

County of Delta Off-Road Recreational Vehicle Ordinance

An ordinance of the County of Delta pursuant to 1975 P.A. 319, Section 18, as amended by 1986 P.A. 112, for the regulation of place of operation of off-road recreational vehicles and to provide penalties for non-compliance.

The County of Delta hereby ordains:

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

- a) "Highway" means the entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.
- b) "Operate" means to ride in or on, and be in actual control of the operation of an ORV.
- c) "ORV" or "vehicle" means 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. It includes, but is not limited to multi-track, or multi-wheel drive, or low pressure vehicle. "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 construction or logging vehicle used in performance of its common function, or registered aircraft.
- d) "Roadway" means that portion of a highway improved, designated, or ordinarily used for vehicular travel, and does not include within its meaning the shoulder or right-of-way.

Section 2. An ORV may be operated on the shoulder, or on the right-of-way, but not on the roadway, of all public highways within Delta County, except U.S. Highways, State Highways, or highways within City or Village limits, or Federal Forest Highways which prohibit operation.

Section 3. Operation on the roadway of highways, not prohibited in Section 2, is only permitted under the following conditions:

- a) In life-threatening emergency.
- b) For the purpose of getting from one area to another, an operator may cross such highways at right angles. The operator shall bring the ORV to a complete stop prior to crossing the highway, and shall yield the right-of-way to oncoming traffic.

Section 4. ORV's shall at all times be operated on the right side of the right-of-way, or the right shoulder, when no passable cleared right-of-way exists, or the right side of the unimproved road surface when no shoulder exists.

Section 7. Impoundment of ORV's: A law enforcement officer may impound any ORV used or operated in violation of any provisions of this ordinance for a period not to exceed thirty (30) days, and the owner or operator of the ORV shall be responsible to pay for all costs involved in the storage and/or removal of the impounded ORV. If the operator of the impounded ORV is not the owner, the law enforcement officer shall notify the owner of such impoundment by telephone, letter, or personal contact as soon as practical.

Section 8. The Delta County Board of Commissioners may rescind or modify this ORV ordinance at any time, and such modification may include the deletion of any county road, or any portion thereof.

The County Clerk for the County of Delta shall publish this ordinance in the manner required by law and shall at the same time publish the fact that complete copies of the ordinance, as hereby approved, are available at the Office of the Clerk for inspection by, and distribution to, the public during regular business hours.

Any ordinance, or parts of ordinances, in conflict herewith are subordinate hereto, and this ordinance shall be deemed controlling.

This ordinance shall be effective five (5) days after the publication of a notice of adoption as it affects the health, safety and welfare of the residents of the County of Delta.