

**STATE OF MICHIGAN
COUNTY OF OTSEGO
ORV ORDINANCE**

ORDINANCE No. 09-03

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on County roads in Otsego 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 OTSEGO ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Otsego County ORV Ordinance.

Section 2. Definitions. As used in this Ordinance.

“ATV” means a 3- or 4-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc or greater gasoline engine or an engine of comparable size using other fuels.

“County” means the County of Otsego.

“County Primary Road” and “County Local Road” mean those roads as described in section 5 of Act 51 of the Public Acts of 1951, as amended, being MCL 247.655.

“Driver’s License” means any driving privileges, license, temporary instruction permit, or temporary license issued under the laws of any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.

“Far Right of the Maintained Portion of the Road” means the shoulder of the road when the roadway is improved by pavement, tar and chips, concrete, or other similar materials and means the extreme right of the open portion of the right-of-way when the roadway is not improved by pavement, tar and chips, concrete, or other similar materials.

“Forest road” means a hard surfaced road, gravel or dirt road, or other route capable of travel through state owned land by a 2-wheel drive, 4-wheel conventional vehicle designed for highway use, except a state or federal road or a county primary or county local road.

“Forest trail” means a designated path or way capable of travel through state owned land only by a vehicle less than 50 inches in width.

“Operate” means to ride in or on and to be in actual physical control of the operation of an ORV.

“Operator” means a person who operates of an ORV.

“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 sand, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a golf cart, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, or other means of transportation deriving motive power from a source other than muscle or wind. ORV, however, 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.

“Road” means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel.

"Road Commission" means the Board of County Road Commissioners for the County of Otsego.

"Roadway" means that portion of a road improved, designed, or ordinarily used for vehicular travel. In the event a road includes two (2) or more separate roadways, the term “roadway,” as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

“Safety Certificate” means a certificate issued pursuant to Section 81129 of Act 451 of the Public Acts of 1994, as amended, being MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

To obtain a safety certificate, the operator must take an ORV safety education course and pass the certification exam. Information on courses and scheduling can be obtained by calling the Michigan Department of Natural Resources at 517-373-1230 or by visiting the Recreation Safety Classes section of the Michigan DNR website at <http://www.dnr.state.mi.us/recnsearch/>.

"Shoulder" means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

“State or Federal Road” means I-75, and M-32.

“Township” means an individual township within the County of Otsego.

“Township Board” means a board of trustees of any township within the County of Otsego.

“Visual Supervision” means the direct observation of the operator of an ORV with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Section 3. Prohibited Conduct.

- (a). No person shall operate an ORV on the roadway, shoulder, or any other portion of a state or federal road or a forest road or forest trail. No person shall operate an ORV on a county primary or a county local road within most of the Pigeon River Country State Forest (PRCSF) in Otsego County. Otsego County roads within the PRCSF that are closed to ORVs include: See attached Exhibit A.
- (b). Except as permitted under Section 4 of this Ordinance, no person shall operate an ORV on the roadway, shoulder, or any other portion of a county primary road or a county local road in Otsego County.

Section 4. Permitted ORV Operations.

- (a). A person may operate an ORV on the far right of the maintained portion of all county primary and county local roads, except the following: See attached Exhibit B.
- (b). When operating an ORV as authorized under this Ordinance, the operator shall comply with all of the following regulations:
 - (1). The operator shall be a person 16 years of age or older.
 - (2). The operator and each passenger shall wear a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the ORV is equipped with a roof that meets or exceeds the standards for a crash helmet and the operator and each passenger wears a properly adjusted and fasten seatbelt.
 - (3). If the operator is a person 16 years of age or older, but less than 18 years of age, then the operator shall have in his or her immediate possession a valid driver's license and a safety certificate or shall be under the direct visual supervision of a parent or guardian and shall have in his or her immediate possession a safety certificate.
 - (4). If the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels, then the operator shall have in his or her immediate possession a valid driver's license.
 - (5). The ORV shall not be operated at a speed greater than 25 miles per hour or at a speed greater than any posted ORV speed limit.

For roads within the Village of Vanderbilt, the speed limit is 25 miles per hour on the main roads, and 5 miles per hour on all other roads.
 - (6). The ORV shall be operated with the flow of traffic on the road.

