

**STATE OF MICHIGAN
COUNTY OF IONIA
ORV ORDINANCE**

An ordinance authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Ionia County, providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, as amended, which is incorporated by reference in its entirety.

THE COUNTY OF IONIA ORDAINS:

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

- a) “County” means the County of Ionia.
- b) “Direct supervision” means the direct visual 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.
- c) “Driver’s 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, as amended, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- d) “Maintained portion” means the roadway and any shoulder of a road.
- e) “Operate” means to ride in or on, and be in actual physical control of, the operation of an ORV.
- f) “Operator” means a person who operates or is in actual physical control of the operation of an ORV.
- g) “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 includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation. ORV does not include a snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned 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 the performance of its common function, or a registered aircraft.

- h) “Road” means a county primary road or county local road as described in Section 5 of 1951 PA 51, as amended, MCL 247.655.
- i) “Safety Certificate” means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81130, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

Section 2. Designated Roads.

- a) An ORV may be operated only on the far right on the maintained portion of a road on the designated County roads listed in Appendix A, incorporated by reference.
- b) An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway, including but not limited to I-96, M-21, M-44, M-50, M-66, M-91, or any other State or Federal highway in Ionia County.
- c) A person operating an ORV on a designated County Road may cross an excluded road as indicated in paragraph (b) of this section for the sole purpose of continuing travel on the designated County Road. The crossing of the excluded road shall only be performed if the operation can be done safely and only at a right angle. The operator shall bring the vehicle to a complete stop before proceeding across the excluded road and shall yield the right-of-way to oncoming traffic.
- d) 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, pursuant to MCL 324.81131(3).
- e) An ORV may not be operated on any City or Village road surface, roadway, shoulder, or right-of-way in Ionia County, unless allowed by City or Village ordinance.

Section 3. Operating Conditions. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a designated road in the County:

- a) At a speed of no more than 25 miles per hour, or a lower posted ORV speed limit.
- b) With the flow of traffic.
- c) In a manner which does not interfere with traffic on the road.

- d) Traveling single file, except when overtaking and passing another ORV.
- e) While displaying a securely attached white-lighted headlight and red-lighted taillight with brake light at all times.
- f) By a person not less than 12 years of age.
- g) An ORV shall not be operated pursuant to this ordinance during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- h) A child who is less than 16 years of age shall not operate a 3-wheeled ORV.
- i) The ORV shall be equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a red brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, and 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) The ORV shall be equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.
- k) Each operator and passenger must wear 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.
- l) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- m) Pursuant to noise emission standards defined by law.
- n) ORVs must not be operated in a manner that will cause damage to the road surface or shoulder. In this regard, prohibited activity includes but is not limited to actions such as “fishtailing” and spinning of tires that disperses gravel and creates ruts and other damage.

Section 4. License; Safety Certificate. A person less than 18 years of age shall not operate an ORV on a road in the County unless the person is in possession of a valid driver’s license or unless the person is under the direct supervision of a parent or guardian and has in his or her possession an ORV Safety Certificate.

Section 5. Registered Motor Vehicle. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road in the County if the ORV is registered as a motor vehicle, and either is more than 65 inches wide or has three wheels.

Section 6. Evidence. In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road, street, or highway pursuant to the Michigan Vehicle Code was in a collision on a roadway with an ORV that is not registered under the Code, the operator of the ORV shall be considered prima facie negligent.

Section 7. Penalties. Any person who violates this ordinance is guilty of a municipal civil infraction, and shall pay a civil fine of not less than \$250.00 and not more than \$500.00. In addition, a court may order the person to pay full restitution for any damage to the environment, a road, or public or private property damaged as a result of the violation.

Section 8. ORV Fund. The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Ionia County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Ionia 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, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the Ionia County Sheriff for ORV enforcement and training.

Section 9. Master Map. The County shall maintain a master map of all roads under the jurisdiction of the Ionia County Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORV's is permitted and prohibited pursuant to this Ordinance. The County shall make such master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to incur any expense associated with the making of such copies.

