

TOWNSHIP OF BLUE LAKE
County of Muskegon, Michigan

At a regular meeting of the Blue Lake Township Board, held in the Township Hall, 1491 Owasippe Road, Twin Lake, Michigan, on the ___11 day of _____ May _____, 2023__ at 6:30pm.

PRESENT: Jeff Abram, Melonie Arbogast, Debbie Therrian, Todd Conzemius

ABSENT: Lyle Monette

The following ordinance was offered by ___Todd Conzemius and seconded by ___Debbie Therrian.

ORDINANCE NO. 77
OFF-ROAD VEHICLE (ORV) ORDINANCE

This ordinance is adopted for the purpose of authorizing and regulating the operation of Off-Road Vehicles (ORVs) within Blue Lake Township, Muskegon County, Michigan providing penalties for the violation thereof, and for the distribution of fines and costs resulting from those penalties pursuant to 2009 PA 175, MCL 324.81131.

THE TOWNSHIP OF BLUE LAKE, MUSKEGON COUNTY, STATE OF MICHIGAN, ORDAINS AS FOLLOWS.

Section 1. Code Amendment. The Blue Lake Township Code of Ordinances is amended by adding Chapter 340A to state in its entirety as follows.

Chapter 340A
OFF-ROAD VEHICLES

§ 340A-1. Definitions.

As used in this chapter, the following words are defined as follows.

- A. **Driver's License** means any driving privileges, license, temporary instruction permit, or temporary license issued under the laws of any state, territory, or possession of the United States, Indian county as defined in 18USC 1151, the district of Columbia, and the Dominion of Canada pertaining to the licensing of a person to operate motor vehicles.
- B. **Maintained Portion** means that portion of the road improved, designated, or ordinarily used for vehicular traffic, including the gravel shoulder or paved shoulder of the road.

- C. **Operate** means to ride in or on, and to be in physical control of the operation of, an ORV.
- D. **Operator** means a person who operates or is in physical control of an ORV.
- E. **ORV or Vehicle** means a motor driven off-road recreation vehicle capable of cross county travel without the benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but not limited to, a multi-track or multi-wheel drive vehicle, an all terrain vehicle (ATV), a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-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.
- F. **Road** means a County primary or a County local road as described in section 5 of 1951 PA 51, MCL 247.655, as amended, or any successor statute.
- G. **Road Commission** means the Board of County Road Commissioners for the County of Muskegon.
- H. **Safety Certificate** means a certificate issued pursuant to 1994 PA 451, as amended, or a comparable ORV safety certificate issued under the authority of another state or province of Canada.
- I. **Visual Supervision** means direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to immediate aid of the operator.

§ 340A-2. Streets and highways closed to ORV traffic.

ORVs shall not be operated on state trunk line highways or any road explicitly restricted. See **Exhibit A** for a list of restricted roads, which is incorporated by reference.

§ 340A-3. Operating rules.

Except as set forth in this chapter or otherwise provided by law, an ORV meeting all the following conditions may operate on a road in the Township.

- A. The ORV shall be operated at a posted speed of not more than 25 miles per hour, or at a lower ORV speed limit.
- B. The ORV shall be operated on the far right-hand side of the maintained portion of the roadway, with the flow of traffic.
- C. ORVs shall travel single-file, except when overtaking or passing another ORV.
- D. All operating ORVs must have a lighted headlight, lighted taillight, and operating brake light at all times.

- E. Every operator of and passenger in or on an ORV shall wear on the person's head a crash helmet and protective eyewear approved by the United States Department of Transportation. These requirements do not apply if the vehicle is equipped with a windshield and a roof or rollbar that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- F. The vehicle shall be equipped with a throttle designed so that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- G. The ORV must be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- H. The ORV shall be equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; and a brake light brighter than a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of one half-hour after sunset and one half-hour before sunrise.
- I. The ORV shall be operated in accordance with noise and emission standards defined by law.
- J. No person shall transport a passenger on an ORV unless manufacturing standards for the vehicle make provisions for transporting passengers.
- K. Any person who operates an ORV on public roads must adhere to all applicable provisions of state and local laws, regulations, and ordinances, including but not limited to those banning the possession and use of alcoholic beverages and all illegal drugs. In addition, no ORV containing any open containers of alcohol may be operated on public roads in the Township.
- L. An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including but not limited to Part 811 of 1994 PA 451, the Natural Resources and Environmental Protection Act, MCL 324.81101, et seq.

§ 340A-4. Careless or reckless operation.

In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a highway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, is involved in a collision with an ORV on a road, the driver of the ORV involved in the collision shall be considered prima facie negligent.

§ 340A-5. Driver's license requirement.

A person less than 18 years of age shall not operate an ORV on the road in the Township unless the person is in possession of a valid driver's license or is under direct visual supervision of an adult and the person has in immediate possession a Michigan issued ORV safety certificate or comparable ORV certificate issued under the authority of another state or province of Canada.

§ 340A-6. Notice of accident.

The operator of an ORV involved in an accident resulting in injuries to or death of any person, or property damage in an estimated amount of \$100.00 or more, or some person acting for the operator, or the owner of the ORV having knowledge of the accident shall immediately by the quickest means of communication notify Muskegon County Central Dispatch.

§ 340A-7. Penalties.

- A. A person who violates any provisions of this chapter shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than \$500.00.
- B. In addition to the fine specified above, the 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 for civil fines.

§ 340A-8. Coordination with state law.

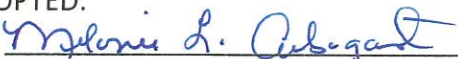
If any part of this chapter is not consistent with any provisions of state law, state law shall control.

Section 2. Effective Date. This Ordinance shall take effect and be in force upon the expiration of 30 days after the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Township. This Ordinance and attached Document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedures of the Township.

AYES: (4) Jeff, Melonie, Debbie, Todd

NAYS: (0)

ORDINANCE DECLARED ADOPTED.



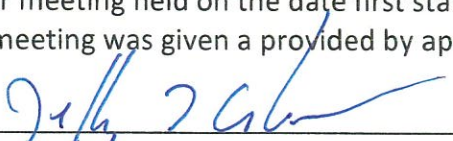
Melonie L. Arbogast, Township Supervisor

Adopted: May 11, 2023

Published: May 21, 2023

Effective: June, 20, 2023

I certify that the foregoing is a true and complete copy of the Ordinance adopted by the Blue Lake Township Board at a regular meeting held on the date first stated above, and I further certify that public notice of the meeting was given as provided by applicable law.



Jeffery T. Abram, Township Clerk

EXHIBIT A

BLUE LAKE TOWNSHIP

COUNTY OF MUSKEGON, MICHIGAN

NOTICE OF RESTRICTED ROADS FOR ORVS

1. RUSSELL ROAD- FROM WHITE LAKE DRIVE TO FRUITVALE ROAD
2. OWASIPPE ROAD- FROM RUSSELL ROAD TO NICHOLS ROAD
3. HOLTON-WHITEHALL ROAD – FROM RUSSELL TO THE WEST TO THE TOWNSHIP LINE
4. WHITE LAKE DRIVE- FROM BLUE LAKE ROAD TO THE TOWNSHIP'S WESTERN BOUNDARY