- (7). The ORV shall be operated in a manner that does not interfere with traffic on the road.
- (8). All ORVs shall be operated in a single-file formation, except when overtaking and passing another ORV or when being overtaken and passed by another ORV.
- (9). The ORV shall be operated displaying a lighted headlight and lighted taillight at ALL times.
- (10). The ORV shall be equipped 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.
- (11). The ORV shall be equipped with an arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- (12). The ORV shall be operated in full compliance with all noise emission standards defined by law.
- (13). On County roads within subdivisions or residential areas, ORVs may be operated for ingress and egress only, unless restricted from these roads by Section 4(a). Sustained riding for recreation or practice by operators of any age is prohibited in these areas.
- (14). Golf Carts only will be allowed on Fairway Drive, Golfview Drive, Greenview Drive, and Woodside Lane in Elmira Township.

Section 5. Penalties.

- (a). A person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.
- (b). In addition to the fine specified in subsection (a) above, the court has the authority to 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.

Section 6. Enforcement Officers.

Deputies of the Otsego County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 7. ORV Fund.

The County Treasurer shall deposit all fines and damages collected under Section 6 of 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 (50%) to the Otsego County 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 and/or indicating whether roads are open or closed to the operation of ORVs.
- (b). Fifty percent (50%) to the Otsego County Sheriff's Office for ORV enforcement and training.

Section 8. Court Ordered 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 9. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 10. Effective Date.

This Ordinance shall become effective fifty (50) days after its first publication.

COUNTY OF OTSEGO

By: _____
Kenneth R. Glasser, Chairman

By: _____
Susan I. DeFeyter, County Clerk

EXHIBIT A

Roads closed within the Pigeon River Country State Forest

Black River Trail
Blue Lakes Road
Bobcat Trail
Chaffee Trail
Chandler Dam Road
East Round Lake Road
Elkhorn Trail
Ford Lake Road
Gornick Trail
Grass Lake Road
Green's Trail
Hardwood Lake Road
Hare Road
Honeylocust Trail
Little McMasters Creek Trail
Lost Cabin Trail
Lost Lake Trail
Middle Trail
Old Vanderbilt Road, east of the Dudd Road intersection
Pickerel Lake Road
Range Line Road
Reynolds Road
Sawdust Pile Trail
East Sturgeon Valley Road, east of the Dudd Road intersection
Tin Bridge Road
Tin Shanty Road
Twin Lakes Road
West Round Lake Road

EXHIBIT B

Other Closed County Roads by Township

All road closings listed by township, only pertain to the portion of those roads lying within the listed township.

Bagley Township

Dickerson Road from North Otsego Lake Drive to M-32
Kassuba Road from Krys Road to M-32
Krys Road from McCoy Road to M-32
McCoy Road from Chester to Dickerson
Milbocker Road from Dickerson Road to South Townline
South Townline from Milbocker to M-32
North Otsego Lake Drive
West Otsego Lake Drive

Charlton Township

Chandler Dam Road
Gornick Trail
Greens Trail
Lost Cabin Trail
Sawdust Pile Trail
Tin Shanty Road

Chester Township

All County roads are open within Chester Township.

Corwith Township

Black River Trail
Blue Lakes Road
Bobcat Trail
Chaffee Trail
Chandler Dam Road
East Round Lake Road
Elkhorn Trail
Ford Lake Road
Gornick Trail
Grass Lake Road
Green's Trail
Hardwood Lake Road
Hare Road
Honeylocust Trail
Little McMasters Creek Trail
Lost Cabin Trail
Lost Lake Trail
Middle Trail
Old Vanderbilt Road, east of the Dudd Road intersection

Pickereel Lake Road
Range Line Road
Reynolds Road
Sawdust Pile Trail
East Sturgeon Valley Road, east of the Dudd Road intersection
Tin Bridge Road
Tin Shanty Road
Twin Lakes Road
West Round Lake Road

Dover Township

Gornick Trail

Elmira Township

All roads within Elmira Township are closed. The closed County roads include the portion of the following roads that lie within Elmira Township:

Alba Road
Allis Road
Bert Road
Brandywine Lane
Buell Road
Burdo Road
Camp Ten Road
Comstock Road
Crosswick Road
Deerwoods Drive
East Martin Lake Drive
Fairway Drive (Closed to all ATVs and ORVs except for Golf Carts)
Fleming Road
Flott Road
Franckowiak Road
Golfview Lane (Closed to all ATVs and ORVs except for Golf Carts)
Greenview Drive (Closed to all ATVs and ORVs except for Golf Carts)
Hallenius Road
Hallock Road
Huxtable Rod
Martindale Road
Mt. Jack Road
North Ridge Road
Old Coloney Road
Ordway Road
Parmater Road
Polus Road
Shaff Road
Skop Road
Stoneycroft Road
Theisen Road

Vega Road
Webster Road
West Martin Lake Road
Woodside Lane (Closed to all ATVs and ORVs except for Golf Carts)

