

**BREVORT TOWNSHIP
ORDINANCE #19**

**RESOLUTION
NO. 40400**

An ordinance

**TO AMEND ORDINANCE NUMBER 19
FOR THE REGULATION AND
ESTABLISHMENT OF ACCESS ROUTES
FOR THE OPERATION OF OFF-ROAD
RECREATIONAL VEHICLES
AND TO PROVIDE PENALTIES
FOR NON-COMPLIANCE**

TOWNSHIP OF BREVORT

MORAN, MI 49760

Supervisor

Otto Roggenbuck

Treasurer

Vern Erskine

Clerk

Betty Sorrels

Trustees

Frank Luepnitz

Ervin Rose

**RESOLUTION
NO. 40400**

The Brevort Township Board hereby adopts the following resolution to provide travel areas for Off Road Recreation Vehicles, ORVs.

OFF ROAD RECREATION VEHICLES

TITLE

WHEREAS, The State of Michigan has passed Act 319 of 1974, effective January 1, 1976, (OFF ROAD VEHICLES).


AND WHEREAS, Act 319 of 1975, allows a township to pass an ordinance establishing access along county roads within its jurisdiction.

THEREFORE BE IT RESOLVED, that the Brevort Township Board hereby adopts by resolution, that Off Road Recreational Vehicles may use the berm of all the county roads, located in Brevort Township, to travel from one area to another.

The Brevort Township Board adopts the above resolution at the regular board meeting held on 4TH day of APRIL, 2000.

Effective date: The 30TH day of MAY, 2000


Betty Sorrels, Clerk


Otto Roggenbuck, Supervisor

NOTICE

Brevort Township Off-Road Vehicle Ordinance-Summary

Notice is hereby given that at the regular meeting of the Brevort Township Board of Trustees held on September 6, 2005, it was moved and supported that the Brevort Township Ordinance #19 be amended for the regulation and establishment of access routes for the operation of off-road recreational vehicles and to provide penalties for non-compliance.

A summary is as follows:

Definitions:

1. "Public highway - the portion of a township roadway that is maintained and used by the public for vehicular travel, including shoulders.
2. Operate - ride in or on.
3. ORV - motor driven off-road recreational vehicle capable of cross-country travel without the benefit of a road or trail.

Access Routes

ORVs shall be operated for access as follows:

1. Within the outer five feet, at the right side, of all seasonal roads.
2. Within the outer five feet, at the right side, of all non-seasonal roads.
3. On the un-paved portion of paved roads, except to avoid hazards.

Restrictions

While operating an ORV on Brevort Township public roadways, as allowed above, the operator must:

1. Be 16 years of age, or
2. Be at least 12 years of age and both of the following conditions exist:
 - a. Operator is under visual supervision of a parent or guardian, and
 - b. Operator possesses a valid ORV safety certificate.
3. Drive in a single file manner.
4. Drive at a speed not to exceed 25 miles per hour.
5. Yield to all motor vehicle and pedestrian traffic.
6. Not operate within any Township owned parks.
7. Not operate in any area closed by governmental authority.
8. Not operate between 1/2 hour prior to sunrise and 1/2 hour after sunset without operational headlight and an operational tail light.
9. Not operate in violation of any applicable State Law.

Penalty

Any person who violates this ordinance is guilty of a misdemeanor.

Effective

This ordinance shall become effective thirty (30) days after its publication in the St. Ignace News.

A true copy of this ordinance may be obtained from the township clerk at 2148 W. Charles Moran Road.

Introduced: September 6, 2005.

Adopted: September 6, 2005.

Published: September 29, 2005.

Susan R. Stelzer
Brevort Township Clerk

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Susan R. Stelzer
Brevort Township Clerk

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Township Off-Road Vehicle Ordinance

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Definitions:

1. "Public highway" or "public roadway" means that portion of a county road that is improved, maintained and used by the public for vehicular travel, including any improved shoulders.
2. "Operate" means to ride in or on, and be in actual control of the operation of an off-road vehicle.
3. "ORV" or "Off-road Vehicle" means a motor driven off-road recreational 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. It includes, but is not limited to a ground effect air cushion vehicle, or other means of transportation driven by power from a source other than muscle or wind. "ORV" or vehicle does not include a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function. This includes, but is not limited to, ORVs commonly known as 3-wheelers and 4-wheelers.
4. Access – a place where ORVs can be lawfully operated.

