

Charter Township of Orion

Ordinance No. 62

Recreational Vehicle Regulation

Adopted June 15, 1981

AN ORDINANCE REGULATING THE OPERATION OF SNOWMOBILES, MOTOR BIKES, MOTOR-DRIVEN CYCLES, FOUR-WHEEL DRIVE VEHICLES, AND OTHER RECREATIONAL VEHICLES IN THE TOWNSHIP OF ORION; AUTHORIZING THE ISSUANCE OF PERMITS FOR CERTAIN USES; AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

Section 1 - Title

This Ordinance shall be known and cited as the Orion Township "Recreational Vehicle Regulation Ordinance"; and it shall be deemed sufficient, in any action for enforcement of the provisions hereof, to define the same by such short title and by reference to the number hereof.

Section 2 - Purpose

The purpose of this Ordinance shall be:

- A. To further secure and protect the general welfare and safety of the citizens and other persons within the Township of Orion.
- B. To regulate the operation of registered or unregistered snowmobiles, motorbikes, motor-driven cycles, four-wheel drive vehicles, and other recreational vehicles by all persons, whether used for transportation or for recreation and whether or not such person possesses a valid operator's license or a special restricted operator's license, upon private property and upon all public property and public streets and highways in the Township of Orion.
- C. To limit the loud, raucous noise, excessive dust, physical hazards, and noxious odors that such persons are subjected to resulting from the uncontrolled use of such vehicles as hereinafter defined.
- D. To declare that the operation of such vehicles constitutes a public nuisance as being injurious to the public health and safety when such operation is other than as provided in this Ordinance.
- E. To impose parental responsibility for the operation of said vehicles by minor children.
- F. To authorize the issuance of permits for certain prescribed uses.
- G. To provide for penalties upon the violation of these provisions.

Section 3 - Definitions

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section.

Dealer - Any person engaged in the sale, lease, or rental of snowmobiles, motorbikes, motor-driven cycles, four-wheel drive vehicles, or other recreational vehicles as a regular business.

Four-Wheel Drive Vehicle - Any motorized vehicle capable of being powered by all four wheels at the same time whether or not such vehicle is eligible for licensing and registration under the Michigan Motor Vehicle Code.

Highway or Street - The entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

Motorbike or Minibike - Any wheeled cycle driven by an internal combustion engine having a saddle or seat for the use of the rider and not being licensed as a motor vehicle within this State, regardless of the horsepower of said vehicle. As used herein, the terms *motorbike* and *minibike* are declared interchangeable.

Motor-Driven Cycle - Every motor vehicle, including but not limited to *motorcycle* and *motorscooter*, having a saddle or seat for and designed to travel on not more than three (3) wheels in contact with the ground and powered by a motor which produces five (5) or more gross brake horsepower. This definition includes motorcycles with sidecars, but excludes tractors.

Operate - To ride in or on and be in actual physical control of the snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle.

Operator - Any person who operates or is in actual physical control of a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle.

Other Recreational Vehicle - Any mechanical power-driven vehicle, or remote-controlled vehicle, whether steered by propeller, track, wheels, runners, or skis, designed or manufactured primarily for operation as recreation, including amateur or professional competition, and not being eligible for licensing and registration under the Michigan Motor Vehicle Code.

Owner - Any of the following:

- A. A person who holds the legal right, title, or interest in a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle.
- B. A vendee or lessee of a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle which is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
- C. A person renting a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle or having the exclusive use and possession of a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle.

Person - Any individual, partnership, corporation, or body of people whether incorporated or not.

Recreation or Recreational - Any use which can be construed as being for the purpose of enjoyment or recreation of the rider or passenger as differentiated from transportation or business or work activity, including but not limited to racing, trail-riding, and hill-climbing.

Right-of-Way - That portion of a highway minus the roadway and any shoulder area.

Roadway - That portion of a highway improved, designed, or ordinarily used for vehicular travel.

Shoulder - That portion of a highway on either side of the roadway, whether paved or not, which is normally maintained for the safety and convenience of vehicular traffic.

Snowmobile - Any motor-driven vehicle designed for travel primarily on snow or ice and of a type which utilizes sled-type runners or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.

Unimproved Private Property - Any privately owned parcel of land which does not contain any structure for human habitation, or business, or work activity.

Vacant Private Property - Any privately owned parcel of land which does contain a structure or structures for human habitation, or business, or work activity but which currently is not used or occupied.

Section 4 - Required Conditions

All snowmobiles operated in Orion Township shall have the following equipment:

- A. At least one (1) headlight, one (1) taillight, and adequate brakes capable of one of the following, while the snowmobile travels on packed snow and carries an operator who weights one hundred seventy five (175) pounds or more: 1) stopping the snowmobile in not more than forty (40) feet from an initial steady speed of 20 miles per hour; or 2) locking the snowmobile's traction belt or belts.
- B. All sleds or separate passenger compartments, if any, shall be properly maintained and in good working order to reasonably ensure the safety of passengers, if any.

