

**STATE OF MICHIGAN  
COUNTY OF OTSEGO  
ORV ORDINANCE**

**ORDINANCE No. 09-03**

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on County roads in Otsego County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

THE COUNTY OF OTSEGO ORDAINS:

**Section 1. Title.**

This Ordinance shall be known as the Otsego County ORV Ordinance.

**Section 2. Definitions. As used in this Ordinance.**

“ATV” means a 3- or 4-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc or greater gasoline engine or an engine of comparable size using other fuels.

“County” means the County of Otsego.

“County Primary Road” and “County Local Road” mean those roads as described in section 5 of Act 51 of the Public Acts of 1951, as amended, being MCL 247.655.

“Driver’s License” means any driving privileges, license, temporary instruction permit, or temporary license issued under the laws of any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.

“Far Right of the Maintained Portion of the Road” means the shoulder of the road when the roadway is improved by pavement, tar and chips, concrete, or other similar materials and means 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.

“Forest road” means a hard surfaced road, gravel or dirt road, or other route capable of travel through state owned land by a 2-wheel drive, 4-wheel conventional vehicle designed for highway use, except a state or federal road or a county primary or county local road.

“Forest trail” means a designated path or way capable of travel through state owned land only by a vehicle less than 50 inches in width.

“Operate” means to ride in or on and to be in actual physical control of the operation of an ORV.

“Operator” means a person who operates of an ORV.

“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 sand, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a golf cart, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, or other means of transportation deriving motive power from a source other than muscle or wind. ORV, however, 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.

“Road” means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel.

"Road Commission" means the Board of County Road Commissioners for the County of Otsego.

"Roadway" means that portion of a road improved, designed, or ordinarily used for vehicular travel. In the event a road includes two (2) or more separate roadways, the term “roadway,” as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

“Safety Certificate” means a certificate issued pursuant to Section 81129 of Act 451 of the Public Acts of 1994, as amended, being MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

To obtain a safety certificate, the operator must take an ORV safety education course and pass the certification exam. Information on courses and scheduling can be obtained by calling the Michigan Department of Natural Resources at 517-373-1230 or by visiting the Recreation Safety Classes section of the Michigan DNR website at <http://www.dnr.state.mi.us/recnsearch/>.

"Shoulder" means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

“State or Federal Road” means I-75, and M-32.

“Township” means an individual township within the County of Otsego.

“Township Board” means a board of trustees of any township within the County of Otsego.

“Visual Supervision” means the direct observation of the operator of an ORV with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

### **Section 3. Prohibited Conduct.**

- (a). No person shall operate an ORV on the roadway, shoulder, or any other portion of a state or federal road or a forest road or forest trail. No person shall operate an ORV on a county primary or a county local road within most of the Pigeon River Country State Forest (PRCSF) in Otsego County. Otsego County roads within the PRCSF that are closed to ORVs include: See attached Exhibit A.
- (b). Except as permitted under Section 4 of this Ordinance, no person shall operate an ORV on the roadway, shoulder, or any other portion of a county primary road or a county local road in Otsego County.

### **Section 4. Permitted ORV Operations.**

- (a). A person may operate an ORV on the far right of the maintained portion of all county primary and county local roads, except the following: See attached Exhibit B.
- (b). When operating an ORV as authorized under this Ordinance, the operator shall comply with all of the following regulations:
  - (1). The operator shall be a person 16 years of age or older.
  - (2). The operator and each passenger shall wear a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the ORV is equipped with a roof that meets or exceeds the standards for a crash helmet and the operator and each passenger wears a properly adjusted and fasten seatbelt.
  - (3). If the operator is a person 16 years of age or older, but less than 18 years of age, then the operator shall have in his or her immediate possession a valid driver's license and a safety certificate or shall be under the direct visual supervision of a parent or guardian and shall have in his or her immediate possession a safety certificate.
  - (4). If the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels, then the operator shall have in his or her immediate possession a valid driver's license.
  - (5). The ORV shall not be operated at a speed greater than 25 miles per hour or at a speed greater than any posted ORV speed limit.

