

The Hamlin Township Board met Monday, October 22, 2012 at 6:00 p.m. at the Hamlin Townhall to hold a Public Hearing on the proposed Hamlin Township ORV Ordinance. Present: Vandervest, Lewis, McCarthy, Gurzynski, Rees. Absent: None. Approximately 67 people in attendance.

Ms. Vandervest called the meeting to order and led the Pledge to the Flag.

Ms. Vandervest read a letter of recommendations from the Township's attorney and suggestions given from Sheriff Fiers indicating we may want to include these changes. The Board agreed to incorporate the following suggestions from the attorney: "A person shall not operate an ORV: 1) to hunt, pursue, worry, kill, or attempt to hunt, pursue, worry, or kill an animal, whether wild or domesticated; 2) in a manner so as to leave behind litter or other debris; 3) on the frozen surface of public waters within one hundred feet (100') of a person not in or upon a vehicle, or within one hundred feet (100') of a fishing shanty or shelter or an area cleared of snow for skating purposes; 4) within one hundred feet (100') of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except on property owned or under the operator's control, on which the operator is an invited guest; 5) in an area on which public hunting is permitted during the regular November firearm deer season from 7 a.m. until 11 a.m. and from 2 p.m. until 5 p.m. except during an emergency or for law enforcement purposes or to go to or from a permanent residence or hunting camp otherwise inaccessible." Attorney Nicholson further wrote we need to change the age, in our draft ordinance, from 14 to 12, the state law limitation age; and the fine from \$1,000 to \$500, again what the law states. Sheriff Fiers had the same two recommendations and also suggested, since his department would voluntarily enforce the ordinance, changing the wording of Section 4, item C (a) to read: "Fifty percent to the Township ORV fund to be distributed to the Mason County Sheriff's Department or to be distributed to a Township fund to cover the costs of the Township Constable, or both, responsible for ORV enforcement and training." N. Vandervest indicated she would also like to see added that ORV operators must yield to equestrian, pedestrian, and bicycle traffic and to see a curfew added.

**Comments from the Floor:**

1) Mr. Jack Bosley, N. Lakeshore Drive, indicated the road between the "y" at Stix and the South Bayou is dangerous. The bicycle lane on the left side now is narrow and with all the curves and hills he does not feel this section of the road should be open to ORV's; so, if the ordinance is passed, he would like this area to be closed to ORV's.

2) Mr. Barry Matthews, N. Lincoln Road, read from a prepared letter, his objection to having an ORV ordinance stating it has no place in Hamlin Township. He listed the additional noise of ORV machines along with the current noises of snowmobiles, leaf blowers, weed whackers, lawn tractors, fireworks, target shooting, to name a few, along with the stench of burned gasoline as partial reasoning for his objections. Mr. Matthews stated that looking at the other townships having adopted said ordinance, their populations are much lower than Hamlin's. "Hamlin Township has from more than twice the population (Victory 40.6%) to more than ten times (Logan 9.2%) the population of those townships with ORV ordinances." Mr. Matthews further stated the two townships closest to us in size, but still smaller, Amber and Pere Marquette, have refused to "succumb to the promises of ORV proponents". Self-policing or self-regulation is also a concern of Mr. Matthews' who feels this has just never worked and referred to the current snowmobile laws and snowmobilers in Hamlin Township as examples. With the streets filled with bicyclists, joggers, walkers, children visiting neighbor kids, equestrians, all of which are legal users of the roadways along with automobiles, he feels adding another hazard to the already overcrowded streets of Hamlin Township is unnecessary. "I beg you, Please DO NOT allow ORV's on our township roadways" Mr. Matthews said. However, if we are determined to proceed with an ordinance, he has written some improvements to the proposed ordinance, which he distributed copies of to the Board, and asked the Board to consider addressing them.

