

**AN ORDINANCE AMENDING VANDERBURGH COUNTY'S
ORDINANCE CONCERNING OFF-ROAD VEHICLES AND
AMENDING TITLES 10, CHAPTER 10.60, SECTIONS
10.60.010 THROUGH 10.60.140 OF THE VANDERBURGH COUNTY CODE**

WHEREAS, pursuant to provisions of I.C. §9-21-1-3(a)(14), Vanderburgh County, with respect to roads and highways under the County's jurisdiction, and in accordance with I.C. 9-21-1-2 and within the reasonable exercise of police power, may regulate off-road vehicles;

WHEREAS, pursuant to the provisions of I.C. §9-21-1-3.3(a), Vanderburgh County may adopt an ordinance with additional traffic regulations concerning the use of off-road vehicles on streets and alleys under the jurisdiction of the County as long as the ordinance does not conflict with or duplicate state law;

WHEREAS, pursuant to the provisions of I.C. §9-21-1-3.3(b) and (c), all fines assessed for a violation of the off-road vehicle and golf cart ordinance shall be deposited into the general fund of the County and violations of the ordinance shall constitute a Class C infraction;

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana has determined that a need exists for the regulation of off-road vehicles on the streets, alleys and highways under the jurisdiction of Vanderburgh County and that an ordinance should be adopted as authorized under Indiana law; and

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana wishes to amend Titles 10, Chapter 10.60, Sections 10.60.010 through 10.60.140 of the Vanderburgh County Code concerning Off-Road Vehicles.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, that Title 10, Chapter 10.60, shall be amended as follows:

Off-Road Vehicles

- 10.60.010 Definitions
- 10.60.020 Use and operation on county roads and highways
- 10.60.030 Driver's License requirement
- 10.60.040 Headlights, taillights, and brakes
- 10.60.050 Statutory restrictions on use
- 10.60.060 Duties in event of accident
- 10.60.070 Liability insurance
- 10.60.080 Possession of registration and certificate of insurance
- 10.60.090 Time of Operation
- 10.60.100 Other laws and regulations
- 10.60.110 Disturbance of roadway
- 10.60.120 Occupants

- 10.60.130 Enforcement
- 10.60.140 Penalty

Section 1. Amendment. Title 10, Chapter 10.60, Section 10.60.010, shall be amended to read as follows:

Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) "Golf Cart" is a vehicle with four wheels originally designed for operation on a golf course and powered by a battery or internal combustion motor.
- (b) "Driver's License" is a valid license to operate a motor vehicle issued by Indiana or any other state.
- (c) "Financial Responsibility" is liability insurance coverage on a golf cart or recreational off road vehicle in an amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.
- (d) "Off Road Vehicle" shall be defined as set forth in I.C. 14-8-2-185.

Section 2. Amendment. Title 10, Chapter 10.60, Section 10.60.020 shall be amended to read as follows:

Use and operation on county roads and highways

A) The operation of a golf cart or an off-road vehicle within Vanderburgh County is strictly prohibited unless the golf cart or off-road vehicle is operated and equipped in full compliance with this chapter.

(B) Off-road vehicles may be operated on county roadways outside incorporated areas, excluding the following prohibited roadways:

ROUTE NAME	FROM	TO
ALLEN LN.	St. Joseph Avenue	CSX Railroad/City Limits
BAUMGART RD.	SR 57	Browning Road
BOONVILLE-NEW HARMONY RD.	US 41	Petersburg Rd.
BROADWAY AV.	Schutte Road	Speaker Road
BROWNING RD.	Petersburg Road	Old State Road
BURKHARDT RD.	Hirsch Road	Olmstead Road
COVERT AV.	Evansville City Limits	Interstate 69 Southbound Ramp
DARMSTADT RD.	Kratzville Road	Darmstadt Town Limits
DIXIE FLYER HIGHWAY	Tekoppel Ave.	Evansville City Limits
EVERGREEN RD.	Darmstadt Road	Old State Road
FUQUAY RD.	Pollack Avenue	Covert Avenue
GREEN RIVER RD.	Hirsch Road	Petersburg Road
HECKEL RD.	Oak Hill Road	Green River Road
HILLSDALE RD.	US 41	Browning Road

HOGUE RD.	Bohne Camp Road	Evansville City Limits
KANSAS RD.	Petersburg Road	Green River Road
KRATZVILLE RD.	Wimberg Road	Darmstadt Road
LYNCH RD.	Oak Hill Road	Pigeon Creek
MILL RD.	Mesker Park Dr.	Evansville City Limits at CSX RR
MILLERSBURG RD.	Oak Hill Road	Green River Road
MT. PLEASANT RD.	Darmstadt Road	Baumgart Road
OAK HILL RD.	Lynch Road	William Brooks Drive
OAK HILL RD.	Evansville City Limits	Kansas Road
OLD STATE RD.	Campground Road	Darmstadt Town Limits
OLD STATE RD.	Darmstadt Town Limits	Baseline Road
PETERSBURG RD.	SR 57	Boonville-New Harmony Rd.
POLLACK AV.	Evansville City Limits	Lynn Road
RED BANK RD.	Evansville City Limits	Upper Mt. Vernon Rd.
RESURRECTION DR.	New Harmony Road	SR 66
ROSENBERGER AV.	Evansville City Limits	Hogue Road
ST GEORGE RD.	Evansville City Limits at Indiana Southern RR	Oak Hill Road
ST JOSEPH AV.	Evansville City Limits	Darmstadt Town Limits
UNIVERSITY PKWY.	SR 62	SR 66
UPPER MOUNT VERNON RD.	Posey County Line	Bohne Camp Road
WATERWORKS RD.	US 41	Evansville City Limits
WIMBERG RD.	St. Joseph Avenue	Kratzville Road

(D) Off-road vehicles shall not be operated on sidewalks, bicycle/walking paths, or upon any state or federal highways.

