

An ordinance for the regulation of operation of ORV's on streets and highway located within Arenac County except as herein noted.

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

- a) ORV” means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2 wheel, 3 wheel, or 4 wheel vehicle. ORV does not include a registered snowmobile, a farm vehicle a military, fire, emergency, or law enforcement vehicle. A vehicle operated by a utility company or an oil or gas company when performing maintenance on its facilities. A construction or logging vehicle used in performance of its common function or a registered aircraft.
- b) Operation must be to the far right of the maintained portion of the road or street. An ORV may not be operated against the flow of traffic. The maximum speed of operation is 20 mph unless a lower speed limit has been posted.
- c) An ORV may not interfere with other traffic on the road or street. ORV's must travel single file except when passing.
- d) An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State Highway including but not limited to M-33, M-65, US-23, M-61, M-13 or any other State Highways in Arenac County. An ORV may not be operated within the city limits of a city unless the governing bodies of those municipalities specifically permits such use.
- e) Sec. 8113. A person shall not operate an ORV:
 - 1) unless wearing a crash helmet and protective eyewear. This does not apply if the vehicle is equipped with a roof that meets or exceeds standards and is wearing appropriate adjusted and fastened safety belt.
 - f) You CAN NOT transport any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for it. ie: Two-Up ORV or Utility Vehicle.
 - g) ½ hour before sunrise until ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
 - h) 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.
 - i) Prior to January 1, 2010 a person must display a lighted headlight and taillight when visibility is reduced. **Beginning January 1, 2010, any ORV operating on the road at any time must display a lighted headlight and taillight. A brake light must be brighter than the taillight, visible when the brake is activated to the rear of the vehicle. Operation is permitted at all hours.**
 - j) **A person under age 12 may not operate an ORV on a street or road. A child age 12, 13, 14 and 15 may operate an ORV on a road under the direct visual supervision of an adult and has in their immediate possession, an ORV safety certificate. Children younger than 16 may not operate a 3-wheeled ORV on a road. A child age 16 or 17 may operate without direct visual supervision provided they have a valid drivers license or an ORV safety certificate in their possession. Michigan will recognize an ORV safety certificate issued by states or a province of Canada.**

Sec. 2 In the event an ORV is in an accident with another vehicle legally permitted to operate on the road or street, the owner of the ORV shall be considered prima fascia negligent. The owner of an ORV does not qualify for no-fault/PIP benefits in the event of a single vehicle accident or an accident with another ORV.

Sec. 3 Sec. 81147: Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor punishable by imprisonment. The penalty for violating an ORV ordinance is a municipal civil infraction with a fine of not more than \$500 and/or damages to repair any damage to the environment, street, road or other public property. The fine and damages shall be deposited into a local ORV fund. The penalty for creating an erosive condition or violating state environmental law is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not less than \$250 or more than \$1,000 for each violation. The penalty of exceeding the 25 MPH limit can range from \$50 to \$150 or more if applicable.

ALL OF THE ABOVE INFORMATION IS SUBJECT TO CHANGE.
THE ABOVE SUMMARY IS BASED ON MCL PA451324.81101.50.PLEASE REFER TO SAID SECTION FOR THE COMPLETE ORV ORDINANCE.