3) Mr. Dan Sandretto, N. Lincoln Road, is in favor of the ordinance and currently can ride his snowmobile from his property and go all the way to Fountain Road, Heidi Hoff, on to Baldwin, make a big loop back and forth. He stated he feels it would be a privilege to be able to ride from Meyers Road all the way to Baldwin on his ORV.

4) Ms. Helen Bosley, N. Lakeshore Drive, asked what kind of law enforcement would be available – how would Hamlin regulate this. She indicated there are currently a lot of speeders on her road but has not seen a lot of police and just wondered. She later asked if the ORV's would have to have signal lights. N. Vandervest stated that they would have to have working taillights and working headlights, but signal lights are not required.

5) Mr. Wally Evans, Barnhart Road, asked what the procedure was for tonight's meeting – is it just a study session or is there going to be a recommendation from the board as to how we are going to proceed. N. Vandervest responded that right now, we are taking public comments but the board could act on it tonight or could choose not to.

6) Mr. Jon Aberegg, Decker Road, asked if this ordinance will be reviewed every year and if it can be abolished at any time. N. Vandervest answered that yes, there is a sunset clause in the proposed ordinance that states the ordinance will be reviewed every year and if the board chooses to abolish it in a year, it could.

7) Mr. Joe Muzzo, Jackson Road, said he has a plow on his ORV and uses it to plow his parents' house that live on the South Bayou and he would like to be able to drive the half of mile over there without worrying about getting a ticket. He stated he is not out there tearing up the street, trying to disrupt anyone's peace and quiet. He would just like to be able to use his vehicle for lawful purposes to plow his neighbors and to plow his father's. He is in favor of the ordinance.

8) Mr. Lysle Hansberger asked if this ordinance would include golf carts and was told that yes it would.

9) Mr. Greg Collins, Piney Ridge Road, indicated he has attended a few of these meetings at the Scottville School and feels an ORV ordinance is a win-win situation for everybody. If ticketed, the township would get part of the money; it's a good thing for Hamlin Township.

**Comments from the Floor (Continued):**

10) Ms. Kerrie Wolf, Barnhart Road, asked hadn't we already been told that it will not be enforced. N. Vandervest replied that she has never been told that but has been told that the Sheriff dept. would enforce state laws.

11) Ms. Brooks Johnson, N. Sherman Road, asked if passed, would this ordinance be state law. N. Vandervest indicated this is just a township ordinance which was compiled off the state of Michigan's statute.

12) Mr. Ed Sladick, N. Lincoln Road, stated his family has multiple pieces of property in Hamlin, some of which they do actually farm. He is in favor of this ordinance stating that it would be nice to access the property by using ORV's – it would be a benefit for his family.

13) Regarding the sunset clause, Mr. Barry Matthews would like it reworded to actually have the ordinance state it will cease in one year and then the board will review it prior to its' expiration and then decide whether to renew it or not. He feels it is not clear how the proposed ordinance is worded. The Board agreed and will reword it to state the ordinance will be reviewed 30 days prior to one year after its effective date to determine its continuation and that a public hearing will be held, not more than 30 days nor less than 10 days, prior to the expiration of the ordinance.

14) N. Vandervest read letters of support from Bruce and Leah Mitchell, Vaughn Flewelling, and Mr. Randal Wolf. Mr. Wolf also included suggested changes to the ordinance.

15) Mr. Ted Parkinson, N. Lincoln Road, voiced his concern over the ORV's keeping to the 25 mph speed limit, especially on Lincoln where the road has recently been redone and vehicle traffic travels at speeds up to 70 mph.

16) Mr. Craig Yanson, visiting from Ohio, is in favor of the ordinance stating he currently goes to Luther and other places that allow trails to be ridden on, but it would be nice to be able to stay in Ludington at hotels, have the convenience of eating in their restaurants and participating in all the things Ludington has available – no offense to Luther.

17) Mr. Bill Stechschulte, N. Lakeshore Drive, stated he supports the ordinance, not from a business standpoint since there are no trails in Hamlin, but for pleasure. He owns Country Haven Resort and Action Rentals and would like to be able to allow people who stay at his resort the use of ORV's to get across the roads, on to the lake for ice fishing, and in general, just to get from one place to the other in and around the resort. He also stated that he rents ATV's out in other areas and has not heard any negative remarks towards them.

