

2023 OFF-ROAD VEHICLE ORDINANCE

TOWNSHIP OF BAINBRIDGE

BERRIEN COUNTY, MICHIGAN

Ordinance No. 57

Adopted: October 9, 2023

Published: October 12, 2023

Effective: November 12, 2023

An ordinance regulating the operations of Off-Road Vehicles (ORVs) on certain public roads, and to permit the operation of an Off-Road Vehicle (ORV) in compliance with this ordinance on roads which are designated for such use on an Official Off-Road Vehicle (ORV) Map duly adopted by the Bainbridge Township Board of Trustees; and to set forth the regulations regarding the operation of Off-Road Vehicles (ORVs) on public roads in Bainbridge Township for the purpose of providing penalties for the violation thereof, to 2008 PA 324.81131.

SECTION 1

Title and Purpose

This ordinance shall be known and may be cited as the Off-Road Vehicle Ordinance. The purpose of this ordinance is to allow the operation of Off-Road Vehicles (ORV) on public roads within the County of Berrien and the Township of Bainbridge.

SECTION II

Definitions

DIRECT SUPERVISION—The direct visual observation of the operator with the unaided or normally corrected eye, where the observer can come to the immediate aid of the operator.

DRIVER'S LICENSE—An operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III or Michigan Vehicle Code, 1949 PA 300, MCLA 257.301, to 257.325, for that individual to operate a vehicle, whether conditions are attached to the license or permit. A suspended or revoked license or permit does not constitute a valid driver's license under this chapter.

ORV—A motor-driven, off-road, recreational 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 multitrack or multi-wheel drive vehicle, or an ATV (all-terrain vehicle), a motorcycle or related two-wheel, three-wheel, or four-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 ground-effect, air cushion vehicle.

TOWNSHIP—The Township of Bainbridge

MUNICIPALITY—Bainbridge Township

COUNTY—The County of Berrien

OPERATE—To ride in or on and be in actual physical control of the operation of an ORV.

OPERATOR—A person who operates or is in actual physical control of the operation of an ORV.

ROAD/COUNTY ROAD—A County Road as described in Section 5 of 1951 PA 51, MCL 254.655

ROADWAY—the portion of the street, county road, or highway improved, designed, or ordinarily used for travel by vehicles registered under the Michigan vehicle code.

HIGHWAY—a state trunk line highway or a segment of a state trunk line highway.

ROAD COMMISSION—The Board of County Road Commissioners for the County of Berrien.

TOWNSHIP BOARD—A Board of Trustees of Bainbridge Township

LOCAL UNIT OF GOVERNMENT—A county, township, or municipality

MAINTAINED PORTION—The roadway and any shoulder of a street, country road, or highway.

SECTION III

Official ORV Map

The Township shall maintain an Official ORV Map of all roads under its jurisdiction upon which shall be indicated those roads and parts sections hereof which the operation of ORVs is permitted and prohibited pursuant to this section. Such Map shall be known as the “Official ORV Map”, and the master copy shall be kept at the Bainbridge Township Hall. The township shall make a copy of the Official ORV Map available to interested groups or organizations to make copies for distribution to the 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 Official ORV Map on file with the Township and adopted pursuant to the October 9, 2023, version of this section shall be the Official ORV Map upon the effective date herein.
- b. The Township Board of Trustees may, by resolution, amend the Official ORV Map when it is deemed appropriate to do so.

SECTION IV

Closed Roads

- a. A person may not operate an ORV on any road designated as closed to ORV operation on the Official ORV Map. 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 Berrien 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 MCLA 324.81131, or other applicable law, including but not limited to M-140, and Napier Ave. Operation on these roads is not permitted under any circumstances.
- b. The Berrien 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.
- c. If a road is closed under Subsection A of this section, the Bainbridge 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 V

Conditions for Operation

- a. ORV may operate with the flow of traffic and as follows:
 - (1) On the right shoulder of the road
 - (2) If there is not a right shoulder or the right shoulder is not of adequate width, on the right unmaintained portion of the road.
 - (3) 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.
- b. In a manner which does not interfere with traffic on the road or street.
- c. Traveling single file except when overtaking and passing another ORV.
- d. 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.
- e. 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.

- f. A person shall not operate an ORV at a speed greater than the posted speed limit or in a manner that interferes with traffic on the county road or at a speed greater than conditions allow.
- g. No person under 18 years of age may operate an ORV unless the person is in possession of a valid license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate.
- h. The ORV is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise.
- i. When visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight, lighted taillight, and brake lights.
- j. One half (1/2) hour after sunrise until one-half (1/2) hour before sunset unless displaying a lighted headlight and a lighted taillight.
- k. 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.
- l. While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- m. Pursuant to noise emission standards defined by law.
- n. Complying with all requirements in PA 240 of 2008, which enables Berrien County to adopt a local ordinance allowing ORVs on county roads.

SECTION V

A court may order a person who causes damage to the environment, a road or other property because of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

SECTION VI

Penalties

Any person, firm, or corporation who violates any of the provisions of the within ordinance shall be guilty of a Township Civil Infraction as defined by Michigan Law and subject to a civil fine determined in accordance with the Bainbridge Township Violations Bureau Ordinance, effective June 14, 2000.

SECTION VII

Severability

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

SECTION VIII

Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

SECTION IX

Effective Date

This ordinance shall take effect on the date of publication pursuant to MCL 42.22, which publication shall take place within thirty (30) days from the date of adoption and shall be in a local newspaper of general circulation.

