

Montague Township

Off-Road Vehicles Ordinance Number 2023-09-12-1

An ordinance authorizing and regulating the operation of Off-Road Vehicles (ORVs) on county primary and county local roads in Montague Township, Muskegon County.

Montague Township enacts:

Section 1. Definitions

- a. "Township" refers to Montague Township, in Muskegon County
- b. "County" refers to Muskegon County, MI
- c. "Drivers License" means 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.
- d. "Maintained portion" means that portion of a road improved, designated or ordinarily used for vehicular traffic, including the gravel shoulder or paved shoulder of the road.
- e. "Operate" means to ride in or on and be in actual physical control of the operation of an ORV.
- f. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- g. "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 includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle, golf cart or related 2-wheel, 3-wheel, or 4-wheel vehicle, and 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 does not include 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.
- h. "Road" means a county primary or local road as described in section 5 of 1951 PA 51, MCL 247.655.
- i. "Road Commission" means the Board of County Road Commissioners for Muskegon County
- j. "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada
- k. "Visual Supervision" means direct observation of the operator with the unaided or normally correct eye, where the observer is able to come to the immediate aid of the operator.

Section 2. Operation of ORVs on roads within Montague Township

An individual may operate an ORV on a road within Montague Township, subject to the following regulations:

2.1 ORVs are allowed on any county primary or secondary roads within Montague Township except as follows per Muskegon County Road Commission.

: ORVs are not allowed to operate parallel with Business 31 nor on the US31 Expressway.

: ORV's are not allowed on Fruitvale Road east of Parkwood Road to Harris Road.

: ORV's are not allowed on Fruitvale Road between Business 31 and Whitbeck Road.

: ORV's are not allowed on Whitbeck Rd. south of Fruitvale Rd.

ORVs are allowed to cross perpendicularly over Business 31.

2.2 The ORV shall be operated only with the flow of traffic, on the far right of the maintained portion of the road.

2.3 A person shall not operate an ORV at a speed greater than 25 miles per hour, or a lower posted ORV speed limit, or in a manner that interferes with traffic on the road.

2.4 ORVs shall travel single file, except when passing or being passed by another ORV.

2.5 Unless a person possesses a Drivers license, a person shall not operate an ORV on a road if the ORV is registered as a motor vehicle under the Michigan Vehicle Code and the ORV is either more than 60inches wide or has 3 wheels.

2.6 A person under the age of 12 shall not operate an ORV on a road.

2.7 All operators must, upon demand by a law enforcement officer, present either an ORV Safety Certificate or Driver's License.

2.8 A person under the age of 18 shall not operate an ORV on a road unless the person is in possession of a valid driver's license or is under the direct supervision of a parent or guardian and the person has in his possession an ORV Safety Certificated issued by Michigan, another state, or a province of Canada.

2.9 All ORV's operating must have a lighted headlight and taillight.

2.10 An owner or person in charge of an ORV shall not allow an ORV to be operated by an individual who is incompetent to operate a vehicle because of mental or physical disability, or has diminished capacity to drive due to intoxication of alcohol or other substances.

2.11 A child less than 16 years of age shall not operate a 3-wheeled ORV

2.12 A person shall not operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner having undue regard for conditions.

2.13 A person shall not operate or ride on an ORV unless they are wearing on their head a helmet and protective eyewear approved by the USDOT. This section does not apply if the vehicle is equipped with a roof that meets or exceeds standard for a crash helmet and the operator and each passenger is wearing a property adjusted and fastened safety belt.

2.14 A person shall not operate an ORV without a braking system.

2.15 A person shall not operate an ORV after sunset and before sunrise without a working brake light that is brighter than the taillight.

2.16 All ORVs shall conform to the noise emission levels established by the Montague Township Anti-Noise and Public Nuisance Ordinance adopted by the Township Board April 9 1991.

2.17 No person shall transport a passenger on an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.

2.18 No person shall operate on ORV with an opened container of alcohol unless it is in a trunk, separate compartment, or is encased or enclosed.

2.19 The ORV is equipped 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.

2.20 The ORV is equipped with a spark arrestor type US Forest Service approve muffler in good working order and in constant operation.

2.21 An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including, but not limited to, Part 811 of the Natural Resources and Environmental Protection Act, MCL 324.81101, et seq.

Section 3. No Township Duty to Maintain County Roads

Despite the terms of the ordinance allowing ORVs to use portions of county roads, Montague Township has no duty to, and undertakes no duty to, maintain a road within its boundaries in a condition reasonably safe and convenient for the operation of ORVs.

Section 4. Enforcement

4.1 A violation of this ordinance is a municipal civil infraction, and responsible person shall pay a fine of not more than \$500.00 In addition a court may order the defendant to pay the cost of repairing any damage to the environment, a road, or public property damaged as a result of the violation.

