

**STATE OF MICHIGAN COUNTY
OF LAKE
ORV ORDINANCE ORDINANCE
No. 24**

An ordinance authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Lake County, providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, which is incorporated by reference in its entirety.

THE COUNTY OF LAKE ORDAINS:

Section 1. Definitions. As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Lake.
- b) "Driver's 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, as amended, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e) "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, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving 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 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 the performance of its common function, or a registered aircraft.
- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51. MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Lake.
- h) "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.

- i) "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.

Section 2. Designated Roads.

- a) An ORV may be operated only on the far right on the maintained portion of a road on the designated county roads listed in Appendix A, incorporated by reference, and only prior to December 1 and after March 31 of each year.
- b) An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway, including but not limited to M-37, US 10, or any other State or Federal highway in Lake County.

Section 3. Operating Conditions. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a designated road in the county:

- 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 12 years of age.
- c) With the flow of traffic.
- d) In a manner which does not interfere with traffic on the road.
- e) Traveling single file, except when overtaking and passing another ORV.
- f) When visibility is not substantially reduced due to weather conditions, unless displaying a lighted headlight and lighted taillight.
- g) ½ hour before sunrise until ½ hour after sunset, unless displaying a lighted headlight and lighted taillight.
- h) While displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.

Section 4. License: Safety Certificate. A person less than 18 years of age shall not operate an ORV on a road in the County unless the person is in possession of a valid driver's license, or unless the person is under the direct supervision of a parent or guardian and 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 5. Registered Motor Vehicle. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road in the County if the ORV is registered as a motor vehicle, and either is more than 60 inches wide or has three wheels.

Section 6. Evidence. In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road pursuant to state law was in a collision with an ORV required to be operated on the far right of the maintained portion of the road pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

Section 7. Penalties. Any person who violates this ordinance is guilty of a municipal civil infraction, and shall pay a civil fine of not less than \$250.00 and not more than \$500.00. In addition, a court may order the person to pay full restitution for any damage to the environment, a road, or public property damaged as a result of the violation.

Section 8. ORV Fund. The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Lake County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Lake County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the Lake County Sheriff for ORV enforcement and training.

Section 9. Master Map. The County shall maintain a master map of all roads under the jurisdiction of the Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to this Ordinance. The County shall make such master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to incur any expense associated with the making of such copies.

- a) The County shall update the Master Map and Appendix A once annually, between January 1 and February 28 of each year, to incorporate any changes to the designation of any road, parts or sections of upon which ORV travel is permitted or prohibited pursuant to this Ordinance.
- b) It shall be the responsibility of each Board, Commission or Council within Lake County to submit in writing no later than February 1 of each year, any changes to be incorporated into the Master Map and Appendix A for that year.

Section 10. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the County, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Section 12. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 13. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

As amended by action of the Lake County Board of Commissioners on the 24th day of March, 2010.

"The information contained in this Appendix is valid as of the date of the initial adoption of this Ordinance. This information is subject to further amendment by the County Board of Commissioners, and may otherwise be modified by local laws adopted by a township government."

Roads Open to ORV in Lake County, MI

April 1, 2010

**Chase, Dover, Eden, Ellsworth, North Newkirk, South Newkirk, Peacock, Pinora,
Sauble (seven roads) and Webber Townships (five roads)**

