

**COMMON COUNCIL OF THE CITY OF NORTH VERNON, INDIANA
ORDINANCE NO. 985-2019**

**AN ORDINANCE AUTHORIZING THE OPERATION AND REGULATING THE USE
OF RECREATIONAL OFF-ROAD VEHICLES WITHIN THE CITY OF NORTH
VERNON, INDIANA**

WHEREAS, the City of North Vernon recognizes that the expanding popularity of recreational off-road vehicles may provide opportunities for a wide variety of uses and outdoor recreational activities and the commerce that is derived therefrom; and,

WHEREAS, Ind. Code § 14-16-1-22 provides the City of North Vernon the authority to pass an Ordinance allowing the operation of such vehicles on its roadways; and,

WHEREAS, the City of North Vernon is desirous of allowing the use and operation of recreational off-road vehicles to promote and facilitate responsible activities and recreation within the City of North Vernon Indiana,

NOW THEREFORE:

BE IT ORDAINED by the Common Council of the City of North Vernon, Indiana that there is hereby added to the Code of Ordinances of North Vernon, Indiana an addition to Title VII (Traffic Code) which shall be inserted and numbered § 73(B), which shall read as follows:

73(B) Recreational Off-Road Vehicles

Sec. 73 B.01 Definitions

City street. Any roadway maintained by the City of North Vernon, Indiana, to include streets, alleys, and some unimproved rights-of-way within the corporate limits of the city. This does not include any U.S. Highway or State route that may go by a local street name.

Financial responsibility. A recreational off-road vehicle owner's ability to pay for damages or injuries that may result from a crash.

Recreational off-road vehicle. Same as that found in Indiana Code at IC 14-8-2-233.5 which reads:

"Recreational off-road vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

- (1) is sixty-five (65) inches or less in width;
- (2) has a dry weight of two thousand (2,000) pounds or less;
- (3) is designed for travel on at least four (4) nonhighway or off-highway tires; and
- (4) is designed for recreational use by one (1) or more individuals.

As added by P.L.86-2010, SEC.4. Amended by P.L.219-2014, SEC.13.

In addition to the above statutory definition for purposes of this ordinance such vehicles must:

- (5) have a nonstraddle seat or saddle; and
- (6) have a steering wheel for steering control.

Operator. The person in physical control of the vehicle.

Sec. 73 B.02 Policies

- a. Recreational off-road vehicles may be operated on city streets by persons who have a valid motor vehicle operator's license.
- b. A person operating a recreational off-road vehicle has all the rights and duties concerning traffic regulations that are applicable to a person who drives a motor vehicle.
- c. A person operating a recreational off-road vehicle must be able to provide proof of financial responsibility.
- d. A person operating a recreational off-road vehicle must be in compliance with all Indiana statutes concerning such, including but not limited to IC 14-16-1 et seq. (Off Road Vehicles).
- e. All recreational off-road vehicles operated by a state resident must be registered with the Indiana Bureau of Motor Vehicles.

Sec. 73 B.02 Restricted Streets.

The operator of a recreational off-road vehicle may not operate such vehicle upon or within the following streets or areas:

- a. US Highway 50 and State routes 3 and 7, except to cross them at an angle of 90 degrees, or at times allowed by the Board of Public Works and Safety.
- b. Any street or highway posted by order of the city as not to be used by recreational off-road vehicles.
- c. On any private property without permission of the owner.

Sec. 73 B.03 Exceptions

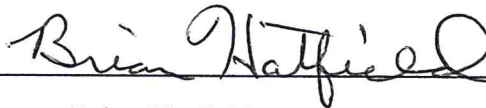
This subchapter shall not be construed to prohibit:

- a. Any police officer, firefighter, or other emergency worker from operating a recreational off-road vehicle in their official capacity;
- b. Persons that are operating a recreational off-road vehicle solely on private property.

Sec 73 B.04 Penalty

If any duly authorized city officer or representative has probable cause that a violation of §§ 73.01 through 73.03 is occurring or has occurred, the city officer or representative shall issue a ticket to the person violating the provisions of §§ 73.01. A violation of §§ 73.01 through 73.03 shall carry a fee of \$50 per violation.

SAID ORDINANCE is hereby passed and adopted this 29th day of MAY 2019.



Brian Hatfield

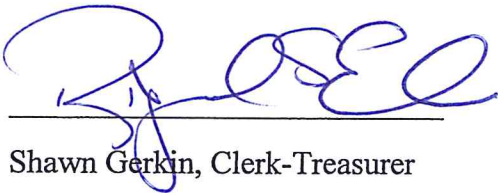
Jack Kelley

Jerry Lamb

Connie Rayburn

Trent Wisner

ATTEST:



Shawn Gerkin, Clerk-Treasurer

Approved and signed by me this 29th
day of MAY, 2019.



Mike Ochs, Mayor of City of North Vernon