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COUNTY OF LAPEER

OFF ROAD VEHICLE ORDINANCE

An ordinance adopted to authorize and regulate the operation of OFF ROAD VEHICLE'S by the County of Lapeer Board of Commissioners on May 6, 2014. By adopting said ordinance in its entirety for the purpose of promoting the health, safety, and general welfare of the inhabitants of Lapeer County; and for the purpose of authorizing and regulating the operation of off road vehicles (ORVs) on roads in Lapeer County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2011 PA 107, MCL 324.81131.

THE COUNTY OF LAPEER ORDAINS:

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

a) "County" means the County of Lapeer.

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 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. 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.

f) "Road" means a county primary road or county local road as described in section 5 of1951 PA 1951, MCL 247.655.

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g) "Road Commission" means the Board of County Road Commissioners for the County of Lapeer.

h) "Street" means a city or village major street or village local street as described in section 9 of 1951 PA 51, MCL 247.659.

i) "Township" means an individual township within the County of Lapeer.

j) "Township board" means a board of trustees of any township within the County of Lapeer.

Section 2. An ORV may be operated on the far right of the maintained portion of a road within the County with these exceptions:

a) In the event that either the Road Commission has designated as CLOSED, or in the event a Township has adopted an Ordinance which CLOSED and posted, certain road(s) to ORV use, pursuant to MCL 324.81131(4), operation otherwise permitted under this Ordinance shall not be considered authorized, with respect to such closed road(s).

b) This Ordinance is not intended to authorize the operation of an ORV on a road, street or highway which is under jurisdiction of a municipality, nor upon a State or Federal Trunkline Highway within the County. An ORV may NOT be operated upon M-24 (commonly known as Lapeer Road), M-53 (commonly known as VanDyke Road), I-69, or M-90.

c) This Ordinance is not intended to authorize the operation of an ORV on a street or road in a platted residential subdivision, however allowing ingress and egress to a destination or first Secondary road is permitted, unless prohibited in subsection 2b above.

d) This Ordinance is not intended to authorize the operation of an ORV on a street, road or highway which is under jurisdiction of a City or Village.

Section 3. The 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 MCL 324.81131 subsection 5.

Section 4. 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.

Section 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:

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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 16 years of age, as long as any such person is in possession of a valid driver license.

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.

g) While displaying a lighted headlight and lighted taillight at all hours.

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.

Section 6. Unless a person has reached the age of 16 years and possesses a valid driver's license, a person shall not operate an ORV on a Road or Street in the County.

Section 7. The Road Commission, the County Board of Commissioners, and the County are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and rights-of-way over which the Road Commission or the County Board of Commissioners has jurisdiction.

Section 8. 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 the code was in a collision with an ORV required to be operated on the far right of the maintained portion of a road or street pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

Section 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 that $500.00.

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Section 10. In addition to the penalties under Section 9 of this Ordinance, 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.

Section 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 specified in MCL 324.81131(18);

a) Fifty percent to the 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 opened or closed to the operation of ORVs.

b) Fifty percent to the County Sheriff for ORV enforcement and training.

Section 12. The following is a list of ORV Restricted Roads within Lapeer County provided by the Lapeer County Road Commission:

Lapeer County Road Commission				
ORV Restricted Roads				
TOWNSHIP	ROAD	CROSSROAD 1	CROSSROAD 2	NOTES
Almont	Almont	Kidder	Mackie	
Almont	Dryden	Bishop	M-53	
Almont	General Squier	Bishop	W. Village Limits	
Arcadia	Bearinger	Daley	Lum	
Arcadia	Bowers	Five Lakes	Lake Pleasant	
Arcadia	Daley	Five Lakes	Bearinger	
Arcadia	Lake Pleasant	Bowers	Clear Lake	
Arcadia	Lum	Bearinger	Lake Pleasant	
Attica	Imlay City	Five Lakes	Summers	
Attica	Lake Pleasant	Sutton	Bowers	
Attica	Newark	Five Lakes	Summers	
Attica	Sutton	Lake Pleasant	Rochester	
Deerfield	Burnside	Fish Lake	Five Lakes	
Deerfield	Columbiaville	Lonsberry	M-24	
Deerfield	Fish Lake	Norway Lake	Burnside	
Dryden	Dryden	Thornville	Bishop	Excl. Village of Dryden
Dryden	General Squier	Rochester	Bishop	
Dryden	Rochester	Bordman	Sutton	
Elba	Davison	W. County Line	Lake Nepessing	
Elba	Elba	I-69	Oregon	

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Elba	Genesee	W. County Line	Hayes	
Elba	Gray	Davison	Oregon	
Elba	Hayes	Genesee	Davison	
Elba	Lake Nepessing	Hunt	Davison	
Hadley	Brocker	Hadley	Baldwin	
Hadley	Hadley	Sawmill Lake	Stewart	
Hadley	Hegel	Washburn	Hadley	
Hadley	Pratt	Washburn	Baldwin	
Imlay	Imlay City	Summers	Cade	Excl. Imlay City
Imlay	Newark	Summers	Blacks Corners	
Lapeer	Baldwin	Sutton	Lapeer City Limits	
Lapeer	Imlay City	Myers	Five Lakes	
Lapeer	Myers	Imlay City	Bowers	
Lapeer	Newark	M-24	Five Lakes	
Lapeer	Turrill	M-24	Clark	
Lapeer	Wilder	Newark	Bowers	
Marathon	Columbiaville	Washburn	Lonsberry	Excl. V. of Columbiaville
Marathon	Marathon	Oregon Twp. Line	LeValley	
Marathon	North Lake	Columbiaville	Sister Lake	
Mayfield	Bowers	Lapeer City Limits	Five Lakes	
Mayfield	Daley	M-24	Five Lakes	
Mayfield	Davis Lake	Millville	Saginaw	
Mayfield	Fish Lake	Haines	Norway Lake	
Mayfield	Millville	Oregon	Bronson Lake	
Mayfield	Oregon	Millville	Suncrest	
Mayfield	Saginaw	Lapeer City Limits	M-24	
Metamora	Baldwin	Davison Lake	Sutton	
Metamora	Dryden	M-24	Thornville	Excl. V. of Metamora
Metamora	Pratt	Baldwin	M-24	
North Branch	Burnside	Five Lakes	Summers	
North Branch	Lake Pleasant	Clear Lake	Burnside	
Oregon	Bronson Lake	Marathon	Millville	
Oregon	Elba	Oregon	Coldwater	
Oregon	Gray	Oregon	Bronson Lake	
Oregon	Marathon	Klam	Marathon Twp. Line	