1. **Brooks Rd** – Centerline rd to Miera's rd, 3 mile rd north to 7 mile rd, 7 mile rd to the north, and 9 mile rd north to 12 mile rd
2. **Irons Rd** – 7 mile rd north to 12 mile rd
3. **Jenks Rd** – Webber Township boundary north to Peacock, 4 mile rd north to 5 mile rd
4. **Peacock Tr** – Centerline rd north to 5 ½ mile rd and 7 mile rd north to 12 mile rd
5. **Timber Dr**
6. **Brookside Rd**
7. **Astor Rd** – 10 ½ mile rd north to 12 mile rd, 6 mile rd to the south, 4 mile rd to the south and Centerline rd north to 1 ½ mile rd
8. **Yale** – 36th st north to 32nd st
9. **James Rd** – 36th st north to 16th st (ORV trail access) and M-37 north to 12 mile rd
10. **Merrillville Rd** – 10 ½ mile rd north to 12 mile rd, 9 mile rd north to 10 mile rd, 4 mile rd north to Old M-63 and Center line rd north to 3 mile rd
11. **Forman Rd** – 7 mile rd north to 12 mile rd and 1 mile rd north to 2 mile rd
12. **Jeffers Rd**
13. **Red Pine Ave**
14. **Oak Ave**
15. **Parkway Ave**
16. **Washing Rd**
17. **Maresch Rd**
18. **Savage Rd**
19. **Snake Tr**
20. **Bark Hills Rd** – 1 mile rd north to 3 mile rd
21. **Twin Creek Rd** – Old M-63 north to 12 mile rd and Centerline rd north to 1 mile rd
22. **Widewater** - 2 mile rd north to 4 mile rd
23. **Wilderness Tr** – 4 mile rd north to Old M-63
24. **Two Pond Rd**
25. **May Rd**
26. **Hawk Rd** – 10 mile north to 12 mile rd
27. **Nelson Rd** – 10 mile rd north to 12 mile rd and 4 mile rd to Old M-63
28. **Spruce Rd** – 4 mile rd north to Old M-63
29. **Kings Highway** - Old M-63 5 ½ miles south to Cherry Valley Township boundary and Old M-63 north to 11 mile rd
30. **Willard Rd** – State rd north to Lincoln Hills rd

31. **Cedar Rd** – 3 mile rd to the south, 3 mile rd north to 3 ½ mile rd and 5 mile rd to the north
32. **Queens Highway** - 3 ½ mile rd north to 6 mile rd
33. **K Lincoln Hills Rd** – Willard rd north to Lincoln Bridge rd
34. **Lincoln Hills Rd** – Lincoln Bridge rd northwest to Kings Highway
35. **Fullerton Rd** – Old M-63 north to 5 mile rd
36. **Melluis Rd**
37. **State Rd** – Luther Village boundary north to Wexford County boundary and 96th st north to Luther Village boundary
38. **Ravine Rd** – 11 ½ mile rd northeast to Wexford County boundary
39. **Douglas Rd** – Luther Village boundary to the south and Luther Village boundary north to 4 ½ mile rd
40. **Bonney Rd** – 4 ½ mile rd north to 5 mile rd and 96th st north to 64th st
41. **Mead Rd** – 10 mile rd north to 11 ½ mile rd
42. **Pine River Rd**
43. **Porter Rd**
44. **Baker Rd**
45. **Frank Smith Rd** – 32nd st north to Old M-63 and 72nd st north to 32nd st
46. **Clearwater Rd**
47. **Saddler Rd** – 10 mile rd north to Wexford County boundary, 9 mile rd to the north, 8 mile rd north to 9 mile rd, 4 ½ mile rd north to 6 mil rd, 1 mile rd north to 2 ½ mile rd, 72nd st north to Bar X rd and 96th st north to 80th st
48. **Skookum Rd** – 9 mile rd to the north, 8 mile rd north to 9 mile rd, 6 mile rd north to 6 mile rd (approx. ¼ mile), 2 ½ mile rd north to 5 mile rd
49. **Sportsman Dr**
50. **Hawkins Rd** – 8 mile rd north to Wexford County boundary, 7 mile rd north to 8 mile rd, 4 ½ mile rd to the north, 8th st north to 3 mile rd and US-10 north to 40th st
51. **Mallard Tr** – 10 mile rd north to Wexford County boundary
52. **Raymond Rd** – 8 mile rd to the north and 1 mile rd north to Old M-63
53. **Deer Lake Rd** – 8th st to the north , 64th st north to US-10 and 96th st north to 72nd st
54. **Lakola Rd** – 10 mile rd north to 52 rd, 8 mile rd to the north, 6 mile rd north to 8 mile rd, 6 mile rd to the south, 96th st north to 4 ½ mile rd
55. **Olga Lake Rd**
56. **52 Rd**
57. **12 mile Rd** – Peacock rd east to Merrillville rd, Forman rd east to Nelson rd
58. **11 ½ Mile Rd** – Irons rd east to Savage rd and State rd east to Mallard tr
59. **11 Mile Rd** – James rd east to Kings Highway
60. **10 ½ Mile Rd** – Brooks rd east to James rd
61. **10 mile Rd** – Irons rd to the east, James rd east to Merrillville rd, M-37 east to Kings Highway, State rd to the west and State rd east to Lakola rd
62. **9 ½ Mile Rd** – James rd east to Merrillville rd
63. **Lincoln Bridge Rd**
64. **9 Mile Rd** – Brooks rd east to Peacock tr, Merrillville rd east to Twin Creek rd, Kings Hwy 9, State rd east to Saddler rd, Hawkins rd to the west and Hawkins rd to the east

