

STATE OF MICHIGAN

COUNTY OF EATON

ORV ORDINANCE

An ordinance authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Eaton 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 EATON ORDAINS:

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

- a) "County" means the County of Eaton.
- 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 multi-wheel 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.

An ORV may be operated only on the far right on the maintained portion of a road with these exceptions:

- a) All Roads within Delta Township.
- b) All Roads within Benton Township.
- c) All paved County primary roads identified on Appendix A, incorporated by reference. An ORV shall not operate on the County roads listed in Appendix A.
- d) 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-69, I-96, I-496, M-43, M-50, M-78, M-79, M-99, M-100, M-188 in Eaton County.
- e) 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 the 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.
- f) 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 (4).
- g) Any road closed to the operation of an ORV by the County Road Commission pursuant to MCL 324.81131 (4).
- h) An ORV may not be operated on any City or Village road surface, roadway, shoulder or right-of-way in Eaton County, unless allowed by City or Village ordinance.
- i) An ORV may not be operated within any State Game Area located in Eaton County, except for those roads listed herein or unless allowed by the State Game Area.
- j) An ORV may not be operated on any linear trail park in Eaton County.

- k) Appendix A may be amended and/or replaced by action conforming to the passage of ordinances by the Eaton County Board of Commissioners upon passage of a resolution amending this ordinance.

Section 3. Operating Conditions. Except as set forth herein or otherwise provided by law, an ORV meeting all the following conditions may be operated on a designed 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 standard 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 immediate possession a Michigan issued ORV Safety Certificate or a comparable ORV Safety Certificate issued under the authority of another state or a providence of Canada.

Section 5. Registered Motor Vehicle. Unless a person possess 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 a 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 Eaton County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Eaton 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 Eaton 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 Eaton County Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to the 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 from 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.

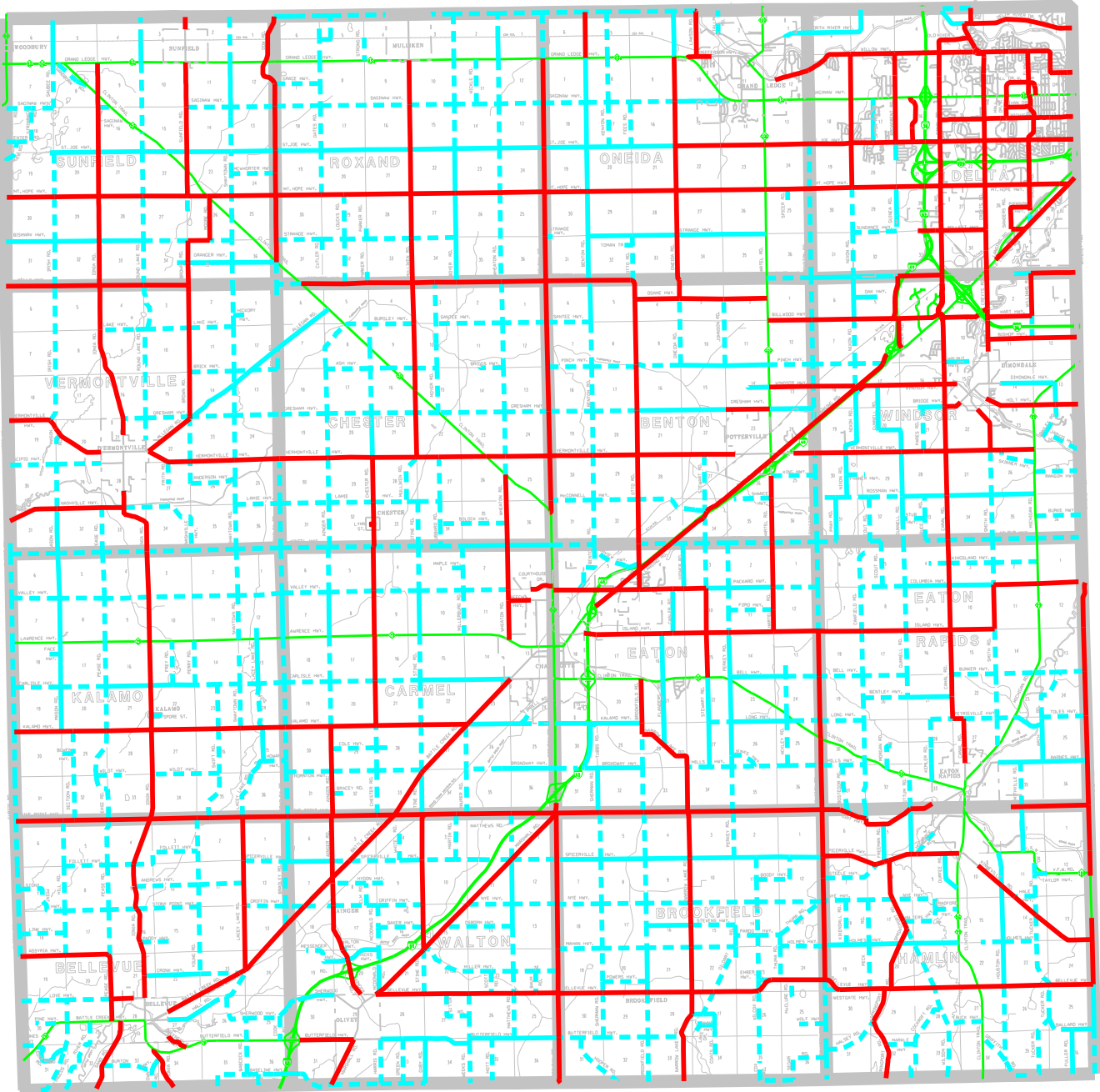
This Ordinance was adopted by action of the Eaton County Board of Commissioners on

