

**GENESEE COUNTY OFF ROAD VEHICLE  
OPERATION ORDINANCE**

**Ordinance Adopted as of \_\_\_\_\_ 2019**

**PREAMBLE**

**AN ORDINANCE** authorizing and regulating the use of Off Road Vehicles (ORV) on County Roads, as authorized by Part 811 the Michigan Natural Resources and Environmental Protection Act (hereinafter referred to as "Act"), as amended, being MCL 324.81131, *et seq.* Pursuant to the statute, Genesee County is an 'eligible' county authorized to enact an ordinance allowing ORV use as described herein.

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE COUNTY OF GENESEE:**

**SECTION 1: PURPOSE AND INTENT**

**1.1** This ordinance is adopted pursuant to the authority granted to the Genesee County Board of Commissioners under the Act, to allow operation of ORV's on public highways within the County of Genesee, with the powers, duties and limitations provided by the Act and subject to the terms and conditions of this ordinance and any future amendments thereto.

**SECTION 2: DESIGNATION**

**2.1** This Ordinance shall be known as the Off Road Vehicle (ORV) Operation Ordinance.

**SECTION 3: DEFINITIONS**

**3.1** As used in this ordinance, the following definitions shall apply:

- 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) "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" for the purposes of this ordinance means a motor driven off road recreational 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 multitrack 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. 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" or "County Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, being MCL 247.655
- 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.
- g) "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 aid of the operator.

## **SECTION 4: ORV OPERATION**

**4.1** An ORV may be operated only with the flow of traffic on the far right of the maintained portion of the County Roads listed in attached Schedule A and as restricted by the Genesee County Road Commission as listed in attached Schedule B; provided:

- a) A person shall not operate an ORV at a speed greater than 25 miles per hour, or lower if posted, and in no event shall an ORV be operated in a manner that interferes with traffic on a road or street or at a speed greater than conditions allow;
- b) Unless the person possesses a license as defined in Section 25 of the Michigan Vehicle Code, Act 300, Michigan Public Acts of 1949; MCL 257.25;
- c) Any ORV operated in the allowed portion of the road shall travel single file, except when passing or being overtaken by another ORV;
- d) A person shall not operate an ORV on roads described herein unless displaying a lit headlight and lit taillight;
- e) No person shall operate a ORV on roads described herein who is not at least 18 years of age, unless that person is in possession of a valid driver's license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to Part 811 of the Act, or a comparable certificate issued under the authority of another state, or a province of Canada;
- f) No person under the age of 12 may operate an ORV on any road described herein;
- g) When the person and any passenger in or on the vehicle is wearing on his or her head a crash helmet and protective eyewear approved by the United States Department of Transportation. This subdivision does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.
- h) Any ORV operated on a right of way shall be fitted 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.
- i) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- j) Pursuant to noise emission standards defined by law.
- k) In a court action in this state where competent evidence demonstrates that a vehicle that is permitted to be operated on a highway pursuant to the Michigan Vehicle Code, 1949 PA 300, NCK 257.1 to 257.923, collided with an ORV on a roadway, the driver of the ORV involved in the collision shall be considered prima facie negligent.

4.2 Schedule 'A' may be amended and/or replaced by action conforming to the passage of ordinances by the Genesee County Board of Commissioners upon passage of a resolution amending this Ordinance.

## **SECTION 5: VIOLATIONS**

5.1 A person who violates this Ordinance shall be responsible for a civil infraction, and shall pay a fine of up to \$500.00, and in addition may be charged with and ordered to pay the cost of full restitution for damages to the environment, a road or other property resulting from that persons operation of an ORV.

5.2 Any fines collected pursuant to this Ordinance shall be deposited with the County Treasurer and shall be distributed pursuant to the statute provided therefor.

5.3 An ORV shall not be operated on any state trunkline right-of-way or on any street within incorporated cities and villages unless allowed by city or village ordinance.

## **SECTION 6: AUTHORIZATION**

6.1 Should any term of this ordinance be found to be inconsistent with the authorizing statute; MCL 324.81131, as amended, the provisions of the statute, including any amendments thereto shall apply.

6.2 A board of a township or municipality in the county may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the county. The board of a township or municipality in the county may adopt an ordinance authorizing operation of ORVs on the maintained portion of 1 or more roads located within the township, pursuant to MCL 324.81131(3).

6.3 Should the county Road Commission close, or a township or municipality adopt an ordinance to close certain roads to ORV use, pursuant to MCL 324.81131(4), operation of an ORV on such roads is prohibited under this ordinance.

## **SECTION 7: REVENUE**

7.1 All revenue derived from enforcement of this Ordinance shall be distributed consistent with the authorizing statute, MCL 324.81131, as amended.

## **SECTION 8: SEVERABILITY and IMMUNITY**

8.1 If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

8.2 The Road Commission, the County Board of Commissioners, the County of Genesee as well as any township or municipality are immune from tort liability for injuries or damages sustained

by any person arising out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and rights of way over which they have jurisdiction.

**SECTION 9: PRIOR ORDINANCES and EFFECTIVE DATE**

**9.1** All county ordinances and resolutions or a part thereof, insofar as the same may be in conflict herewith, are hereby repealed.

**9.2** This ordinance shall be effective on the day when notice of its adoption is published in a newspaper of general circulation in Genesee County.

