

**STATE OF MICHIGAN  
TOWNSHIP OF SPRINGDALE  
ORDINANCE No. 2010-001**

An ordinance adopted for the purpose of authorizing and regulating the operation of Off-Road Vehicles (ORVs) on roads in Springdale Township, 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 324.81 131 which is incorporated by reference in its entirety.

THE TOWNSHIP OF SPRINGDALE ORDAINS:

**Sec. I** As used in this ordinance; the following definitions shall apply:

- a. "Driver 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" means a motor driven off road recreation 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 multi-track or multi-wheel drive vehicle, an ORV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, 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" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655,
- f. "Road Commission" means the Board of County Road Commissioners for the County of Manistee.
- g. "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 province of Canada.
- h. "Township" means the Township of Springdale.

- i. "Township Board" means the board of trustees of Springdale Township.
- j. "County" means the County of Manistee.
- k. "Maintained portion" means on a:
  - 1. 1. Paved road with fog lines - between the lines, white line to white line.
  - 2. 2. Paved road without fog lines - edge of asphalt to edge of asphalt.
  - 3. 3. Gravel road - bladed portion of the road.
- l. "Direct supervision" means the direct visual observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

**Sec. 2** An ORV may be operated on the far right of the maintained portion of a road within the county and the gravel portion of paved roads within the Township when available except for the following:

- a. As designated by the map, attached Exhibit A with special attention to the following closed roads; Healy Lake/Thompsonville Road (669), Kurick Road, Thirteen Mile Road (600) and Glovers Lake Road.
- b. Not after December 1 and not before March 31, of each year.
- c. Any roadway, shoulder or right-of-way of any State or Federal highway including but not limited to M-115.

**Sec. 3** Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the county:

- a. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- b. By a person not less than 12 years of age.
- c. With the flow of traffic.
- d. In a manner which does not interfere with traffic on the road or street.
- e. Traveling single file except when overtaking and passing another ORV.
- f. Operation hours; one 1/2 hour before sunrise until one 1/2 after sunset.
- g. While displaying a lighted headlight and lighted taillight at all operational hours beginning January 1, 2010.
- h. While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle 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 seat belt.

- i. 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.
- j. While the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- k. Pursuant to noise emission standards defined by law.

**Sec. 4** A person less than 18 years of age shall not operate an ORV on a road in the Township unless the person is in possession of a valid driver's license or under the direct supervision of a parent or legal guardian and the person has in his or her possession an ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A person 18 years of age or older shall not operate an ORV on a road or street in Springdale Township without a valid driver's license.

**Sec. 5** In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road or street pursuant to state law was in a collision with an ORV required to be operated on the far right of the maintained portion of the road or street pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

**Sec. 6** Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

**Sec. 7** A court shall 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.

**Sec. 8** The Township Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Springdale Township Board shall appropriate revenue in the ORV Fund as follows:

- a. Fifty percent to the Manistee 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, or indicating whether roads are open or closed to the operation of ORVs.
- b. Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

**Sec. 9** The Township shall maintain a master map of all roads upon which shall be indicated those roads and parts of sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to this ordinance. The township shall make such a master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to make, or to assume any expense associated with the making of such copies.

- a. The Township shall update the master map once annually, between January 1 and February 28 of each year, to incorporate any changes to the designation of any road, or parts or sections thereof, upon why the operation of ORV is permitted or prohibited pursuant to this ordinance.
- b. It shall be the responsibility of the respective Springdale Township Board to determine, prior to January 1 of each year, of any changes to be incorporated in to the master map for the year.

**Sec 10** Agricultural: Agricultural use of an ORV falls under State regulation MCL 324.81122.

This ordinance becomes effective August 13<sup>th</sup>, 2010

Ayes: Green, Hitchingham, Humphrey-Kirbach, Wheelock & Moore          Nays: None

Absent: None

Dated: July 12, 2010

Signed: Donna Humphrey-Kirbach

I, Donna Humphrey-Kirbach, Springdale Township Clerk, do hereby certify the foregoing ORV Ordinance was duly adopted by the Springdale Township Board at a special meeting of which a quorum was present on the 12<sup>th</sup> day of July 2010.

Donna Humphrey-Kirbach, Clerk  
Springdale Township Board

**ORV Master Map Review - Feb., 2013:**

"Road" means a county primary road or county local road as described in section 5 Of 1951 PA 51, MCL 247.655.

"Maintained portion" means on a: 1. Paved road with fog lines - between the lines, white line to white line. 2. Paved road without fog lines - edge of asphalt to edge of asphalt. 3. Gravel road - bladed portion of the road.

An ORV may be operated (maximum speed of 25 mph) on the far right of the maintained portion of a road within the Township except:

- a. for the following closed roads; Healy Lake/Thompsonville Road (669), Thirteen Mile Road (600).
- b. not after Dec. 1 and not before March 31 of each year.
- c. any roadway, shoulder or right-of-way of any State or Federal highway including but not limited to M-115.