

**STATE OF MICHIGAN
COUNTY OF ALGER
ORV ORDINANCE #14**

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV's) on roads in Alger 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 ALGER, A MICHIGAN MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS BOARD OF COMMISSIONERS, DOES HEREBY ORDAIN:

SECTION 1:

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

- a) "ATV" means a vehicle with 3 or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.
- b) "County" means the County of Alger, State of Michigan.
- c) "County road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655, or a segment thereof.
- d) "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.
- e) "Highway" means a state trunk line highway or a segment of a state trunk line highway.
- f) "Maintained portion" means the roadway and any shoulder of a street, county road, or highway.
- g) "Operate" means to ride in on, and be in actual physical control of the operation of an ORV.
- h) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.

- i) "ORV" or, unless the context implies a different meaning, "vehicle" 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. A multitrack or multiwheel drive vehicle, 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 may be an ORV. An ATV is an ORV. ORV or vehicle 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.
- j) "ORV safety certificate" means an ORV safety certificate issued under section 81130 or, except as used in section 81130, a comparable safety certificate issued under the authority of another state or province of Canada.
- k) "Road Commission" means the Board of County Road Commissioners for the County of Alger.
- l) "Township" means an individual township within the County of Alger.
- m) "Township Board" means a board of trustees of any township within the County of Alger.
- n) "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.

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

a. *None*

SECTION 3: 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. 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 roads located within the township," pursuant to MCL 324.81131 (3).

SECTION 4: The county road commission may close no more than 30% of the total linear miles of roads in the county 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.

SECTION 5: An ORV may be operated on county roads in Alger County and may not be operated on the road surface, roadway, shoulder or right-of-way of any state owned highway in the county, namely M-28, M-94, M-67 and M-77, or on any state maintained highway in the county, namely US-41.

SECTION 6: Except as set forth herein or otherwise prohibited by law, an ORV meeting all of the following conditions may be operated on the far right of a road or street in the county:

- 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 year of age, *subject to Section 7.*
- c) with the flow of traffic.
- d) in a manner which does not interfere with traffic on the road or street.
- e) traveling in single file except when overtaking or passing another ORV.
- f) when visibility is not substantially reduced due to weather conditions
- g) while displaying a lighted headlight and lighted taillight at all hours.
- h) 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.
- i) 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.
- j) while the ORV is equipped with a spark arrester and a United States Forest Service approved muffler in good working order and in constant operation.
- k) Pursuant to noise emission standards defined by law.
- l) Consistent with all other applicable laws, rules, regulations and ordinances.

SECTION 7: A person under 12 years of age shall not operate an ORV as authorized pursuant to this section. A child not less than 12 years of age but less than 18 years of age shall not operate an ORV as authorized pursuant to this section unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

SECTION 8: Unless the person possesses a license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, a person shall not operate an ORV on a road or street in the county if the ORV is registered as a motor vehicle under chapter II of the Michigan vehicle code, 1949 PA 300, MCL 257.201 to 257.259, and either is more than 65 inches wide or has 3 wheels.

SECTION 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. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a street, county road, or highway, or public property as a result of the violation.

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

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

SECTION 11: This ordinance shall become effective the day following publication of notice of its adoption in a newspaper of general circulation in the County, and unless otherwise amended shall remain in effect.

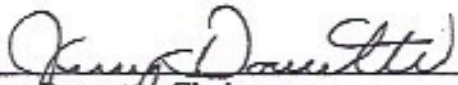
SECTION 12: The existing County ORV Ordinance adopted by the Alger County Board of Commissioners on March 13, 1995 and last amended on July 13, 2009, shall be and hereby is repealed as of the effective date of this Ordinance.

This Ordinance is adopted by action of the Alger County Board of Commissioners this 18th Day in the month of April 2016.

Commissioners voting "Aye": Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette

Commissioners voting "Nay": None

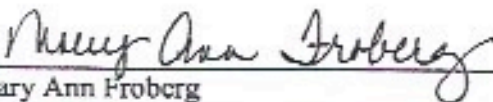
Commissioners Absent: None



Jerry Doucette, Chairperson
Alger County Board of Commissioners

Certification

I, Mary Ann Froberg, Clerk of the County of Alger, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Alger County Board of Commissioners on April 18, 2016.



Mary Ann Froberg
Alger County Clerk

**STATE OF MICHIGAN
COUNTY OF ALGER
ORV ORDINANCE #14**

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV) in the County of Alger County for the purpose of providing protection for the pleasure traveler and for the distribution of public funds resulting from those pleasure travelers to State PA 246, MCL 204.8111.

THE COUNTY OF ALGER, A MICHIGAN MUNICIPAL CORPORATION ACTING BY AND THROUGH ITS BOARD OF COMMISSIONERS, DEEMS IT ADVISORY TO:

SECTION 1:

