

GLEN ARBOR TOWNSHIP

ORDINANCE #5-2012

**AN ORDINANCE TO CLOSE CERTAIN ROADS
TO OPERATION OF OFF ROAD VEHICLES (ORVs)**

WHEREAS, subsection (2) of section 81131 of the Michigan Natural Resources Protection Act [MCL 324.81131] authorizes a county board of commissioners of an “eligible county” to adopt an ordinance authorizing the operation of ORVs on the maintained portion of 1 or more roads located within the county; and

WHEREAS, Leelanau County is an eligible county as referenced in said act; and

WHEREAS, on August 21, 2012, the Leelanau County Board of Commissioners adopted Ordinance No.2012-001 which authorizes the operation of ORVs on the maintained portion of county primary and county local roads within Leelanau County; and

WHEREAS, subsection (4) of section 81131 provides, in relevant part, “The township board of a township located in an eligible county may adopt an ordinance to close a road to the operation of ORVs;” and

WHEREAS, it is the desire of the Glen Arbor Township Board of Trustees to close all county primary and county local roads within the township to the operation of ORVs;

NOW, THEREFORE,

GLEN ARBOR TOWNSHIP HEREBY ORDAINS:

Section 1. Definitions.

For purposes of this ordinance, the following terms shall have the meanings ascribed to them below.

- a. "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
- b. "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 includes, but is not limited to, a multitrack or multiwheel 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 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. For purposes of this ordinance, "ORV" does not include any vehicle lawfully permitted on public roads and highways.

Section 2. Closure of roads to Operation by ORVs.

Pursuant to the authority vested in it by subsection (4) of section 81131 of the Michigan Natural Resources Protection Act [MCL 324.81131], the Glen Arbor Township Board of Trustees hereby closes all county primary roads and county local roads within the township to the operation of Off Road Vehicles (ORVs)

Section 3. Prohibition on Operation.

It shall be unlawful for any person to operate an ORV on any county primary road or county local road within Glen Arbor Township.

Section 4. Violations; Sanctions.

In accordance with subsection (13) of section 81131 of the Michigan Natural Resources Protection Act [MCL 324.81131], a violation of this ordinance is a municipal civil infraction and any person found responsible for such civil infraction shall be subject to a civil fine in an amount up to \$500.00, plus other sanctions and costs as provided by law.

Also, as provided in subsection (13) of section 81131 of the Michigan Natural Resources Protection Act [MCL 324.81131], the court shall order the defendant to pay the cost of repairing any damage to the environment, a road or street, or public property damaged as a result of the violation.

Section 5. Effective Date.

This ordinance shall take effect thirty (30) days after publication in accordance with law.

Adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for:

Voting against:

The ordinance was declared adopted.

John Soderholm
Township Supervisor

CERTIFICATION

The above is a true copy of Ordinance #5-2012 which was duly adopted by the Glen Arbor Township Board of Trustees at a regularly scheduled meeting held on November 19, 2012.

Bonnie Quick
Township Clerk