- 65. Clay Pit Rd**
- 66. 8 Mile Rd** - Peacock rd east to Twin Creek rd, Saddler rd east to Lakola rd
- 67. Eden Mt**
- 68. Kadenbek Tr**
- 69. 7 Mile Rd** – Brooks rd east to Irons rd, Peacock Tr to the west, Peacock Tr east to Twin Creek rd, Kings Hwy 7, and Skookum rd east to Lakola rd
- 70. 6 ½ Mile Rd** – Raymond rd to the west
- 71. 6 Mile Rd** – Bass Lake rd east to Brooks rd, Astor rd to the west, Astor rd east to James rd , Lost Lake rd east to Twin Creek rd, Queens Highway to the west and Queens Highway east to Lakola rd
- 72. Bass Lake Rd** – 5 mile rd north to 6 mile rd
- 73. Red Maple St**
- 74. Lost Lake Rd**
- 75. Diagonal Rd**
- 76. 5 ½ Mile Rd** – Peacock tr to the east and M-37 to the east
- 77. 5 Mile Rd** – Tyndall rd east to Hamilton rd, Bass Lake rd west to Leisure Time campground entrance (approximately 1/8th mile), Bass Lake rd east to Pine Log dr/Mc Dowell dr, Brooks rd east to Peacock tr, Peacock tr to the east, Kings Highway east to Cedar rd and Skookum east to Sportsman Dr
- 78. 4 ½ Mile Rd** – Peacock rd east to M-37, Douglas rd east to Lakola rd
- 79. HB Dr**
- 80. Old M-63** – M-37 east to Merrillville rd, Twin Creek rd east to May rd and 4 mile rd north to 5 mile rd
- 81. Rose Meadow Dr**
- 82. Partridge Ln**
- 83. 4 Mile Rd** – Tyndall rd east to Snake tr, Brooks rd east to M-37, Merrillville rd east to Wilderness tr, Wilderness tr to the east, Widewater rd to the west, Widewater rd east to Kings Hwy, Douglas rd to the east and Raymond rd east to Lakola rd
- 84. Main St**
- 85. Cherry Hill Ave**
- 86. 3 ½ Mile Rd** – Cedar rd east to Luther Village boundary, Luther Village boundary to the east and Raymond rd to the east
- 87. Scotty Tr**
- 88. Lincoln Creek Rd** – Luther Village boundary to the west
- 89. 3 mile Rd** – Mason County boundary east to Brooks rd, Kings Hwy east to Cedar rd, Cedar rd to the east, Old M-63 to the east, and Skookum rd east to Lakola rd
- 90. Pine Tree Rd**
- 91. 2 ½ Mile Rd** – Old M-63 east to Saddler rd, Saddler rd to the east and Hawkins rd to the west
- 92. Miera's Rd**
- 93. 2 Mile Rd** – M-37 east to Widewater rd
- 94. 1 ½ Mile Rd** – Peacock Tr east to Astor rd
- 95. Wolf Lake Dr**
- 96. Wolf Lake Boulevard**
- 97. New Port Dr**
- 98. Grand**

