

**VILLAGE OF OTISVILLE
ORDINANCE OFF ROAD
VEHICLE OPERATION
Ordinance No. 220**

AN ORDINANCE authorizing and regulating the use of Off-Road Vehicles (ORV) on Village Roads, as authorized by Part 811 the Michigan Natural Resources and Environmental Protection Act (hereinafter referred to as "Act"), as amended, being MCL 324.81131, Michigan PA 300 of 1949; MCL 257.657, as amended by Michigan PA 491 of 2014, and Genesee County ORV Ordinance 2.10.20, *et seq.*

THE VILLAGE OF OTISVILLE ORDAINS:

SECTION 1: PURPOSE AND INTENT

1.1 This ordinance is adopted to allow operation of ORVs on public highways within the Village of Otisville, with the powers, duties, and limitations provided by the Act and subject to the terms and conditions of this ordinance and any future amendments thereto.

SECTION 2: DESIGNATION

2.1 This Ordinance shall be known as the Off-Road Vehicle Operation Ordinance.

SECTION 3: DEFINITIONS

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

- a) "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, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- b) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- c) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- d) "ORV" for the purposes of this ordinance 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. ORV or vehicle includes but is not limited to, a multitrack or multi wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, golf cart, or other means of transportation deriving motive power from a source other than muscle or wind. 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.
- e) "Road" or "County Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, being MCL 247.655.
- f) "Safety certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another

state or a province of Canada.

- g) "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 aid of the operator.
- h) "Far Right of the Maintained Portion of the Village Road" indicates the shoulder of the road when the roadway is improved by pavement, tar and chips, concrete, or other similar materials or indicates the extreme right of the open portion of the right-of-way when the roadway is not improved by pavement, tar and chips, concrete, or other similar materials.

SECTION 4: ORV OPERATION

4.1 An ORV may be operated only with the flow of traffic on the far right of the maintained portion of the Village Roads listed in attached Schedule A and as restricted by the Village of Otisville as listed in attached Schedule B; provided that:

- a) A person shall not operate an ORV at a speed greater than 25 miles per hour, or lower if posted, and in no event shall an ORV be operated in a manner that interferes with traffic on a road or street or at a speed greater than conditions allow.
- b) A person possesses a license as defined in Section 25 of the Michigan Vehicle Code, Act 300, Michigan Public Acts of 1949; MCL 257.25.
- c) Any ORV operated in the allowed portion of the road shall travel single file, except when passing or being overtaken by another ORV.
- d) A person shall not operate an ORV on roads described herein unless displaying a lit headlight and lit taillight.
- e) No person under the age of 18 may operate an ORV on roads described herein, unless that person is in possession of a valid driver's 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 Part 811 of the Act, or a comparable certificate issued under the authority of another state, or a province of Canada.
- f) No person under the age of 12 may operate an ORV on any road described herein.
- g) Any person and any passenger in or on the ORV shall wear on his or her head a crash helmet and protective eyewear approved by the United States Department of Transportation. This subdivision does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.
- h) Any ORV operated on a right of way shall be fitted 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) The ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- j) The ORV is 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 25 miles per hour; a brake light, brighter than a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise.
- k) The ORV is operated pursuant to noise emission standards defined by law.
- l) The ORV shall not be operated on any state trunk-line right-of-way or on any street within the Village unless allowed by Village Ordinances.
- m) In a court action in this state where competent evidence demonstrates that a vehicle that is permitted to be operated on a highway pursuant to the Michigan Vehicle Code, 1949 PA 300, NCK 257.1 to 257.923, collided with an ORV on a roadway, the driver of the ORV involved in the collision shall be considered prima facie negligent.

- n) Golf Carts without lit headlights and taillights will not be allowed to be operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise and must display at least one red reflector to rear may only be operated within the Village of Otisville village limits.
- o) A person shall not operate an Golf Cart at a speed greater than 15 miles per hour, or lower if posted, and in no event shall an Golf Cart be operated in a manner that interferes with traffic on a road or street or at a speed greater than conditions allow.