For roads within the Village of Vanderbilt, the speed limit is 25 miles per hour on the main roads, and 5 miles per hour on all other roads.

- (6). The ORV shall be operated with the flow of traffic on the road.

- (7). The ORV shall be operated in a manner that does not interfere with traffic on the road.
- (8). All ORVs shall be operated in a single-file formation, except when overtaking and passing another ORV or when being overtaken and passed by another ORV.
- (9). The ORV shall be operated displaying a lighted headlight and lighted taillight at ALL times.
- (10). The ORV shall be equipped 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.
- (11). The ORV shall be equipped with an arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- (12). The ORV shall be operated in full compliance with all noise emission standards defined by law.
- (13). On County roads within subdivisions or residential areas, ORVs may be operated for ingress and egress only, unless restricted from these roads by Section 4(a). Sustained riding for recreation or practice by operators of any age is prohibited in these areas.

**Section 5. Penalties.**

- (a). A person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.
- (b). In addition to the fine specified in subsection (a) above, the court has the authority to order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage.

**Section 6. Enforcement Officers.**

Deputies of the Otsego County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**Section 7. ORV Fund.**

The County Treasurer shall deposit all fines and damages collected under Section 6 of this Ordinance into a fund to be designated as the "ORV Fund." The county board of commissioners shall appropriate revenue in the ORV Fund as follows:

- (a). Fifty percent (50%) to the Otsego 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 and/or indicating whether roads are open or closed to the operation of ORVs.

- (b). Fifty percent (50%) to the Otsego County Sheriff's Office for ORV enforcement and training.

**Section 8. Court Ordered Restitution.**

A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

**Section 9. Validity.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**Section 10. Effective Date.**

This Ordinance shall become effective thirty (30) days after its first publication.

COUNTY OF OTSEGO

By: \_\_\_\_\_  
Kenneth R. Glasser, Chairman

By: \_\_\_\_\_  
Susan I. DeFeyer, County Clerk

## EXHIBIT A

### Roads closed within the Pigeon River Country State Forest

Black River Trail  
Blue Lakes Road  
Bobcat Trail  
Chaffee Trail  
Chandler Dam Road  
East Round Lake Road  
Elkhorn Trail  
Ford Lake Road  
Gornick Trail  
Grass Lake Road  
Green's Trail  
Hardwood Lake Road  
Hare Road  
Honeylocust Trail  
Little McMasters Creek Trail  
Lost Cabin Trail  
Lost Lake Trail  
Middle Trail  
Old Vanderbilt Road, east of the Dudd Road intersection  
Pickerel Lake Road  
Range Line Road  
Reynolds Road  
Sawdust Pile Trail  
East Sturgeon Valley Road, east of the Dudd Road intersection  
Tin Bridge Road  
Tin Shanty Road  
Twin Lakes Road  
West Round Lake Road

## EXHIBIT B

### Other Closed County Roads by Township

All road closings listed by township, only pertain to the portion of those roads lying within the listed township.

#### Bagley Township

Dickerson Road from North Otsego Lake Drive to M-32  
Kassuba Road from Krys Road to M-32  
Krys Road from McCoy Road to M-32  
McCoy Road from Chester to Dickerson  
Milbocker Road from Dickerson Road to South Townline  
South Townline from Milbocker to M-32  
North Otsego Lake Drive  
West Otsego Lake Drive

#### Charlton Township

Chandler Dam Road  
Gornick Trail  
Greens Trail  
Lost Cabin Trail  
Sawdust Pile Trail  
Tin Shanty Road

#### Chester Township

All roads within Chester Township are closed. The closed County roads include the portion of the following roads that lie within Chester Township<sup>1</sup>:

Abbey Road  
Bass Lake Landing Road  
Bass Lake Trail  
Beckett Road  
Behnke Road  
Big Lake Road  
Birchdale Drive  
Blueberry Lane  
Bob Lake Trail  
Brook Trout Lane  
Cargas Road  
Coolwater Avenue  
Dreffs Road  
East Opal Lake Road  
Emerald Lake Trail  
Finnegan Road  
Gingell Road  
Glenvale Drive  
Grandview Drive

