STATE OF MICHIGAN
CITY OF BEAVERTON ORV ORDINANCE
ORDINANCE TITLE IX, CHAPTER 117
ORV USE

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV's) on roads in the City of Beaverton, Michigan, for the purpose of providing for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to PA 240 of 2008, MCL 324.81131.

THE CITY OF BEAVERTON ORDAINS:

Section 1. As used in this Ordinance, the following definitions shall apply:

a. "City" means the City of Beaverton.

b. "Driver license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to MCL 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

c. "Operate" means to ride in or on, or be in actual physical control of the operation of the ORV.

d. "Operator" means a person who operates or is actual physical control of the operation of an ORV.

e. "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 or vehicle includes, but is not limited to, a multi-track or multi wheel drive vehicle, an ATV [as defined in MCL 324.81101(a)], a motorcycle or related 2-wheel, 3-wheel or 4 wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means or transportation deriving motive power from a source other than muscle or wind. ORV does not include a registered snowmobile, nor golfcart, unless such golfcart shall satisfy the criteria of an "ORV".

f. "Maintained portion" means that portion of a road improved, designated or ordinarily used for vehicular traffic.

g. "Road" means a road or street which is in the City of Beaverton street syatem. Road does not include a private road. Street and road are intended to be interchangeable phrases.

h. "Safety certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another State or a province of Canada.

i."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 of the operator.

Section 2. This Ordinance is not intended to authorize the operation of an ORV on a street or highway, which is a State trunkline highway.

Section 3. No person shall operate an ORV on a road unless as follows:

a. At a speed of no more than 25 miles per hour or at a lower posted ORV speed limit, if such lower speed limit be established.

b. With the flow of traffic on the far right of the maintained portion of the road.

c. In a manner which does not interfere with traffic on the road.

d. Not during any period when visibility is substantially redused due to weather conditions nor during the hours of 1/2 hour after sunset to 1/2 hours before sunrise, unless with the display of lighted headlight and lighted taillight, and beginning January 1, 2015, such lighted headlight and lighted taillight shall be displayed during all periods of operation of an ORV upon a road.

e. If such person is not at least 18 years of age, such person shall not operate an ORV on a road unless:

i. The person shall have in possession an ORV safety certificate and either of the following:

(a) Possess a valid driver license.

(b) Be at least 12 years of age and be under the direct visual supervision of a parent or guardian.

ii. Operation of an ORV by a person between the ages 12 years and 16 years is limited to crossing a highway or street or an operation upon the right-of-way or shoulder of roads (not the maintained portion).

f. All operation shall be in single file except that an ORV may travel abreast of another ORV in the course of overtaking and passing, or being overtaken and passed, by another ORV.

Section 4. Not with standing any provision to the contrary, this ordinance does not allow for any of the following:

a. Operation on a road by person under the age of 12 years.

b. Operation of a 3-wheeled ATV by any person under the age of 16 years.

c. Operation of an ORV which is registered as a motor vehicle under Chapter II of the Michigan Vehicle Code and is either more then 60 inches wide or has 3-wheels, unless such person shall posses a license as defined in Section 25 of the Michigan Vehicle Code.

d. Any operation of an ORV, which contravenes State law.

Section 5. Any person who shall violate this ordinance shall be reasonable for the cost of repairing any damage to the environment, road or street or public property, which is a result of such violation.

Section 6. A violation of this Ordinance shall be a municipal civil infraction, with a fine of up to $500, together with Court costs; the Court may further order restitution. Fines and restitution shall be deposited by the County Treasurer into the ORV fund with such funds to be distributed to the agencies and for the purposes set forth in MCL 324.81131(14).

Section 7. This Ordinance shall take immediate force and effect.

The foregoing Ordinance was offered by Council Member __ANDRIST____and supported by Council Member _NEVILLE_.

Dated _7-20-15__.

Roll Call Vote:
Ayes: Andrist, Neville, Oard, List, Lang, Jefferson
Nays: None