

**COUNTY OF CASS
STATE OF MICHIGAN
ORV ORDINANCE
ORDINANCE # 01-22**

AN ORDINANCE adopted for the purpose of authorizing and regulating the operation of Off-Road Vehicles (ORV's) on designated roads in Cass County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

THE COUNTY OF CASS ORDAINS:

SECTION 1 - DEFINITIONS

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

County: The County of Cass.

Driver License: 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.

Operate: To ride in or on and be in actual physical control of the operation of an ORV.

Operator: A person who operates or is in actual physical control of the operation of an ORV.

ORV: A motor driven off road recreation vehicle capable of cross-county 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-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. **A golf cart shall not be considered an ORV under this ordinance.**

Road: A County road as described in Section 5 of 1951 PA 51, MCL 247.655.

Road Commission: The Board of County Road Commissioners for the County of Cass.

Township: An individual township within the County of Cass.

Township Board: A Board of Trustees of any township within the County of Cass.

SECTION 2

An ORV may be operated on the far right of the County-maintained portion of a road. Exceptions are:

- A. Roads which the townships and/or cities have designated closed;
- B. Roads designated closed by the Cass County Road Commission; and
- C. All identified U.S. Forest Service roads and State lands.

SECTION 3

A Township Board of a Township in the County may adopt an ordinance to close any roads within the boundaries of the Township to the operation of ORV's permitted by the County. Following the adoption of this ordinance, a Township Board of a Township in the County may adopt an ordinance authorizing the operation of ORV's on the maintained portion of one (1) or more roads located within the Township, pursuant to MCL 324.81131(3).

SECTION 4

The County Road Commission may close no more than thirty (30%) percent of the total linear miles of roads in the County to protect the environment or if the operation of ORV's pose a particular and demonstrable threat to public safety. The Road Commission may not close a municipal street to ORV's opened under Section 3 of this Ordinance.

SECTION 5

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 6

Except as set forth herein or otherwise provided by law, an ORV meeting all the following conditions may be operated on a road or street in the County:

- A. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit;
- B. With the flow of traffic;
- C. In a manner which does not interfere with traffic on the road or street;
- D. With a 12" x 12" safety flag affixed to the ORV that extends 10' from the surface of the ground;
- 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 a lighted taillight;
- G. One-half (1/2) hour after sunrise until one-half (1/2) hour before sunset unless displaying a lighted headlight and a lighted taillight;
- H. While the operator and each passenger are 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 seat belt;
- 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; and
- L. Complying with all requirements in PA 240 of 2008.

SECTION 7

A person less than 16 years of age shall not operate an ORV on a road in the County.

SECTION 8

Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the County if the ORV is registered as a motor vehicle and is either more than sixty (60) inches wide or has three (3) wheels.

SECTION 9

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 and be subject to revocation of their ORV Registration.

SECTION 10

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 11

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.

SECTION 12

This Ordinance becomes effective upon publication of the Notice of Adoption in a newspaper widely distributed across the county.

SECTION 13

The Board of Commissioners may review or revise this ordinance as may be necessary.

COUNTY OF CASS

By: _____
Dwight Dyes, Chairperson
CASS COUNTY BOARD OF COMMISSIONERS

By: _____
Monica McMichael, Clerk/Register
COUNTY OF CASS

CERTIFICATION

I, Monica McMichael, Clerk/Register of the County of Cass, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Cass County Board of Commissioners on the _____ day of _____ 2022.

Monica McMichael, Clerk/Register
COUNTY OF CASS