

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.
4. No person shall operate an off-road vehicle on any county road without a valid motor vehicle driver's license.
5. No passengers are permitted on single seat All-Terrain Vehicles and or Recreational Off-Road Vehicles on Clay County Roadways, passengers on all other All-Terrain Vehicles and or Recreational Off-Road Vehicles are limited to the number of passenger seats on the vehicle. Vehicle equipped with a system of seat belts, or similar system for restraining each occupant of the vehicle must be properly utilized when the vehicle is in operation on Clay County Roadways.
6. All-Terrain Vehicles, Recreational Off-Road Vehicles must have at least an operating brake light, tail light and head light when in operation on Clay County Roadways;
7. All-Terrain Vehicles and Recreational Off-Road Vehicles must travel single-file on Clay County Roadways.
8. A person shall not operate an All-Terrain vehicle and/or Recreational Off-Road Vehicle, at a rate of speed greater than is reasonable and proper having due regard for conditions. They may not be operated at a speed greater, then the posted speed for Clay County Roadways.
9. Failure to abide by any of the above conditions when an All-Terrain Vehicle and/or Recreational Off-Road Vehicle is in use on Clay County Highways shall constitute a violation of this ordinance.

10. Fines and penalties for violations of this ordinance:
 - A. First violation - \$150.00;
 - B. Second violation - \$450.00 and a 60-day suspension from using All-Terrain Vehicles and Recreational Off-Road Vehicles on Clay County Roadways;
 - C. Third and Subsequent Violations - \$750.00 and a lifetime suspension from using All-Terrain Vehicles and Recreational Off-Road Vehicles on Clay County Roadways;
11. Any conviction for criminal trespass involving an Off-Road Vehicle, as defined by IC § 14-8-2-185, subsequent to the passage of this ordinance, shall result in an automatic lifetime suspension from the operation of All-Terrain Vehicles and Recreational Off-Road Vehicles on Clay County Roadways.
12. Court costs, as set by the state schedule, shall apply to all cases contested in court.
13. All fines shall be deposited into the Clay County General Fund.
14. Enforcement of this ordinance shall be conducted pursuant to I.C. § 34-28-5.
15. If any provision of this ordinance is found to conflict with Indiana state law or with federal law, all other portions shall remain in full force and effect.
16. This Ordinance supercedes any prior Ordinance contrary hereto.

BE IT NOW ORDAINED AND ADOPTED this 7th day of August, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, INDIANA

Marty Heffner

Paul Sindors

Bryan Allender

ATTEST:

Patricia Foxx
Clay County Auditor