

**ORDINANCE NO. 46  
OFF ROAD VEHICLE (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 Rollin, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties, pursuant to 1994 PA 451 as amended and incorporated in its entirety herein, and pursuant to the specific authority granted by MCL 324.81131 to local townships and repealing all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP OF ROLLIN, COUNTY OF LENAWEE, MICHIGAN, ORDAINS:

**SECTION 1. SHORT TITLE**

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

**SECTION 2. PURPOSE**

The purpose of this Ordinance is to authorize and regulate the operation of Off Road Vehicles (ORVs) on certain roads in the Township of Rollin, and provide penalties for the violation thereof, and for the distribution of public funds resulting from those penalties, pursuant to MCL 324.81131 (17) and (18).

**SECTION 3. GENERAL PROVISIONS**

A. **Definitions.** As used in this Ordinance, and in accordance and addition to the definitions found pursuant to MCL 324.81101, the following definitions shall apply:

- 1) "Township" means the Township of Rollin.
- 2) "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 licenser permit.
- 3) "Operate" means to ride in or on and be in actual physical control of the operation of an ORV.
- 4) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- 5) "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, swamp land, or other natural terrain. ORV or vehicle includes, but is not limited to, a multitrack or multi-wheel drive vehicle, an ATV, or related 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 does not include a registered 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.

- 6) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655, which is not specifically exempted from Section C of this Ordinance.
- 7) "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.
- 8) "Township Board" means the Board of Trustees of Rollin Township.
- 9) "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.

**B. Operation on Roads.** Subject to the conditions contained in this Ordinance, an ORV may be operated on the far right of the maintained portion of certain county or local roads and the travel portion of paved county or local roads within Rollin Township.

**C. Prohibited Roads.**

- 1) An ORV may not be operated on paved or asphalted roads with a speed limit of more than 40 miles per hour. From time to time, and after publication in a newspaper of general circulation within Rollin Township, Rollin Township may designate, by Resolution of the Township Board, that certain roads in the Township are exempt from this ordinance, and that ORVs are prohibited on certain enumerated roads, effective upon publication.
- 2) 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.

**D. Conditions for Operation.** 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 that is not specifically exempt under Section C of this Ordinance:

- 1) The ORV is operated at a speed of no more than 25 miles per hour or a lower posted ORV speed limit.

- 2) The ORV is operated with the flow of traffic on the far right side of the right traffic lane.
- 3) The ORV is operated in a manner which does not interfere with traffic on the road or street.
- 4) ORVs must travel single file except when overtaking and passing another ORV.
- 5) ORVs may only operate during the time from ½ hour before sunrise until ½ hour after sunset.
- 6) The ORV has working and visible lighted headlight and lighted taillight at all hours.
- 7) 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 full windshield and 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.
- 8) Each person operating or riding in the ORV must be seated in a seat that comes built by the manufacturer or according to the manufacturer's recommendation
- 9) 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.
- 10) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- 11) Pursuant to noise emission standards defined by law.
- 12) The ORV shall be licensed by Michigan Department of Natural Resources and the license/sticker shall be permanently attached and visibly displayed in a manner described by the Michigan DNR in accordance with state law

E. **Driver's License Required.** Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the Township.

F. **Civil Infraction.** Any person who violates this Ordinance is guilty of a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

G. **Restitution.** 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 4. SUNSET PROVISION**

This ordinance shall expire one year from the date of passage unless extended by the Township Board.

**SECTION 5. REPEALING OF CONFLICTING PROVISIONS**

All resolutions, ordinances or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**SECTION 6. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is in conflict with the provisions of Public Act 451 of 1994, as amended, then the applicable provision of Public Act 451 of 1994, as amended, is controlling. In addition, if for any reason any provision of this Ordinance is held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 7. PUBLICATION**

A true copy of this Ordinance or a summary thereof shall be published in a newspaper of general circulation in the Township of Rollin.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall take effect 30 days after publication of a true copy or summary thereof.

**CERTIFICATE OF ADOPTION AND PUBLICATION**

I, Denice Combs, the Clerk of the TOWNSHIP OF ROLLIN, LENAWEЕ COUNTY, MICHIGAN, do certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of Rollin Township, Lenawee County on 7-8-2020 and published in The Exponent, a newspaper circulated in Rollin Township on 7-28-2020.

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Denice Combs

Clerk, Rollin Township