

CASCO TOWNSHIP
ORDINANCE NO. 53019-1

OFF ROAD VEHICLE ORDINANCE

AN ORDINANCE TO AUTHORIZE AND REGULATE THE OPERATION OF OFF ROAD VEHICLES ON COUNTY PRIMARY AND LOCAL ROADS WITHIN CASCO TOWNSHIP; TO PROVIDE FOR PENALTIES FOR VIOLATORS; TO PROVIDE FOR THE DISTRIBUTION OF FINES AND COSTS RESULTING FROM THE PENALTIES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

THE TOWNSHIP OF CASCO, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Definitions.

- (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) "Maintained Portion" means that portion of a road improved, designated or ordinarily used for vehicular traffic, including the gravel shoulder or paved shoulder of the road.
- (c) "Operate" means to ride in or on, and be in actual physical control of the operation of the Off Road Vehicle.
- (d) "Off Road Vehicle" or "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.
- (1) ORV or vehicle includes, but is not limited to, a multi-track 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, or other means of transportation deriving motive power from a source other than muscle or wind.

- (c) A person shall operate an ORV in single file, except when passing or being passed by another ORV.
- (b) 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 the traffic on the Road, or in a careless manner without due regard for conditions.
- (a) The ORV shall be operated only with the flow of traffic and on the far right of the Maintained Portion of the Road.

Section 3. Regulations. The following regulations apply to a person operating an ORV on a Road in the Township.

- (b) A person operating an ORV may cross a state highway, other than a limited access highway, at an intersection of that highway and an authorized ORV Road, but shall not otherwise operate an ORV on or along the highway unless the State has designated the highway for ORV operation. The person shall bring the ORV to a complete stop before proceeding across a state highway and shall yield the right of way to oncoming traffic.

- (a) A person may operate an ORV on any Road within the Township located as follows:

Section 2. Roads Authorized for ORV Operation.

- (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.
- (e) "Road" means a County primary road or county local road as described in Section 5 of 1951 PA 51, MCL 247.655.

- (2) 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.

- (d) A person shall not operate an ORV unless it has a lighted headlight, a lighted taillight, and a working brake light and brake system.
- (e) 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.
- (f) A person under the age of 12 shall not operate an ORV on a Road. A person under the age of 18 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 who possesses a valid driver's license, or the person is in possession of an ORV Safety Certificate issued by Michigan, another state, or a province of Canada.
- (g) A person operating an ORV must, upon demand by a law enforcement officer, present either a Safety Certificate or driver's license.
- (h) An owner or person in charge of an ORV shall not allow the ORV to be operated by an individual who is incompetent to operate a vehicle because of mental or physical disability.
- (i) A person operating or riding on an ORV must wear on the person's head a helmet and protective eyewear approved by the United States Department of Transportation, unless the vehicle is equipped with a roof that meets or exceeds the standard for a crash helmet and each person is wearing a properly adjusted and fastened safety belt.
- (j) A person shall not operate an ORV between the hours of 11:00 PM and 6:00 AM.
- (k) No person shall transport a passenger or ride on an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.
- (l) A person shall not operate an ORV unless it conforms 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, as amended or superseded.
- (m) No person shall operate an ORV with an opened container of alcohol unless it is in a trunk or separate compartment or is encased or enclosed.
- (n) A person shall operate an ORV in full compliance with all applicable provisions of state law.

Section 6. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses, are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each section of this Ordinance are for convenience only and shall not be considered part of this Ordinance.

- (1) 50 percent to the Allegan County Sheriff's Department, responsible for ORV enforcement and training; and
- (2) 50 percent to the Allegan County Road Commission for repairing damage to roads or streets 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 under this ordinance.

(c) The Township shall establish and maintain an account within the Trust and Agency Fund designated as the "ORV Fund." The Treasurer shall deposit the fines collected by the Township under the provisions of MCL 600.8379 and MCL 324.8116(17) together with any damages collected under subsection (b) into the ORV Fund. The Treasurer shall distribute revenue in the ORV Fund as follows:

- (a) Under the provisions of the State law, a violation of this Ordinance shall be a municipal civil infraction. MCL 324.8113(17).
- (b) The penalty of a violation shall be a civil fine, plus any costs, damages, expenses, and other sanctions. In addition, pursuant to MCL 324.8113(17), the court shall order the violator to pay the costs of repairing any damage to the environment, road, highway, or public property as a result of the violation.

Section 5. Penalties, Fines, and ORV Fund.

(b) The Township has and retains all governmental immunity available to the Township and its employees as provided by state law.

(a) Pursuant to state law, the Township has no duty, and does not undertake any duty, to maintain the Maintained Portion or the unmaintained portion of any road in a condition reasonably safe and convenient for the operation of ORVs.

Section 4. No Duty to Maintain Road and Immunity.

(c) A person operating an ORV must yield to equestrian, pedestrian, and bicycle traffic.

I, Cheri Brenner, the duly elected Township Clerk for the Township of Casco, Allegan

County, Michigan, certify that the foregoing Ordinance was adopted at a meeting of the Casco Township Board held on May 30, 2019. The following members of the

Township Board were present at that meeting: Overhiser, Brenner,
GRAFF, Masyanski, Winfrey

The following members
of the Township Board were absent: None

The Ordinance was adopted by the Township Board with members of the Board:
Overhiser, Winfrey, Brenner, Masyanski, GRAFF

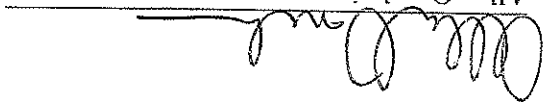
voting in favor and members of the Board: 0 voting in opposition. The Ordinance or a summary of the Ordinance was published in the South Haven Tribune on June 2, 2019.

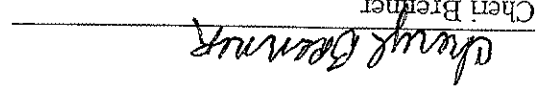
Cheri Brenner
Cheri Brenner, Township Clerk

CERTIFICATE

Section 7. Repeal. All ordinances in conflict with this Ordinance, in whole or in part, are repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance was approved and adopted by the Township Board on May 20, 2019. This Ordinance shall be effective 30 days after its publication.


Allan Overbuiser
Township Supervisor


Chen Brenner
Township Clerk

21500 EDWINBURG AVENUE STREETS

- Pershing Ave
- Euclid Ave
- Harrison St
- Wilson St
- Adams St
- Washington St
- First St
- Mitchell Ct
- Columbine Dr
- Ferdell Ave
- Wildwood Dr
- Lake Forest Ave
- Beechwood Ave
- Lakeview Ave
- Buena Vista Dr
- Edgewater Terrace
- Terrace Dr
- Orchard Lake Dr
- Birchwood Rd
- Golf Mere Ave
- Beachview Dr
- Thornhill Rd
- Booth Parkway
- Glascow Grove
- Lake Shore Dr
- Michigan Ave
- Lakewiew Ave
- Beach Dr
- Atlantic Ave
- Miami Ave
- Orchard Rd
- Pacific Ave
- Beethoven St
- Lincoln St
- Michigan Dr
- Longfellow St
- B St
- C St
- B Ave
- A Ave
- East Ave
- Fourth Ave
- Central Ave
- Lasalle St
- Lake Ridge Rd
- Mabeth Ave
- Lauder Ave
- Drew Ln
- Macalpine Terrace