I hereby certify the foregoing is a true and correct copy of the Off-Road Vehicle Ordinance for Bainbridge Township, Berrien County, Michigan, duly adopted on the 9th day of October 2023.

Patricia Hiler-Molter, Clerk
Bainbridge Township

A motion that said Off Road Vehicle Ordinance” be enacted was made by Andy Gardiner, and supported by Nancy Weber, at a regular meeting of the Bainbridge Township Board on the 9th day of October 2023.

The names of the Township Board members and their votes are as follows:

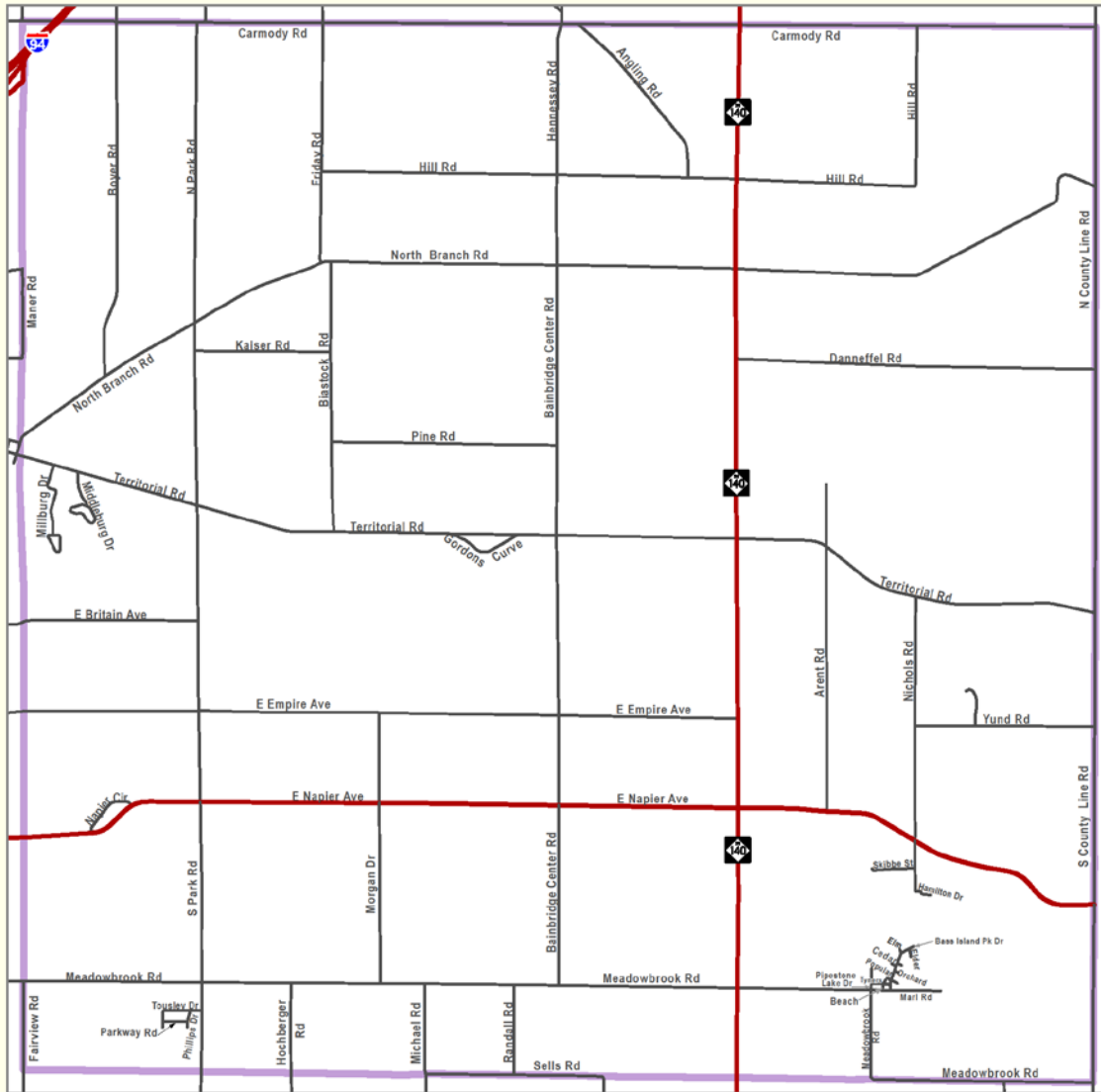
NAME	YES	NO
Patricia Hiler-Molter	X	
Andrew Gardiner	X	
Nancy Weber	X	
Donald Baiers	X	
John Yetzke	X	

I hereby certify that the forgoing ordinance was published in The Tri-City Record, Watervliet, Michigan, on the 12th of October 2023.

Patricia Hiler-Molter, Clerk
Bainbridge Township



Official Off Road Vehicle Map: Closed Roads



BAINBRIDGE TOWNSHIP

Adopted October 8, 2023
 Effective November 12, 2023
 by Bainbridge Township, Berrien County, Michigan.

Roads

- Closed to Off Road Vehicles
- Open to Off Road Vehicles
- Bainbridge Township

0 0.25 0.5 1 Miles

Source
 Base Layers: Michigan Geographic Framework, v17a

The use of this map is for general reference purposes. It is not a legal document.

Southwest Michigan Planning Commission

October 12, 2023

2023_PJCHD@bnc