

STATE OF MICHIGAN
COUNTY OF BAY
TOWNSHIP OF KAWKAWLIN
ORV ORDINANCE
ORDINANCE No. 2009-3

An ordinance adopted for the purpose of authorizing the operation of Off Road Vehicles (ORVs) on roads in Kawkawlin Township, 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 KAWKAWLIN ORDAINS:

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

- a) "Township" means the Township of Kawkawlin.
- 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, 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.
- f) "Road" means a county primary or local road as described in Section 5 of 1951 PA 51, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commission for the County of Bay.
- 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 Board" means a board of trustees for Kawkawlin Township.

j) "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.

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

- a) the roads in which the township has designated closed.
- b) the roads designated closed by the Bay County Road Commission.

Sec. 3 All sections of the Natural Resources and the Environmental Protection Act relative to off road vehicles shall apply and that this township ordinance shall not infringe, modify or in any way reduce the authority of said act.

Sec. 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 township.

Sec. 5 Except as set forth herein or otherwise provided by law, an Orv meeting all of the following conditions may be operated on a county road or street:

- 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 matter 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 a lighted taillight.
- h) while displaying a lighted headlight and a lighted taillight at all hours beginning January 1, 2010.
- i) while the operator and each passenger is wearing a crash helmet and protective eye wear 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 defined by law.

Sec. 6 A child less than 16 years of age shall not operate an ORV on county roads unless the child is under the direct 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. 7 Unless a person possesses a valid drivers license, a person shall not operate an ORV on a county road or street if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Sec. 8 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. 9 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. 10 The ordinance will take affect 30 days after approval of the Kawkawlin Township Board of Trustees, (Dec. 9, 2009).

This Ordinance is adopted by action of the Kawkawlin Township Board this date Nov. 9, 2009.

Board members voting "Aye": Bragiel, Petrimoulx, McNally, Hetherington.

Board members voting "Nay": Klass.

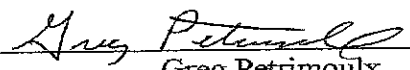
Board members absent: None.


Kawkawlin Township Clerk

Certification

I, Greg Petrimoulx, Clerk of the Township of Kawkawlin, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Township of Kawkawlin.

On the 9 day of Nov, 2009.


Greg Petrimoulx
Kawkawlin Township Clerk

