

Village of Lake Isabella – Codified Ordinance

Article IV – Transportation & Public Works

Chapter 404 – ORVs

Originally Adopted: Ordinance 2015-04; Dated April 21, 2015

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404.01 DEFINITIONS

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

- a) **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.
- b) **Operate** means to ride in or on, and to be in actual physical control of the operation of an ORV/ATV.
- c) **Operator** means a person who operates, or is in physical control of the operation of an ORV.
- d) **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.
- e) **Road** means a Major or Local Street owned and maintained by the Village of Lake Isabella.

- f) **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.
- g) **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.
- h) **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:

- a) At a speed of not more than 25 miles per hour, or a lower posted ORV speed limit.
- b) On the far right-hand side of the maintained portion of the roadway.
- c) By a person not less than 12 years of age.
- d) With the flow of traffic.
- e) In a manner which does not interfere with traffic on the road.
- f) While traveling single-file, except when overtaking or passing another ORV or golf cart.
- g) While displaying a lighted headlight and a lighted taillight at all times.
- h) 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.
- i) 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.
- j) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

- k) 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.
- l) 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 PENALTIES

- a) A person who violates any provisions of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.
- b) 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.