

BEFORE THE BOARD OF COMMISSIONERS OF WABASH COUNTY

ORDINANCE NUMBER 2020-85-01

AN ORDINANCE REGULATING THE OPERATION OF OFF-ROAD VEHICLES

The Board of Commissioners of Wabash County may adopt ordinances regulating traffic on any highway in the county highway system, subject to I.C. 9-21.

The Board of Commissioners has determined that it is appropriate to adopt an ordinance governing the operation of off-road vehicles on the county highway system.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

1. Statutory Authorization. This ordinance is enacted pursuant to I.C. 14-16-1-22, and is supplemental to and shall be construed in conjunction with the provisions of I.C. 14-16, et. seq., as from time to time hereafter amended.

2. Definition of Off-Road Vehicle. "Off-road vehicle" means a motor driven vehicle described in I.C. 14-8-2-185, as from time to time hereafter amended.

3. Highways Designated. From and after the effective date of this Ordinance, all highways within the Wabash County highway 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.

4. Registration. An off-road vehicle must be registered to operate in Indiana in accordance with I.C. 9-18.1-14 before an off-road vehicle may utilize any highway within the Wabash County highway system.

5. Restrictions on operations.

5.1. Except as provided in IC 9-21-1-3(a)(14) and IC 9-21-1-3.3, an individual may not operate a vehicle required to be registered under this chapter, under IC 9-18-2.5 (before its expiration), or under IC 9-18.1-14 upon a county highway, street, or rights-of-way thereof or on a public or private parking lot not specifically designated for the use of vehicles, except under the following conditions:

(1) A vehicle may be operated on the county right-of-way adjacent to the traveled part of the county highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.

(2) The operator of a vehicle may cross a county highway, other than a limited access highway, at right angles for the purpose of getting from one (1) area to another when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a county highway and shall yield the right-of-way to all traffic.

(3) Notwithstanding this section, a vehicle may be operated on a highway in a county road system outside the corporate limits of a city or town if the highway is designated for this purpose by the county highway department having jurisdiction.

(4) A law enforcement officer of a city, town, or county or the state may authorize use of a vehicle on the county highways, streets, and rights-of-way within the officer's jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

(5) A vehicle may be operated on a street or highway for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

5.2. An individual less than fourteen (14) years of age may not operate a vehicle without immediate supervision of an individual at least eighteen (18) years of age, except on land owned or under the control of the individual or the individual's parent or legal guardian.

5.3. Except as provided in IC 9-21-1-3(a)(14) and IC 9-21-1-3.3, an individual may not operate a vehicle on a county highway without a valid motor vehicle driver's license.

5.4. A vehicle may not be operated between sunset and sunrise unless the vehicle has at least one (1) headlight and one (1) taillight.

5.5. A vehicle 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.

5.6. An individual shall not operate a vehicle under any of the following conditions:

(1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.

(2) While (A) under the influence of an alcoholic beverage; or (B) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.

(3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.

(4) In a forest nursery, a planting area, or county land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.

(5) On the frozen surface of public waters within (A) one hundred (100) feet of an individual not in or upon a vehicle; or (B) one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.

(6) 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.

(7) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.

(8) On any property without the consent of the landowner or tenant.

(9) While transporting on or in the vehicle a firearm, unless the firearm is unloaded and securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(10) On or across a cemetery or burial ground.

(11) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.

(12) On a railroad track or railroad right-of-way, except railroad personnel in the performance of duties.

(13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

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

5.7. Subsection 5.6(9) does not apply to a person who is carrying a firearm:

(1) if: (A) the firearm is a handgun; and (B) the person has been issued an unlimited handgun license to carry a handgun under IC 35-47-2;

(2) if: (A) the firearm is a handgun; and (B) the person is not required to possess a license to carry a handgun under IC 35-47-2-2; or

(3) if the person carrying the firearm is operating the vehicle on property that the person: (A) owns; (B) has a contractual interest in; (C) otherwise legally possesses; or (D) has permission from a person described in clauses (A) through (C) to possess a firearm thereon.


6. Passenger Limit. An off-road vehicle may not be operated with more than two (2) passengers, not including the operator.

7. Conflict. All ordinances or part of ordinances in conflict herewith are hereby repealed.

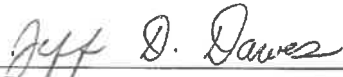
8. Effective Date. This ordinance shall be in full force and effect from and after the date of its adoption and publication as required by law.

ADOPTED this 27 day of January, 2020.

BOARD OF COMMISSIONERS OF WABASH COUNTY



Brian K. Haupert, Chairman




Jeff D. Dawes



Barry J. Eppley

ATTEST:



Marcie Shepherd, Wabash County Auditor