

ORDINANCE NO. 2010-05

AN ORDINANCE OF THE DUBOIS COUNTY BOARD OF COMMISSIONERS  
PROVIDING FOR THE OPERATION OF  
OFF-ROAD VEHICLES ON CERTAIN COUNTY HIGHWAYS

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

WHEREAS, the Board of Commissioners of Dubois County, Indiana desires to permit and regulate the operation of off-road vehicles on certain roads and highways in the County road system outside of the corporate limits of a city or town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, STATE OF INDIANA:

Section 1. Off-road vehicles, if appropriately registered as required under I.C. 14-16-1, and if operated by an individual who has a valid motor vehicle driver's license as required under I.C. 14-16-1-20(c), may be operated on approved public County highways of Dubois County, Indiana, which are not highways in the Indiana State Highway System and which are not within the corporate boundaries of any city or town.

Section 2. "Off-road vehicle", shall be defined as a motor driven vehicle of at least four wheels capable of cross-country travel: without benefit of a road; and, on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain. The term "off road vehicle" shall not include any farm vehicle being used for farming, a snowmobile, any other vehicle properly registered by the bureau of motor vehicles, any watercraft that is registered under Indiana statutes, or a golf cart vehicle.

Section 3. A registered vehicle shall be one issued and displaying two current registration decals issued for that vehicle by the Indiana Department of Natural Resources, unless otherwise exempted under I.C. 14-16-1-8.

Section 4. Any off-road vehicle operated on the County road system: may not be operated between sunset and sunrise unless the vehicle has at least one (1) functioning headlight and one (1) functioning taillight; may not be operated at any time unless the vehicle has adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hour; and must be equipped with a muffler in good working order and in constant operation so as to prevent excessive or unusual noise or annoying smoke and must not be operated when having a number of passengers in excess of that for which said vehicle is certified by the manufacturer.

Section 5. No off-road vehicle may be operated at a rate of speed greater than posted speed limit or, as provided by I.C. 14-16-1-23, at such lesser rate of speed as is reasonable and proper having due regard for existing conditions and will not unnecessarily endanger the person or property of another. No operator of an off-road vehicle shall be under the influence of alcoholic beverage or unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug, and shall comply with all other restrictions set forth in I.C. 14-16-1-23.

Section 6. The operator of any off-road vehicle involved in an accident resulting in serious bodily injury or in death or in property damage in an estimated amount of at least \$750.00 shall immediately notify a law enforcement officer and complete the report forms prescribed.

Section 7. Any person operating an off-road vehicle on a Dubois County Highway shall have liability insurance specifically for such off-road vehicle in accordance with the minimum insurance required for the operation of other motor vehicles on public highways.

Section 8. Any operator of an off-road vehicle shall carry in his or her possession any operator's license and registration required under I.C. 14-16-1 and the certificate of insurance required under this Ordinance for the off-road vehicle being operated.

Section 9. No person shall operate an off-road vehicle on Dubois County Highways in such a manner which causes damage to the highway or disturbs the surface of the highway. Any violator of this Section, in addition to such penalties imposed under that statute set forth in Section 11 below, shall be responsible for all costs of repair of such damage or disturbance.

Section 10. Any law enforcement officer, the County Highway Supervisor or the Board of County Commissioners may prohibit operation of an off-road vehicle on a county highway during emergencies,

Section 11. A person who operates an off-road vehicle in violation of this Ordinance shall be subject to imposition of the same judgment prescribed for a Class C Infraction as set out in I.C. 34-28-5-4, unless such violation is otherwise designated by a State statute or a rule or regulation promulgated by a State agency.

Section 12. All law enforcement officers in this state shall have the power and it shall be their duty to enforce the provisions of this Ordinance unless otherwise prevented by State statutes regarding the enforcement of State laws. All expenses related to the improvement and transportation of any off-road vehicle used in violation of this Ordinance and impounded by a law enforcement officer shall be paid by the owner of such vehicle prior to the release thereof.

Section 13. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 14. 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 15. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED AND SO ORDAINED THIS 18<sup>th</sup> DAY OF OCTOBER, 2010.

BOARD OF COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

Randall K. Fisher

Lauren M. Vallance

John H. Burger

ATTEST:

Janet L. Sendelweck  
AUDITOR OF DUBOIS COUNTY, INDIANA