

**ORDINANCE OF THE LAWRENCE TOWNSHIP**

**BOARD OF TRUSTEES**

AN ORDINANCE TO AMEND IN PART  
LAWRENCE TOWNSHIP CODE OF COMPILED ORDINANCES, VOL. II, ADDING  
ORDINANCE 29.

Said ORDINANCE adding to the LAWRENCE TOWNSHIP CODE OF COMPILED  
ORDINANCES, VOL. II, is adopted at a REGULAR meeting held on 1/10/19 at 7:00  
P.M. at 205 N. Paw Paw St., Lawrence, MI 49064.

WHEREAS, Lawrence Township, Van Buren County, Michigan, Board of Trustees wishes to  
adopt an Ordinance permitting and regulating the operation of Off Road Vehicles (ORV) on  
certain public roads within its jurisdiction pursuant to MCL 324.81131;

WHEREAS, a public hearing on said Ordinance has been held, as required by MCL  
324.81131(3);

WHEREAS, notice of the public hearing by certified mail was sent 28 days before said hearing,  
to the county road commission, to the county board of commissioners, to the legislative body of  
every other township and municipality located within the county, to the state transportation  
department if the road intersects a highway, and, if state forestland is located within the township  
or municipality, to the department.

THEREFORE, THE MUNICIPALITY OF LAWRENCE TOWNSHIP, VAN BUREN,  
MICHIGAN, ORDAINS:

**ORDINANCE NO. 29  
Lawrence Township**

**OFF ROAD VEHICLES**

An ordinance regulating the operation of an Off Road Vehicle (ORV) on certain public  
roads, and to permit the operation of an ORV in compliance with this ordinance on roads  
which are designated for such use on a master map duly adopted by the Lawrence  
Township Board of Trustees; and to set forth the regulations regarding the operation of  
ORVs on public roads in Lawrence Township, for the purpose of providing penalties for  
the violation thereof, and for the distribution of public funds resulting from those penalties  
for the violation thereof pursuant to 2008 PA 240, MCL 324.81131.

**1. THE TOWNSHIP OF LAWRENCE ORDAINS:**

**Section 1. Definitions.**

As used in this ordinance, the following definitions shall apply:

- a) "Township" means the Township of Lawrence.

- b) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- c) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- d) "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 or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, or ORV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, or other means of transportation deriving motor 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, a registered aircraft, an amphibious machine or a ground effect air cushion vehicle.
- e) "Road" means a primary road or local road as described in section 5 of 1951 PA 51, MCL 247.655.
- f) "Road Commission" means the Board of County Road Commissioners for the County of Van Buren.
- g) "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.
- h) "Direct Supervision" means the direct visual 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.
- i) "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 257.325, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit. A suspended or revoked license or permit does not constitute a valid Driver License under this Ordinance.

## **Section 2. ORV Operation**

An ORV may be operated on roads within the Township, subject to the conditions and limitations stated herein.

**Section 3. Closed Roads**

A person may not operate an ORV on any road designated as closed to ORV operation on the official ORV Map referenced in Section 10. Notwithstanding the above, a person may operate an ORV on a closed road for the purpose of accessing the nearest open road from a residence which cannot be more than ½ mile from said open road. This does not apply to State and Federal Highways, roads exempt from opening by state statute, roads closed by action of the Van Buren County Road Commission, Roads closed by Order of Law Enforcement Officers, and roads bordering municipalities which have not authorized the use of ORVs on public streets under MCL 324.81131 or other applicable law, including but not limited to Red Arrow Highway, and I-94. Operation of an ORV on those roads is not permitted under any circumstance.

**Section 4. Closure by County Road Commission or Law Enforcement.**

- a) The Van Buren County Road Commission, Law Enforcement, and other state agencies and entities with power to close public roads located within the Township may close said roads to the operation of ORVs otherwise authorized pursuant this ordinance.
- b) If a road is closed under subsection a) of this section, the Lawrence Township Board of Trustees shall, as necessary, adopt a resolution amending the official ORV Map designating such road(s) as closed, unless said closure is expected to last less than six (6) months.

**Section 5. Conditions for Operation**

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:

- 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 and as follows:
  - i. On the right shoulder of the road.
  - ii. If there is not a right shoulder or the right shoulder is not of adequate width, on the right unmaintained portion of the road.
  - iii. On the far right of the right traffic lane of the road, if necessary to cross a bridge or culvert and if the operator brings the ORV to a complete stop before entering and yields the right-of-way to an approaching vehicle on that traffic lane.

