

Keweenaw County Ordinance No. 2008-1

ORV travel on Keweenaw County Roads is governed by the Keweenaw County Board of Commissioners, not the Road Commission and is permitted by the following ordinance:

OFF-ROAD RECREATIONAL VEHICLE ORDINANCE

AN ORDINANCE OF THE COUNTY OF KEWEENAW PURSUANT TO 2008 PA 240 MCL 324.81131, FOR THE REGULATION OF PLACE OF OPERATION OF OFF-ROAD RECREATIONAL VEHICLES AND TO PROVIDE PENALTIES FOR NONCOMPLIANCE.

THE COUNTY OF KEWEENAW HEREBY ORDAINS:

Section 1-The following shall apply:

- A. Highway means the entire width between the boundaries lines of a way publicly maintained when any part thereof 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 control of the operation of an ORV.
- C. ORV or vehicle means a motor driven off-road recreational 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. It includes, but is not limited to multi-track or multi-wheel drive or low-pressure tire vehicle. 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 construction or logging vehicle used in performance of its common function, or a registered aircraft.
- D. Roadway means that portion of a highway improved, designated, or ordinarily used for vehicular travel, and includes within its meaning the shoulder or right-of-way.
- E. Maintained Portion of Roadway means the paved portion of the roadway.

Section 2-An ORV may be operated on the shoulder or on the right-of-way, but not on the paved portion of the roadway to obtain access of all county highways within the designated trail system, provided the ORV operator is taking the shortest route between either an individual's residence and the designated trail access or the shortest route between a local business and the designated trail access point, excluding U.S. highways or state highways.

Section 3-Operation on the roadway of highways, not prohibited in Section 2 (above), is only permitted under the following conditions:

- A. Life-threatening emergency.
- B. For the purpose of getting from one area to another, an operator may cross such highways at right angles. The operator shall bring the ORV to a complete stop prior to crossing the highway, and shall yield the right-of-way to oncoming traffic.

Section 4-Regulations Governing ORV Operation

- A. An ORV operated on any highway which is under the jurisdiction of the Road Commission, or any part or section thereof, where the operation is permitted pursuant to this Ordinance, shall at times be operated:
 - 1. By persons age sixteen (16) or older, or other person as permitted by statute, and,
 - 2. For the purpose of gaining access to or from areas where ORV operation is permitted under the applicable laws, ordinances, rules or regulations of the State of Michigan and any of its political subdivisions; and,
 - 3. Within a lane consisting of the outermost five (5) feet of the highway; or, in situations where operation is not reasonably safe or not reasonably possible in that location due to obstructions, unsuitable terrain, or for other safety reason, or in situations where operation is prohibited by the provisions of Section 4, Part C.1. of this Ordinance. Then such operation shall be within a lane consisting of that five (5) feet of the highway where an ORV may be operated safely and in compliance with Section 4, Part C.1., and which is furthest from the real or customary centerline of the roadway; and,
 - 4. In a single file, in the same direction as the flow of traffic upon the roadway, and maintaining a distance of thirty (30) feet between ORV's, while underway; and,
 - 5. At a rate of speed which is reasonable and proper having due regard for conditions then and there existing, but in no event greater than twenty five (25) miles per hour if operating on the roadway or shoulder of a highway; and,
 - 6. At a rate of speed no greater than fifteen (15) miles per hour after dusk and before sunrise, at any location upon the highway; and,

7. Yielding the right of way to all motor vehicle traffic, pedestrians, and non-motorized vehicles within the highway; and,
 8. In a manner that will not cause damage to the highway. In this regard, prohibited activity includes, but is not limited to, actions such as “fishtailing” and spinning of tires which disperses gravel and creates ruts and other damage; and,
 9. In compliance with any and all other statutes, rules, regulations, and ordinances applicable to ORV’s, including, but not limited to, Chapter 4, Subchapter 6, Part 811 of the Michigan Natural Resources and Environmental Protection Act, being MCL 324.81101. et seq, as amended.
- B. An ORV may be operated on the roadway of any highway under the jurisdiction of the Road Commission, whether or not such highway has been designated as an access route, if such operation is in compliance with MCL 324.81122 and the applicable subsections thereof, as amended.
- C. An ORV may not be operated:
1. On any part of a highway occupied by ditches, including the front and back slopes thereof; or,
 2. Within county or township owned parks, or any natural areas, high risk erosion areas, as defined, airports, or cemetery properties within the County; or,
 3. Upon, along, or within federal or state highways, or streets within incorporated or unincorporated villages, local municipalities or towns, unless otherwise authorized by federal, state, or local municipal laws, rules, regulations, or ordinances; or,
 4. On those shoulders specifically designated as non-motorized facilities.
 5. Between the hours of 12:00 A.M. (Midnight) and 6:00 A.M.

Section 5-Violations and penalties

- A. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than Five Hundred (\$500) dollars, or both.
- B. In addition to the penalties described in section 5 A (above), if the violation for which an Operator of an ORV has been convicted has caused damage to real or personal property, the Operator so convicted, as well as the registered owner(s), provided said ORV was being used with the consent and knowledge of the owner, may also be ordered by the Court to pay restitution for the full amount of damage.

Section 6-The Keweenaw Board of Commissioners may rescind ORV operation on any county road, or any portion thereof, at any time.

Section 7-Any Ordinance or part of an Ordinance in conflict herewith is subordinate hereto and this Ordinance shall be deemed controlling.

The Keweenaw County Clerk shall publish this Ordinance in the manner required by law and shall, at the same time, publish the fact that complete copies of the Ordinance as hereby approved are available at the Office of the Clerk for inspection by and distribution to the public at all times.

Any Ordinance or part of an Ordinance in conflict herewith is subordinate hereto and this Ordinance shall be deemed controlling.

This Ordinance shall be effective five (5) days after the publication of a notice of adoption, as it affects the health, safety, and welfare of the residents of the County of Keweenaw.