

CHAPTER 46 – TRAFFIC AND VEHICLES

ARTICLE III. – OFF-ROAD VEHICLE (ORV) CONNECTOR ROUTE

Sec.46-60. - Definitions.

Articles I and II of this Chapter 46 are incorporated herein by reference. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Connector Route* means Shields Road: west of Dixie Highway, east of Interstate 75, and north of Grange Hall Road for approximately 0.12 miles. A site location map is set forth below and made a part of this Article III.
- *Off Road Vehicle (ORV)* means any motor vehicle as defined by the Michigan Department of Natural Resources (MDNR) that can be operated cross-country (without benefit of a road or trail) over land, snow, and other natural terrain.

Sec. 46-61. - Operation of ORVs on Connector Route.

Groveland Township and the MDNR have determined that there are no reasonable or viable non-highway alternative routes for ORV travel other use of the designated connector route. Consequently, a person may operate an ORV on the designated connector route provided that the ORV is operated only with the flow of traffic, on the far right of the maintained portion of the road, and subject to the following additional regulations:

- (1) A person shall not operate an ORV at a speed greater than 25 miles per hour, or a lower posted ORV speed limit or in a manner that interferes with traffic on the road.
- (2) ORVs shall travel single file, except when passing or being passed by another ORV.
- (3) All ORVs operating shall display a lighted headlight and taillight when equipped.
- (4) Unless a person possesses a driver's license, a person shall not operate an ORV on a road if the ORV is registered as a motor vehicle under the Michigan Vehicle Code and the ORV is either more than 65 inches wide or has three wheels.
- (5) A person under the age of 12 shall not operate an ORV on a road.

- (6) A person under the age of 16 shall not operate an ORV on a road unless the person is in possession of a valid driver's license or is under the direct supervision of a parent or guardian and the person has in his or her possession an ORV safety certificate issued by Michigan or another state or province of Canada.
- (7) All operators must, upon demand by a law enforcement officer, present either an ORV safety certificate or driver's license.
- (8) An owner or person in control or charge of an ORV shall not allow an ORV to be operated by a person who is incompetent to operate a vehicle because of a mental or physical disability, or while incapacitated by drugs or alcohol.
- (9) A person less than 16 years of age shall not operate a 3-wheeled ORV or ATV.
- (10) A person shall not operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner having undue regard for conditions.
- (11) A person shall not operate or ride on an ORV unless they are wearing on their head a helmet and protective eyewear approved by the United States Department of Transportation. This section does not apply if the ORV 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 safety belt.
- (12) A person shall not operate an ORV during the hours of 1/2 hour before sunset and 1/2 hour after sunrise without a working brake light that is brighter than the taillight.
- (13) All ORVs shall conform to the noise emission levels established by the United States Environmental Protection Agency under the Noise Control Act of 1972, 42 USC 4901 to 4918.
- (14) No person who is an operator or passenger on an ORV shall transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken.
- (15) An ORV shall be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- (16) An ORV shall otherwise be operated in full compliance with all applicable provisions of state and federal law including, but not limited to, Part 811 of the Natural Resources and Environmental Protection Act, MCL 324.81101, et seq.

- (17) An ORV shall not be operated upon any portion of a freeway or truck route.
- (18) An ORV certificate of title shall be presented when requested by a law enforcement officer and as required to operate an ORV in Michigan.
- (19) An ORV shall not be operated without a valid and current Michigan ORV license.
- (20) An ORV shall not be operated without a valid and current Michigan trail permit, if applicable.

Sec. 46-62. - Violations.

- (a) A violation of Article III shall be declared a civil infraction.
- (b) A person judicially determined to be responsible or responsible with explanation for a violation may be ordered to pay a civil fine in an amount authorized by the Michigan Vehicle Code (MCL 257.907), plus costs and penalties as may be authorized by law or ordinance, plus any costs of towing, storage and redemption of the vehicle.
- (c) In addition to any penalty imposed under subparagraph (b), a person who causes damage to any street, highway, or other property as a result of the operation of an ORV, in an area permitted by this ordinance, is responsible for a civil infraction, punishable by a civil fine of not more than \$100.00. The person may also be ordered to pay full restitution for any damage.
- (d) In addition to any penalty imposed under subparagraph (c), a person who causes damage to any street, highway, or other property as a result of the operation of an ORV, in an area not permitted by this ordinance, is responsible for a civil infraction, punishable by a civil fine of not more than \$500.00. A court is further authorized to exercise whatever additional equitable discretion is necessary to achieve the appropriate remedial outcome for a violation of this Article.
- (e) A violation shall not be punished by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense.

