

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE NO. 62

ORV ORDINANCE

An Ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Hampton Township, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from the penalties pursuant to 2008 PA 240, MCL 324.81131.

**THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN
HEREBY ORDAINS:**

Section 1. As used in this Ordinance, the following definitions shall apply:

- a. "ATV" means a 3-, 4-, or 6-wheeled vehicles 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 to 1,000cc gasoline engine or an engine of comparable size using other fuels.
- b. "County" means the County of Bay.
- c. "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.
- d. "Low-speed vehicle" means a self-propelled motor vehicle which conforms to the definition of a low-speed vehicle under 49 CFR 571.3(b) and meets the standard for low-speed vehicles under 49 CFR 571.500.
- e. "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- f. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- g. "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, motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a low-speed vehicle, a ground effect air cushion vehicle, or other means of transportation deriving motor power from a source other than muscle or wind.

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

I. "Road Commission" means the Board of County Road Commissioners for the County of Bay.

j. "Safety certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81129, or comparable ORV safety certificate issued under the authority of another state or a province of Canada.

k. "Street" means a city or township major street or city or township local street as described in Section 9 of 1951 PA 51, MCL 247.659.

l. "Township" means the Charter Township of Hampton.

m. "Township Board" means the Board of Trustees for the Charter Township of Hampton.

n. "Visual supervision" means the direct 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.

Section 2. An ORV may be operated on the far right of the maintained portion of the following county roads within the township except as provided herein:

- a) the roads in the township designated as open. See Appendix A.
- b) an ORV shall not at anytime cross Center Avenue (M-25).
- c) roads designated closed by the Bay County Road Commission.

Section 3. All sections of the Natural Resources and Environmental Protection Act relative to off-road vehicles shall apply and that this township Ordinance shall not infringe, modify, or in any way reduce the authority of said Act.

Section 4. An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal highway in the county.

Section 5. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a county road or street:

- 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) when visibility is not substantially reduced due to weather conditions, unless displaying a lighted headlight and lighted taillight.
- g) ½ hour before sunrise until ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
- 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 seatbelt.
- 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.

Section 6. A child less than 16 years of age shall not operate an ORV on county roads unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV Safety Certificate or a comparable ORV Safety Certificate issued under the authority of another states or a province of Canada.

Section 7. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a county road or street if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Section 8. 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, together with Court costs; the Court may further order restitution. Fines and restitution shall be

deposited by the County Treasurer into the ORV fund with such funds to be distributed to the agencies and for the purposes set forth in MCL 324.81131(14).

Section 9. 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 10. Severability. The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 11. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed and shall be of no further force and effect on the effective date of this Ordinance.

Section 12. This Ordinance shall become effective immediately after the last required publication following adoption.

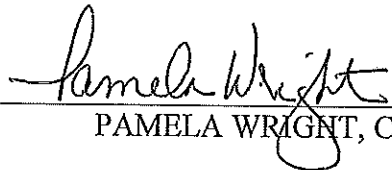
#62

CERTIFICATION

I, PAMELA J. WRIGHT, as Clerk for the Charter Township of Hampton, Bay County, Michigan, hereby certify the following relative to the foregoing Ordinance:

1. That the same was introduced by the Charter Township of Hampton Board on the 19th day of December, 2016.
2. That the same was published in The Valley Farmer (The Valley Tribune) on the 5th day of January, 2017.
3. That the same was adopted by the Charter Township of Hampton Board on the 17th day of January, 2017.
4. That the same was published in The Valley Farmer (The Valley Tribune) on the 26th day of January, 2017.

