

ORDINANCE NO. 2011-2

AN ORDINANCE GOVERNING THE  
OPERATION OF OFF-ROAD VEHICLES

**WHEREAS**, a number of citizens of Warren County, Indiana are desirous of operating off-road vehicles on and along county highways; and

**WHEREAS**, it is in the public interest to establish reasonable rules for the operation of such vehicles on and along county highways;

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WARREN COUNTY, INDIANA, AS FOLLOWS, TO-WIT:**

**Section 1:** Short Title. This ordinance shall be known as the Off-Road Vehicle Ordinance.

**Section 2:** Definitions. As used in this Ordinance the term:

(a) "Operator" means any person at least eighteen (18) years old whose driving privileges are not currently revoked or suspended.

(b) "Off-Road Vehicle" means a motor driven vehicle capable of cross county travel without benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, amphibious machine, ground effect air cushion vehicle or other means of transportation deriving motive power from a source other than muscle or wind. It does not include a farm vehicle being used for farming or a vehicle used for military or law enforcement purposes, a construction, mining, or other industrial related vehicle used in performance of its common function, a snowmobile, or a registered aircraft and does not include any other vehicle properly registered by the Indiana Bureau of Motor Vehicles, and any watercraft which is registered pursuant to Indiana statutes.

(c) "Highway, Road or Right-of-Way" means the entire width between the boundary lines of every way maintained by and within the jurisdiction of Warren County, Indiana when

any part thereof is open to the use of the public for purposes of vehicular travel. This ordinance shall not be construed to permit the use of off road vehicles on state highways.

(d) "Operate" means to ride in or on and to be in actual physical control of the operation of an off road vehicle.

**Section 3: Purposes.** The purposes of this Ordinance are:

(a) To authorize persons eighteen (18) years of age and older whose driving privileges are not currently revoked or suspended to operate off-road vehicles registered with the Indiana Department of Natural Resources over and upon county roads.

(b) To establish rules and regulations for the operation of off-road vehicles over and upon county roads; and

(c) To promote the safety of persons and property, responsible enjoyment in and connected with the use and operation of off-road vehicles, and understanding consistent with the rights of all the citizens of this county.

**Section 4: Insurance**

(a) Any person who operates an off-road vehicle over and upon county roads shall maintain recreational vehicle liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred thousand Dollar (\$300,000.00) per occurrence insuring against injury to persons and damage to property arising from the use and operation of such off-road vehicle upon county roads.

(b) Any person who operates an off-road vehicle over and upon county roads shall carry proof of such insurance on his or her person at all times when operating an off-road vehicle on county roads.

**Section 5: Registration/Compliance with State Law.**  
An off-road vehicle shall not be operated on a county road unless it is duly registered with the Indiana Department of Natural Resources and meets all of the standards,

requirements and regulations set forth in IC 14-16-1-1 et seq.

**Section 6. Restrictions on Operation.** A person shall not operate an off-road vehicle:

(a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing but in no event greater than any speed limit of said road or right-of-way.

(b) While under the influence of intoxicating liquor or unlawfully under the influence of narcotic or other habit forming or dangerous depressant or stimulant drug.

(c) During the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise without displaying a lighted headlight and lighted tail light.

(d) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(e) On any private property without the consent of the landowner.

(f) Contrary to any traffic laws governing the operation of motor vehicles in the State of Indiana set forth in Titles 9 and 14 of the Indiana Code.

**Section 7. Right to Restrict Off-Road Vehicle Traffic on Designated County Roads.**

(a) The Board of Commissioners may restrict off-road vehicular traffic on county roads by designating such roads as unsuitable for off-road vehicular traffic and by posting signs on such designated roads.

(b) It shall be a violation of this Ordinance to operate an off-road vehicle on any county road so designated and posted.


**Section 8. Penalties for Violations.** A person who operates an off-road vehicle in violation of this ordinance shall, upon conviction, be fined an amount not less than One Hundred Dollars (\$100.00) but not to exceed Five Hundred Dollars (\$500.00).

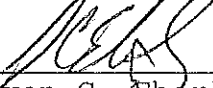
**Section 9. Effective Date.**

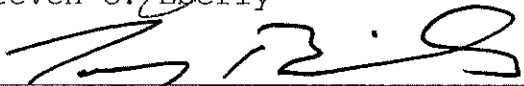
This ordinance shall become in full force and effect from and after adoption by the Warren County Board of Commissioners and its publication in accordance with IC 5-3-1.

**ORDAINED** by the Board of Commissioners of Warren County, Indiana this 5<sup>th</sup> day of July, 2011.

BOARD OF COMMISSIONERS  
OF WARREN COUNTY

  
\_\_\_\_\_  
Thomas A. Hetrick

  
\_\_\_\_\_  
Steven C. Eberly

  
\_\_\_\_\_  
Anton "Tony" Briles

ATTEST:

  
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Michelle Hetrick, Auditor of  
Warren County, Indiana