

ORDINANCE No. 2009-01

Operation of Off Road Vehicles (ORV's) on roads in Kalkaska County.

An ORV may be operated on the far right of the maintained portion of a road within the county.

- "Road" means a county primary road or county local road.

An ORV may not be operated on any road marked closed to ORV traffic by the Township or County Road Commission.

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 (M72, M66 and US131).

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

- At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- By a person not less than 12 years of age.
- With the flow of traffic and on the far right of the maintained portion of the road (includes shoulder where available).
- In a manner which does not interfere with traffic on the road or street.
- Traveling single file except when overtaking and passing another ORV.

Rescinded - When visibility is not substantially reduced due to 'Weather' conditions unless displaying a lighted headlight and lighted taillight.

Rescinded - 1/2 hour before sunrise until 1/2 after sunset unless displaying a lighted headlight and lighted taillight.

- While displaying a lighted headlight and lighted taillight at ALL HOURS BEGINNING JANUARY 1, 2010.
- While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department Of Transportation (DOT) 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.
- 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.
- While the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- Pursuant to noise emission standards defined by law.

A child less than 16 years of age shall not operate an ORV on a road in the county unless the child is under the direct visual supervision of an adult and the child 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 a province of Canada.

- "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.

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.

NOTE: All other rules and regulations pertaining to ORV's still apply.