Havenwood Drive  
Hollybrook Drive  
Island View Drive  
Lark Lane  
McCoy Road  
Meadow Road  
Morning Side Trail  
McGraw Trail  
Northvale Road  
Oley Lake Road  
Pineridge Drive  
Ranger Lake Road  
Shadywoods Road  
Shallow Shores Drive  
Southview Drive  
Turtle Lake Road, north of Old State Road  
Valleybrook Drive  
Waters Road  
Wheeler Road  
Wild Flower Trail

Corwith Township

Black River Trail  
Blue Lakes Road  
Bobcat Trail  
Chaffee Trail  
Chandler Dam Road  
East Round Lake Road  
Elkhorn Trail  
Ford Lake Road  
Gornick Trail  
Grass Lake Road  
Green's Trail  
Hardwood Lake Road  
Hare Road  
Honeylocust Trail  
Little McMasters Creek Trail  
Lost Cabin Trail  
Lost Lake Trail  
Middle Trail  
Old Vanderbilt Road, east of the Dudd Road intersection  
Pickerel Lake Road  
Range Line Road  
Reynolds Road  
Sawdust Pile Trail  
East Sturgeon Valley Road, east of the Dudd Road intersection  
Tin Bridge Road  
Tin Shanty Road

Twin Lakes Road  
West Round Lake Road

Dover Township  
Gornick Trail

Elmira Township

All roads within Elmira Township are closed. The closed County roads include the portion of the following roads that lie within Elmira Township:

Alba Road  
Allis Road  
Bert Road  
Brandywine Lane  
Buell Road  
Burdo Road  
Camp Ten Road  
Comstock Road  
Crosswick Road  
Deerwoods Drive  
East Martin Lake Drive  
Fairway Drive  
Fleming Road  
Flott Road  
Franckowiak Road  
Golfview Lane  
Greenview Drive  
Hallenius Road  
Hallock Road  
Huxtable Rod  
Martindale Road  
Mt. Jack Road  
North Ridge Road  
Old Coloney Road  
Ordway Road  
Parmater Road  
Polus Road  
Shaff Road  
Skop Road  
Stoneycroft Road  
Theisen Road  
Vega Road  
Webster Road  
West Martin Lake Road  
Woodside Lane

Hayes Township  
Alba Road

Charles Sanders Road  
S. Townline Road

Livingston Township

Al Do Ro Va Drive  
Altorf Strasse (Gaylord West Subdivision)  
Ashley Lane (Gaylord West Subdivision)  
Baden Strasse (Gaylord West Subdivision)  
Brookview Lane  
Clearview  
Congdon Road east to Morgan Road  
Cross Street  
Fairview Road  
Farmbrook Lane  
Five Lake Road  
Guenther Ridge Road  
Highpointe Road  
Hill Park  
Holly (Gaylord West Subdivision)  
Honeydew (Gaylord West Subdivision)  
Labrador Lane (Gaylord West Subdivision)  
Leafy (Gaylord West Subdivision)  
Livingston Boulevard (Alpine Center/Gaylord High School)  
Mapleleaf Road (North and South)  
Meadowview Road  
North Estates Drive  
North Townline Road  
Old 27 North  
Parmater Road  
Poquette Road (Sturgeon River Subdivision)  
Pray Road  
South Estates Drive  
Suisse (Gaylord West Subdivision)  
Sunshine Road  
N. Townline Road  
Valais Strasse (Gaylord West Subdivision)  
Winterland (Gaylord West Subdivision)

Otsego Lake Township

All roads within Otsego Lake Township are closed. The closed County roads include the portion of the following roads that lie within Otsego Lake Township:

