

## ORDINANCE NUMBER 2010-2

### AN ORDINANCE OF THE TOWN OF OWENSVILLE PROVIDING FOR THE OPERATION OF OFF-ROAD VEHICLES ON TOWN STREETS

WHEREAS, IC 14-16-1-22 allows a town to pass an ordinance regulating the operation of off-road vehicles if the ordinance meets substantially the minimum requirements of IC 14-16-1; and

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF OWENSVILLE, INDIANA, as follows:

#### Section 1. Definition of an off-road vehicle:

(A) Off road vehicles for the purposes of IC 14-16-1 means a motor driven vehicle of at least four (4) wheels capable of cross-country travel: (1) without benefit of a road; and (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(B) The term “off-road vehicle” does not include a snowmobile, any other vehicle properly registered by the Bureau of Motor Vehicles, any water craft that is registered under Indiana Statue or a golf cart vehicle.

#### Section 2. Definition of Off-Road Streets.

Off-road streets shall mean all town streets inside the town limits, except for the following:

(A) Any street posted by order of the Town Council or its designee for non-use for off-road vehicles.

(B) Any of the following:

(1) State highways except for purposes of crossing state highways at intersections with other Town streets in the most direct manner possible; (2) Sidewalks; (3) Any unpaved surfaces of public property; and (4) any private property without permission of the owner.

#### Section 3. Definition of an “operator.”

An “operator” of an off-road vehicle must be at least 18-years of age and possess a valid motor vehicle driver’s license as is also required by IC 14-16-1-20(c).

Section 4. Use and Operation of off-road vehicles on Town streets is restricted to ingress and egress, direct through-traffic, and to and from a business selling gasoline. “Operators of “off-road vehicles” may use off-road vehicle on off-road streets, subject to

the terms and conditions of this ordinance, for purposes of ingress and egress to the location where the off-road vehicle is kept within the Town using the most direct route possible to enter and leave the Town and for the purpose of obtaining gasoline from a business selling gasoline by using the most direct route possible to and from the business selling gasoline. An Operator may also use an off-road vehicle to drive through the Town of Owensville, utilizing the most direct route possible to pass through the Town on off-road streets and subject to the terms and conditions of this Ordinance.

Section 5. Registration requirements. Off-road vehicles must be registered under that IC 14-16-1-8, as amended.

Section 6. Headlights, taillights, brakes and pennant. The off-road vehicle must meet those standards of headlights, taillights and brakes, required under that Indiana Code. In addition, the off-road vehicle operated on a county roadway or highway pursuant to this ordinance must have an orange pennant or flag at least twelve (12) inches but not more than twenty four (24) inches long, affixed to a staff or pole measuring at least four (4) feet but not more than ten (10) feet in height. The pole or staff shall be measured from the top of the seat.

Section 7. Statutory restrictions on use. Nothing in this ordinance modifies, alters or changes the restrictions on operation established under that Indiana Code.

Section 8. Duties in event of accident. Nothing in this ordinance modifies, alters or changes the duties under that Indiana Code please on the Operator of an off-road vehicle in the event of an accident.

Section 9. Liability insurance. An operator operating an off-road vehicle on a county highway or roadway shall have liability insurance specifically for such off-road vehicle in accordance with the minimum insurance required for the operator of other motor vehicles on public highways in the minimum amount of twenty five thousand (\$25,000.00) per person/fifty thousand dollars (\$50,000.00) per accident.

Section 10. Possession of registration and certificate of insurance. Any operator of an off-road vehicle shall carry on his or her person any registration required under that Indiana Code and the certificate of insurance required under this ordinance for the off-road vehicle being operated.

Section 11. Restriction on operation between 12:00 midnight and 6:00 a.m. An off-road vehicle may not be operated on any street within the corporate limits of the Town Owensville between 12:00 midnight and 6:00 a.m.

Section 12. Other laws and regulations. Nothing in this ordinance modifies, alters or changes the requirements of the operation of vehicles on public roadways in Indiana, and all operators of off-road vehicles must obey and follow all rules and regulations applicable to the operation of vehicles on roadways in Indiana.

Section 13. Disturbance of the roadway. No person shall operate an off-road vehicle on Gibson County Highways in such a manner which causes damage to the roadway or highway or disturbs the surface of the roadway or highway. Any violator of this section, in addition to such penalties set forth in Section 15 below, shall be responsible for all costs of repair of such damage or disturbance.

Section 14. Emergencies. Any county or state law enforcement officer may prohibit operation of an off-road vehicle on a county highway or roadway during emergencies.

Section 15. Penalty. Any person who violates any provision of this order shall be deemed guilty of a violation and upon conviction, shall be fined pursuant to the following schedule: first offence in a calendar year fifty dollars (\$50.00), second offense a hundred (\$100.00), third offense in a calendar year would be a hundred and fifty (\$150.00). Each day that a violation occurs constitutes a separate offense.

Section 16. Enforcement. All law enforcement officers in this county shall have the power and it shall be their duty to enforce the provision of this ordinance unless otherwise prevented by the State statutes regarding the enforcement of State laws.

Section 17. Repeal of inconsistent ordinances. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 18. Severability. If any section, paragraph, sentence, clause or phrase in this ordinance is declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected by such declaration and shall remain in full force and effect.

Section 19. Effective date. This ordinance shall be in full force and effect from and after its publication as required by law.

PASSED AND ADOPTED by the Council of the Town of Owensville, Indiana,  
this 8th day of March, 2010.

COUNCIL OF THE TOWN OF  
OWENSVILLE, INDIANA

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DALE HENRY, President

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BERNARD THOMPSON, Member

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CLYDE SCOTT, Member

ATTEST:

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KRISTY YORK, Clerk-Treasurer