_____.

EATON COUNTY

STATE HIGHWAYS —
COUNTY PRIMARY ROADS —
OTHER COUNTY ROADS —

11/30/2021



EATON COUNTY, MICHIGAN
 ORV ORDINANCE
 PROHIBITED ROAD LIST

<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Length</u>
Ainger	W Five Point Hwy	W Kalamo Hwy	2.0
Ainger	City/Twp Line	W Five Point Hwy	4.2
Allegan	E Main St	Brown Rd	1.2
Assyria	Curtis Rd	End of curve	2.1
Battle Creek	City/Twp Line	Carlisle Hwy	10.9
Beech	N Wheaton Rd	Attribute Change	0.5
Bellevue	Marshall Rd	S Waverly Rd	16.3
Sand	County Line	Battle Creek Rd (M-78)	1.7
Benton	E Grand Ledge Hwy	Eaton Hwy	1.0
Billwood	N Canal Rd	Creyts Rd	1.1
Billwood	Hartel Rd	Lansing/Canal Cutoff	3.9
Bishop	Creyts Rd	Waverly Rd	2.0
Bismark	Brown Rd	Moore Rd	0.5
Bridge	N Canal Rd	City/Twp Line	0.4
Broadbent	E Saint Joe Hwy	Willow Hwy	2.0
Brookfield	Narrow Lake Rd	E Clinton Trl	1.2
Brown	Allegan Rd	Bismark Hwy	4.0
Butterfield	M78/N I69	S Main St	1.2
Canal	Petrieville Hwy	Old River Trl	15.2
Canal	Lansing Road	End of blvd.	0.8
Canal	City/Twp Line	Petrieville Hwy	1.0
Chester	W Kalamo Hwy	W Vermontville Hwy	6.0
Cochran	N Clinton Trl	E Grand Ledge Hwy	10.2
Cochran	E Baseline Dr	E Five Point Hwy	6.1
Columbia	N Waverly Rd	County Line	0.1
Columbia	N Smith Rd	N Waverly Rd	1.9
Courthouse	N Cochran Ave	Attribute Change	0.5
Creyts	Dimondale VL	Willow Hwy	7.4
Webster	Willow Hwy	Delta River Dr	0.8
Davis	Guinea Rd	N Canal Rd	1.0
Delta River	Webster Rd	N Waverly Rd	2.5
Doane	Otto Rd	Hartel Rd	3.0
Dow	N Clinton Trl	Eaton Hwy	5.7
Elmwood	Michigan Ave	Willow Hwy	1.5
Five Point	Curtis Rd	E. Rapids CL	20.9
Greenfield	City/Twp Line	W Butterfield Hwy	0.5
Gresham	Hartel Rd	1 Mile West	1.0