Hayes Township

Alba Road
Charles Sanders Road
S. Townline Road

Livingston Township

Al Do Ro Va Drive
Altorf Strasse (Gaylord West Subdivision)
Ashley Lane (Gaylord West Subdivision)
Baden Strasse (Gaylord West Subdivision)
Brookview Lane
Clearview
Congdon Road east to Morgan Road
Cross Street
Fairview Road
Farmbrook Lane
Five Lake Road
Guenther Ridge Road
Highpointe Road
Hill Park
Holly (Gaylord West Subdivision)
Honeydew (Gaylord West Subdivision)
Labrador Lane (Gaylord West Subdivision)
Leafy (Gaylord West Subdivision)
Livingston Boulevard (Alpine Center/Gaylord High School)
Mapleleaf Road (North and South)
Meadowview Road
North Estates Drive
North Townline Road
Old 27 North
Parmater Road
Poquette Road
Pray Road
South Estates Drive
Suisse (Gaylord West Subdivision)
Sunshine Road
N. Townline Road
Valais Strasse (Gaylord West Subdivision)
Winterland (Gaylord West Subdivision)

Otsego Lake Township

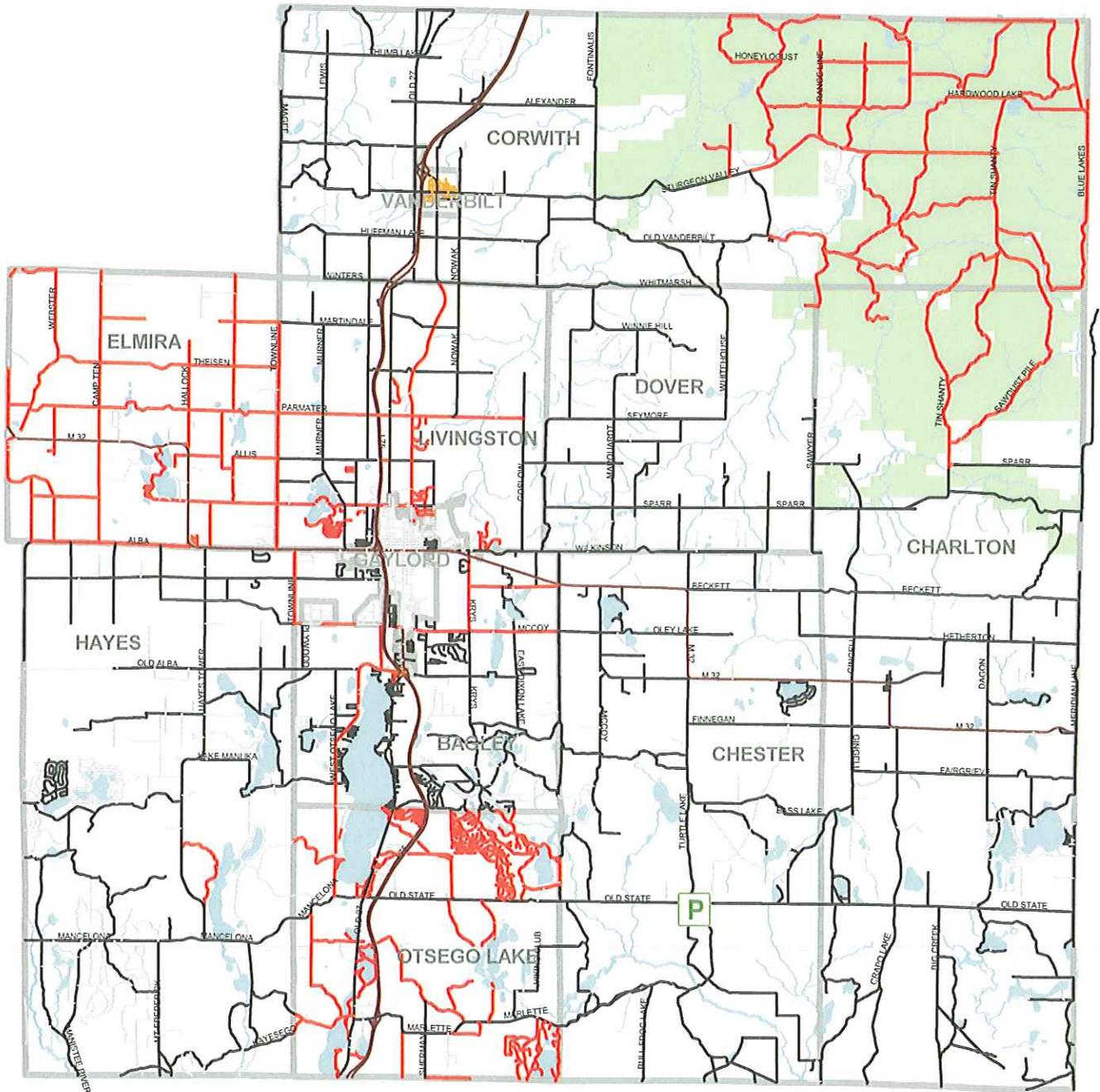
Alpena St

Amoco Rd
Anderson Dr
Apple Hill Cir
Arbutus Ct
Au Sable Trl
Autumn Trl
Avery Dr
Bagley St
Barn Owl Ct
Beaver St
Beech St
Bent Tree Dr
Blue Spruce Ct
Bluebird Ln
Bluejay Cir
Bob O Link Ct
Bob White Way
Bradford Dr
Cardinal Ct
Cartwright Trl
Cherry Log Ct
Cherry St
Chickadee Ct
Chipmunk Ln
Chub Lake Dr
Circle Dr
Colonial Ct
Compton Dr
Cottage Trl
Cottonwood Ave
Deer Park Ct
Dennis Ln
Dodge Lake Rd
Doepath Pl
Dogwood Ct
Dove Trl
Downhill Run
Eagles Nest Rd
East Heart Lake Dr
East Opal Lake Rd
Echo Dr
Edelweis Trl
Eifel Hills Rd
Enchanted Dr
Falcon Way
Fantasy Dr
Fascination Dr
Ferngrove Ct

Firestone Ct
First Court Ave
Foothills Trl
Forest Park Trl
Forester Dr
Gilbert St
Gilman Trl
Golden Elk Ct
Goodfellow Dr
Gray Hawk Ct
Grimm Ct
Hartwick Rd
Hatch Dr
Hayesego Trl
Heather Ct
Hemlock St