Section 13. Should a portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

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Section 14. This ordinance supersedes and/or repeals any OFF ROAD VEHICLE ORDINANCE adopted prior to the date of the adoption of this ORDINANCE.

Section 15. This ordinance becomes effective after publication and expiration of the time prescribed by law.

This Ordinance is hereby adopted by action of the Board of Commissioners of Lapeer County on this 3rd day of April, 2014.

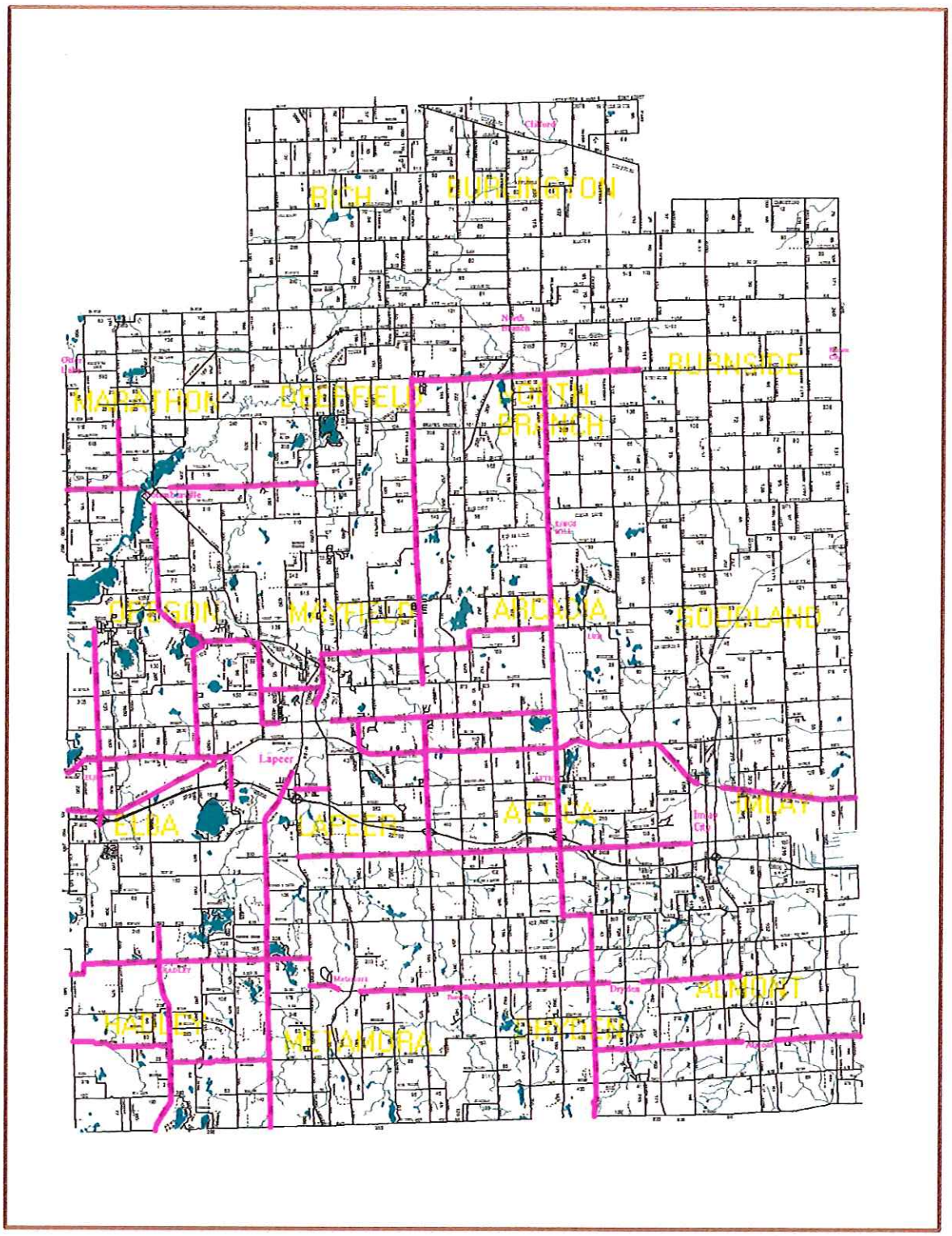
Gary Roy, Chairman
Lapeer County Board of Commissioner

CERTIFICATION

I, Theresa M. Spencer, Clerk of the Board for the County of Lapeer, Michigan, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Lapeer County Board of Commissioners on the 3rd day of April, 2014.

Theresa M. Spencer, County Clerk
Lapeer County Clerk

ORV Restricted Roads



Lapeer County Road Commission

April 2014