(E) An off-road vehicle may cross a prohibited roadway, at a right angle, when the operation can be done safely.

Section 3. Amendment. Title 10, Chapter 10.60, Section 10.60.030 shall be amended to read as follows:

Driver’s License requirement

Only valid licensed drivers, eighteen (18) years of age or older, and issued a driver’s license from a State Bureau of Motor Vehicles may operate an off-road vehicle on Vanderburgh County roadways.

Section 4. Amendment. Title 10, Chapter 10.60, Section 10.60.040 shall be amended to read as follows:

Headlights, taillights, and brakes

The off-road vehicle must meet those standards of headlights, taillights, and brakes required under I.C. 14-16-1-21.

Section 5. Amendment. Title 10, Chapter 10.60, Section 10.60.050 shall be amended to read as follows:

Statutory restrictions on use

Nothing in this chapter modifies, alters or changes the restrictions on operation established under I.C. 14-16-1-23.

Section 6. Amendment. Title 10, Chapter 10.60, Section 10.60.060 shall be amended to read as follows:

Duties in event of accident

Nothing in this chapter modifies, alters or changes the duties under I.C. 14-16-1-24 placed on the operator of an off-road vehicle in the event of an accident.

Section 7. Amendment. Title 10, Chapter 10.60, Section 10.60.070 shall be amended to read as follows:

Liability insurance

An operator operating an off-road vehicle on a county roadway shall have liability insurance specifically for such off-road vehicle.

Section 8. Amendment. Title 10, Chapter 10.60, Section 10.60.080 shall be amended to read as follows:

Possession of registration and certificate of insurance

Any operator of an off-road vehicle shall carry on his or her person any registration required under I.C. 14-16-1 and the certificate of insurance required under this chapter for the off-road vehicle being operated.

Section 9. Amendment. Title 10, Chapter 10.60, Section 10.60.090 shall be amended to read as follows:

Time of Operation

Off-road vehicles shall not be operated on county roadways between sunset to sunrise unless the golf cart or off-road vehicle is equipped with two (2) operating headlights (one on each side of the front of the off-road vehicle) and two (2) operating tail light with brake lights (one on each side of the rear of the off-road vehicle) which are visible from a distance of five hundred (500) feet.

Section 10. Amendment. Title 10, Chapter 10.60, Section 10.60.100 shall be amended to read as follows:

Other laws and regulations

Nothing in this chapter modifies, alters or changes the requirements of the operation of vehicles on public roadways in Indiana, and all operators of off-road vehicles must obey

and follow all rules and regulations applicable to the operation of vehicles on roadways in Indiana.

Section 11. Amendment. Title 10, Chapter 10.60, Section 10.60.110 shall be amended to read as follows:

Disturbance of roadway

No person shall operate an off-road vehicle on county roadways in such a manner which causes damage to the roadway or highway or disturbs the surface of the roadway or highway. Any violator of this section, in addition to such penalties set forth in § 10.60.140 below, shall be responsible for all costs of repair of such damage or disturbance.

Section 12. Amendment. Title 10, Chapter 10.60, Section 10.60.120 shall be amended to read as follows:

Occupants

The number of occupants in an off-road vehicle shall be limited to the number of persons for whom factory seating is installed and provided on the off-road vehicle. The operator and all occupants shall be seated in the off-road vehicle and no part of the body of the operator or occupant shall extend outside the perimeter of the off-road vehicle while the off-road vehicle is being operated. No one under the age of fourteen (14) years is allowed to ride on the off-road vehicle unless accompanied by an adult.

Section 13. Amendment. Title 10, Chapter 10.60, Section 10.60.130 shall be amended to read as follows:

Enforcement

All law enforcement officers in the county shall have the power and it shall be their duty to enforce the provisions of this chapter unless otherwise prevented by state statutes regarding the enforcement of state laws.

Section 14. Amendment. Title 10, Chapter 10.60, Section 10.60.140 shall be amended to read as follows:

Penalty

(A) Any person who violates any provision of this chapter shall be deemed guilty of a violation and, upon conviction, shall be fined pursuant to the following schedule:

- (1) First offense in a calendar year: \$50.
- (2) Second offense in a calendar year: \$100.
- (3) Third or more offense in a calendar year: \$500.

(B) Each day that a violation occurs constitutes a separate offense.

(C) All such fines shall be paid into the Office of the Vanderburgh County Treasurer and shall be distributed by the Vanderburgh County Treasurer to the Vanderburgh County Auditor to be maintained as part of the County General Fund.

Sections 15: Effective Date.

This Ordinance shall be in full force and effect after its passage by the Board of Commissioners of Vanderburgh County, Indiana, and following publication as provided by I.C. §5-3-1.

First passed by the Board of Commissioners of Vanderburgh County this _____ day of _____, 2020.

Final passage by the Board of Commissioners of Vanderburgh County this _____ day of _____, 2020.

**THE BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY INDIANA**

By: _____
Jeff Hatfield, President

By: _____
Ben Shoulders, Vice President

By: _____
Cheryl Musgrave, Member

ATTEST:

By: _____
Brian Gerth, Vanderburgh County Auditor

APPROVED AS TO LEGAL FORM:

By: _____
David L. Jones, Vanderburgh County Attorney