18) Mr. Rod Thompson, Dewey Road, indicated he currently owns an ATV but went to the extreme expense of making it street legal. He further stated that everyone knows there is always a little bit of danger with ORV's but there is also danger with bicycles, horses, and everything else that's on the road. In response for signal lights, Mr. Thompson said that bicycles and horses don't have turn signals and they are on the road. He noted that large groups of bicyclists ride down Dewey and they slow up traffic around the hills, curves, up around the bridge causing traffic jams. He noted it is dangerous whether it's an ATV, a bicycle, people walking, people fishing, or horses. In fact, horses do more damage to the roads than ATV's do. He is in favor of ordinance.

19) Ms. Kerrie Wolf, stated for the record, this ordinance is unsafe and she is against it. There are enough hazards on our roads and we do not need another one, she said.

20) Mr. Gary Dittmer, Managing Director of the Mason County Road Commission, indicated that his board has not acted on any of the townships that passed an ORV ordinance as yet; but, no township is quite like Hamlin. If passed, he will put Hamlin's ordinance on his board's agenda for possible action. When asked what possible road concerns he has, he said the high traffic roads such as Jebavy Drive, Lakeshore Drive, Dewey Road, and Decker Road might be considered for exemption from the ordinance. The Mason County Road Commission can withhold up to 30 percent of a township's roads from ORV operation for safety purposes.

21) Sheriff Fiers again stated his department would voluntarily enforce the 25 mph limit and would find analog state laws for enforcing other portions of the township statute where necessary. He further said that if the ORV's are not operating on the far right of the road, they would get a written ticket for improper lane use. N. Vandervest questioned Sheriff Fiers regarding the other township's that have already approved an ORV ordinance, some of which have been in effect for almost two years, asking if his office has had to write many tickets or if he knows of any accidents. Sheriff Fiers responded that he knows of no accidents nor has his department written any tickets, but believes the DNR has written 3 or 4 tickets for speeding.

22) Ms. Deborah Outcalt, N. Lincoln Road, is in favor of an ordinance and asked if any of the townships that have passed this type of ordinance have later abolished it. N. Vandervest responded that none have abolished their ordinances to her knowledge; and, in fact, she spoke with the PM Township Supervisor this morning who stated they will be reviewing an ordinance in the near future.

23) Mr. Robert McLain, Ash Street, said he believes this is a democracy and if one looks around at the attendance tonight, there is more people attending in favor of the ordinance, than against and that has been the norm at all the meetings we have ever had regarding this issue. He further stated that he does not own an ORV but if he ever did, he would like to be able to drive down to his friend's house or Hamlin Grocery and not have to worry about getting a ticket.

24) Mr. Ray Comstock, Sugar Grove Road, is all for an ordinance and feels it would take care of a lot of trespassers to be able to drive down the road instead of trying to sneak across someone else's property to get where you want to go.

**Comments from the Floor (Continued):**

25) Ms. Karen Anderson, N. Decker Road, is in favor and agrees that it would be nice to be able to visit friends down the road without having to travel on someone else's property to get there or find an alternate route or going through the woods and accidentally scaring Mr. Matthew's horses. She feels it would also be safer on the road, you would be able to be seen and it may even reduce noise – at least in the woods.

26) Mr. Mike Shaffer, Dewey Road, stated he ice fishes all the time and that 95% of his time he is on his four-wheeler. He said that a lot of times you can't access the lake because you worry about getting a parking ticket, pulling out of somebody's drive, or getting a ticket for riding from the overflow parking lot at Wilson Hill Park to the boat ramp across Barnhart Road. This way he could just hop on his quad and get to the lake with no worries if an ordinance is passed. He stated that tickets were being issued like crazy about a year or so ago and he feels this ordinance would eliminate some of the traffic and parking issues.

