

Village of Lake Isabella – Codified Ordinance

Article IV – Transportation & Public Works

Chapter 404 – ORVs

Originally adopted; April 21, 2015, by Ordinance 2015-04

Last amended; August 20, 2019, by Ordinance 2019-03

Chapter 404.01	Definitions
Chapter 404.03	Streets or Highways Closed to ORV Traffic
Chapter 404.05	Operating Rules
Chapter 404.07	Careless or Reckless Operation
Chapter 404.09	Driver's License Requirement
Chapter 404.11	Notice of Accident
Chapter 404.13	Violations & Penalties

404.01 DEFINITIONS

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

1. **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 18 USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of person to operate motor vehicles.
2. **Operate** means to ride in or on, and to be in actual physical control of the operation of an ORV/ATV.
3. **Operator** means a person who operates, or is in physical control of the operation of an ORV.
4. **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.
5. **Road** means a Major or Local Street owned and maintained by the Village of Lake Isabella.

6. **Safety Certificate** means a certificate issued pursuant Public Act 451 of 1994, as amended, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
7. **Shoulder** means that portion of the road contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.
8. **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.

404.03 STREETS OR HIGHWAYS CLOSED TO ATV/ORV TRAFFIC

All public streets in the Village of Lake Isabella shall be open to ATV/ORV traffic via this ordinance except Coldwater Road, which is a "Primary Road", owned and maintained by the Isabella County Road Commission.

404.05 OPERATING RULES

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

1. At a speed of not more than 25 miles per hour, or a lower posted ORV speed limit.
2. On the far right-hand side of the maintained portion of the roadway.
3. By a person not less than 12 years of age.
4. With the flow of traffic.
5. In a manner which does not interfere with traffic on the road.
6. While traveling single-file, except when overtaking or passing another ORV or golf cart.
7. While displaying a lighted headlight and a lighted taillight at all times.
8. When the person and any passenger in or on the vehicle is wearing on 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.
9. 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.
10. While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
11. 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 1/2 hour after sunset and 1/2 hour before sunrise.
12. Pursuant to noise and emission standards defined by law.

404.07 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

404.09 DRIVER'S LICENSE REQUIREMENT

A person less than 18 years of age shall not operate an ORV on a road in the Village of Lake Isabella 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 a province of Canada.

404.11 NOTICE OF ACCIDENT

The operator of an ORV/ATV 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/ATV having knowledge of the accident shall immediately by the quickest means of communication notify Isabella County Central Dispatch

404.13 VIOLATIONS & PENALTIES

1. Any person who disobeys, neglects, or refuses to comply with any provision of this Chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this Chapter. A violation of this Chapter is deemed to be a nuisance per se.
2. A violation of this Chapter is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this Chapter, and such other relief as may be provided by law. If the Village abates a nuisance as defined herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien

Chapter 404 - ORVs

against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.

5. This Chapter shall be administered and enforced by a Code Enforcement Officer of the Village of Lake Isabella, a duly sworn law enforcement officer approved through the Michigan Commission on Law Enforcement Standards (MCOLES) employed by an agency having jurisdiction in the Village of Lake Isabella including the Isabella County Sheriff's Department, the Michigan State Police, and the Michigan Department of Natural Resources, or by such other person(s) as designated by the Village Council from time to time.
6. 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/ATV to pay full restitution for that damage above and beyond the penalties for civil fines.