

**NEWFIELD TOWNSHIP
OCEANA COUNTY, MICHIGAN**

**ORV OPERATION ORDINANCE
ORDINANCE NO. NT 2024-03**

ADOPTED: March 19, 2024

EFFECTIVE: May 6, 2024

SECTION I: PURPOSE

Pursuant to Public Act No. 451 of 1994 (MCL 324.81131), it is the purpose of this Ordinance to:

1. Authorize and regulate the operation of Off Road Vehicles (ORVs) on roads in Newfield Township;
2. Provide penalties for the violation thereof; and for the distribution of public funds resulting from those penalties.

SECTION II: DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

1. **County** means County of Oceana.
2. **Township** means Township of Newfield
3. **Township Board** means the Newfield Township Board of Trustees
4. **Driver license** means an operator's license, chauffeur's license, or permit issued to an individual for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
5. **Operate** means to ride in or on, and be in actual physical control of an ORV.
6. **Operator** means a person who is in actual physical control of the ORV.
7. **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 multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or ATV. 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. A golf cart, Gator, Mule, Quad, four-wheeler and dirt bike are considered ORVs, properly equipped and determined by the Department of Transportation.

8. **Road** means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
9. **Road Commission** means the Oceana County Road Commission.
10. **Safety Certificate** means a certificate issued pursuant to 1954 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state.
11. **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 III: OPERATING AN ORV ON TOWNSHIP ROADS

1. An ORV may be operated only on the far right of the maintained portion of a road in Newfield Township with no more than two wheels on the paved part of the road. The maintained portion of a road is any portion that is graded or paved. ORVs may be operated on private property with written permission of the property owner. An ORV can be operated only after March 31 and prior to December 1 of each year.
2. Township roads prohibited from operating ORVs
 - a. ORVs are prohibited from riding on any state highway such as M-20 and M-120. 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. Operators of ORVs may cross any state highway at a 90-degree angle in order to travel from one approved riding location to another.
 - b. ORVs are prohibited from riding on any power line, gas line, or railroad right of way.
 - c. ORVs are prohibited on any U.S. Forest Service road or two tracks in the township unless opened to ORV use by the U.S. Forest Service.
 - d. ORVs are prohibited on all primary roads except Loop Road east of 192nd Ave.

SECTION IV: CONDITIONS OF OPERATION:

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

1. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
2. By a person not less than 12 years of age.
3. With the flow of traffic.
4. In a manner which does not interfere with traffic on the road or street
5. Traveling single file, except when overtaking and passing another ORV.
6. While displaying a lighted headlight and lighted taillight.
7. While the operator and each passenger is wearing a crash helmet and protective eye wear 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.

8. 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.
9. A braking system that may be operated by hand and/or foot.
10. While the ORV is equipped with a spark arrester type United States forest service approved muffler, in good working order and in constant operation.
11. Pursuant to noise emission standards defined by law.
12. Operated in a manner that does not cause damage to the environment, a township road, or other property.
13. Operated with the full understanding that the operator of the ORV involved in an accident is considered at fault under this ordinance until proven otherwise.

SECTION V: LICENSE PROVISIONS:

1. A person under 18 years of age shall not operate an ORV on a road unless the person is in possession of a valid driver license or under the direct visual supervision of an adult and the person 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 state. A person under 12 years of age shall not operate an ORV pursuant to this ordinance. The requirements of this section are in addition to any applicable requirement of MCL 324.81129.
2. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road in the Township if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.
3. Under this ordinance, an ORV must have a proper state ORV registration sticker.

SECTION VI: VIOLATIONS OF ORDINANCE

1. Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not less than \$100 or more than \$ 500.00. The Oceana County Sheriff and his or her deputies as well as any township or village municipal police officer with jurisdiction over a road or street in this township may enforce the Ordinance as the "Enforcement Officer." If an Enforcement Officer determines that there is probable cause that this Ordinance has been violated, the Officer is authorized to issue and serve an Appearance Ticket upon a person or entity violating this Ordinance. The Appearance Ticket shall direct the recipient to appear at the Oceana County District Court to respond to the alleged violation.
2. 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.
3. All fines and damages collected under this ordinance shall be distributed according to MCL 824.81131, Subsection 17.

SECTION VII: COUNTY ROAD COMMISSION AUTHORITY

1. The County Road Commission may close not more than 30% of the total linear miles of roads in the township to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The County Road Commission may not close a municipal street to ORVs opened under MCL 324.81131 subsection 5. The County Road Commission may reduce the speed limit on any road where ORVs are authorized under this Ordinance to 15 miles per hour if the County Road Commission determines that such reduction is reasonable and necessary to public safety and provide such lowered speed limit is posted as reasonable intervals.

SECTION VIII: MASTER MAP

The township shall maintain a master map of all roads under the jurisdiction of the Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to this Ordinance. This map is attached as Appendix A. The township shall make such master map available for interested groups or organizations to make copies for distribution to the general public.