27) Mr. Herman Stohr, Dewey Road, is also in favor of an ORV ordinance. He also does quite a bit of fishing and it would be nice to access the lake by an ORV.

28) Mr. Dan Quinn was present to just make people aware of what the public opinion is. He has gone to other meetings with much the same turnout as tonight. At those meetings the board took a vote of the people either for or against the ordinance. Even after the nine township's that passed an ordinance, he has gone back to the meetings and asked about the response from their constituents – yes or no/good or bad. What he found was all the townships stated they saw a minimal influx of traffic and that the ORV's were being used for personal use to go from neighbor to neighbor. Mr. Quinn also has a petition with 85 signatures on it in favor of an ORV ordinance.

29) Mr. Dave Mahannah, N. Lakeshore Drive, asked if the people that were unloading their ATV's at Wilson Hill Park and getting tickets, were from here or if they were from out of town bringing business to our hotels/motels, gas stations, restaurants, etc. and if they ever came back here. N. Vandervest replied that she has no way of knowing that; but a couple of years ago, an ORV trail was put in from the upper parking lot to the lower parking lot at Wilson Hill Park. She received complaints because it wasn't in the right spot, not well marked so we did away with it. Mr. Mahannah explained the reason he asked was that at a recent Planning Commission meeting he had attended, Dr. William Anderson reported that with the economy in the state it is in, we need to be looking at creative entrepreneurship and promote our parks. Mr. Mahannah feels we should let people unload their ATV's without getting tickets since it would be a benefit to the township and the county.

30) Mr. Tom Gurzynski, Beaune Road, asked if a road is closed to ORV traffic, can one cross it without getting a ticket. Mr. Gary Dittmer responded yes, you would be able to cross, but that the MCRC would include all stipulations/rules once their board has decided on the route they will take once or if Hamlin adopts an ordinance.

31) Mr. Mike Allen, N. Lincoln Road, voiced his concern over the hours of operation listed in the proposed ordinance under Section 2, item M, which reads in part, "A person shall not operate an ORV during the hours of ½ hour after sunset and ½ hour before sunrise....." Mr. Allen does not get out of work until dark and then needs to plow his neighbor's drive as well as his; but according to the above, he would get a ticket for doing so. Other audience members chimed in about it being dark when they get off the lake from ice fishing. The Board agreed and offered to change the time of operation one cannot operate an ATV to between the hours of 11 p.m. and 6 a.m.

End of public comments

The Board took time to read the three pages of suggestions Mr. Barry Matthews presented along with the attorney's suggestions and comments from the audience. C. Lewis asked Mr. Matthews, after having glanced at his recommendations, if his suggestions mainly dealt with semantics and grammar. Mr. Matthews answered in the affirmative.

Trustee L. Rees stated he was originally opposed to creating an ORV ordinance since he lives in a neighborhood with a lot of ORV traffic, but seeing the amount of people who would like to see it happen, and given the fact we are going to try it for a year and it's been in the works for two years, he changed his mind and made a MOTION to adopt the proposed ORV ordinance with the recommendations from our attorney, the Sheriff, and Mr. Barry Matthews. C. Lewis supported the motion. RC AA MC

N. Vandervest made one last statement asking that everybody be considerate of everybody's property and hopes that the private property the quads are running on now will stop. She further said she hopes the people riding in the township obey the 25 mph limit and follow all the provisions of the ordinance; and that any complaint that comes into this office will be logged and reviewed at the end of the year. She commented that she can almost guarantee if there are a lot of complaints, the ordinance will not be renewed.

This ordinance will take effect 30 days after publication and will be in the paper the next week.

Mr. Bob McLain thanked the board for letting the majority speak while Mr. Barry Matthews thanked the board for allowing the minority to be heard as well.

On the MOTION of Rees, supported by Lewis, the meeting adjourned at 7:07 p.m. AA MC

Respectfully submitted,

Catherine Lewis, Clerk