Section 5. Evidence

In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road pursuant to state law was in a collision with an ORV which was not being operated on the far right of the maintained portion of the road as required by this ordinance, the operator of the ORV shall be considered negligent per se.

Section 6 Effective date

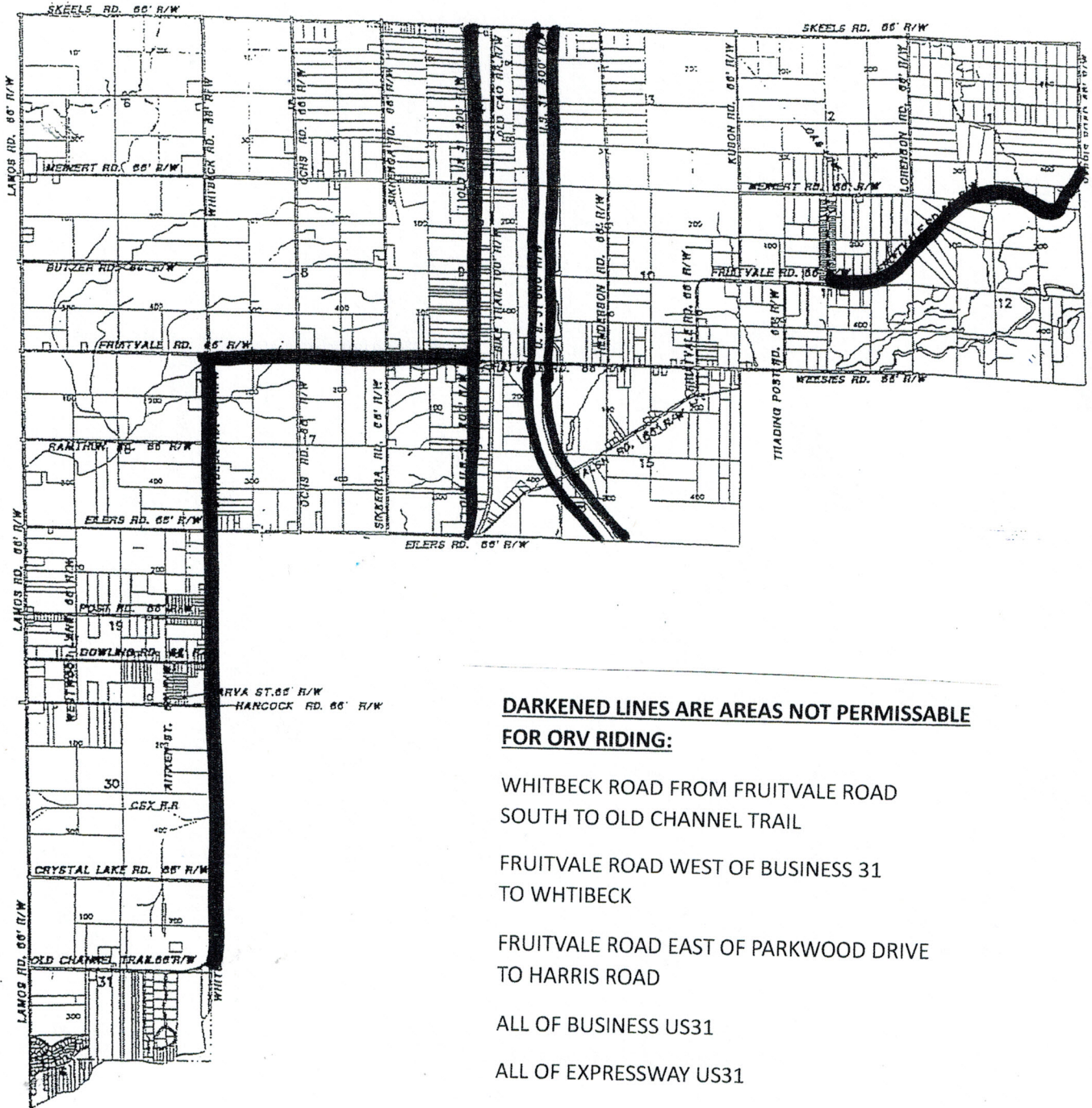
This ordinance shall be effective 30 days after its first publication.

Section 7. Inspection of Ordinance

A true copy of the complete ordinance can be inspected or obtained at the Montague Township Hall located at 8915 Whitbeck Rd. Montague Mi. 49437.

MONTAGUE TOWNSHIP SECTIONAL MAP

North



DARKENED LINES ARE AREAS NOT PERMISSIBLE FOR ORV RIDING:

WHITBECK ROAD FROM FRUITVALE ROAD SOUTH TO OLD CHANNEL TRAIL

FRUITVALE ROAD WEST OF BUSINESS 31 TO WHITBECK

FRUITVALE ROAD EAST OF PARKWOOD DRIVE TO HARRIS ROAD

ALL OF BUSINESS US31

ALL OF EXPRESSWAY US31