- C. A muffler or mufflers in good working order and in constant operation from which noise emission at fifty (50) feet at right angles from vehicle path under full throttle does not exceed 86 DBA (decibels on the 'a' scale) on a sound meter having characteristics defined by American Standards Association S1, 4-1966, "General Purpose Sound Meter". All snowmobiles manufactured after February 1, 1972, and sold or offered for sale in this State, shall not exceed 82 DBA of the 1970 Society of Automotive Engineers Code J-192.

All motorbikes, motor-driven cycles, four-wheel drive vehicles, or other recreational vehicles shall have the following equipment:

- A. The minimum number of front and rear lights in good working order as required by the Michigan Motor Vehicle Code; and a brake system in good working order capable of stopping such vehicle in a safe distance.
- B. A muffler or mufflers properly attached in good working order and in constant operation to prevent annoying smoke or fumes and which will ensure noise levels no greater than that of the original equipment.

No person shall remove, destroy, or damage any or all of the baffles contained in such muffler; nor shall any person use a muffler cutout, bypass, or similar device. Racing the engine or repeated acceleration and deceleration of such engine, except in the course of maintenance of such engine, is hereby deemed to be excessive, unusual, and unnecessary noise.

Abrupt or violent acceleration of a motorbike, motor-driven cycle, or other recreational vehicle, including acceleration which causes the front wheel or wheels of the vehicle to lose contact with the ground, shall be deemed to create excessive, unusual, and unnecessary noise.

- C. All safety devices, such as that which the particular vehicle might be equipped, should also be maintained in good working order.

Section 5 - Prohibited Operations

No person shall operate, nor shall an owner allow to be operated, a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle in the following manner:

- A. In a careless, reckless, or negligent manner so as to endanger the safety, life, or property of the rider, passenger, or any other person.
- B. At a rate of speed greater than is reasonable and proper, having due regard for the conditions then existing.
- C. In a manner which would cause loud, unnecessary, or unusual noise which would interfere with the peace and quiet of other persons.
- D. While the operator is under the influence of any intoxicating liquor, other intoxicating beverage, or impairing drug or controlled substance, or any combination thereof.
- E. While transporting thereon a bow or firearm, unless the same is properly encased.
- F. With any passenger, except when such vehicle is equipped with a seat, saddle, or sidecar which will safely accommodate a passenger.

Section 6 - Places of Operation

No person shall operate nor shall the owner allow to be operated, a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle in the following locations:

- A. Upon any private property, whether occupied, vacant, or unimproved, without the express permission to do so by the owner or occupant of said property and such permission is on file with the Township of Orion.
- B. Upon any public school grounds, park property, playgrounds and recreation areas, or any other public property, without the express permission to do so by the proper public authority and such permission is on file with the Township of Orion.

- C. In any forest nursery, planting area, or public lands posted or reasonably identifiable as a natural dedicated area or as an area of forest reproduction where growing stock may be damaged.
- D. On the frozen surface of public waters within one hundred (100) feet of an area which has been cleared of snow for skating, or within one hundred (100) feet of a fishing shanty or shelter or dock, or a skater, skier, or other person, except at the minimum speed required to maintain forward movement of the vehicle.
- E. On or across a cemetery or burial ground.
- F. On a railroad or railroad right-of-way except for railroad, public utility, or law enforcement personnel while in the performance of their duties.

Section 7 - Times of Operation

No person shall operate, nor shall the owner allow to be operated, a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicles except during the following hours:

- A. From 8:00 a.m. to 10:00 p.m. on Sunday through Thursday.
- B. From 8:00 a.m. to 12:00 midnight on Friday and Saturday.

Section 8 - Unattended Vehicles

No operator nor owner shall allow or cause to be allowed a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle to remain unattended while the motor is running or with the key for starting the vehicle left in the ignition or otherwise in open view.

Section 9 - Parental Responsibility

No parent nor legal guardian shall permit their minor children or any minor children entrusted to their care to operate a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle except under the direct supervision of an adult.

The parent or legal guardian shall be responsible for any violations of this Ordinance by their minor children or by any minor children entrusted to their care.

Section 10 - Exceptions

This Ordinance shall not apply to any publicly owned and operated vehicle which is being operated in the performance of a governmental or public function.

Any or all provisions of this Ordinance may be waived by the Orion Township Board of Trustees in the event of an emergency or natural disaster.

