

ORDINANCE NO 43

AN ORDINANCE FOR THE REGULATION OF OPERATION OF ORV/OHV'S ON ROADS, STREETS AND HIGHWAYS LOCATED IN PLAINFIELD TOWNSHIP, IOSCO COUNTY.

WHEREAS, the Plainfield Township Board adopted an ORV/OHV Ordinance on October 19, 2005.

WHEREAS, the Plainfield Township Board desires to amend said Ordinance.

THE PLAINFIELD TOWNSHIP BOARD HEREBY ORDAINS, AS FOLLOWS:

Section 1.

As used in this ordinance, the following definitions apply:

- a) "Streets and Highways" 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.
- b) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV/OHV.
- c) "ORV/OHV" means a motor driven off-road recreational vehicle with forward movement made possible by the use of two, three, four or six wheels, with surface contact made by rubber tires. The vehicle must have a measurement from ground surface to base of seat height greater than eighteen inches. On three, four or six wheeled vehicles the wheel rims may not exceed thirteen inches.
- d) "Road surface" means the portion of a street or highway to the immediate right of the road surface while facing the direction of travel, which is not generally used for vehicular travel.

Section 2.

An ORV/OHV may be operated on the shoulder of township or county streets and highways and along access routes within Plainfield Township.

Section 3.

Except as set forth herein, an ORV/OHV may only be operated on the shoulder of township or county streets or highways in the direction of traffic in a single file manner. ORV/OHV's shall not be operated on the road surface of any streets or highways with the exceptions of sections of streets or highways that do not have an adequate shoulder allowing the ORV/OHV to avoid contact with the road surface. In these cases the ORV/OHV must remain to the far right of the roadway contacting the least amount of road surface as possible. The operator of the ORV/OHV may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across public highway, ORV/OHV operators shall yield to all oncoming vehicular traffic, all non-motorized vehicular traffic, not limited to, two, three or four wheeled cycles, and those under foot travel.

Section 4.

Any ORV/OHV being operated on a street or highway in Plainfield Township, Iosco County pursuant to this ordinance must operate at all times in accordance with Sections 324.811101 through 324.81150 of the Michigan Compiled Laws, being part of the Natural Resources and Environmental Protection Act, P.A. 1994, No.451.

Section 5.

An ORV/OHV may not be operated on the road surface, roadway, shoulder or right-of-way of any State highway including but not limited to M-55 and M-65.

Section 6.

Any person who violates this ordinance is guilty of a civil infraction, punishable by a fine of \$100.00 plus the cost of prosecution upon the first conviction and \$250.00 plus the cost of prosecution for and subsequent conviction.

Section 7.

Any person who causes damage to any street, highway, or other property as a result of the operation of an ORV/OHV, in an area permitted by this ordinance, is guilty of a civil infraction, punishable by a fine of \$250.00 plus the cost of prosecution. The Court may also order that the individual pay full restitution for any damage.

Section 8.

Any ORV/OHV being operated on a street or highway in Plainfield Township, Iosco County pursuant to this ordinance, must not exceed a rate of speed greater than 20 MPH during hours of operation. Operation of an ORV/OHV is between the hours of ½ hour before sunrise to ½ hour after sunset.

Section 9.

A review in one year will take place by the Township Board to determine if the ORV/OHV Ordinance has accomplished it's economic objectives, addressed problems and decide whether or not to continue the existing Ordinance.

Section 10.

This ordinance become effective upon publication.

Section 11. Penalty

Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance shall be guilty of a civil infraction. Upon conviction thereof before any Court of the County, the punishment shall be a fine not to exceed \$1,000.00, plus court costs. Each day of a continuing violation shall be construed as a separate offense hereunder. Notwithstanding any other provision of this Ordinance the Township shall be entitled to commence a civil action to enjoin any violation of this Ordinance. The Township shall be entitled to collect all costs, expenses and attorney fees for any criminal or civil action.

PLAINFIELD TOWNSHIP

(signed Charles Parkinson, Supervisor)

(signed Elaine J. Bielby, Township Clerk)

That the above Ordinance was published on the 1st day of March, 2006 in the Iosco County Herald

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6411 ORV-OHV ORDINANCE/DJB

HIGHLIGHTS OF “MDNR ORV HANDBOOK”

Be it strongly advised, all users of ORV/OHV’s read the entire MDNR OVR/OHV “Handbook” for complete information regarding regulations for lawful ORV/OHV use. “Handbooks” are available with purchase of ORV/OHV Trail Permit.

- **Must wear approved helmet and eye protection.**
- **All youths under age 16, must have adult visual supervision, with the ability to come to immediate aid.**
- **Youths under 12, may not operate on roadway, all under 15, must have MDNR ORV Safety Certificate.**
- **The parents or legal guardian of a child under age 16 are legally responsible if they permit a child under their care to violate any of the ORV/OHV laws. The owner (or person in control) of an ORV/OHV is also responsible if his or her ORV/OHV is operated by a youngster**
- **Must have a valid ORV/OHV license permanently attached and properly displayed.**
- **All ORV/OHV’s must have a working brake system, self-closing throttle and proper seating as designed by manufacturer for each passenger.**
- **All ORV’OHV’s must have a USFS approved spark arrestor and a muffler in good working order with an exhaust noise of not to exceed 99Db(A) for vehicles manufactured prior to 1-1-86 or, 94Db(A) on vehicles manufactured after 1-1-86.**
- **Michigan Compiled Law P.A. 451, 324.81122(2) reads, “In court action in this state where competent evidence demonstrates that a vehicle that is permitted to operate on a highway pursuant to the code is in a collision with an ORV/OHV on a roadway, the operator of the ORV/OHV involved in the collision shall be considered “prima facia negligent.”**
- **Private land is close to ORV/OHV operation except for use by the landowner and the landowner’s invited guest. The failure of the landowner to post or fence against ORV’OHV use does not imply consent to ORV/OHV operation.**
- **ALL ORV/OHV USERS MUST STAY ON THE “DESIGNATED TRAIL” ON ALL PUBLIC LANDS. USFS & DNR LANDS REMAIN “CLOSED, UNLESS POSTED OPEN”!**