

TOWNSHIP OF DALTON
COUNTY OF MUSKEGON, MICHIGAN

At a regular meeting of the Township Board of the Township of Dalton, held in the Township Hall, 1616 East Riley Thompson Road, Muskegon, Michigan, on the 13th day of September, 2021, at 6:00 p.m.

PRESENT: Nola Twining, Renea Knight, Lee Witte, Kerry Knight, Kelly Mazurkiewicz, Lori Hayes and Jeffrey Martin.

ABSENT: None.

The following ordinance was offered by Member Kerry Knight and seconded by Member Nola Twining.

ORDINANCE NO. 2021-15

AMENDED OFF-ROAD VEHICLE (ORV) ORDINANCE

THE TOWNSHIP OF DALTON ORDAINS:

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend Chapter 30 of the Codified Ordinances of the Township of Dalton. This Chapter is adopted for the purpose of authorizing and regulating the operation of Off-Road Vehicles (ORVs) within Dalton Township, Muskegon County, 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.

SECTION 2 CHAPTER 30 AMENDED

Chapter 30 of the code of the Township of Dalton is hereby amended to read as shown:

CHAPTER 30.08 A. DEFINITIONS

As used in this Chapter, the following words are hereby defined as follows:

- 1) **Township** means the Township of Dalton, Muskegon County.
- 2) **County** means Muskegon County.
- 3) **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 country as defined in 18USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of person to operate motor vehicles.
- 4) **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.

- 5) **Operate** means to ride in or on, and to be in actual physical control of the operation of an ORV.
- 6) **Operator** means a person who operates or is in physical control of the operation of an ORV.
- 7) **ORV or Vehicle** 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 includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an 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.
- 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 Board of County Road Commissioners for the County of Muskegon.
- 10) **Safety Certificate** means a certificate issued pursuant Public Act 451 of 1994, as amended, or a comparable ORV safety certificate issued under authority of another state or a province of Canada.
- 11) **Visual Supervision** means 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.
- 12) **Township Board** means the Township Board of Dalton Township.

CHAPTER 30.08 B. STREETS OR HIGHWAYS CLOSED TO ORV TRAFFIC

ORVs shall not be operated on a state trunk line highway or any road explicitly restricted. **See Exhibit A.**

CHAPTER 30.08 C. OPERATING RULES

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

- 1) At a speed of not more than 25 miles per hour, or a lower posted ORV speed limit or in a manner that interferes with traffic on the road.
- 2) On the far right-hand side of the maintained portion of the roadway, with the flow of traffic.
- 3) ORVs shall travel single-file, except when overtaking or passing another ORV.
- 4) All ORVs operating must have a lighted headlight, lighted taillight and brake light at all times.
- 5) When the person and any passenger in or on the vehicle is wearing 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.
- 6) 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.
- 7) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- 8) When 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, 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.
- 9) Pursuant to noise and emission standards defined by law.
- 10) No person shall transport a passenger on an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.

- 11) 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 other illegal drugs. In addition, no ORV containing any open container of alcohol shall be operated on public roads.
- 12) An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including, but no limited to, Part 811 of the Natural Resources and Environmental Protection Act, MCL 324.81101, et seq.

CHAPTER 30.08 D. 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.

CHAPTER 30.08 E. DRIVER'S LICENSE REQUIREMENT

A person less than 18 years of age shall not operate an ORV on the road in Dalton Township unless the person is in possession of a valid driver's license or is 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 or province of Canada.

CHAPTER 30.08 F. 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 or more, or some person acting for him/her, or the owner of the ORV having knowledge of the accident shall immediately by the quickest means of communication notify Muskegon County Central Dispatch.

CHAPTER 30.08 G. REGISTRATION, INSPECTION AND FEES PRIOR TO USAGE

- 1) All ORV owners must complete an ORV registration application and submit to the Township Clerk for approval. Before driving on public roads, the operator of the ORV must have a valid registration sticker issued by the Township.
- 2) Each owner of an ORV that is operating on a public road must have proof of ownership, liability insurance, and a completed waiver of liability, releasing the Township from liability that may arise as a result of operation of an ORV inside the Township. These documents must be in the ORV at all times while in operation on a public road.
- 3) All ORVs must meet the requirements or minimum standards as set forth above in this article.
- 4) The registration sticker shall be valid for no more than one year. Registration stickers must be visible on an ORV operated on a public road. Lost or stolen registration stickers are the sole responsibility of the owner and must be replaced before the ORV is operated on a public road.

CHAPTER 30.08 H. PENALTIES

- 1) A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.
- 2) 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.

CHAPTER 30.08 I. COORDINATION WITH STATE LAW

If any part of this ordinance is inconsistent with any provisions of State law, State law shall control.

SECTION 3 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4 ORDINANCES REPEALED

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 5 EFFECTIVE DATE

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

AYES: K Knight, Twining, R Knight, Witte, Mazurkeiwicz, Hayes and Martin.

NAYS: None.

ORDINANCE DECLARED ADOPTED.

Lori Hayes, Township Clerk

Adopted: October 11, 2021

Published: October 17, 2021

Effective: October 19, 2021

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

Lori Hayes, Township Clerk

EXHIBIT A
TOWNSHIP OF DALTON
COUNTY OF MUSKEGON, MICHIGAN
NOTICE OF RESTRICTED ROADS
FOR OFF ROAD VEHICLES (ORV)

US 31 – entire length

M120 (Holton Road) – entire length

White Lake Drive – entire length

Riley Thompson Road – entire length

River Road – entire length

Russell Road – entire length

Whitehall Road – entire length