

HENDRICKS COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO.: 2020-52

WHEREAS, the Hendricks County Board of Commissioners have jurisdiction on and over the designated roads, rights-of-way, and easements granting rights-of-way in Hendricks County; and

WHEREAS, consideration has been given to the use of off road vehicles on said rights-of-way under certain conditions or restrictions;

NOW THEREFORE, BE IT ORDAINED by the Hendricks County Board of Commissioners as follows:

DEFINITIONS

- (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 multi-wheel 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 watercraft 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.

BE IT THEREFORE ORDAINED that an individual may operate an off-road vehicle on a county road or right-of-way only if:

- (1) The individual is at least eighteen (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.*
- (6) In addition, an individual may operate an off road vehicle:
 - (a) 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.
 - (b) As authorized by a law enforcement officer on the county road or right-of-way during emergencies.

- (c) On a county road or right-of-way for a special event if a prearranged schedule has been approved by the appropriate county law enforcement agency.
- (7) 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 Hendricks County.
- (8) Due to the traffic flow and patterns, this Ordinance shall apply to the rural townships within Hendricks County. Further, due to their urban nature, Brown, Lincoln, Washington and Guilford Townships shall be exempt from the authority granted herein.

IT IS FURTHER ORDAINED that this ordinance shall be effective upon adoption.

ADOPTED this 27th day of December, 2020.

HENDRICKS COUNTY BOARD OF COMMISSIONERS

By: Phyllis A. Palmer (m)
Phyllis A. Palmer, President

By: Matthew D. Whetstone
Matthew D. Whetstone
Vice President

By: Bob Gentry
Bob Gentry, Member

ATTEST:

Nancy Marsh
Nancy Marsh, Hendricks County Auditor