

**TOWNSHIP OF ALMONT
LAPEER COUNTY, MICHIGAN
ORDINANCE NO. 62
ORV ORDINANCE**

AN ORDINANCE adopted for the purpose of prohibiting the operation of Off Road Vehicles ("ORVs") on paved roads in the Township of Almont, establishing a penalty for violation thereof and repealing any and all ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF ALMONT, COUNTY
OF LAPEER, MICHIGAN, ORDAINS:**

SECTION 1. SHORT TITLE

This article shall be known and cited as the Almont Township ORV Ordinance.

SECTION 2. PURPOSE

The purpose of this Ordinance is to prohibit the operation of ORVs on roads in the Township of Almont, establish penalties for the violation thereof, and to protect the health, safety and welfare of persons and property in the Township.

SECTION 3. ENABLING AUTHORITY

This Ordinance is adopted pursuant to and in accordance with Public Act 107 of 2011, MCL 324.81131, Public Act 175 of 2009 as amended, and Public Act 118 of 2013.

SECTION 4. GENERAL PROVISIONS

A. As used in this Ordinance, the following definitions shall apply:

- 1) "Township" means the Township of Almont in Lapeer County, Michigan.
- 2) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- 3) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- 4) "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, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-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.
- 5) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
- 6) "Township Board" means the board of trustees of Almont Township.

B. An ORV may not be operated on any paved road in Almont Township.

C. An ORV may be operated on the far right of the maintained portion of any gravel road in Almont Township.

D. An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal highway in Almont Township.

SECTION 5. PENALTY

Any person who violates this Ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

SECTION 6. REPEALING OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 7. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 8. PUBLICATION

This Ordinance or a summary thereof shall be published in The Tri City Times, a newspaper of general circulation in the Township of Almont, within thirty (30) days after its adoption.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of publication of a true copy, or a summary thereof, in a newspaper circulating within the Township of Almont, as provided in Section 8.