

# **Chapter 416 – Off Road Vehicle Ordinance**

## **Section 416.1 – Title**

This Ordinance shall be known and cited as the “Lenox Township Off Road Vehicle Ordinance”

## **Section 416.2 - Intent**

An Ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads within Lenox Township, for the purpose of providing penalties for the violation thereof, pursuant to 2008 PA 240, MCL 324.8113, and 2009 PA 175.

## **Section 416.3 – Definitions**

As used in this Ordinance, the terms:

**Township** – shall mean and refer to Lenox Township of Macomb County, Michigan.

**Township Board** – the Board of Trustees of Lenox Township

**Driver License** – 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 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

**Operate** – to ride in or on, and be in actual physical control of the operation of an ORV.

**ORV** – a motor-driven off-road recreation vehicle capable of cross-country travel without the 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 multitrack or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-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.

**Road** – a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655, which is not specifically exempted from Section 416.5(A) of this Ordinance.

**Safety Certificate** – a certification 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.

**Visual Supervision** – 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.

#### **Section 416.4 – General Provisions**

- A. An ORV may be operated on the far right of the maintained portion of certain county or local roads and the travel portion of paved county or local roads within Lenox Township. At any time, Lenox Township may designate, by Resolution of the Township Board, that certain roads in the Township are exempt from this Ordinance, and that ORVs are prohibited on certain enumerated roads.
- B. An ORV may not be operated on the road surface, roadway, shoulder, or right-of-way of any state or federal highway in the county.
- C. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the Township that are not specifically exempt under Section 416.5 of this Ordinance:
  - a. At a speed of no more than 25 miles per hour or a lower posted ORV Speed Limit
  - b. By a person not less than 16 years of age.
  - c. With the flow of traffic.
  - d. In a manner which does not interfere with traffic on the road or street
  - e. Traveling single file except when overtaking and passing other ORV.
  - f. While displaying a lighted headlight and lighted taillight at all hours.
  - g. While the operator and each passenger are wearing a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
  - h. 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.
  - i. While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
  - j. Pursuant to noise emission standards defined by law and township ordinance.

## **Section 416.5 – Prohibitions**

- A. ORVs may not be operated on the following roads or streets at any time except to cross-over to another eligible road or street:
  - a. 32 Mile Road
  - b. County Line Road
  - c. Gratiot Avenue
  - d. Havenridge Road
  - e. 26 Mile Road
  - f. New Haven Road
  - g. 29 Mile Road between Gratiot Avenue and County Line Road
- B. A child less than 16 years of age shall not operate an ORV on a road in the Township unless the child is under the direct visual supervision of an adult and the child has in their possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or province of Canada.
- C. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street within the Township if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

## **Section 416.12 – Severability**

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

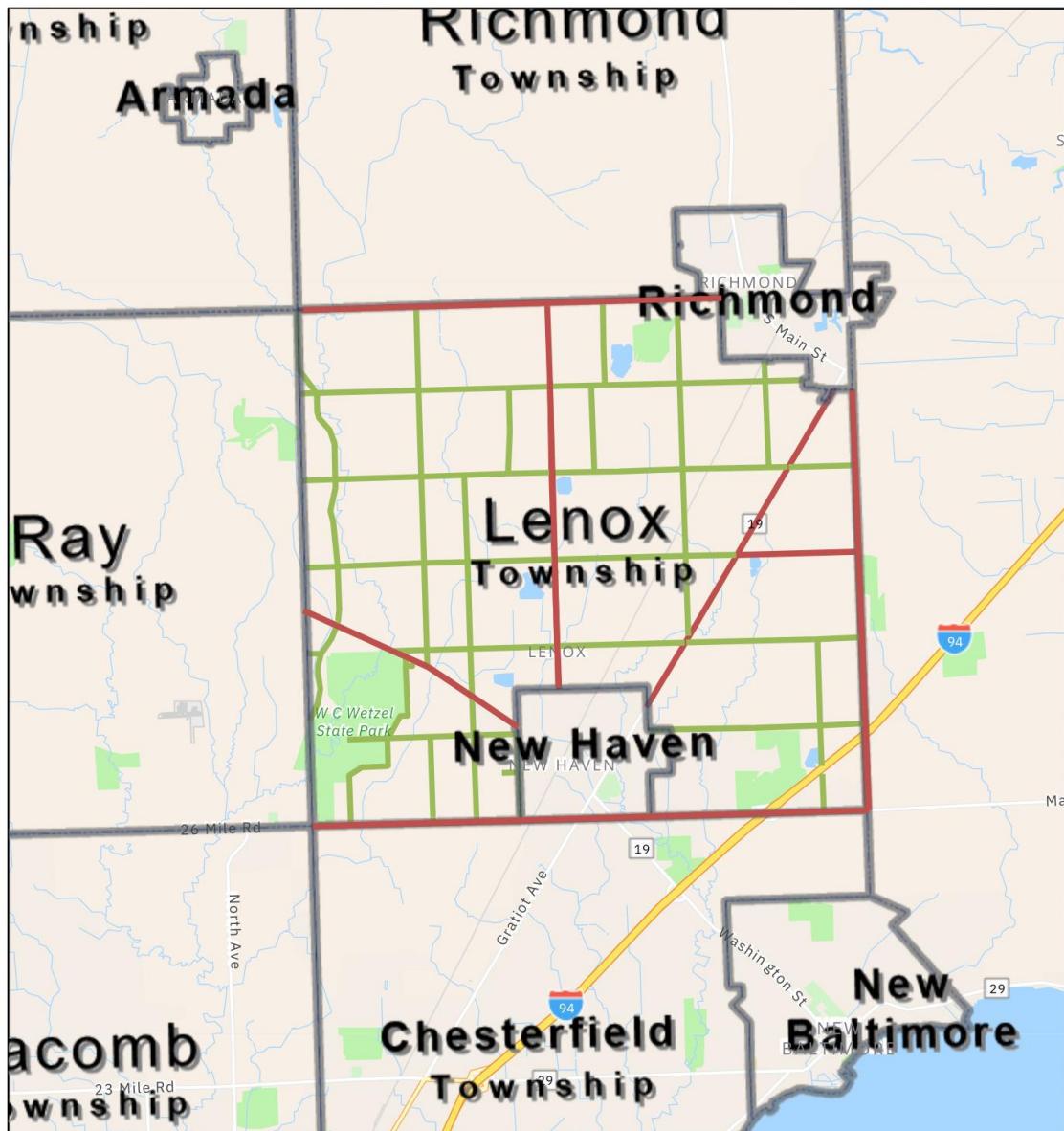
## **Section 416.13 – Enforcement**

- A. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a civil infraction and is subject to a civil fine of not more than \$500.
- B. A 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 to pay full restitution for that damage above and beyond the penalties paid for civil fines.

## **Section 416.15 – Effective Date**

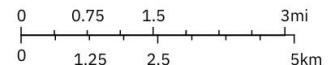
This Ordinance shall take effect thirty (30) days after the date of publication pursuant to MCL 41.184(2)(a).

## Lenox Township ORV Map



### ORV MAP LEGEND

- ORV Prohibited on Roads
- ORV Permitted on Roads



Published: **August 28, 2024**

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