standard St.	Roscommon	Welch Rd. north to M-55	Business Gas/Food/Lodging
Old 27	Lake	M-55 north to Lyon Township Line	Business and Lyon Twsp. Trail
Nottingham	Lake	Old 27 west to Northway	Business Gas/Food/Lodging
Lester	Lake	Nottingham west to Howe Ave.	Business and Lyon Twsp. Trail
Northway	Lake	Nottingham south to M-55	Business and Lyon Twsp. Trail
CR 104 W.Pine	Lyon	Deadstream to Old 27	Business Food/Supply's/Twsp. Park
Birch Rd.	Lyon	Old 27 to CR 202	Business Food/Supply's
CR 202 Hillcrest	Lyon	Birch Rd. to CR 200	Business Food/Supply's
Haines Ave.	Lyon	Old 27 to W.Higgins Lake Dr.	Business Food/Supply's
W. Higgins Lake Dr.	Lyon	Haines Ave. north to Ironwood Ave.	Business Food/Supply's
Duck Lake Rd.	Denton	Waco Rd. to Owens Rd.	Walmart Gas/Food/Supply's
Waco Rd.	Denton	M-18 to Duck Lake Rd	Walmart Gas/Food/Supply's
Owens	Denton	Duck Lake Rd. to Nestel	Walmart Gas/Food/Supply's
Nestel	Denton	Owens east to Walmart access	Walmart Gas/Food/Supply's
Robinson St.	Village	Division St. to Fourth St.	Village Business Gas/Food/Supply's/Lodging
South St.	Village	Cox Marsh Rd. to State St.	Village Business Gas/Food/Supply's/Lodging
State St.	Village	South St. to Division St.	Village Business Gas/Food/Supply's/Lodging
Division St.	Village	South St. to Robinson St.	Village Business Gas/Food/Supply's/Lodging
4th St.	Village	Robinson St. to Edna St.	Village Business Gas/Food/Supply's/Lodging
Snelly St.	Village	4th St. to I-75 Business Loop	Village Business Gas/Food/Supply's/Lodging

<u>Township</u>	<u>Road/Boundary</u>	<u>Season/Dates</u>
Roscommon	US-127 East to the frozen surface of Houghton Lake (Nestel Rd. to M-55) Nestel Rd. North to the frozen surface of Houghton Lake (bordered by US-127 and Denton Twp.)	December 1 - April 1
Lake	US-127 east to the frozen surface of Houghton Lake (M-55 to Lyon Twp.)	
Lyon	US-127 East to the frozen waters of Higgins Lake (Lake Twp. to North Co. Line) North Co. Line South to the frozen waters of Higgins Lake (bordered by US-127 and Gerrish Twp.)	
Denton	Nestel Rd. North to the Frozen waters of Houghton Lake (Roscommon Twp to CR 107) Including Lakes James Rd from the Nestel Rd. section line to CR 107. CR 107 West to the frozen waters of Lake James (bordered by Lake James Rd. and M-55) M-55 South to the frozen waters of Lake James (bordered by M-18 and CR 107) M-18 West to the frozen waters of Houghton Lake (bordered by M-55 and CR 100) CR 100 West to the frozen waters of Houghton Lake (bordered by M-18 and Markey Twp.)	
Markey	CR 100 West to the frozen waters of Houghton Lake (bordered by Gerrish Twp. and Denton Twp.)	
Gerrish	CR 100 West to the frozen waters of Higgins Lake (bordered by Market Twp. and CR 101) CR 101 West to the frozen waters of Higgins Lake (bordered by CR 100 and N. Higgins Lake Rd.) North Higgins Lake Rd. South to the frozen waters of Higgins lake (bordered by Lyon Twp and CR 101)	
Richfield	Old 76 South and West to the frozen waters of Lake St. Helen (Higgins Twp. To F-97 North.) F-97 North to Central Drive. Central Drive S/E to East Co. Line (including Johnston Woods, Cedar Lake and Cedar Creek, Sub's) East Co. Line to the frozen waters of Lake St. Helen (bordered by Central Dr. and Carter Lake Rd.) Carter Lake Rd. North (bordered by Old 76 and East Co. Line) Old 76 North from Carter Lake Rd. to F-97 Artesia Beach Rd. F-97 North to the frozen waters of Lake St. Helen (bordered by Ash St. and Old 76) Ash St. North to the frozen waters of Lake St. Helen (F-97 to Russell Lake Rd.)	
Higgins	Geels Rd. South to the frozen waters of Lake St. Helen (Richfield Twp to Third Lake Rd.) Third Lake Rd. East to the frozen waters of Lake St. Helen (Geels Rd. to Russell Lake Rd.) Russell Lake Rd. North to the frozen waters of Lake St. Helen (Third Lake Rd. to Ash St.) Ash St. North to the frozen waters of Lake St. Helen (F-97 to Russell Lake Rd.)	

Tentatively Approved by Township/Village

EXHIBIT A (continued) (Page 3 of 3 for exhibit only)

CURRENT ALL-SEASON TRAIL CONNECTOR ROADS

The roads listed below were approved between the years 1994-1998 under MCL 324.

1994

AuSable Township - Section 32, T24N, R1W	Pine Dr./McCray Bridge - $\frac{3}{4}$ mile
Backus Township – Section 28, T22N, R2W	Emery Rd. – $\frac{1}{2}$ mile
Higgins Township – Section 1 & 2, T23N, R2W	Marl Lake Rd.- 1 $\frac{3}{4}$ mile
Richfield Township – Section 6, T23N, R1W	Crossing Old 76/Geels Rd. – $\frac{1}{2}$ mile
Richfield Township – Section 2, T22N, R1W	Woods Rd – $\frac{1}{2}$ mile
Richfield Township – Section 11, T22N, R1W	Old 76 under I-75
Roscommon Township – Section 1, T21N, R3W	Waco Road – $\frac{1}{4}$ mile
Roscommon Township – Section 7 & 20, T21N, R4W	Canoe Camp Rd. at Wolf Creek And Bear Creek
Roscommon Township – Section 8, T21N, R3W	Reserve Road – $\frac{1}{4}$ mile
Roscommon Township – Section 20, T21N, R3W	Reserve Road – $\frac{1}{4}$ mile
Roscommon Township – Section 4, T21N, R3W	Waco Rd. – $\frac{1}{3}$ mile
Roscommon Township - Section 21, T21N, R4W	CanoeCamp Rd. – $\frac{1}{4}$ mile
Roscommon Township – Section 22, T21N, R4W	Loxley Rd. – $\frac{1}{4}$ mile
Roscommon Township – Section 15, T21N, R4W	Loxley Rd. – $\frac{1}{4}$ mile
Roscommon Township – Section 15, T21N, R4W	Rollway Rd. – $\frac{1}{2}$ mile
Roscommon Township – Section 13, T21N, R4W	Townline Rd. – $\frac{1}{4}$ mile

1996

Roscommon Township – Sections 14 & 15, T21N, R4W .4 mile of Tillman Rd.
.2 mile of Rollway Rd.

1997

Roscommon Township- Section 25, T21N, R4W – 150 feet of Grass Lake Rd.

1998

AuSable Township – between Sections 30 and 31, T24N, R1W - .8 mile of Pine Dr.
AuSable Township – Section 21 & 22 and 27 & 28, T22N, R1W – Woods Rd. from
Emery Rd. .7 mile South