

An Ordinance to Regulate the Use of Off Road Vehicles

In the City of a Caspian, Michigan

The City of Caspian Ordains:

Section 1 – Definition – 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. It includes, but is not limited to a multi-track or multi-wheel drive or low pressure tire vehicle, a motorcycle or related two, three or four-wheeled 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 does not include a registered snowmobile, a farm vehicle being used for farming, vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

Section 2 – Registration – All ORV's must be registered with the Michigan Secretary of State except:

ORV's operated exclusively on lands owned or under the control of the vehicle owner.

A vehicle licensed under the Michigan Vehicle Code, unless the vehicle is operated as an ORV off highways, roadways, streets, and forest roads.

ORV's operated exclusively in a special event conducted under permit.

ORV's used exclusively in a safety and training program conducted by a certified ORV safety instructor.

Section 3 – Operational Regulations – A person shall not operate an ORV which is not licensed, under the Michigan Vehicle Code, on any public highway, street, alley or right-of-way except:

On those street or alleys which are specifically designated as an ORV trail, but only if not at a speed greater than five (5) miles per hour.

To cross a street for the purpose of getting to and from a designated trail, but only if the ORV is brought to a complete stop before crossing each street.

For a special event of limited duration under permit from the City.

A person shall not operate any ORV:

At a rate of speed greater than is reasonable and proper, having due regard for existing conditions.

In a careless manner.

While under the influence of intoxicating liquor or controlled substance, or by a person who is incompetent to operate the ORV.

Within one hundred (100) feet of a dwelling at speed greater than the minimum required to maintain controlled forward movement, unless the operator is an invited guest of the dwelling.

On any public property or right-of-way, unless specifically designated as an ORV trail or area.

Section 4 - Equipment - A person shall not operate an ORV unless equipped:

With a braking system.

A brake light brighter than the tail light when the vehicle is operated during the hours of one-half (1/2) hour before sunrise.

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.

With a spark arrestor type muffler in good working order.

Section 5 - Noise Emission - Noise emission under full throttle at fifty (50) feet at right angles from the vehicle path shall not:

Exceed 90 decibels on a vehicle manufactured or assembled prior to January 1, 1973.

Exceed 88 decibels on a vehicle manufactured or assembled after January 1, 1973.

Exceed 86 decibels on a vehicle manufactured or assembled after January 1, 1975.

Section 6 - Trespass - A person shall not operate an ORV:

In or upon private property without the written consent of the owner of the land. Private property need not be fenced or posted to exclude trespassers.

Section 7 - Stream Crossing - A person shall not operate an ORV in or upon waters of any stream.

Except for the purpose of crossing the stream over a bridge or culvert.

Or, by operating the vehicle at the minimum speed required to maintain controlled forward movement and crossing in the most direct manner from and to an established trail.

Or, to travel up or down stream in any river or stream unless of a water depth sufficient to permit flotation of the vehicle at all times.

Section 8 - Safety Training for Youngsters - Youngsters under the age of twelve (12) years are not permitted to ride ORV's in the City of Caspian unless such riding is done exclusively on land owned or under the control the vehicle owner. Youngster twelve (12) through fifteen (15) years of age may operate an ORV if:

He is under the direct supervision of a person eighteen (18) years of age or older.

He is on lands owned or under the control of the vehicle owner.

He has in his possession an ORV safety certificate issued by a certified Department of Natural Resources instructor; or he possesses an ORV certificate issued by another state or province of Canada.

Section 9 - Enforcement - An ORV operator must bring his vehicle to a stop:

When requested by hand, voice, emergency light, siren or audible signal by a law enforcement officer.

When operated on private premises of another and visibly hailed to stop by the owner or authorizing agent.

A person who willfully fails to obey the signal of an officer to stop or refuses to provide personal identification to a private land owner is guilty of a misdemeanor.

In a violation of the ORV Ordinance, the registration number shall constitute prima facie evidence that the owner of the vehicle was the person operating the vehicle at the time of the offense.

Section 10 - Accident Reporting - The operator of a vehicle involved in an accident resulting in injuries or death, or in property damage in an estimated amount of \$50.00 or more shall immediately notify the Twin City Police Department. All accident reports are forwarded to the Michigan State Police. The operator of a vehicle involved in an accident on public or private property shall immediately stop at the scene and render reasonable assistance in securing medical aid or transportation.

Section 11 - Penalties - Any person, persons, firm or corporation who violates this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not more than \$100.00 or by imprisonment, plus all costs of prosecution. If the violator is a person under the age of 17, a petition to Probate Court shall be made out and submitted to the Iron County Probate Court.

Section 12 - The sections and provision of this ordinance are declared to severable, and any portion which is declared to be unconstitutional or inoperative for any reason shall in no way affect the other provisions of this ordinance.

Section 13 - This Ordinance shall become effective on the 10th day of July, 1984.

Section 14 - Codified April 29, 1986.