Henry Stephens St
Hidden Isle Dr
High Tower Trl
High Trees Ct
Hummingbird Ct
Hungry Hollow Ct
Huntingdon Dr
Ivy Trl
Karsten St
Kelley St
Kellogg Dr
Kenyon Trl
Kenyon Trl E
Kernel Ct
Kingfisher Ct
Kirtland Trl
Krause Rd
Lake Ridge Dr
Lake Shore Dr
Lakeview Ave
Lakewood Dr
Legend Dr
Leighton St
Linn St
Locksley Dr
Lombard Ave
Lynx Trl
Manning Dr
Marion Ct
Matterhorn Ct
Meadowlark Way
Memorial Dr

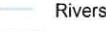
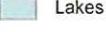
Mercury Trl
Merion Ct
Michaywe Dr
Mission Hills Ln
Mockingbird Ln
Mountain Pass
Nightingale Dr
North Heart Lake Dr
North Shore Dr
Northstar Rd
Nottingham Dr
Oakland Hills Dr
Olmstead St
Omaha Ct
Opal Lake Dr
Opal Lake Rd
Oriole Cir
Otter St
Partridge Pl
Passenheim Rd
Pearson St
Pebble Beach Dr
Pheasant Run
Pine St
Pointe Dr
Primrose Trl
Quail Hollow Rd
Quick St
Ranger Lake Rd
Raven Trl
Robin Ct
Salem Rd
Sanctuary Dr
Sandpiper Trl
Shaggy Bark Ct
Sherwood Dr
Snow Goose Cir
Snow Moon Ct
Snow Owl Ct
Snowberry Trl
Snowmass Ct
Softwood Trl
Southwest Opal Lake Rd
Spring Dr
St Andrews Dr
Staghorn Ct
Steep Hollow
Sugar Hill Cir

Summit Dr
Sun-rose Trl
Sunset Dr
Timber Valley Rd
Timberlane Trl
Timberly Ln
Trillium Trl S
Trillium Trl W
Verlinde St
Wagner Dr
Warbler Ct
Warner St
Washington Ave
Watt St
West Heart Lake Dr
West Opal Lake Rd
West Otsego Lake Dr
Whisper Dr
Whispering Pines Dr
White Mountain Ln
White St
Willow Ct
Wm Brooks Dr
Wolverine Trl
Wood Thrush Cir
Woodcock Ct
Woodpecker Trl



Otsego County ORV Routes

Scale: 1" = 3.5 Miles

- | | | | |
|---|------------------------------|---|-------------------|
|  | Pigeon River Forest |  | 5 m.p.h. ORV Zone |
|  | Roads Open to ORVs |  | Rivers |
|  | Closed Roads |  | Lakes |
|  | State Highway/
Interstate | | |