Schedule A may be amended and/or replaced by the Village of Otisville Council, by action conforming to the passage of ordinances, upon passage of a resolution amending this Ordinance.

SECTION 5: VIOLATIONS

5.1 A person who violates this Ordinance shall be responsible for a civil infraction, and shall pay a fine of up to \$100.00, and in addition may be charged with and ordered to pay the cost of full restitution for damages to the environment, a road, or other property resulting from that persons operation of an ORV.

5.2 Any fines collected pursuant to this Ordinance shall be deposited with the Village Treasurer and shall be designated as the ORV fund. The Village of Otisville Council shall appropriate revenue in the ORV fund as specified in MCL 324.81131.

SECTION 6: AUTHORIZATION

6.1 Should any term of this ordinance be found to be inconsistent with the authorizing statute; MCL 324.81131, as amended, the provisions of the statute, including any amendments thereto, shall apply.

6.2 Should the Village of Otisville adopt an ordinance to close, certain roads to ORV use pursuant to MCL 324.81131(4), operation of an ORV on such roads is prohibited under this ordinance.

SECTION 7: REVENUE

7.1 All revenue derived from enforcement of this Ordinance shall be deposited into the ORV fund, as described in section 5.2 of this Ordinance, and shall be distributed consistent with the authorizing statute, MCL 324.81131, as amended, as follows:

- a) Fifty percent to the Otisville Police Department responsible for law enforcement in the local unit of government for ORV enforcement and training.
- b) Fifty percent to Major and Local Streets, to the department responsible for street maintenance. This revenue shall be used for repairing damage to streets, county roads, or highways and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether streets, county roads, or highways are open or closed to the operation of ORVs under this section.

SECTION 8: SEVERABILITY and IMMUNITY

8.1 If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body

of this ordinance, and the rest shall remain in full force and effect.

8.2 The Village of Otisville is immune from tort liability for injuries or damages sustained by any person arising out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and rights of way over which they have jurisdiction.

SECTION 9: PRIOR ORDINANCES and EFFECTIVE DATE

9.1 All village ordinances and resolutions or a part thereof, insofar as the same may be in conflict herewith, are hereby repealed.

9.2 This ordinance shall be effective on the day when notice of its adoption is published in a newspaper of general circulation in Otisville Village.

ADOPTION

Adopted by action of the Village of Otisville Council this 17th day of August, 2020.

Jeffrey Lutze, President
Village of Otisville Council
Otisville, Michigan

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance made and passed by the Village of Otisville Council on the date above.

In Testimony Whereof, I have hereunto set my hand and seal this 17th day of August, 2020.

Kathy Martini, Clerk
Otisville, Michigan

SCHEDULE A

All Village primary or local roads as described in Section 5 of 1951 PA 51, MCL 247.655. Exception along state trunkline below:

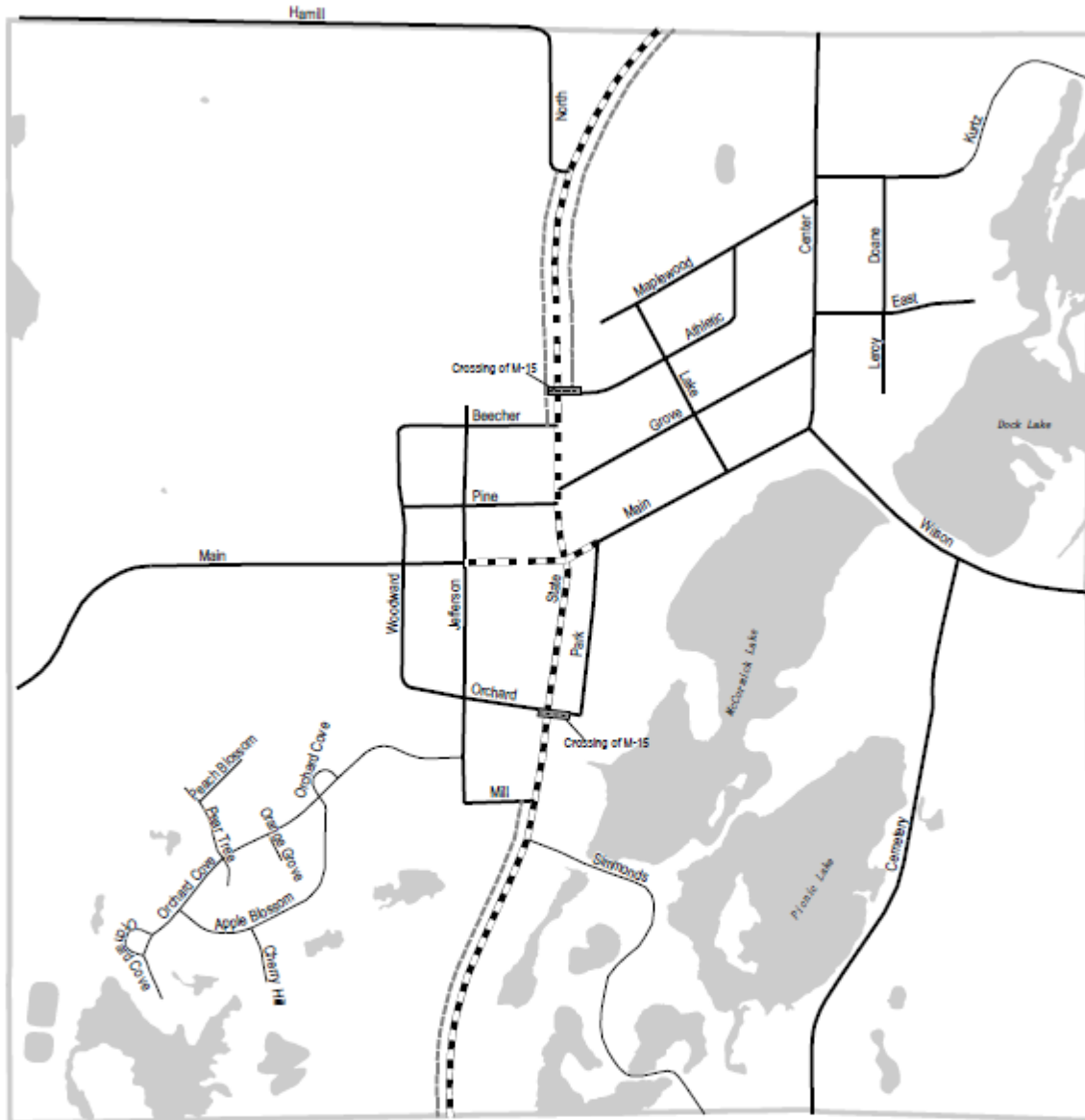
Permitted on Village sidewalks between Mill Street and South Village Limit along M-15 (State Road) and Permitted on Village sidewalks between Beecher Street and North Village Limit along M-15 (State Road). Crossing of M-15 (State Road) with an ORV will only be allowed at Athletic Street and Orchard Street/Park Street. ORV are not to be operated on M1-15 trunk-line or it's road shoulders.

SCHEDULE B

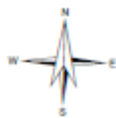
All Restricted roadways as determined by the Village of Otisville Council, as designated by MCL 824.81131(4).

Township	Road Name	FROM	TO
Forest	S. State Road	Main St.	Mill St.
Forest	N. State Road	Main St.	Athletic St.
Forest	W. Main St.	State Rd. (M-15)	Jefferson St.
Forest	S. State Road	Orchard St./Park St.	Village South Limit
Forest	N. State Road	Athletic St.	Village North Limit

Map to follow:



September 2020



GENESEE COUNTY
GEOGRAPHIC INFORMATION
SYSTEMS

0 0.05 0.1 0.2 0.3 Miles

Legend

- ■ ■ Not Permitted
- Permitted On Shoulder
- Sidewalk Only
- Private