99. **Northern**
100. **George**
101. **Lloyd**
102. **Wolf Ave** – Wolf Lake dr north to M-37 and Wolf Lake dr south to M-37
103. **East End**
104. **DeLong** – Wolf Lake dr east to M-37
105. **Carnahan Rd**
106. **Barklett Rd**
107. **Lone Pine**
108. **Timberwolf Tr**
109. **1 Mile Rd** – M-37 east to Bark Hills dr, Frank Smith rd to the west, Frank Smith rd east to Hawkins rd and Raymond rd east to Lakola rd
110. **Logan Tr**
111. **Wilco Rd**
112. **Pine Ave**
113. **Oak way Dr**
114. **Southern Ave**
115. **Centerline Rd** – Brooks rd east to Peacock tr, Peacock tr east to Astor rd, M-37 east to Twin Creek rd and Lakola rd to the west
116. **8th St** – State rd east to Frank Smith rd and Frank Smith rd east to Lakola rd
117. **Bates Tr**
118. **16th St** – State rd east to Frank Smith rd and Deer Lake rd to the west
119. **24th St** – State rd east to Frank Smith rd, Deer Lake rd to the west and Deer Lake rd east to Lakola rd
120. **32nd St** – Jenks rd (ORV trail access) east to M-37 (Barski's), State rd east to Bar X rd and Deer Lake rd east to Lakola rd
121. **36th St** – Yale east to James
122. **Springtime** – Yale east to M-37 (Copeland Oil)
123. **BarX Rd**
124. **Maple Grove**
125. **40th St** - State rd east to Lakola rd
126. **48th St** - Frank Smith rd to the west and Frank Smith rd east to Lakola rd
127. **56th St** – State rd east to Frank Smith rd
128. **Jointer**
129. **Cherry**
130. **Sand**
131. **Silver Maple**
132. **North**
133. **Center**
134. **Depot**
135. **First Choice**
136. **Second Choice**
137. **Third Choice**

- 138. **Webster**
- 139. **Burley Rd**
- 140. **Rosecrans**
- 141. **US Grant**
- 142. **Messenger**
- 143. **64th St** – State rd east to Lakola rd
- 144. **72nd St** – Bonney rd east to Lakola rd
- 145. **Finkbeiner Rd**
- 146. **80th St** – Saddler rd to the west and Saddler rd east to Lakola rd
- 147. **84th St** – State rd east to Saddler rd
- 148. **88th St** – Hawkins rd east to Lakola rd