Section 10. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the County, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Section 12. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 13. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

Section 14. Immunity Clause. Subject to section 5 of 1964 PA 170, MCL 691.1405, this state, a board of county road commissioners, a county board of commissioners, and a local unit of government are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained portion or unmaintained portion of a highway, road, or street, of an ORV. The immunity provided by this subsection does not apply to actions of an employee of this state, an employee of a board of county road commissioners, an employee of a county board of commissioners, or an employee of a local unit of government that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

This Ordinance was adopted by action of the Ionia County Board of Commissioners on March 24, 2015.

This Ordinance was amended by action of the Ionia County Board of Commissioners on May 12, 2015. This amended ordinance shall take effect on May 21, 2015.

Appendix A
Designated County Roads for ORV Operation

4 Mile Rd.
40 Acre Town Rd.
5 Mile Rd.
68th St.
76th St.
Ainsworth Rd.
<u>Airport St.</u>
Albert Rd.
Aldon Lane
Allan Rd.
Andres Rd.
Arden Dr.
<u>Arnold Alley</u>
Arnold St.
Arrowhead Dr
Badger Rd.
Barker Rd.
Barnes Rd.
Barr Rd.
Bartonville Rd.
Bates Rd.
Beahan Rd.
<u>Beardsley Rd.</u>
Becker Rd.
<u>Belding Ave.</u>
Bell Rd.
<u>Bellamy Rd.</u>
Bellevue Dr.
Bennett Rd.
Benton Rd.
Beresford St.
<u>Bippley Rd.</u>
Bliss Rd.
Bonanza Rd.
Borden Rd.
Bowen Rd.

Bradford Rd.
<u>Bradley Rd.</u>
Branch
<u>Brayton Rd.</u>
<u>Breezy Point</u>
Briarwood Dr.
Bricker Ave.
Bricker Rd.
Brooks Rd.
Brown Rd.
Bugbee Rd.
Butler Rd.
Button Rd.
<u>Campbell Rd.</u>
Canfield Rd.
Carlton Dr.
Caroline St.
<u>Carriage Lane</u>
Cass St.
Cassel Rd.
Catalpa Dr.
<u>Cemetery Rd.</u>
Center St.
Center St.
Center St.
Centerline Rd.
Charles Rd.
Charles St.
<u>Charlotte Hwy.</u>
Chase St.
<u>Chickering Rd.</u>
Chicory Lane
Chinook Lane
<u>Chipman Rd.</u>
Church St.
Churchill St.
Clark Rd.
Clarksville Rd.
Cleveland St.
Clinton Trail

Clintonia Rd.
<u>Clyde Rd.</u>
<u>Conkey Dr.</u>
Conklin Rd.
Cook Rd.
<u>Cooper Rd.</u>
Cornell St.
<u>Cottage Dr.</u>
<u>Coventry Rd.</u>
Cowan Rd.
Cowman Rd.
Crandell Rd.
<u>Creighton Rd.</u>
Croel Rd.
Cutler Rd.
<u>Cyrus St.</u>
Dake Rd.
<u>Darby Rd.</u>
<u>David Hwy.</u>
Davis St.
Dawn Dr.
Debra Dr.
Decker Rd.
Deitz Rd.
Delano St.
<u>Depot St.</u>
Detmers Rd.
Dexter St.
Dexter Trail
Diane Dr.
Dick Rd.
Dildine Rd.
<u>Divine Hwy.</u>
Division St.
Doreen Dr.
Drake St.
Drew Rd.
Dumon Rd.
Durkee Rd.
East Main St.
<u>Eaton Hwy.</u>
<u>Eddy Rd.</u>
Ellis Rd.