Adopted by action of the Genesee County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Commissioners voting "Aye":

\_\_\_\_\_  
\_\_\_\_\_

Commissioners voting "Nay"

\_\_\_\_\_  
\_\_\_\_\_

Commissioners Absent:

\_\_\_\_\_

Attest:

\_\_\_\_\_  
Dr. Martin Cousineau, Chairperson

**CERTIFICATION**

I, \_\_\_\_\_, hereby certify that the foregoing is a true and correct copy of the Ordinance made and passed by the Genesee County Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2019.

In Testimony Whereof, I have hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Signature

SCHEDULE A

All County primary or local roads as described in Section 5 of 1951 PA 51, MCL 247.655.

SCHEDULE B

Genesee County ORV Restricted Roadways.

<b>Township</b>	<b>Road Name</b>	<b>FROM</b>	<b>TO</b>
Argentine	Silver Lake Road	Seymour	Glen Hatt
Fenton	Thompson Road	US-23	Torrey
Fenton	Fenton Road	Fenton CTL	Ray
Fenton	Owen Road	Whitaker	Jennings
Mundy	Torrey Road	Ray	Hill
Mundy	Fenton Road	Ray	Maple
Mundy	Baldwin Road	Fenton	Twp Line
Mundy	Grand Blanc Road	Linden	Fenton
Mundy	Hill Road	Linden	Fenton
Mundy	Taylor Drive	Hill	End
Mundy	Linden Road	Grand Blanc	Maple
Grand Blanc	Saginaw Road	S County	Grand Blanc CTL
Grand Blanc	Saginaw Road	N Grand Blanc CTL	Maple
Grand Blanc	Holly Road	Ray	Grand Blanc CTL
Grand Blanc	Perry Road	Grand Blanc CTL	Belsay
Grand Blanc	Center Road	0.2 Mile S of Maple	Maple
Grand Blanc	Baldwin Road	Twp Line	Saginaw
Grand Blanc	Grand Blanc Road	Fenton CTL	Grand Blanc CTL
Grand Blanc	Hill Road	Fenton CTL	Belsay
Grand Blanc	Belsay Road	Perry	Maple
Clayton	Miller Road	Seymour	Seymour
Flint	Lennon Road	Dye	Miller
Flint	Beecher Road	Linden	Flint CTL
Flint	Dye Road	Miller	Reuben
Flint	Ballenger Hwy	Flint CTL	Miller
Flint	Ballenger Hwy	Flint River	Flushing
Flint	Bristol Road	Miller	I-69
Flint	Flushing Road	Twp Line	Flint CTL
Flint	Fenton Road	Bristol	Hemphill
Flint	Lavelle Road	Flushing	Pasadena
Flint	Miller Road	Dye	Ballenger
Flint	Van Slyke Road	Maple	Hemphill
Flint	Elms Road	Corunna	Potter
Flint	Hemphill Road	Tuxedo	Burton
Flint	Linden Road	Maple	Pasadena
Flint	Bristol Road	I-69	Torrey

Flint	Bristol Road	Torrey	Fenton
Flint	Dutcher Street	Mall Entrance	Corunna
Flint	Norko Drive	Dye	Linden
Flint	Fleckenstein Drive	Miller	Norko
Davison	Lapeer Road	Irish	M-15
Davison	Davison Road	Vassar	Aloha
Davison	Irish Road	Atherton	Potter
Davison	Bristol Road	Atlas	M-15
Flushing	Carpenter Road	Cedardale	McKinley
Mt. Morris	Mt Morris Road	Clio	Mt Morris CTL
Mt. Morris	Carpenter Road	Clio	Saginaw
Mt. Morris	Detroit Street	Carpenter	Flamingo
Mt. Morris	Jennings Road	Pasadena	Pierson
Mt. Morris	Neff Road	Coldwater	End
Mt. Morris	Clio Road	Pierson	Frances
Mt. Morris	Coldwater Road	Clio	Saginaw
Mt. Morris	Flushing Road	Twp Line	Flint CTL
Mt. Morris	Pierson Road	Linden	Clio
Mt. Morris	Pasadena Avenue	Linden	Flint CTL
Mt. Morris	Elms Road	Potter	Kelley
Mt. Morris	Linden Road	Pasadena	Pierson
Genesee	Belsay Road	Potter	Richfield
Genesee	N. Saginaw Road	Carpenter	Mt Morris CTL
Genesee	N. Saginaw Road	Mt Morris CTL	Frances
Genesee	Richfield Road	Branch	Vassar
Genesee	Carpenter Road	Saginaw	Harry
Genesee	Center Road	Burton CTL	Richfield
Genesee	Mt. Morris Road	Mt Morris CTL	Dort
Genesee	Coldwater Road	Saginaw	Dort
Genesee	Genesee Road	Burton CTL	Mt. Morris
Genesee	Selby Street	Horton	Carpenter
Genesee	Horton Road	Carpenter	Coldwater
Richfield	Richfield Road	Vassar	Victoria Station
Richfield	Irish Road	Potter	Richfield
Vienna	Peterson Drive	Vienna	Old Vienna
Vienna	Clio Road	Frances	Clio CTL
Vienna	Old Vienna Road	Peterson	Peterson
Thetford	N. Saginaw Road	Frances	Dort
Thetford	Dodge Road	Saginaw	Dort



ORV Restricted Roads

