

ORDINANCE NUMBER 95-1

AN ORDINANCE DESIGNATING HIGHWAYS IN THE
COUNTY ROAD SYSTEM OVER AND UPON WHICH
OFF-ROAD VEHICLES MAY BE OPERATED

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the
County of Kosciusko, Kosciusko County, Indiana, as follows:

ARTICLE I
Definitions

Section 101. “Operator” means any person who operates or is in actual physical control of an off-road vehicle.

Section 102. “Owner” means any person, other than a lien-holder, having the property in or title to an off-road vehicle entitled to the use or possession thereof.

Section 103. “Operator” means to ride in or on, and to be in actual physical control of the operation of an off-road vehicle.

Section 104. “Person” means an individual, partnership, corporation, the state, and any of its agencies or subdivisions and any body of persons whether incorporated or not.

Section 105. “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 motive power from a source other than muscle or wind. It does not include a farm vehicle being used for farming, a vehicle used for military or law enforcement purposes, construction, mining or other industrial related vehicles used in performance of its common function or a registered aircraft and does not include for registration any other vehicles properly registered by the Bureau of Motor Vehicles, and any water craft which is registered pursuant to Indiana Statutes.

Section 106. “Highway, street or right-of-way” means the entire width between the boundary lines every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicle travel.

Section 107. “Department” means the Department of Natural Resources.

Section 108. “Director” means the Director of the Department of Natural Resources.

ARTICLE II
Highways Designated

Section 201. From and after the effective date of this Ordinance, all highways within the Kosciusko County Road System, excepting such highways as may be located within the corporate limits of a city or town, may be utilized for travel by off-road vehicles, subject to the rules and regulations now existing or hereafter enacted by the Department of Natural Resources of the State of Indiana and applicable state laws.

ARTICLE III
Restriction on Operation

Section 301. No person shall operate an off-road vehicle on a county highway within the Kosciusko County Road System:

- (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 intoxication liquor or under the influence of a narcotic or other habit-forming or dangerous depressant or stimulant drug.
- (c) Without displaying a lighted headlight and a lighted taillight.
- (d) In any forest nursery, planting area or public lands posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.
- (e) On frozen surface of public water within one hundred (100) feet of a person not in or upon a vehicle or within one hundred (100) feet of a fishing shanty or shelter, except at a speed of five (5) miles per hour or less.
- (f) Unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- (g) Within one hundred (100) feet of a dwelling between 12 midnight and 6 O'clock a.m., except on his own property or property under his control or as an invited guest.
- (h) On any property without the consent of the landowner or tenant thereof.
- (i) While transporting thereon a bow unless unstrung or a firearm unless unloaded and securely encased or equipped with and made inoperative by manufactured keylocked trigger housing mechanism.
- (j) On or across a cemetery or burial ground.

- (k) Within one hundred (100) feet of a slide, ski, or skating area except for the purpose of servicing the area.
- (l) On a railroad track or railroad right-of-way, except railroad personal in performance of their duties.
- (m) In or upon any flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless of sufficient water depth to permit movement by floatation of this vehicle at all times.

Section 302. An off-road vehicle shall not be operated unless it has at least one (1) headlight, one (1) taillight, and adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hour.

ARTICLE IV
Validity

Section 401. All ordinances or part of ordinances in conflict herewith are hereby repealed.

Section 402. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

ARTICLE V

Section 501. This ordinance shall be in full force and effect from and after the 10th day of January 1995.

Section 502. Passed and adopted by the Board of County Commissioners of the County of Kosciusko, Kosciusko County, Indiana this 10th day of January 1995.

Board of Commissioners

W. E. Creighton

Avis B. Gunter

Maurice Beer

Attest:

Patricia A. Brown

Dated: 1/10/95.