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

- a) "ATV" means a vehicle with 2 or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be adjusted by the rider, and is powered by a 150cc or 1,000cc gasoline engine or an engine of equal GPM (Gross) being other fuel.
- b) "County" means the County of Alger, State of Michigan.
- c) "County road" means a county primary road or county local road as described in section 3 of 1991 PA 31, MCL 247.015, or a segment thereof.
- d) "Driver license" means an operator's license for a license or permit issued in or issued by the Secretary of State under chapter III of the Michigan Vehicle Code, 1991 PA 300, MCL 257.261 to 257.264, for the individual to operate a vehicle, whether or not such license is not attached to the license of person.
- e) "Highway" means a state trunk line highway or a segment of a state trunk line highway.
- f) "Manufactured home" means the structure and any foundation of a house, county road, or highway.
- g) "Operator" means to ride in or, and be in actual physical control of the operation of an ORV.
- h) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- i) "ORV" means, unless the context implies a different meaning, "vehicle" means a motor-driven off-road recreational vehicle capable of operation on a road or trail, on or immediately on or near, snow, ice, mud, or water, or other natural terrain. A motorized or motorized vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 2 or more wheels, an amphibious machine, a personal watercraft, or other vehicle, or other means of transportation may be an ORV. An ATV is an ORV. ORV or vehicle does not include a replacement automobile, a farm vehicle being used for farming, a vehicle used for utility, 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 intended function, or a registered aircraft.
- j) "ORV safety certificate" means an ORV safety certificate issued under section 41130 or, except as noted in section 41131, a temporary safety certificate issued under the authority of another state or province of Canada.
- k) "Road Commission" means the Board of County Road Commissioners for the County of Alger.
- l) "Township" means an individual township within the County of Alger.
- m) "Township Board" means a board of trustees of any township within the County of Alger.
- n) "Visual observation" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to verify the observations and of the operator.

SECTION 2: An ORV may be operated on the full right of the unimproved portion of a county road within the county with the following exceptions:

- a. None.
- SECTION 3:** A township board of a township in the county may adopt an ordinance to close any road within the boundaries of the township to the operation of ORVs permitted by the County Beginning July 13, 2016, the township board of a township in the county may adopt an ordinance authorizing the operation of ORVs on the unimproved portion of a road or road located within the township pursuant to MCL 247.011(1).

SECTION 4: The county road commission may close its roads from 90% of the total linear miles of roads in the county to prevent the operation of off-road vehicles of ORVs from a particular and appropriate time in a public safety. The road commission may not close a township road to ORV's operated under Section 3 of this ordinance.

SECTION 5: An ORV may be operated on county roads in Alger County and may not be operated on the road surface, including, whether or not it may be any other road highway in the county, namely M-26, M-99, M-647 and M-77, or on any waterway (other than a lake) in the county, namely US-41.

SECTION 6: Except as set forth herein or otherwise prohibited by law, an ORV operating on the following conditions may be operated on the full right of a road or road in the county:

- a) at a speed of no more than 15 miles per hour or a lower posted ORV speed limit.
- b) by a person less than 12 year of age, subject to Section 7.
- c) with due care of traffic.
- d) in a manner which does not interfere with traffic

- on the road or cross.
- e) operating in single file except when overtaking or passing another ORV.
- f) when visibility is not substantially reduced due to weather conditions.
- g) while displaying a lighted headlight and lighted taillight at all times.
- h) while the operator and each passenger is wearing a crash helmet and protective system approved by the United States Department of Transportation, unless the vehicle is equipped with a seat that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- i) with a device so designed that when the pressure used to advance the throttle is released, the engine speed will immediately and automatically return to idle.
- j) while the ORV is equipped with a spark arrester and a United States Forest Service approved fireline fire proof working motor and so designed operation.
- k) Except as noted relative to standards defined by law.
- l) Comply with all other applicable laws, rules, regulations and ordinances.

SECTION 7: A person under 12 years of age shall not operate an ORV on unimproved portions of the county. A child not less than 12 years of age but less than 18 years of age shall not operate an ORV on unimproved portions of the county unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has on his or her immediate possession an ORV safety certificate issued pursuant to this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

SECTION 8: Unless the person possesses a license as defined in section 24-1 of the Michigan Vehicle Code, 1991 PA 300, MCL 257.271, a person shall not operate an ORV on a road or road in the county if the ORV is registered as a motor vehicle under chapter II of the Michigan Vehicle Code, 1991 PA 300, MCL 257.201 to 257.210, and either is more than 40 inches wide or has 3 wheels.

SECTION 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 \$200.00. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a street, county road, or highway, or public property as a result of the violation.

SECTION 10: The County Treasurer shall deposit all fees and damages collected under this ordinance into a fund to be designated as the ORV fund. The County Board of Commissioners shall appropriate revenue to the ORV fund as follows:

- a) Fifty percent for the County Road Commission for repairing damage to roads and the commitments that may have been caused by ORV's and for the posting signs indicating ORV speed limits, or indicating a better road use sign or closed to the operation of.
- b) Fifty percent to the County Sheriff for ORV enforcement and training.

SECTION 11: This ordinance shall become effective the day following publication of notice of its adoption in a newspaper of general circulation in the County, and unless otherwise amended shall remain in effect.

SECTION 12: The current County ORV Ordinance adopted by the Alger County Board of Commissioners on March 13, 1995 and last amended on July 13, 2016, shall be and hereby is repealed to the extent of this Ordinance.

This Ordinance is adopted by action of the Alger County Board of Commissioners this 10th day in the month of April 2016.

Commissioners voting "Aye": Commissioners Nathan, Pollock, Brundage, VanDusen, and Bousquet.

Commissioners voting "Nay": None.

Commissioners Absent: None.
*Jeffery J. D...
Jeffery J. D...
Alger County Board of Commissioners
Commissioner*

I, Steve Ann Feltner, Clerk of the County of Alger, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Alger County Board of Commissioners on January 14, 2016.

*Steve Ann Feltner
Steve Ann Feltner
Alger County Clerk*

AFFIDAVIT OF PUBLICATION

I, Willie J. Peterson, Publisher of The Munising News, published at Munising, Michigan, do solemnly swear that a copy of the notice, as per clipping attached, was published in the entire issue of said paper, on the following weeks, to-wit:

5/4/2016 A.D.

Willie J. Peterson

Subscribed and sworn to me this 9th

day of May 2016 A.D.

Brenda G. Lindquist

Notary Public, Alger County, Michigan

My Commission expires 03-13-2018