Roads Closed to ORV in Lake County, MI

April 1, 2010

ALL ROADS ARE CLOSED

in

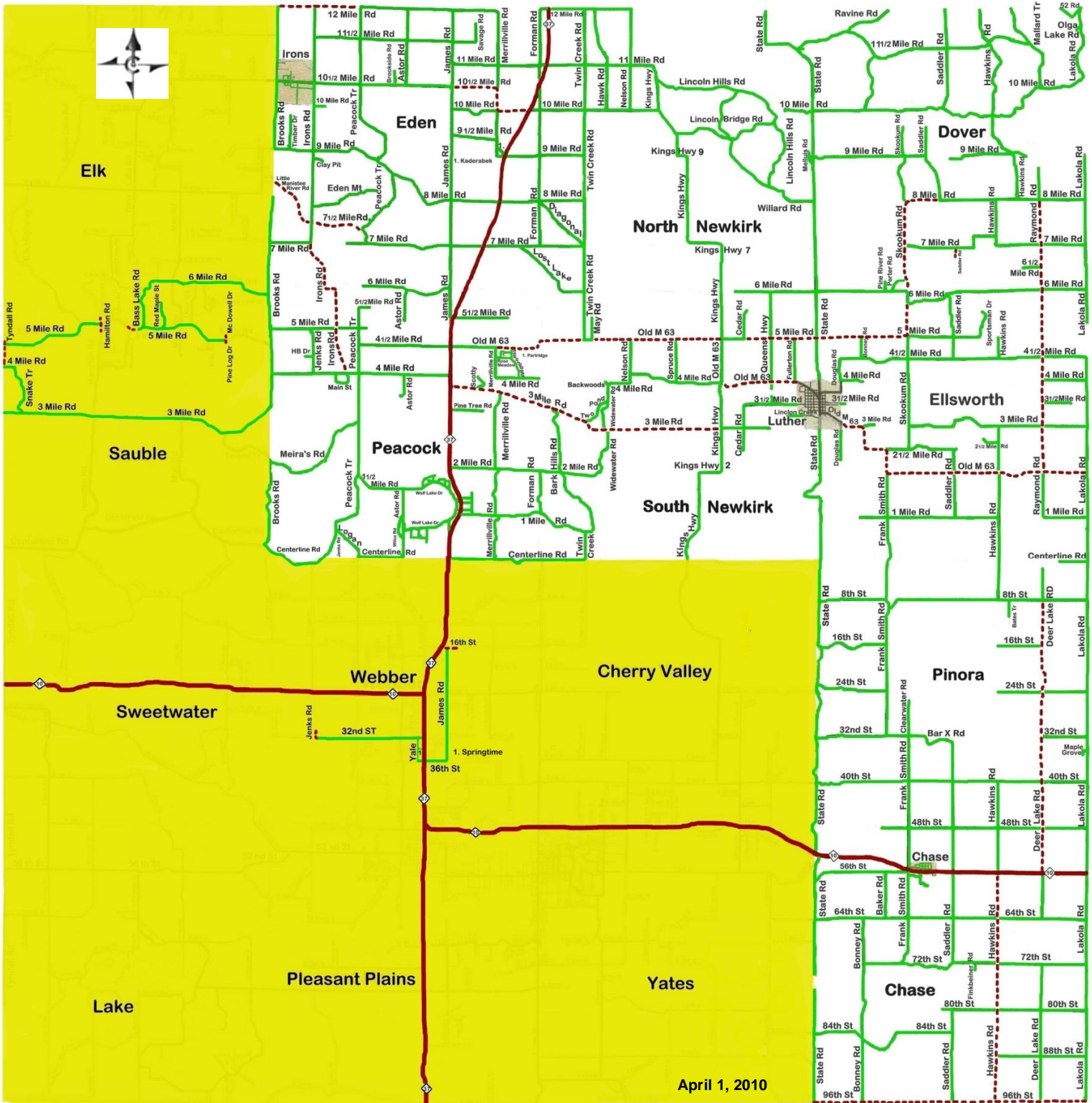
Cherry Valley, Elk, Lake, Pleasant Plaines, Sweetwater and Yates Townships

US 10 & M 37 are Closed - State Highways

12 Mile Rd (Brooks to Peacock Rd) Closed - Manistee Road Commission road

Roads Closed in Open Townships

1. **S. Hawkins Rd** from US-10 to 96th.street
2. **S. Deer Lake Rd** from US-10 to 8th street
3. **Old M-63** from Luther Village boundary to Lakola rd
4. **N. Raymond Rd.** from Old M-63 to 8 mile rd
5. **E. 8 Mile Rd** from N. Saddler rd to N. Skookum rd
6. **N. Skookum Rd** from E 8 mile rd to E. 6 mile rd
7. **N. Skookum Rd** from E. 6 mile rd to E. 5 mile rd
8. **Old M-63** from N Kings Hwy to Luther Village boundary
10. **Old M-63** from N. Kings Hwy to May rd
11. **Old M-63** from Twin Creek rd to Merrillville rd
12. **3 Mile Rd** from M-37 to N. Kings Hwy.
13. **E. 10 Mile Rd** from M-37 to Merrillville rd.
14. **N. Merrillville Rd** from 10 mile rd to 10 ½ mile rd.
15. **W. 10 ½ Mile Rd** from N Merrillville rd to N. Peacock tr
16. **W. 7 ½ Mile Rd** from N. Peacock Tr to N. Irons rd.
17. **N. Irons Rd** from 4 mile rd to 7 mile rd
18. **96th. St** from Lakola rd to State rd
19. **Little Manistee River Rd** from Tower View rd to Irons rd
20. **Saddler Rd** from 7 mile rd to the south



April 1, 2010

Lake County ORV Map

Roads Open to ORV ——— Roads Closed to ORV ——— Closed to ORV

County ORV Ordinance opens to ORV use designed County Roads only
(Not included: US 10 or Village streets)

US Forest Service and Michigan DNR Two Tracks and Trails are CLOSED to ORV use unless Designated OPEN

“The information contained on this map is valid as of the date of the initial adoption of this Ordinance. This information is subject to further amendment by the County Board of Commissioners, and may otherwise be modified by local laws adopted by a Township government”