Ellison Rd.
Elm Rd.
Elmdale Rd.
Elmwood Dr.
<u>Emery Rd.</u>
Erdman Rd.
Ernest Rd.
Euclid Ave.
Fairfield St.
Fairview St.
<u>Fargo St.</u>
Feuerstein Rd.
Fish Rd.
Fisk Rd.
<u>Flannigan Rd.</u>
Flat River Trail
Fourth St.
Frank Rd.
Friend Rd.
Front St.
Frost Rd.
<u>Furlong Rd.</u>
Gates Rd.
Generaux Rd.
Germain Rd.
Gibbs Rd.
Glenn Court
Glenn Rd.
Goddard Rd.
<u>Godfrey Rd.</u>
Gold Lake Rd.
Goodemoot Rd.
Goodenough Rd.
Goodwin Rd.
Gordon St.
Gould Rd.
Graff Rd.
Grand River Ave.
Grand River Trail
Grant St.
Green Rd.
Greenfield Dr.
<u>Gregory Rd.</u>

<u>Guernsey Rd.</u>
Gunn Rd.
Hackett St.
Haddix Rd.
Hall Rd.
Hall St.
Hamlin Rd.
Hanline St.
Harkness Rd.
<u>Harley Rd.</u>
Hart St.
Hartwell Rd.
Harwood Rd.
<u>Hastings Rd.</u>
<u>Hawley Hwy.</u>
Hayden Rd.
Hayes Rd.
<u>Haynor Rd.</u>
<u>Haysmer Rd.</u>
Heald Rd.
Heether Rd.
Henderson Rd.
Herald St.
Herrity Lane
Heth St.
<u>Higgins Rd.</u>
Hill St.
Hillcrest Dr.
Hillwood Dr.
Hinds Rd.
Hock Rd.
<u>Hogan Rd.</u>
<u>Holiday Dr.</u>
<u>Hopkins Rd.</u>
<u>Hoppough Rd.</u>
Horizon Dr.
Hosford Dr.
Hotchkiss Rd.
Hoyt Rd.
Hubbard St.
Hubbardston Rd.
Hubbell Rd.
<u>Ingalls Rd.</u>

Ionia Ave.
Ionia Rd.
Ivan Rd.
Ivywood Lane
Jackson Rd.
<u>Jacoby Rd.</u>
James Rd.
Jarvis St.
Jefferson Rd.
Jefferson St.
Jenks Rd.
Jennifer Lane
Jermyn St.
<u>Jessup Rd.</u>
John St.
Johnson Alley
Johnson Rd.
Jones Rd.
Jordan Lake Rd.
Jordan Lake St.
Judevine Rd.
Katherine Court
<u>Keefer Hwy.</u>
Keim Rd.
<u>Kellogg Rd.</u>
<u>Kelsey Hwy.</u>
Kelts St.
Kent St.
Kiddville Rd.
Kimball Rd.
Kimmel Rd.
King St.
Kingston Rd.
Klotz Rd.
<u>Knight Rd.</u>
Knoll Rd.
Knox Rd.
Kramer Rd.
<u>Krupp Rd.</u>
<u>Kyser Rd.</u>
Lake Point Dr.
Lakeside Dr.

Lakeview Dr.
Larson St.
Lawton St.
Lee Rd.
<u>Lenhards Landing</u>
Lewis St.
Lincoln Ave.
<u>Long Lake Rd.</u>
<u>Looking Glass Rd.</u>
Lookout Dr.
Louisa St.
<u>Lowery Rd.</u>
Luce Rd.
Lucile Blvd.
<u>Lyle Rd.</u>
<u>Lynn Ave</u>
<u>Lyons Rd.</u>
MacArthur Rd.
Madison St.
Maier Dr.
Main St.
<u>Maple Rd.</u>
Marble Rd.
Market St.
<u>Marquette Rd.</u>
Marsalle Rd.
Martin Rd.
Mather St.
<u>Maynard Rd.</u>
McCord Rd.
McCrumb Rd.
McKendry Rd.
McKenna Rd.
Meade Rd.
Meadow Lane Dr.
Meadowrue Lane
Mechanic St.
Merrick Ave.
Mick Rd.
<u>Midway Rd.</u>
Mill St.
Miller St.
Millstead Rd.
Miriam Rd.