Alpena St  
Amoco Rd  
Anderson Dr  
Apple Hill Cir  
Arbutus Ct

Au Sable Trl  
Autumn Trl  
Avery Dr  
Bagley St  
Barn Owl Ct  
Beaver St  
Beech St  
Bent Tree Dr  
Blue Spruce Ct  
Bluebird Ln  
Bluejay Cir  
Bob O Link Ct  
Bob White Way  
Bradford Dr  
Cardinal Ct  
Cartwright Trl  
Cherry Log Ct  
Cherry St  
Chickadee Ct  
Chipmunk Ln  
Chub Lake Dr  
Circle Dr  
Colonial Ct  
Compton Dr  
Cottage Trl  
Cottonwood Ave  
Deer Park Ct  
Dennis Ln  
Dodge Lake Rd  
Doepath Pl  
Dogwood Ct  
Dove Trl  
Downhill Run  
Eagles Nest Rd  
East Heart Lake Dr  
East Opal Lake Rd  
Echo Dr  
Edelweis Trl  
Eifel Hills Rd  
Enchanted Dr  
Falcon Way  
Fantasy Dr  
Fascination Dr  
Ferngrove Ct  
Firestone Ct  
First Court Ave  
Foothills Trl  
Forest Park Trl

Forester Dr  
Gilbert St  
Gilman Trl  
Golden Elk Ct  
Goodfellow Dr  
Gray Hawk Ct  
Grimm Ct  
Hartwick Rd  
Hatch Dr  
Hayesego Trl  
Heather Ct  
Hemlock St  
Henry Stephens St  
Hidden Isle Dr  
High Tower Trl  
High Trees Ct  
Hummingbird Ct  
Hungry Hollow Ct  
Huntingdon Dr  
Ivy Trl  
Karsten St  
Kelley St  
Kellogg Dr  
Kenyon Trl  
Kenyon Trl E  
Kernel Ct  
Kingfisher Ct  
Kirtland Trl  
Krause Rd  
Lake Ridge Dr  
Lake Shore Dr  
Lakeview Ave  
Lakewood Dr  
Legend Dr  
Leighton St  
Linn St  
Locksley Dr  
Lombard Ave  
Lynx Trl  
Mancelona Rd  
Manning Dr  
Marion Ct  
Marlette Rd  
Marlette Rd E  
Matterhorn Ct  
Meadowlark Way  
Memorial Dr  
Mercury Trl

Merion Ct  
Michaywe Dr  
Mission Hills Ln  
Mockingbird Ln  
Mountain Pass  
Nightingale Dr  
North Heart Lake Dr  
North Shore Dr  
Northstar Rd  
Nottingham Dr  
Oakland Hills Dr  
Old 27 S  
Old State Rd  
Olmstead St  
Omaha Ct  
Opal Lake Dr  
Opal Lake Rd  
Oriole Cir  
Otter St  
Partridge Pl  
Passenheim Rd  
Pearson St  
Pebble Beach Dr  
Pheasant Run  
Pine St  
Pointe Dr  
Primrose Trl  
Quail Hollow Rd  
Quick St  
Ranger Lake Rd  
Raven Trl  
Robin Ct  
Salem Rd  
Sanctuary Dr  
Sandpiper Trl  
Shaggy Bark Ct  
Sherman Rd  
Sherwood Dr  
Snow Goose Cir  
Snow Moon Ct  
Snow Owl Ct  
Snowberry Trl  
Snowmass Ct  
Softwood Trl  
Southwest Opal Lake Rd  
Spring Dr  
St Andrews Dr  
Staghorn Ct

Steep Hollow  
Sugar Hill Cir  
Summit Dr  
Sun-rose Trl  
Sunset Dr  
Timber Valley Rd  
Timberlane Trl  
Timberly Ln  
Trillium Trl S  
Trillium Trl W  
Verlinde St  
Viking Club Rd  
Wagner Dr  
Warbler Ct  
Warner St  
Washington Ave  
Watt St  
West Heart Lake Dr  
West Opal Lake Rd  
West Otsego Lake Dr  
Whisper Dr  
Whispering Pines Dr  
White Mountain Ln  
White St  
Willow Ct  
Wm Brooks Dr  
Wolverine Trl  
Wood Thrush Cir  
Woodcock Ct  
Woodpecker Trl

