

ORDINANCE NO. 2023-11

**AN ORDINANCE ALLOWING FOR CERTAIN OFF-ROAD  
VEHICLE USAGE ON CLAY COUNTY HIGHWAYS**

WHEREAS, it is determined that, Clay County, IN, is in need of a updated policy governing Off-Road Vehicle, as defined by IC § 14-8-2-185, usage on county roadways;

WHEREAS, I.C. § 14-16-1-20(a) (3) authorizes a local highway department to allow Off-Road Vehicles to operate on county roads, pursuant to limits imposed by state law;

WHEREAS, all other applicable state traffic and other laws, including but not limited to the following will remain in full force and effect and abiding by such laws shall remain the operator's sole responsibility:

1. All applicable speed limits – Operators are put on notice that they are responsible for abiding by all speed limits even if their vehicle is not equipped with an operable speedometer;
2. Any applicable Department of Natural Resources Registration requirements under I.C. § 14-16-1, *et seq.*;
3. I.C. § 14-16-1-23 – Requiring a working muffler; and
4. Any and all requirements to maintain a valid operator's license.

BE IT NOW ORDAINED by the Board of Commissioners of Clay County, Indiana, acting in their roles as the heads of the Clay County Highway Department:

1. Subject to the regulations contained in this ordinance, only All-Terrain Vehicles as defined by I.C. § 14-8-2-5.7, Recreational Off-Road Vehicles as defined by I.C. § 14-8-2-233.5 are hereby allowed on roads in the Clay County Highway Inventory ("Clay County Roadways"), excluding state highways, subject to the conditions set forth in this ordinance.
2. All-Terrain Vehicle, Recreational Off-Road Vehicle must be registered with the Indiana Bureau of Moto Vehicles, and must have proof of valid liability insurance covering his/her vehicle in an amount greater than or equal to the Indiana state automotive insurance minimums as set forth in IC § 9-25-4-5 when operated on Clay County Roadways; proof of said insurance shall be carried on his or her person at all times when operating a All-Terrain and or Recreational Off-Road Vehicle on Clay County Roadways.
3. All All-Terrain Vehicle, Recreational Off-Road Vehicle operators on Clay County Roadways must be at least 18 years of age or older and possess a valid motor vehicle driver's license when operating on Clay County Roadways; All passengers of All-Terrain Vehicle and Recreational Off-Road Vehicles under eighteen (18) years of age shall wear protective headgear while in operation on Clay County Roadways.

federal law, all other portions shall remain in full force and effect.

BE IT NOW ORDAINED AND ADOPTED this 3<sup>rd</sup> day of July, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF CLAY COUNTY, INDIANA

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Paul Sinders

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Bryan Allender

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Marty Heffner

ATTEST:

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Patricia Foxx  
Clay County Auditor