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Guinea	Lansing Rd	Billwood Hwy	0.7
Guinea	Billwood Hwy	Davis Hwy	1.0
Harris	N Canal Rd	N Canal Rd	0.0
Hart	Creys Rd	Williams Rd	1.0
Hartel	King Hwy	Hartel/N I69	0.0
Hartel	Island Hwy	King Hwy	3.5
Holt	City/Twp Line	N Waverly Rd	2.1
Ingersol	Delta River Dr	Eaton Hwy	0.3
Ionia	Love Hwy	Vermontville VL	20.4
Ionia	Vermontville VL	M-43	20.4
Ionia	Baseline Dr	W Butterfield Hwy	1.0
Island	City/Twp Line	N Smith Rd	9.2
Ivan	S Mall Dr	Elmwood Rd	0.5
Jefferson	M 43	City/Twp Line	0.6
Jolly	Williams Rd	Waverly Rd	1.0
Kalamo	Curtis Rd	Battle Creek Rd	10.2
Kelly	N Hager Rd	Brown Rd	4.1
Kinneville	S Waverly Rd	Mike Simpson Dr	3.1
Lacey Lake	Battle Creek Rd	W Five Point Hwy	3.4
Lansing	NB Ramp Lansing/I69	SB Ramp I-69 near Pinch Hwy	8.7
Lansing	Lansing Rd	Lansing Rd	0.0
Love	S Pease Rd	Attribute Change	0.5
Mall Dr S	W Michigan Ave	E Saginaw Hwy	0.5
Mall Dr W	E Saginaw Hwy	Elmwood Rd	0.9
Mall Dr E	Elmwood Rd	E Saginaw Hwy	0.2
Marketplace	St Joe Hwy	E Saginaw Hwy	1.1
Marshall	Olivet CL	Cochran/N I69	6.0
Marshall	Old US 27 N	Olivet CL	1.1
Michigan	N Canal Rd	Waverly Rd	3.0
Millett	Sanders Rd	Old Lansing Rd	0.3
Millett	N I 69 Bridge	Creys Rd	1.5
Moore	Bismark Hwy	N Clinton Trl	0.9
Mt Hope	County Line	Old Lansing Rd	23.8
Mulliken	W Vermontville Hwy	W Grand Ledge Hwy	8.9
Narrow Lake	Baseline Dr	Brookfield Rd	8.6
Nashville	Curtis Rd	N Ionia Rd	2.6
Needmore	N Clinton Trl	Otto Rd	7.5
Nixon	Mt Hope Hwy	Willow Hwy	3.0

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Old Lansing	Lansing Rd	Waverly Rd	2.5
Old River	N Canal Rd	Webster Rd	0.7
Oneida	Doane Hwy	E Grand Ledge Hwy	5.4
Otto	Packard Hwy	Lansing Rd	0.4
Otto	Lansing Rd	E Needmore Hwy	6.5
Packard	N Cochran Ave	N Stewart Rd	3.4
Pease	Battle Creek Rd	S end of curve	1.4
Petrieville	S Canal Rd	N Canal Rd	0.2
Pierson	Sanders Rd	Snow Rd	0.4
Plains	City/Twp Line	S Waverly Rd	1.7
Royston	E Bellevue Hwy	Island Hwy	7.8
Sanders	Millett Hwy	Pierson Hwy	0.5
Smith	Island Hwy	Columbia Rd	1.0
Smith	Vermontville Hwy	Dimondale VL	1.0
Snow	Dead End or Start	Michigan Ave	2.1
Spicerville	S Royston Rd	S Clinton Trl	3.2
Springport	E Bellevue Hwy	E Spicerville Hwy	3.0
Springport	County Line	E Bellevue Hwy	2.2
St Joe	Oneida Rd	Waverly Rd	8.9
Stewart	E Clinton Trl	Packard Hwy	2.0
Stine	Marshall Rd	W Five Point Hwy	3.1
Sunfield	W Mount Hope Hwy	Sunfield VL	3.0
Sunfield	Sunfield VL	Eaton Hwy	0.3
Vermontville	Hager Rd	Vermontville VL	2.4
Vermontville	Vermontville VL	Potterville CL	12.9
Vermontville	Potterville CL	M-99	5.3
Waverly	VFW Hwy	Columbia Rd	6.6
Waverly	Bellevue Rd	VFW Hwy	1.5
Wheaton	W Lawrence Ave	N Clinton Trl	3.7
Williams	W Jolly Rd	Hart Hwy	1.0
Willow	Ledge Moor Blvd	N Waverly Rd	7.3
Windsor	Hartel Rd	Dimondale VL	4.2