DATED: February 2, 2017



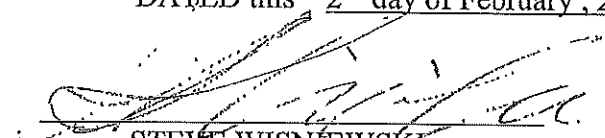
 PAMELA WRIGHT, Clerk

AUTHENTICATION OF RECORD

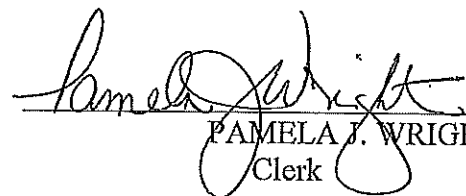
WE, STEVE WISNIEWSKI, Supervisor, and PAMELA WRIGHT, Clerk, for the Charter Township of Hampton, Bay County, Michigan, hereby authenticate the following relative to the foregoing ordinance:

1. That the same was adopted by the Charter Township of Hampton Board on the 10th day of January, 2017.
2. That the following members of the Township Board voted "yes" in favor of said Ordinance: All
3. That the following members of the Township Board voted "no" against said Ordinance: None
4. That the following members of the Township Board were absent: DeWyse, Hugo, Wright

DATED this 2nd day of February, 2017.



 STEVE WISNIEWSKI
 Supervisor



 PAMELA J. WRIGHT
 Clerk

ORDINANCE 62
APPENDIX "A"

Roads designated as open to ORV traffic:

- Jones Road north of Center Avenue (M-25)
- Knight Road north of Arms Road
- Burns Road north of Center Avenue (M-25)
- Finn Road north of Youngsditch
- Callahan Road north of Cass Avenue
- Nolet Road north of Cass Avenue
- Bowker Road north of Cass Avenue
- Cotter Road north of Cass Avenue
- Arms Road between Jones Road and Finn Road
- Hampton Road between Knight Road and Callahan Road
- Borton Avenue east of Knight Road to its end
- Nebobish Road between Knight Road and Cotter Road
- Warner Road north of Center Avenue (M-25) east to Cotter Road
- Youngsditch between Finn Road and Cotter Road
- Cass Avenue between Farley Road and Cotter Road
- Operators are never allowed on M-25 (Center Road); not even to cross M-25

ORDINANCE 62-1

APPENDIX "A"

Roads designated as open to ORV traffic:

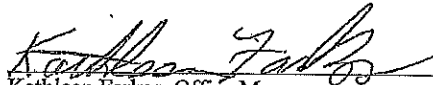
- Jones Road, North of Center Avenue (M-25)
- Knight Road, North of Hampton Road
- Burns Road, North of Center Avenue (M-25)
- Finn Road, North of Youngsditch
- Callahan Road, North of Cass Avenue
- Nolet Road, North of Cass Avenue
- Bowker Road, North of Cass Avenue
- Cotter Road, North of Cass Avenue
- Arms Road, between Jones Road and Finn Road
- Hampton Road, between Jones Road and Callahan Road
- Borton Road, between Jones Road and Nolet Road
- Nebobish Road, East of Jones Road
- Warner Road, North of Center Avenue (M-25) East to Cotter Road
- Youngsditch, between Finn Road and Cotter Road
- Cass Avenue, between Farley Road and Cotter Road
- Knodt Road, East of Callahan Road
- Wagner Road, North of Center Avenue (M-25)
- Mielens Road, North of Hampton Road
- Center Avenue /M-25 is closed entirely to ORV traffic. ORV operators shall not travel on or cross Center Avenue /M-25 at any time.

AFFIDAVIT – PROOF OF PUBLICATION

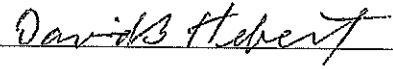
STATE OF MICHIGAN)
) SS
COUNTY OF BAY)

In the Matter of Hampton Township - Synopsis December 19, 2016 Meeting

Kathleen Farkas, being duly sworn, deposes and says that he/she is the Office Manager of THE VALLEY FARMER, a public newspaper, printed, published and circulated in Bay County; that a notice, of which the annexed printed notice is a true copy, taken from the said newspaper, has been duly published in said newspaper on the 5th day of January, 2017.


Kathleen Farkas, Office Manager

Subscribed and sworn to before me this 5th day
of January, 2017.

, Notary Public

Bay County, Michigan
Acting in the County of Bay

My Commission Expires: April 1, 2018

