

**ORDINANCE NO.: 2015 – 15**

**AN ORDINANCE ALLOWING FOR CERTAIN OFF-ROAD VEHICLE USAGE ON FAYETTE COUNTY HIGHWAYS AND PERMITTING FEES TO BE PAID UNDER THIS ORDINANCE**

WHEREAS, It is determined that, Fayette County, IN, is in need of a policy governing Off-Road Vehicle, as defined by Ind. Code 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, I.C. 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 Fayette County, Indiana, acting in their roles as head of the Fayette 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 (Both terms have their defined meanings throughout this Ordinance) are hereby allowed on roads in the Fayette County Highway Inventory (Fayette County Roadways"), excluding state highways, subject to the conditions set forth in this ordinance.

2. Dead end roads shall only be open to local traffic only for All-Terrain Vehicles, and Recreational Off-Road Vehicles.

3. All-Terrain Vehicles and Recreational Off-Road Vehicles must be registered at least once every year at the Fayette County Sheriff's Department to operate on Fayette County Highways. To register, each operator must present a VIN #, the make and model number of their ATV, proof of insurance, proof that the operator is at least eighteen (18) years of age, proof of address, and a contact phone number. A registration sticker which must be displayed prominently on rear of vehicle will be provided with the annual Twenty Five (25) Dollar Registration Fee.

4. All-Terrain Vehicle and Recreational Off-Road Vehicle must have proof of a valid liability insurance covering his/her vehicle in an amount greater to or equal to the Indiana state automotive insurance minimums as set forth in I.C. 9-25-4-5 when operated on Fayette County highways.

5. All-Terrain Vehicle and Recreational Off-Road Vehicle operators on Fayette County Highways must be at least eighteen (18) years of age or older.

6. No passengers are permitted on single seat All-Terrain Vehicles and Recreational Off-Road Vehicles on Fayette County Highways. All other vehicles subject to this ordinance are limited to the number of passenger seats on the vehicle.

7. All-Terrain Vehicles and Recreational Off-Road Vehicles must have at least an operating brake light when in operation on Fayette County Roadways.
8. No All-Terrain Vehicles and Recreational Off-Road Vehicles are permitted on Fayette County Roadways from sunset until sunrise.
9. All-Terrain Vehicles and Recreational Off-Road Vehicles being actively used for agricultural purposes are exempt from Sections 2 through 8 of this Ordinance.
10. All-Terrain Vehicles and Recreational Off-Road Vehicles must travel single file on Fayette County Roadways.
11. Failure to abide by any of the above conditions when an All-Terrain Vehicles and Recreational Off-Road Vehicles are in use on Fayette County Roadways shall constitute a violation of this Ordinance.
12. Fines and penalties for violations of this Ordinance:
  1. First violation \$100.00.
  2. Second violation \$250.00 and a 60 day suspension from using All-Terrain Vehicles or Recreational Off Road Vehicles on Fayette County Highways.
  3. Third and Subsequent Violations - \$500.00 and a lifetime suspension from using All-Terrain Vehicles and Recreational Off-Road Vehicles on Fayette County Highways.
  4. Any conviction for criminal trespass involving an Off-Road Vehicle, as defined by Ind. Code 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 Fayette County Highways.
  5. The violation of a lifetime suspension shall result in a \$1,000.00 fine for each offense.
  6. Fines up to \$250 may be paid through the Fayette County Clerk's Office or may be contested in Court.
  7. Court Costs, as set by state schedule, shall apply to all cases contested in Court.
  8. All fines shall be deposited in the Fayette County General Fund.
13. Enforcement of this ordinance shall be conducted pursuant to I.C. 34-28-5.
14. 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.
15. This Ordinance shall become effective on September 15, 2015 or upon the completion of all publication requirements, whichever is later. The County Auditor is directed to cause this ordinance to be published.

WHEREAS, it would be in the best interest of Fayette County, Indiana, that the fees shall be as follows:

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, INDIANA THAT THE FEES SHALL BE AS FOLLOWS:**

As an administration and advertising fee for the use of ATVS in Fayette County, Indiana the fees shall be as follows:

1. \$25.00 dollars for bona fide residents of Fayette County.
2. Any person applying for the first time will be charged a fee that will be good for one (1) year. Each person will need to get a new sticker every year.

These fees shall be paid at the Fayette County Sheriff's Department, through Office of the Sheriff of Fayette County, Indiana.

BE IT NOW ORDAINED AND ADOPTED THIS 1<sup>st</sup> day of September, 2015.

**BOARD OF COMMISSIONERS OF FAYETTE COUNTY, INDIANA**

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President, Fayette County Board of  
Commissioners

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Commissioner

\_\_\_\_\_  
Commissioner

ATTEST: \_\_\_\_\_  
County Auditor