

ORDINANCE NUMBER 2022- 03

AN AMENDED ORDINANCE DESIGNATING HIGHWAYS IN THE  
CASS COUNTY ROAD SYSTEM OVER AND UPON WHICH  
OFF-ROAD VEHICLES MAY BE OPERATED  
(Amending Ordinance 2010-02)

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the County of Cass, Cass County, Indiana as follows:

ARTICLE I  
Definitions

Section 101. “Operator” means any person who operates or is in actual physical control of an off-road vehicle.

Section 102. “Owner” means a person, other than a lien-holder, who has the property in or title to an off-road vehicle and is entitled to the use or possession thereof.

Section 103. “Operate” means to ride in or on, and to be in actual physical control of the operation of an off-road vehicle.

Section 104. “Person” means an individual, partnership, corporation, the state and any of its agencies or subdivisions and any body of persons whether incorporated or not.

Section 105. “Off-road vehicle” means a motor driven vehicle capable of cross country 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 golf carts, 2 wheel dirt bikes, a farm vehicle being used for farming, a vehicle used for military or law enforcement purposes, construction, mining or other industrial related vehicles used in performance of its common function or a registered aircraft and does not include for registration any other vehicle properly registered by the Bureau of Motor vehicle, and any water craft which is registered pursuant to Indiana Statutes.

Section 106. “Highway, street or right-of-way” means the entire width between the boundary lines every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicle travel.

Section 107. “Department” means the Department of Natural Resources.

Section 108. “Director” means the Director of Natural Resources.

ARTICLE II  
Highways Designated

Section 201. From and after the effective date of this Ordinance, all highways within the Cass County Road System, excepting such highways as may be located within the corporate limits of a city or town, may be utilized for travel by off-road vehicles, subject to the rules and regulations now existing or hereafter enacted by the Department of Natural Resources of the State of Indiana and applicable state laws.

### ARTICLE III

#### Restrictions on Operation

Section 301. No person shall operate an off-road vehicle on a country highway within the Cass County Road System pursuant to I.C. 14-16-1-23 as amended:

- (a) At a rate of speed greater than is reasonable and proper, having due regard for conditions then existing.
- (b) While under the influence of intoxicating liquor or under the influence of a narcotic or other habit-forming or dangerous depressant or stimulant drug.
- (c) Without displaying a lighted headlight and a lighted taillight.
- (d) In any forest nursery, planting area or public lands posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.
- (e) On frozen surface of public water within one hundred (100) feet of a person not in or upon a vehicle or within one hundred (100) feet of a fishing shanty or shelter, except at a speed of five (5) miles per hour or less.
- (f) Unless it is equipped with muffler in good working order and in constant operation to prevent excessive noise and annoying smoke.
- (g) Within one hundred (100) feet of a dwelling except on his own property or property under his control or as an invited guest, between the hours of midnight and 6:00 a.m.
- (h) On any property without the consent of the landowner or tenant thereof.
- (i) While transporting thereon a bow unless unstrung or a firearm unless unloaded. This subsection does not apply to a person who is carrying a handgun if the person (1) has been issued an unlimited handgun license to carry a handgun under I.C. 35-47-2 or (2) does not require to possess a license to carry a handgun under I.C. 35-47-2-2.
- (j) On or across a cemetery or burial ground.
- (k) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.
- (l) On a railroad track or railroad right-of-way, except personal in performance of their duties.
- (m) In or upon any flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless of sufficient water depth to permit movement by floatation of this vehicle at all times.

(n) An individual shall not operate a vehicle while bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

(o) Under the age of 16.

Section 302. An off-road vehicle shall not be operated unless it has at least one (1) headlight, one (1) taillight and adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hours.

#### ARTICLE IV

##### Penalty

Section 401. Any operator who violates this ordinance except Section 301 (a) & (b) shall commit a Class C Infraction.

#### ARTICLE V

##### Validity

Section 502. All ordinances or part of ordinances in conflict herewith are hereby repealed.

Section 502. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

#### ARTICLE VI

Section 601. This ordinance shall be in full force and effect from and after the 1<sup>st</sup> day of July, 2022.

Section 602. Passed and adopted by the Board of County Commissioners of the County of Cass, Cass County, Indiana this 20<sup>th</sup> day of June, 2022.

Cass County Board of Commissioners

absent  
Ryan Browning

Ruth Baker  
Ruth Baker

Michael W. Stadjahar  
Michael W. Stadjahar

Attest:

Cheryl Alcorn  
Cheryl Alcorn, County Auditor

Dated: June 20, 2022