

**STATE OF MICHIGAN
COUNTY OF IOSCO**

THE CHARTER TOWNSHIP OF AUSABLE

ORDINANCE NUMBER 96
ORV ORDINANCE

Adopted: September 18, 2006

Effective: October 18, 2006

Amended: Extended to October 18, 2008, by Township Board on November 19, 2007

ON ORDINANCE FOR THE REGULATION OF OPERATION OF ORV/OHV'S ON
STREETS IN AUSABLE TOWNSHIP.

THE CHARTER TOWNSHIP OF AUSABLE DOES HEREBY ORDAIN:

SECTION 1. DEFINITIONS

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

- a. "Streets and Highways" mean 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 purposes of vehicular travel.
- b. "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV/OHV.
- c. "ORV/OHV" means a motor driven off-road recreational vehicle with forward movement made possible by the use of two, three, four or six wheels with surface contact made by rubber tires. The vehicle must have a measurement from ground surface to base of seat height greater than eighteen inches. On three, four or six wheeled vehicles the wheel rims may not exceed thirteen inches.
- d. "Road surface" means that portion of a roadway improved, designated, or ordinarily used for vehicular travel, and does not include within its meaning the shoulder or right-of-way.
- e. "Shoulder" means that portion of a street or highway to the immediate right of the road surface while facing the direction of travel, which is not generally used for vehicular travel.

SECTION 2. DESIGNATED STREETS

An ORV/OHC may be operated on the shoulder of the designated streets as described below within AuSable Township:

Grass Lake Road between River Road and Old US 23

Old US 23 Between Grass Lake Road and Mill Street

Mill Street between First Street and US 23

Third Street between Church and Smith Street

Smith Street between South State Street and US 23

SECTION 3. SHOULDER OPERATION

An ORV/OHV may only be operated on the shoulder of above-mentioned street in the direction of traffic in a single file.

SECTION 4. MICHIGAN COMPILED LAW

An ORV/OHV being operated on a street or highway in AuSable Township must in operation at all times in accordance with sections 324-81101 through 432.81150 of the Michigan Compiled Laws being part of the Natural Resources and Environmental Protection Act, P.A. 1994, No. 451.

SECTION 5. SPEED LIMIT AND TIME OF OPERATION

Any ORV/OHV being operated on a street or highway in AuSable Township pursuant to this ordinance must not exceed a rate of speed greater than 20 MPH during hours of operation. Operation of an ORV/OHV is between the hours of ½ hour after sunrise to ½ hour before sunset.

SECTION 6. PROTECTIVE GEAR

ORV/OHV operator and all passengers must wear a US DOT approved crash helmet and protective eyewear or goggles except when the ORV is equipped with an approved roof and the operator and passengers are wearing properly adjusted and fastened safety belts.

SECTION 7. VEHICLE CONDITION

All ORV/OHV's must have, in good working condition and in constant use, a muffler which will meet or exceed all sound emission standards set by state law.

SECTION 8. ONE-YEAR REVIEW OF ORDINANCE

A review in one year will take place by the Township Board to determine if the ORV/OHV Ordinance has accomplished it's economic objectives, addressed problems and decide whether or not to continue the existing Ordinance.

SECTION 9. PENALTY

- a. Any person who violates this ordinance is guilty of a civil infraction, punishable by a fine of \$100.00 plus the cost of prosecution upon the first conviction and \$250.00 plus the total cost of prosecution for any subsequent conviction.

- b. Furthermore, the CHARTER TOWNSHIP OF AUSABLE may enforce this ordinance by way of civil infraction, being Ordinance Number 95, or any amendment thereto, as well as any action as allowed by law, including but not limited to a Restraining Order in either District and/or Circuit Court of the County of Iosco, State of Michigan, and/or in the appropriate court of federal jurisdiction, all as the circumstances may warrant.
- c. In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the Township against the Township tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith.

SECTION 10. DAMAGE TO PROPERTY

Any person who causes damage to any street, highway, or other property as a result of the operation of an ORV/OHV, in an area permitted by this ordinance, is guilty of a civil infraction punishable by a fine of \$250.00 plus the cost of prosecution. The Court may also order that the individual pay full restitution of any damages.

SECTION 11. SEVERABILITY

The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 12. CONFLICTING LAWS

If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail, and those terms inconsistent with this ordinance, are hereby repealed. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.

SECTION 13. EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days following adoption. At a regular meeting of the AuSable Township Board held on the 18th day of September 2006, adoption of the foregoing ordinance was moved by Judy Reeder and supported by Alanda Barnes.

Voting for: Paul Mayville, Lynn Mitchell, Judy Reeder, Alanda Barnes, Dan Hayes

Voting against: Kevin Beliveau, Jan Baldwin

Absent: None

The Supervisor declared the Ordinance Adopted.

Township of AuSable

Dated: September 19, 2006

Albert D. Hayes, Jr.
By: Albert D. Hayes, Jr.
Its: Supervisor

Dated: September 19, 2006

Lynn A. Mitchell
By: Lynn A. Mitchell
Its: Clerk

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Township Board in a regular session held on September 18, 2006, and it was published in the Iosco County News Herald on August 23, 2006.

Lynn A. Mitchell
Lynn A. Mitchell, Township Clerk