

Montgomery County Board of Commissioners

Ordinance 2017 – 6

AN ORDINANCE AMENDING CHAPTER 72 REGARDING OFF ROAD VEHICLES ON COUNTY ROADS

Whereas, citizens have requested that the Montgomery County Board of Commissioners amend the Montgomery County Code in order to expand the use of off-road vehicles on County roads; and

Whereas, the Board of Commissioners, having considered the request and considered the issues raised by the public, now finds that Chapter 72 of the Montgomery County Code should be amended in order to allow the expanded use of off-road vehicles on County Roads.

Therefore, it is ordained that Chapter 72 of the Montgomery County Code is hereby amended to read as follows:

“CHAPTER 72: TRAFFIC REGULATIONS

§72.01 REGULATION OF OFF ROAD VEHICLES

(A) (1) As used in this section ***OFF ROAD VEHICLE*** has the definition contained in I.C. §14-8-2-185. It means a motor driven vehicle capable of cross country travel:

- (a) Without benefit of a road or trail; and
- (b) On or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(2) The term includes the following:

- (a) A multiwheel drive or low pressure tire vehicle.

- (b) An amphibious machine.
- (c) A ground effect air cushion vehicle.
- (d) An all-terrain vehicle (as defined in I.C. § 14-8-2-5.7).
- (e) A recreational off-highway vehicle (as defined in I.C. §14-8-2-223.5).
- (f) Other means of transportation deriving motive from a source other than muscle or wind.

(3) The term does not include the following:

- (a) Any vehicle including an off road vehicle being used for agricultural purposes.
- (b) A vehicle being used for military or law enforcement purposes.
- (c) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
- (d) A snowmobile.
- (e) A registered aircraft.
- (f) Any other vehicle properly registered by the bureau of motor vehicles.
- (g) Any water craft that is registered under Indiana statutes.
- (h) A golf cart vehicle.

In addition, the term does not include any vehicle including an off-road vehicle that is being used by a person suffering from a handicap or disability, if the handicapped or disabled person is using the vehicle as a necessary means of transportation.

(B) As used in this section COUNTY ROAD OR RIGHT-OF-WAY means the entire width between the boundary lines of any way that is publicly maintained by Montgomery County and open for purposes of vehicular traffic located anywhere in Montgomery County, except federal interstates and highways, state roads and highways, and streets and alleys in incorporated towns in Montgomery County.

(C) An individual may operate an off-road vehicle on a county road or right-of-way only if:

- (1)** The individual is at least 18 years old;
- (2)** The individual's driving privileges are not currently suspended by any state;
- (3)** The individual has proof of liability insurance in at least the minimum amount required by the State of Indiana;
- (4)** The off road vehicle is properly registered and displays any plates or decals required by state law; and
- (5)** The off road vehicle meets all equipment requirements under state law.

(D) In addition, an individual may operate an off road vehicle:

- (1)** To cross a county road or right-of-way at right angles for the purpose of getting from one area to another when the operation can be done in safety.
- (2)** As authorized by a law enforcement officer on the county road or right-of-way during emergencies.
- (3)** On a county road or right-of-way for a special event if a prearranged schedule has been approved by the appropriate county, city or town law enforcement agency.

(E) Any individual operating an off road vehicle on a county road or right of way shall operate the vehicle at a reasonable and safe speed and obey all traffic rules of the State of Indiana and Montgomery County.

(F) This ordinance authorizes the operation of off road vehicles only on county roads and their rights-of-way; it does not authorize the operation of an off-road vehicle on any federal interstate or highway, any state roads or highways, any street or alley in any incorporated town or city in Montgomery County, or upon any other property without the owner's consent.

(G) Violation of this section is a Class A infraction. This section shall be enforced in the same manner as other traffic ordinances.

(Ord. passed 4-1-03; Am. Commissioners Ord. 2007-03, passed 6-25-07. Ord. 2012-15, passed 12-10-12; Am Ord. 2017-6, passed 4-24-17.)”

It is further ordained that this ordinance shall be effective upon adoption.

It is further ordained that all other provisions of the Montgomery County Code of Ordinances which are not specifically amended by this ordinance shall remain in full force and effect.

Adopted this 24th day of April, 2017.

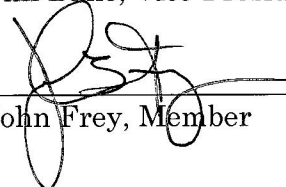
Montgomery County Board of
Commissioners:



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John Frey, Member

Attest:



Jennifer Andel, Auditor