

4.3 The Township Board shall appropriate revenue in the ORV fund as follows:

4.3.1 Fifty percent of the Township ORV Fund to be distributed to the Oceana County Sheriff's Department or to be distributed to a Township fund to cover the costs of the Township Constable, or to both, responsible for ORV enforcement and training.

4.3.2 Fifty percent to the Oceana County Road Commission for repairing damage to roads or streets and the environment that may have been caused by ORV's and for posting signs indicating ORV speed limits within Otto Township.

Section 5. 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 which was not being operated on the far right of the maintained portion of the road as required by this ordinance, the operator of the ORV shall be considered *negligent per se*.

Section 6. Effective Date. This ordinance shall be effective 30 days after its first publication.

This ordinance is adopted by action of the Otto Township Board this 13 day of December 2012.

**OTTO TOWNSHIP
RESOLUTION NO. _____**

BE IT RESOLVED THAT OTTO TOWNSHIP ADOPTS THE December 13, 2012, ORV ORDINANCE.

THE RESOLUTION WAS OFFERED BY BOARD MEMBER Trustee Justian AND SUPPORTED BY BOARD MEMBER Treasurer Martin.

YEAS: 5

NAYS: 0

RESOLUTION DECLARED ADOPTED: December 13, 2012

SUPERVISOR: Charles Johnson

CLERK: Carol Keck Cleid