Montcain Ave.
Morris Rd.
Morrison Lake Rd.
Morse St.
Morton Ave.
Mote Rd.
Mountainmint Cir.
<u>Murphy Rd.</u>
Murtha Rd.
<u>Musgrove Hwy.</u>
Nash Hwy.
Nelson Rd.
Neva Ave.
Nicholas Rd.
Nicholson Rd.
Nickle Plate Rd.
Noddins Rd.
New North Dexter St.
North St.
Northland Dr.
<u>Nottingham Trail</u>
Oak Dr.
Oak St.
Oak Lane
O'Brien Rd.
Okemos Rd.
Olmstead Rd.
Omara Rd.
Orleans Ave.
Orleans Rd.
Ostrum Rd.
Otisco St.
Page Rd.
Palmer Rd.
Park Blvd.
Parks Rd.
Parmeter Rd.
<u>Parsonage Rd.</u>
Patricia St.
Patrick Rd.

Peake Rd.
Pearl St.
Peck Lake Rd.
Peckins Rd.
Peddler Lake Rd.
Perry Rd.
Peterson Rd.
Petrie Rd.
Pewamo Rd.
Phillip Court
Pierre St.
Pinckney Rd.
Plainview St.
Pline Rd.
Pond Rd.
Portland Rd.
Potters Rd.
Powell Hwy.
Prairie Creek Rd.
Price St.
Pryor Rd.
<u>Quarry Rd.</u>
<u>Ralph Rd.</u>
Ramblewood Dr
<u>Ranney Rd.</u>
Rath Rd.
Rector Rd.
Reeder Rd.
<u>Reiger St.</u>
Reimer Dr.
Richmond Rd.
Rickert Rd.
River Ave.
Riverest Dr.
Riverside Dr.
Robbins Rd.
Robert St.
Roberts Rd.
<u>Rogers Rd.</u>
Roosevelt Ave.
Rosmond St.
Ross Rd.
Russell Rd.

Sandborn Rd.
Sanders Rd.
<u>Sayles Rd.</u>
Schaeffer Rd.
<u>School Boy Rd.</u>
School St.
Scott Rd.
Second St.
Second St.
Seeley Rd.
<u>Shady Lane</u>
Shilton Rd.
Shirlee Ave.
Shore Dr
Short St.
Shuman Rd.
Slade Rd.
Smith Rd.
<u>Smokey Row</u>
Somers Rd.
South St.
<u>Sparks Rd.</u>
Spaulding Rd.
<u>Sprague Rd.</u>
<u>Stage Rd.</u>
Stahl Rd.
<u>Staley Rd.</u>
Stanbro Rd.
Stedman Rd.
Stone Rd.
<u>Stoney Creek Rd.</u>
Stoudt Rd.
<u>Strong Rd.</u>
Struble Rd.
<u>Sunfield Hwy.</u>
Sunset Dr.
<u>Sylvan Dr.</u>
Taft Rd.
Tannis Rd.
Tasker Rd.
Third St.
Third Ave
<u>Tiffany Ct</u>

Tiffany StTingley Rd.

Todd Rd.

Tower St.

Towner Rd.

Townsend Rd.

Tucker Rd.

Tupper Lake Rd.Turkey Trail

Turner Rd.

Tuttle Rd.

Tyler St.

Van Vleck Rd.

Vanburen Rd.

Yeomans St.

Yerge Rd.

York Rd.

Youngs Rd.

Zahm Rd.Vanderheyden Court

Vedder Rd.

Vernier Rd.

Virginia Ave.

Vohlers St.

Wagar Rd.

Walker Rd.

Wall St.

Walnut Dr.

Warden Rd.

Ware Rd.

Washington StWashington St.Washington St., E.

Weeks Rd.

Welch Rd.

Welfare Rd.

West Main St.

Westbrook Rd.

Westover Dr.

Wheeler Rd.

Whites Bridge Rd.

Whitford Rd.

Whitlock Rd.

Willowbrook Dr.

Woodard Lake Rd.

Woods Rd.

Woodvale Dr.

Wooldridge Rd.