Access Routes

ORVs, other than ORVs that are also licensed to be lawfully driven on the roads and highways of this Township such as pick-up trucks, shall be operated for access as follows:

1. Within the outer five (5) feet, at the right side, of all "seasonal" roads, as established by the Mackinac County Road Commission, within Brevort Township.

Brevort Township Off-Road Vehicle Ordinance

Notice is hereby given that at the regular meeting of the Brevort Township Board of Trustees held on September 6, 2005, it was moved and supported that the Brevort Township Ordinance #19 be amended for the regulation and establishment of access routes for the operation of off-road recreational vehicles and to provide penalties for non-compliance

Definitions:

1. "Public highway" or "public roadway" means that portion of a county road that is improved, maintained and used by the public for vehicular travel, including any improved shoulders.
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Access Routes

ORVs, other than ORVs that are also licensed to be lawfully driven on the roads and highways of this Township such as pick-up trucks, shall be operated for access as follows:

1. Within the outer five (5) feet, at the right side, of all "seasonal" roads, as established by the Mackinac County Road Commission, within Brevort Township.

2. **Within the outer five feet, at the right side, of all “non-seasonal” roads, as established by the Mackinac County Road Commission, within Brevort Township.**
3. **On the un-paved portion of paved roads, except to avoid hazards.**

Restrictions

While operating an ORV on Brevort Township public roadways, as allowed above, the operator must:

1. **Be 16 years of age, or**
2. **Be at least 12 years of age and both of the following conditions exist:**
 - a. **Operator is under visual supervision of a parent or guardian, and**
 - b. **Operator possesses a valid ORV safety certificate.**
3. **Drive in a single file manner.**
4. **Drive at a speed not to exceed 25 miles per hour.**
5. **Yield to all motor vehicle and pedestrian traffic.**
6. **Not operate within any Township owned parks.**
7. **Not operate in any area closed by governmental authority.**
8. **Operate between ½ hour prior to sunrise and ½ hour after sunset with an operational headlight and an operational tail light.**
9. **Not operate in violation of any applicable State Law including, but not limited to Act 451 of 1994, known as the Natural Resources And Environmental Protection Act, Section 324.81133; defining Prohibited Acts of Operation of an ORV.**

Penalty

Any person who violates this ordinance is guilty of a misdemeanor, punishable by a fine of no more than \$500.00 or imprisonment for 93 days, or both, and the full restitution of any damages caused or experienced as a result thereof.

Revocation

The Brevort Township Board of Trustees may rescind ORV operation on the public roadways or highways or portions thereof, set out in

section 2 of this ordinance. Appropriate notices will be given to the Mackinac County Board of Road Commissioners, to the public and posting signs on the closed portion.

Effective

This ordinance shall become effective thirty (30) days after its publication in the St. Ignace News.

Introduced: September 6, 2005

Adopted: September 6, 2005

Published: September 29, 2005

**Edward Serwach
Brevort Township Supervisor**

I, Susan R. Stelzer, Clerk of Brevort Township, do hereby certify to the above resolution as adopted by the Brevort Township Board of Trustees at their regular meeting on the 6th day of September, 2005.

**Susan R. Stelzer
Brevort Township Clerk**

NOTICE OF ORDINANCE ADOPTION

Brevort Township Ordinance #19

Regulation of ATVs

Notice is hereby given that at a Regular Meeting of the Brevort Township Board held April 4, 2000, it was moved and supported that the Brevort Township Board Resolution #40400 be enacted.

ARTICLE #1

SECTION 1. MCL Act 319 of 1975 permits a township to pass an ordinance establishing access to and along county roads within its jurisdiction.

SECTION 2. ALL TERRAIN VEHICLES (ATVS) shall be understood to mean motorized vehicles having 3 or 4 wheels and intended to be operated off the roadway for the purpose of recreational riding.

SECTION 3. It shall be LAWFUL for ATVs to utilize the berm of county or township roadways for access to established and designated federal or state trail systems.

SECTION 4. It shall be UNLAWFUL to use public access to trespass private property or federal or state trails posted "No ORVs or ATVs."

ARTICLE #2. ENFORCEMENT.

Enforcement of this ordinance shall be by recognized law enforcement agencies and all vehicles and operators shall comply with the State of Michigan Motor Vehicle Law. This ordinance shall become effective thirty (30) days after publication in The St. Ignace News in the City of St. Ignace and circulating within Brevort Township and Mackinac County, Michigan.

PUBLISHED MAY 4, 2000

Betty Sorrels
Brevort Township Clerk