RICHMOND TOWNSHIP, MICHIGAN

ORDINANCE NO. I-2000

An Ordinance adopted by the Board of Richmond Township pursuant to MCL 41.181 as amended, for the purpose of authorizing the establishment of access routes along Highways under its jurisdiction, for use by Off Road Vehicles (ORVs); for the purpose of establishing the terms and conditions upon which such access routes may be utilized by the operators of ORVs; and, for the purpose of providing penalties for the violation thereof.

THE TOWNSHIP OF RICHMOND ORDAINS:

Section I. Definitions

When used in this ordinance, the following words or terms shall have the following meanings:

A. "Township" means the Township of Richmond.

B. "Township Board" means the Richmond Township Board.

C. "Highway" 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 the purpose of vehicular travel.

D. "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.

E. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.

F. "ORV" or "Off Road Vehicle" 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 "Off Road Vehicle" includes, but is not limited to, a multitrack or multiwheel drive vehicle, an All Terrain Vehicle, 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. It 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 the performance of its common function, or a registered aircraft.

G. "Road Commission" means the Board of Road Commissioners for the County of Marquette.

H. "Roadway" means that portion of a highway improved, designated, or ordinarily used for vehicular travel, not including the shoulder. If a highway includes two or more separate roadways, the term roadway refers to a roadway separately, but not to all roadways collectively.

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

Section II. Designation of Highways for ORV Use

A. Unless specifically posted otherwise, all Highways within the Township which are under the jurisdiction of the Road Commission are hereby designated to be access routes upon which ORVs may be operated for the purpose of providing access to and from areas where ORV operation is permitted. Such access routes do not include or involve state or federal highways.

B. The Township Board is hereby authorized, by Resolution, to designate those Highways under its jurisdiction, or parts or sections thereof, upon which the operation of ORVs shall be prohibited.

C. The Township shall maintain a map of all Highways under its jurisdiction, upon which shall be indicated all such Highways and parts or sections thereof upon which the operation of ORVs is prohibited. Copies of such map shall be maintained and made available to the public upon payment of the cost of reproduction thereof.

D. Appropriate signage shall be installed and maintained upon the Highways, and those parts or sections thereof, upon which ORV operation is prohibited pursuant to Subsection II.B. and Section IV. of this Ordinance, for the purpose of advising the public as to those Highways, or parts or sections thereof, upon or along which ORV operation is prohibited. Such signage shall comply with all applicable standards and requirements.

Section III. Regulations on ORV Operation

A. No ORV shall be operated on any Highway, or any part or section thereof, under the jurisdiction of the Township where the operation of ORVs on such Highway, or part or section thereof, has been specifically prohibited by Resolution of the Township Board and appropriate signage has been installed, pursuant to Section II of this Ordinance.

B. An ORV operated on a Highway under the jurisdiction of the Road

Commission or a part or section thereof, where such operation is permitted shall at all times be operated:

1. For the purpose of gaining access to or from areas where ORV operation is permitted; and,

2. On the outermost five (5) feet of the Shoulder, or, in situations where no delineated Shoulder exists, then on the outermost right side of the unimproved surface of the Roadway; and,

3. In single file, with the flow of traffic; and,

4. In compliance with all of the provisions of MCL 324.81133 and the various subsections thereof, as amended, as well as all other statutes, rules, regulations, and ordinances applicable to such ORV operation.

5 At a reasonable speed, but in no case at more than 25 miles per hour, except in the Plat of Palmer where speed shall not be more than 5 miles per hour.

C. An ORV may be operated on the Roadway of a Highway under the jurisdiction of the Township, whether or not such operation has been prohibited pursuant to Section II.B. and Section IV. of this Ordinance only:

1. In a life threatening emergency; or,

2. For the purpose of crossing such Roadway at right angles, provided that the Operator shall bring the ORV to a complete stop prior to crossing the Roadway, and shall yield the right of way to oncoming traffic.

D. An ORV may not be operated:

1. On the part of a Highway normally occupied by ditches, front slopes, back slopes, or utilities, such areas being more specifically defined as those parts of the Highway between the outside Shoulder point and the right of way boundary line; or,

2. Within Township owned parks, or any natural areas, airports, or cemetery properties within the Township; or,

3. Upon, along, or within federal or state Highways, or streets within incorporated cities; or,

4. On those Shoulders specifically designated as non-motorized facilities; or,

5. In violation of any of the provisions of MCL 324.81133 and the various subsections thereof, as amended, as well as all other statutes, rules, regulations, and ordinances applicable to such ORV operation.

Section IV. Revocation of ORV Designation

A. The Township Board may, from time to time, by Resolution prohibit ORV use upon any Highway, under its jurisdiction, or any part or section thereof, with or without cause, when such action is deemed appropriate by the Township Board.

B. Such prohibition may become effective immediately, but no prosecution for operating an ORV on such Highway or part or section thereof in violation of this Ordinance shall be commenced unless the signage required by Subsection II. of this Ordinance has been installed prior to said violation.

Section V. Violations and Penalties

A. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than Five Hundred ($500.00) Dollars, or both.

B. In addition to the penalties described in Section V.A. above, where the violation for which a person has been convicted has caused damage to real or personal property, the person so convicted may also be ordered by the Court to pay restitution for the full amount of such damage.

Section VI. Effective Date

This Ordinance shall take effect thirty (30) days after it is published.

This Ordinance is adopted by action of the Richmond Township Board this 11th day of May, 2000.

Board members voting "Aye":

George Milyow, Teresa Luetzow, Paul Numinski, Robert Aupetta

Board members voting "Nay":

William Pirtle

William Pietila, Township Supervisor

Certification

I, Teresa Luetzow, Clerk of the Township of Richmond, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Richmond Township Board on the 11th day of May, 2000.

Teresa Luetzow, Township Clerk