

VIGO COUNTY ORDINANCE PERTAINING TO  
THE OPERATION OF OFF-ROAD VEHICLES

Whereas, a number of citizens of Vigo County, Indiana are desirous of operating off-road vehicles on and along county highways; and

Whereas, it is in the public interest to establish reasonable rules for the operation of such vehicles on and along county highways;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VIGO COUNTY, INDIANA, AS FOLLOWS, TO WIT:

Section 1:     Short Title.     This Ordinance shall be known as the Off-Road Vehicle Ordinance.

Section 2:     Definitions.     As used in this ordinance these terms have the following meaning:

- (a) "Operator" means any person at least eighteen (18) years old, holding a valid Indiana Driver's License to operate a motor vehicle, or a valid license to operate a motor vehicle from another state.
- (b) "Off Road Vehicle" means a motor driven vehicle capable of cross county travel without benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, amphibious machine, ground effect air cushion vehicle or other means of transportation deriving motor power from a source other than muscle or wind. It does not include a farm vehicle being used for farming or a vehicle used for military or law enforcement purposes, a construction, mining, or their industrial related vehicle used in performance of its common function, a snowmobile, or a registered aircraft and does not include any other vehicle properly registered by the Indiana Bureau of Motor Vehicles, and any watercraft which is registered pursuant to Indiana Statutes.
- (c) "Highway, Road or Right of Way" means the entire width between the boundary lines of every way maintained by and within the jurisdiction of Vigo County, Indiana when any part thereof is open to the use of the public for purpose of vehicular travel. Nothing in this ordinance permits the operation of Off Road Vehicles within the limit of the City of Terre Haute, Indiana or on any road over which the City of Terre Haute exercised jurisdiction.
- (d) "Operate" means to ride in or on and to be in actual physical control of the operation of an off-road vehicle.

Section 3:     Purposes.     The purpose of this Ordinance is:

- (a) To authorize persons holding valid Indiana Driver's License (or a valid motor vehicle license from another state) to operate off-road vehicles registered with the Indiana Department of Natural Resources over and upon Vigo County Roads.

- (b) To establish rules and regulations for the operation of off-road vehicles over and upon Vigo County Roads; and
- (c) To promote the safety for persons and property, responsible enjoyment in and connected with the use and operation of off-road vehicles, and understanding consistent with the rights of all citizens of this county.

Section 4: Persons Authorized to Operate Off-Road Vehicles on County Roads.

- (a) All persons at least eighteen (18) years old who hold a valid motor vehicle driver's license are hereby authorized to operate an off-road vehicle over and upon county roads under the conditions set forth in this Ordinance, and solely for the purpose of reaching a predetermined destination.
- (b) No person shall operate an off-road vehicle on any county road without a valid motor vehicle driver's license

Section 5: Insurance.

- (a) Any person who operates an off-road vehicle over and upon county roads shall maintain recreational vehicle liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred Thousand Dollars (\$300,000.00) per occurrence insuring against injury to persons and damage done to property arising from the use and operation of such off-road vehicle upon county roads.
- (b) Any person who operates an off-road vehicle over and upon county roads shall carry proof of such insurance on his or her person at all times when operating an off-road vehicle on county roads.

Section 6: Registration/Compliance with State Law. An off-road vehicle shall not be operated on a Vigo County road unless it is duly registered with the Indiana Department of Natural Resources and meets all the requirements and standards and regulations set forth in Indiana Code 14-16-1-1 et seq.

Section 7. Restrictions on Operation. A person shall not operate an off road vehicle:

- (a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing
- (b) While under the influence of intoxicating liquor or unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.
- (c) During the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise without displaying a lighted headlight and lighted tail-light.
- (d) On or across a cemetery or burial ground.
- (e) On a railroad track or railroad right-of-way, except limited railroad personnel in performance of their duties.
- (f) In a forest nursery, a planting area, or public land posted or reasonable identifies as an area of forest or plant reproduction and when growing stock may be damaged.

- (g) On the frozen surface of public waters located within Vigo County;
- (h) 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
- (i) Within One Hundred (100) feet of a dwelling between midnight and 6:00 a.m. except on the individuals own property or property under the individual's control or as an invited guest.
- (j) On any property without the consent of the landowner
- (k) While transporting on or in the vehicle a firearm unless the firearm is:
  - i. Unloaded; and
  - ii. Securely encased or equipped with and made inoperative by a manufactured key locked trigger housing mechanism.
- (l) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow in is in position on the string of the bow.

Section 8. Operation on County Roads. A person shall comply with the following when operating an off road vehicle on a county road:

- (a) The operator of an off-road vehicle shall abide by all traffic laws governing the operation of motor vehicles in the State of Indiana, set forth in Titles 9 and 14 of the Indiana Code.
- (b) The operator of an off-road vehicle may not cross a county road or enter upon a county road other than at right angles.
- (c) The operator of an off-road vehicle shall bring his off-road vehicle to a complete stop before proceeding onto or across a county road and shall yield the right-of-way to all traffic.

Section 9. Right to Restrict Off-Road Vehicle Traffic on Designated County Roads.

- (a) The Board of Commissioners may restrict off-road vehicle on any county roads by designating such roads as unsuitable for off-road vehicular traffic and by posting signs on such designated roads.
- (b) It shall be a violation of this Ordinance to operate an off-road vehicle on any county road so designated and posted.

Section 10. Enforcement. Unless otherwise prohibited by State Law, all law enforcement officers having jurisdiction in Vigo County, Indiana, including officers of the Indiana Department of Natural Resources, shall have authority to enforce the provisions of this Ordinance.

Section 11. Penalties for Violations.

- (a) Pursuant to Indiana Code 14-16-1-29, a person who violated Section 7(b) of this Ordinance commits a Class B Misdemeanor.
- (b) Pursuant to Indiana Code 14-16-1-29, a person who violates any other section of this Ordinance commits a Class C Infraction.

- (c) A person less than eighteen (18) year old that operates an off-road vehicle in violation of this Ordinance shall, upon conviction, be fined an amount no less than \$100.00, but not to exceed \$2,500.00.

Section 12. Severability/Modification. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any section, subsection, sentence, clause, or phrase to be unconstitutional. Void, or ineffective for any cause shall not affect another section, subsection, sentence, clause or phrase or part hereof. The Board of Commissioners may modify this Ordinance as deemed necessary.

Section 13. Applicability and Effective Date.

- (a) This Ordinance shall apply to the unincorporated areas of Vigo County, Indiana.  
(b) This Ordinance shall not be construed to permit the use of off-road vehicles on State Highways.  
(c) The Ordinance shall become in full force and effect from and after its adoption by the Board of Commissioners and its publication in accordance with I.C. 5-3-1.

ADOPTED THIS 25<sup>th</sup> DAY OF JUNE, 2019

BOARD OF COMMISSIONERS OF VIGO COUNTY



Brad Anderson, Commissioner, President



Judy Anderson, Commissioner



Brendan Kearns, Commissioner

A handwritten signature in black ink, appearing to read 'J. Bramble', with a long horizontal flourish extending to the right.

Attest: James Bramble, Auditor