

**STATE OF MICHIGAN
COUNTY OF IOSCO
ORV ORDINANCE**

ORDINANCE No. 1-2009

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

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

- a) "County" means the County of Iosco.
- 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 multiwheel 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 road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Iosco.
- 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" means an individual township within the County of Iosco.
- j) "Township Board" means a board of trustees of any township within the County of Iosco.
- k) "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 townships and/or cities have designated closed.
- b) roads designated closed by the Iosco County Road Commission.

Sec. 3 A township board of a township in the county may adopt an ordinance to close any county roads within the boundaries of the township to the operation of ORVs permitted by the county. Beginning July 17, 2009, the township board of a township in the county may adopt an ordinance authorizing the operation of ORVs: on the maintained portion of 1 or more county roads located within the township," pursuant to MCL 324.81131 (3).

Sec. 4 The county road commission may close no more than 30% of the total linear miles of county roads 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 Section 5 of this ordinance.

Sec. 5 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.

Sec. 6 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 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 unless displaying a lighted headlight and lighted taillight.
- g) 1/2 hour before sunrise until 1/2 after sunset unless displaying a lighted headlight and lighted taillight.

- h) while displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.
- i) 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.
- 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 standards defined by law.

Sec. 7 A child less than 16 years of age shall not operate an ORV on county roads unless the child is under the direct visual 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. 8 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. 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 than \$500.00.

Sec. 10 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. 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 of Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent the County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting sign indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the County Sheriff for ORV enforcement and training.

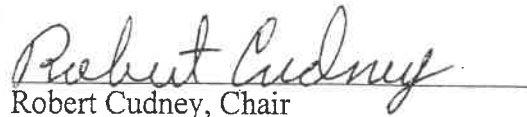
Sec. 12 This ordinance becomes effective January 7, 2009.

This Ordinance is adopted by action of the Iosco County Board of Commissioners this 7th day of January, 2009.

Commissioners voting "Aye": Roulo, Matthews, Cudney, Moehring and Schmidt.

Commissioners voting "Nay": None.

Commissioners Absent: None.


Robert Cudney, Chair
Iosco County Board of Commissioners

Certification

I, Nancy J. Huebel, Clerk of the County of Iosco, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Iosco County Board of Commissioners on the 7th day of January, 2009.


Nancy J. Huebel
Iosco County Clerk

**2009
ORV ORDINANCE**

Township and City roads open/closed to Off Road Vehicles.

Alabaster Township	All closed
AuSable Township	All open except River Road
Baldwin Township	All open
Burleigh Township	All open except Prescott Road
Grant Township	All open
Plainfield Township	All open
Reno Township	All open
Sherman Township	All open
Tawas Township	All open
Wilber Township	All open
City of East Tawas	All closed
City of Tawas City	All closed
City of Whittemore	All open
Oscoda Township	Open with the exception of:

**Vaughan Trail and River Bend Point Subdivision
Pinecrest Road – Section 32
Mission Drive
Crew Street
Space Street
Wing Street
Flight Street
East Service Drive
Skyway Street
Hunt Drive
Cordes Street
Ballor Drive**

Pine Acres Road – T24NR6E
Loud Dam Road from Loud Dam to Hurst AuSable River Camp Subdivision
Abbott Road and Plateau Subdivision
Cedar Lake Road from Cedar Lake Elementary to US-23
Lake Street from Division to US-23
Division
Park Street
East Dwight Street
East River Road
East Michigan Avenue
F-41 from Van Etten Dam Road to US-23
All of Hull Island Subdivision
Timlick Road
Look Drive
Pride Road
North Rim Road
South Rim Road
West Rim Road
East Eberhardt Street
Short Street
River Road from Railroad Crossing in Oscoda to Alvin Road Foote Site
River Road from Roy Road Foote Site to M-65
Bank
Water
Evergreen
Spruce
Arbutus
St. Clair
Erie
Fullerton
Jerome
AuSable
Washington
Blaine

Iosco County
Board of Commissioners

09-077 (10)

COURT HOUSE
Tawas City, Michigan 48763

RESOLUTION

DATE: MAY 20, 2009

THE HONORABLE BOARD OF COMMISSIONERS:

WHEREAS, the Iosco County Board of Commissioners approved an Off Road Vehicle Ordinance and

WHEREAS, Grant Township requests that the ORV speed limit for Grant Township be reduced to 20 MPH from 25 MPH

NOW THEREFORE BE IT RESOLVED, that the ORV Ordinance for the County of Iosco be amended to reflect the request from Grant Township.

Move: *Robert Cudney*
Robert Cudney

Support: *Patricia [Signature]*

Roll Call: Ayes 5

Nays 0

Absent 0