

Ordinance No. 2019-09-11-01

VEHICLES AND TRAFFIC

OPERATION OF OFF-ROAD VEHICLES ON TOWN STREETS

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WHEREAS, I.C. 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 I.C. 14-16-1; and

WHEREAS, the Town Council of the Town of Poseyville desires to permit and regulate the operation of Utility Off-Road Vehicles on Town streets;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL, TOWN OF POSEYVILLE, STATE OF INDIANA:

Section 1 Definition of "Off-Road Vehicle"

"Off-Road Vehicle" of "ORV" had the definition as provided by Indiana Code 14-8-2-185.

Section 2 Permitted Operation on Utility Off-Road Streets

“Off-Road Street” shall mean all Town streets within the Town of Poseyville, except for the following:

- A. State Highways 68 and 165, except for purposes of crossing State Highways 68 and 165 in compliance with I.C. 14-16-1-20(a)(2), except for the intersections of Cale and Locust Streets that an operator is prohibited from crossing;
- B. Any streets posted by order of the Town Council or its designee for non-use for URV;
- C. Any of the following:
 - i. On sidewalks;
 - ii. On any unpaved surfaces of public property on which motor vehicles are not allowed; and
 - iii. On any private property without permission of the owner.

Section 3 Definition of Operator

An “Operator” of an ORV must possess a valid motor vehicle driver’s license as is also required by I.C. 14-16-1-20(c).

Section 4 Use and Operation of Off-Road Vehicles on Town Streets, Speed Limit

An “Operator” may operate an ORV on Off-Road Streets, an “Operator” must comply with the terms and the conditions of this Ordinance. ORVs are subject to a restricted speed limit of 15 mph. ORV may not be operated on restricted streets and areas, as designated by the Town Marshal.

Section 5 Helmet Requirement

Operator must comply with I.C. 14-16-1-33 as to helmet requirements.

Section 6 Registration Requirements

ORV must be registered under I.C. 14-16-1-18, or as amended. At time of passage this registration occurs with the Indiana Bureau of Motor Vehicles.

Section 7 Lights and Brakes

The operator must comply with the requirements imposed by I.C. 14-16-1-21 with regard to lights and brakes on the ORV.

Section 8 Statutory Restrictions on use

Nothing in this Ordinance modifies, alters, or changes the restrictions on operation established under I.C. 14-16-1-23.

Section 9 Number of Occupants

No ORV shall be occupied by more persons than for which the vehicle was designed with designated seating. All occupants of an ORV must be in designated seating.

Section 10 Duties in Event of Accident

Nothing in this Ordinance modifies, alters, or changes the duties under I.C. 14-16-1-24 placed on the operator of an ORV in the event of an accident. An operator must fully comply with the duties imposed upon him or her in the event of an accident as mandated by I.C. 14-16-1-24.

Section 11 Liability Insurance

An operator operating an ORV on an Off-Road Street must have liability insurance specifically for such ORV in accordance with the minimum insurance requirements for the operation of other motor vehicles on public highways in the State of Indiana; said statute regarding liability insurance on other motor vehicles is at the time of the passing of this Ordinance, codified at I.C. 9-25-4-5.

Section 12 Possession of Registration and Certificate of Insurance

Anyone operating an ORV shall carry on his or her person any registration required under I.C. 14-16-1 and the certificate of insurance required under this Ordinance for the ORV being operated.

Section 13 Restriction on Operation

I.C. 14-16-1-23(a)(7) prohibits the operation of ORV within 100 feet of a dwelling between midnight and 6:00 a.m., with few exceptions as provided by the aforementioned law.

Section 14 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 ORVs must obey and follow all rules and regulations applicable to the operation of vehicles on roadways in Indiana.

Section 15 Disturbance of Roadway

No person shall operate an ORV on Off-Road Streets in such a manner which causes damage to the street or disturbs the surface of the roadway. Any violator of this Ordinance, in addition to such penalties set forth below, shall be responsible for all costs of repairs of such damage or disturbance.

Section 16 Mufflers

As required by I.C. 14-16-1-23(a)(6), each ORV being operated on Town street pursuant to this Ordinance, must be equipped with a muffler in good working order and in constant operation to prevent excessive noise and annoying smoke.

Section 17 Emergencies

Any Town, County or State law enforcement officer may prohibit operation of an ORV on a Town street or roadway during emergencies.

Section 18 Penalty

A. Any person who violates any provision of this Ordinance shall be deemed guilty of a violation and, upon conviction, shall be fined pursuant to the following schedule:

- 1) First offense in a 12-month period: \$100.00
- 2) Second offense in a 12-month period: \$200.00
- 3) Third offense in a 12-month period: \$250.00

B. Each day that a violation occurs constitutes a separate offense.

Section 19 Enforcement

All law enforcement officers in the Town of Poseyville shall have the power and it shall be their duty to enforce the provisions of this ordinance unless otherwise prevented by state statues regarding the enforcement of state laws.

Section 20 Repeal of Inconsistent Ordinances

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

Section 21 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 22 Effective Date

This ordinance shall become effective upon the passage by the Town Council of the Town of Poseyville, attested to by the Clerk/Treasurer, and published as required by I.C. 5-3-1-2. This Ordinance shall have no expiration date.


ORDAINED AND ADOPTED this 11th day of September, 2019 and effective immediately after final legal publication.

ATTEST:



Julie Mayo, Clerk/Treasurer


POSEYVILLE, INDIANA TOWN COUNCIL



Bruce C. Baker, President



Ronald G. Fallowfield, Member



Steven J. Ahrens, Member