- d) In a manner which does not interfere with traffic on the road or street.
- e) Traveling single file except when overtaking and passing another ORV.
- f) Displaying a lighted headlight and lighted taillight.
- g) Operation hours: one-half hour before sunrise until one-half hour after sunset.
- h) While the operator and each passenger is 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.
- i) With a rear viewing mirror.
- j) 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.
- k) With a United States Forest Service approved, spark arrester and muffler, in good working order and in constant operation.
- l) Pursuant to noise standards defined by law.
- m) Obeying all other laws relating to the operation of a vehicle in public streets including but not limited to following turn signal requirements, yielding to traffic, etc.
- n) There is no operation of an ORV on sidewalks, trails, or other surfaces designed for pedestrian travel. There is no operation of an ORV in a public park or other space customarily used by pedestrians.
- o) While the operator is in possession of a valid Driver License.

**Section 6,      Persons Under 18**

A person less than 18 years of age shall not operate an ORV on a road in the Township unless they are under the direct supervision of a parent or legal guardian and the person has in his or her possession an ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

**Section 7.      *Prima Facie Negligence***

In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road or street pursuant to the Michigan Vehicle Code was in a collision on a roadway with an ORV that is not registered under the Michigan Vehicle Code, the operator of the ORV shall be considered *prima facie* negligent.

**Section 8. Sanctions**

Any person found to have violated this Ordinance by a court of competent jurisdiction, is responsible for a municipal civil infraction under Lawrence Township Code of Compiled Ordinances, Vol. II, Ordinance 25, Municipal Civil Infractions Ordinance.

**Section 9. Official ORV Map**

The Township shall maintain a master map of all roads under its jurisdiction upon which shall be indicated those roads and parts of sections thereof which the operation of ORVs is permitted and prohibited pursuant to this ordinance. Such map shall be known as the official ORV Map and the master copy shall be kept at the Lawrence Township town hall. The Township shall make a copy of the ORV Map available to interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to make, or to assume any expense associated with the making of such copies. The official ORV Map on display at the Township Hall shall govern in the event of a dispute.

- a) The first official ORV Map under this ordinance is shall be published within 90 days of the adoption of this Ordinance;
- b) The Lawrence Township Board of Trustees may, by resolution, amend the official ORV Map as and when it deems it appropriate to do so;

**Section 10. Agricultural.**

Agricultural use of an ORV falls under State regulation MCL 324.81122.

**Section 11. Funds.**

The Township Treasurer shall deposit fines and damages collected for violations of this ordinance into a fund to be designated as the "ORV Fund." Township Board shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the County Sheriff or Police Department responsible for law enforcement in the local unit of government for ORV enforcement and training.
- b) Fifty percent to the County Road Commission to be used for repairing damage to streets and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether streets are open or closed to the operation of ORVs under this ordinance.

**Section 12. Expiration**

This Ordinance shall cease to be effective and the permissions granted herein revoked two years after its effective date.

2. All other acts, sections, and provisions of the Lawrence Township Code of Compiled Ordinances shall remain in full force and effect except as changed by this Ordinance. The above modifications can be inserted directly into the respective acts, sections, and provisions of the LAWRENCE TOWNSHIP CODE OF COMPILED ORDINANCES, Vol. II.

3. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments thereto, of Lawrence Township in conflict with the provisions of this ordinance are hereby repealed.

4. RECODIFICATION: That the Ordinance is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme established by the Ordinance.

5. SEVERABILITY. If more restrictive, State or Federal Law or Regulations exist, they shall govern. The invalidity of any clause, sentence, paragraph, or part of this ordinance shall not affect the validity of the remaining parts of this ordinance. This Ordinance is to be construed as consistent with State and Federal Law and Regulations.

6. SAVINGS CLAUSE. A prosecution that is pending on the effective date of this ordinance and that arose from a violation of an ordinance repealed or amended by this ordinance, or a prosecution that is started within 1 year after the effective date of this ordinance arising from a violation of an ordinance repealed or amended by this ordinance and that was committed before the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed or amended.

7. EFFECTIVE DATE: This ordinance shall take effect 30 days after the publication.


Motion offered by Spenner and supported by Thompson.

Roll Call Vote: Yes: Stroud, Carpp, Thompson, Spenner  
No: Reynells

ORDINANCE DECLARED ADOPTED:

I hereby certify the foregoing constitutes a true and complete copy of the ordinance adopted by the Lawrence Township Board of Trustees, County of Van Buren, Michigan, at a regular meeting held on the 10<sup>th</sup> of JAN, 2019.

Date: 1/10/2019

  
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Kim Thompson, Lawrence Township Clerk

This Ordinance amendment was published on 1/18/19.