Section 11 - Permit Authorization

Any owner of private property whether occupied, vacant, or unimproved, desiring to allow a person or persons to operate a snowmobile, motorbike, motor-driven cycle, four-wheel vehicle, or other recreational vehicle(s) on their private property may do so after first obtaining a permit from the Clerk's office of the Township of Orion. No charge may be made by any owner of property for giving such permission to use their property.

A permit shall be issued upon the determination that the owner or owners of such private property have consented in writing to the proposed operation and that such written consent has been filed with the Clerk's office.

Such written consent must be in a form approved by the Clerk's office and must contain the following minimum information:

- A. The legal description of the real property.

- B. The hours for which permission is given. However, these hours shall not be greater than those allowed by this Ordinance.
- C. The name or names of any person or persons who are allowed to operate a vehicle on the property.
- D. The specific type of vehicle or vehicles to be allowed to be operated on the property.
- E. The legal signature of all persons holding a title interest in and to the parcel of property. In the case of a corporation, the written consent is to be signed by the chief executive officer and secretary of said corporation.

Any change of interest in the ownership of such private property shall be deemed an automatic revocation of such authorization.

Any public body desiring to allow a person or persons to operate a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle on real property under its ownership and control shall follow the same regulations as for private property.

The written consent form, in addition to being signed by the chief executive officer and secretary or clerk, must also indicate the date on which such permission was approved by a majority of the members of such public body. A copy of the resolution authorizing such permission must be attached to the written consent form.

Section 12 - Permit Contents

Each permit issued by the Clerk's office shall include the following minimum information:

- A. Name, birthdate, and physical description of the permittee.
- B. A statement that the permittee shall not operate nor cause to be operated a snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle on any real property except the real property as set forth by legal description on the permit.
- C. A statement of the hours that the permit authorizes the operation of the snowmobile, motorbike, motor-driven cycle, four-wheel drive vehicle, or other recreational vehicle. In no instance shall the hours on the permit exceed the maximum hours permitted by this Ordinance.
- D. A statement that said permit shall be carried by the permittee at all times that they are operating the permitted snowmobile, motorbike, motor driven cycle, four-wheel drive vehicle, or other recreational vehicle and that the permit shall be exhibited to any law enforcement officer upon demand.
- E. A statement indicating the specific type or types of vehicles to be allowed to be operated on the real property.
- F. The date of expiration of the permit. No permit shall be issued for a time greater than one (1) calendar year.
- G. A statement that the issuance of the permit is not an expression by the Township of Orion or any of its officials or employees that the proposed operation can be done with safety to the permittee or other persons or the property, all which risks are assumed by the permittee and the property owner or owners.
- H. An indication that the permit fee, as from time to time shall be established by the Township Board, has been paid.

At the time of issuance of said permit, the Clerk's office shall provide the permittee with a copy of this Ordinance or with a synopsis of the provisions thereof.

Section 13 - Permit Revocation or Suspension

Any permit issued hereunder is subject to suspension or revocation by the Clerk's office on any of the following grounds, after notice to the permittee:

- A. The owner or agent, including a public body, which has ownership of the real property has withdrawn his consent.
- B. Conditions concerning the real property covered by the permit have changed so that conditions now exist which would be grounds for refusal to issue the permit.

C. Permittee has violated any of the terms or conditions of the permit or provisions of this Ordinance.

Section 14 - Penalties

Any person, firm, partnership, or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction by a court of competent jurisdiction, be guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred Dollars (\$500) and costs of prosecution, or to imprisonment in the Oakland County Jail for a period not to exceed ninety (90) days, or to such fine, cost, and imprisonment as is appropriate in the discretion of the Court.

Each such violation shall constitute a separate offense and shall be punishable as such hereunder.

A violation of this Section is also declared to be a nuisance and may be abated by a law enforcement official by the impoundment of the vehicle involved in the violation.

Before the owner or person in charge of such impounded vehicle shall be permitted to remove the same from the custody of the Township, they shall:

- A. Furnish evidence of their identity and ownership.
- B. Sign a receipt for the vehicle.
- C. Pay a fee of Twenty-Five Dollars (\$25) to cover the cost of removal and storage.
- D. Pay an additional storage fee of Five Dollars (\$5) per day for each day after the first 24 hours that the vehicle remains in the Township's custody.

Any such impounded vehicle unclaimed after six (6) months may be sold at public auction.

In a proceeding for violation of this Ordinance, the registration number displayed on the vehicle shall constitute a presumption that the owner of the vehicle was the person operating the vehicle at the time of the offense.

Section 15 - Severability

In the event that any section, sentence, word, phrase, or part of this Ordinance shall be held invalid, such holding shall not affect the balance of the provisions hereof.

Section 16 - Effective Date

The provisions of this Ordinance are hereby ordered to take effect thirty (30) days after publication in The Lake Orion Review, a newspaper of general circulation in the Township of Orion.

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