

**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 fuel.

“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 certificated 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.dnrstate.mi.us/recnsearch/>.

“Shoulder” means the 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 accomodation 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 observier 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 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 pressured used ot 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 State 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, smending 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 the 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: \_\_\_\_\_  
Kennert R. Glasser, Chairman

By: \_\_\_\_\_  
Susan I. DeFeyter, 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:

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 PileTrail  
East Sturgeon Valley Road, east of the Dudd Road intersection  
Tin Bridge Road  
Tin Shanty Road  
Twin Lake 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  
Frankowiak Road  
Golfview Lane  
Greenview Drive  
Hallenius Road  
Hallock Road  
Huxtable Road  
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. Townsline 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 Circle

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.

Edelweiss 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 Trail 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.  
Mockinbird 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.  
Patridge 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.