

TOWNSHIP OF BRIDGEWATER

ORDINANCE NO. 73

OFF ROAD VEHICLES ORDINANCE

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

THE TOWNSHIP OF BRIDGEWATER, WASHTENAW COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Title:

This Ordinance shall be known as the Bridgewater Township, Washtenaw County ORV Ordinance.

Section 2. Definitions: As used in this Ordinance, the following definitions shall apply:

- 2.1. "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, PA 300 of 1949, MCL 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- 2.2. "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 road is not improved by pavement, tar and chips, concrete, or other similar materials.
- 2.3. "Operate" means to ride in or on, and to be in actual physical control of the operation of an ORV.
- 2.4. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- 2.5. "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 ATV, a motorcycle or related 2-wheeled, 3-wheeled, or 4-wheeled vehicle, an amphibious machine, a ground effect air cushion vehicle, golf cart or other means of transportation deriving motive power from a source other than muscle or wind. ORV or Vehicle does not include a registered snow mobile, a farm vehicle being used for farming, a vehicle being used for military, fire, emergency, or law enforcement purposes, a vehicle owned or operated by a utility company or an oil or gas company performing maintenance on its facility or on property over which it has an

easement, a construction or logging vehicle used in performance of its common function.

- 2.6. "Road" means a county, primary road, or county local road as described in Section 5 of PA 51 of 1951, MCL 247.655.
- 2.7. "Road Commission" means the Washtenaw County Road Commission.
- 2.8. "Safety Certificate" means a certificate issued pursuant to PA 451 of 1994 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or province of Canada.
- 2.9. "Township" means the Township of Bridgewater.
- 2.10. "Township Board" means board members of Bridgewater Township.

Section 3. Operation of ORV on Streets

Except as set forth herein or otherwise provided by law and subject to the requirements set forth herein, an ORV may be operated on the far right of the maintained portion of a road or street in the Township of Bridgewater with these exceptions:

- A. All State Roads
- B. All Federal Roads

Section 4. Requirements

An ORV driven on the roads and streets of the Township may only be driven subject to the following requirements:

- 4.1. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- 4.2. By a person no less than 16 years of age.
- 4.3. With the flow of traffic.
- 4.4. In a manner which does not interfere with traffic on the road or Street.
- 4.5. Traveling single file except when overtaking and passing another ORV.
- 4.6. While displaying proper headlights and taillights at all times.
- 4.7. With a throttle so designated that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- 4.8. While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

- 4.9. Pursuant to noise emission standards define by law.
- 4.10. Licensed by the Michigan Department of Natural Resources, and the ORV license/sticker shall be permanently attached and visibly displayed in the manor prescribed by the Michigan Department of Natural Resources in accordance with State law.
- 4.11. On the frozen surface of public waters no closer than 100 ft of an individual not in or upon a vehicle, nor within 100 ft of a fishing shanty or shelter or an area that is cleared of snow for skating purposes, except at the minimum speed required to maintain control forward movement of the vehicle, or as may be authorized by permit in special events.

Section 5. Requirements for Operation

- 5.1. An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. This subsection does not apply to any of the following:
 - A. An individual who owns the property on which the ORV is operating, is a family member of the owner and resides at the property or is an invited guest of the individual who owns the property. An exception under this subsection does not apply to any of the following:
 - (1) An individual less than 16 years of age.
 - (2) An individual 16 or 17 years of age, unless the individual has consent from his or her parent or guardian to ride without a crash helmet.
 - B. An individual participating in an organized ORV riding or racing event if an individual who owns the property receives consideration for the use of the property for operating ORVs.
 - C. An individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a full windshield and roof that meets or exceeds United State Department of Transportation standards for a crash helmet.
 - D. An ORV operated on a state-license game bird hunting preserve at a speed of not greater than 10 miles per hour.
 - E. An ORV operated for the purpose of towing a fishing shanty or supply shed over the frozen surface of public waters at a minimum speed required to maintain controlled forward movement of the vehicle or while traveling to and from a fishing shanty at a speed of not greater than 10 miles per hour. An owner of private property is not liable for personal injuries, including death, to an individual who operates an ORV as described in this subdivision without wearing a helmet while traveling on the owner's property.

Section 6. Assumption of Risks

Each person who participates in the sport of ORV riding accepts the risks associated with that sport insofar as the dangers are inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; defects in traffic lanes; surface or subsurface snow or ice conditions; bare spots; rocks, trees and other forms of natural growth or debris; and collisions with fill material, decks, bridges, signs, fences, trail maintenance equipment, or other ORVs. Those risk do not include injuries to persons or property that result from the use of an ORV by another person in a careless or negligent manner likely to endanger person or property. When an ORV is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of ORV riding additionally assumes risks including, but not limited to, entanglement with railroad tracks, switches, and ties and collisions with trains and train-related equipment and facilities.

Section 7. License Required

Unless a person possesses a valid driver's license, a person shall not operate an ORV on a Road or Street in the Township.

Section 8. Driving with BAC Over .08 Prohibited

No person shall operate an ORV as prohibited under this ordinance with a blood alcohol content (BAC) of .08 or greater.

Section 9. Violations and Fines

- 9.1. 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.
- 9.2. A court may order a person who causes damage to an environment, a road or other property as a result of the operation of an ORV to pay the full restitution for that damage above and beyond the penalty paid for civil fines.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon publication following its publication.

YEAS: AHRENS, FAUST, FROMHART, McQUEER, OLIVER

NAYS: NONE

ABSENT: NONE

Ordinance Declared Adopted on June 01, 2023

Laurie Fromhart, Supervisor
Township of Bridgewater

CERTIFICATE OF ADOPTION AND PUBLICATION

Michelle McQueer, the duly elected Clerk of the Township of Bridgewater certifies that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Bridgewater on June 01, 2023 and published in the Manchester Mirror, a newspaper, circulated in the Township of Bridgewater on June 08, 2023.

Michelle McQueer, Clerk
Township of Bridgewater