

Ordinance 2021-_____
An Ordinance Amending 2018-13, 2014-19, as Amended
On April ___, 2021

**AN ORDINANCE CREATING NEW PROVISIONS FOR THE
OPERATION OF RECREATIONAL OFF-ROAD VEHICLES WITHIN
THE CITY OF BOONVILLE, INDIANA**

WHEREAS, the City of Boonville, Warrick County, State of Indiana, has heretofore adopted and approved its "Code of Ordinances" pursuant to Indiana Code 36-1-5-3; and,

WHEREAS, as the Code of Ordinances has been enacted, various modifications, corrections, additions and changes need to be made for substantive, clerical and amendatory purposes.

NOW THEREFORE, be it ordained the City of Boonville, Indiana Common Council, as follows:

The following is hereby added as Section 73 B:

73(B) Recreational Off-Road Vehicles

Sec. 73 B.01 Definitions

City street. Any roadway maintained by the City of Boonville, Indiana, to include streets, alleys, and some unimproved rights-of-way within the corporate limits of the city. This does not include any U.S. Highway or State route that may go by a local street name.

Financial responsibility. A recreational off-road vehicle owner's ability to pay for damages or injuries that may result from a crash.

Recreational off-road vehicle. As defined by Indiana Code IC 14-8-2-233.5 which provides as follows:

"Recreational off-road vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

- (1) is sixty-five (65) inches or less in width;
- (2) has a dry weight of two thousand (2,000) pounds or less;
- (3) is designed for travel on at least four (4) nonhighway or off-highway tires; and
- (4) is designed for recreational use by one (1) or more individuals.

In addition to the above statutory definition for purposes of this ordinance such vehicles must:

- (5) have a nonstraddle seat or saddle; and
- (6) have a steering wheel for steering control.

Operator. The person in physical control of the vehicle.

Sec. 73 B.02 Policies

- a. Recreational off-road vehicles may be operated on city streets by persons who have a valid motor vehicle operator's license.
- b. A person operating a recreational off-road vehicle has all the rights and duties concerning traffic regulations that are applicable to a person who drives a motor vehicle.
- c. A person operating a recreational off-road vehicle must be able to provide proof of financial responsibility.
- d. A person operating a recreational off-road vehicle must be in compliance with all Indiana statutes concerning such, including but not limited to IC 14-16-1 et seq. (Off Road Vehicles).

Sec. 73 B.02 Restricted Streets.

The operator of a recreational off-road vehicle may not operate such vehicle upon or within the following streets or areas:

- a. State Routes 62 and 61, except to cross them at an angle of 90 degrees, or at times allowed by the Board of Public Works and Safety.
- b. Any street or highway posted by order of the city as not to be used by recreational off-road vehicles.
- c. On any private property without permission of the owner.

Sec. 73 B.03 Exceptions

This subchapter shall not be construed to prohibit:

- a. Any police officer, firefighter, or other emergency worker from operating a recreational off-road vehicle in their official capacity.
- b. Persons that are operating a recreational off-road vehicle solely on private property.

Sec 73 B.04 Penalty

If any duly authorized city law enforcement officer or code enforcement officer has probable cause to believe that a violation of §§73.01 through 73.03 is occurring or has occurred, the city law enforcement officer or code enforcement officer may issue a citation to the person(s) violating the provisions of §§ 73.01. A violation of §§ 73.01 through 73.03 shall carry a penalty of \$125 per violation. In addition, all penalties shall be enforced consistent with the provisions of Section 72.10 herein.

Sec 73 B.05 Registration

Registration shall be required as outlined in Section 72.01.

Sec 73 B.06 Effective Date

This section shall be effective thirty (30) days from publication.

SAID ORDINANCE is hereby passed and adopted this _____ day of _____, 2021.

Larry Lacer

Bob Canada

Mike Webb

Jim Miller

Sherrie Sievers

ATTEST:

Tammy Boruff, Clerk-Treasurer
City of Boonville

Approved and signed by me this _____
day of _____, 2021.

Charles R. Wyatt, Mayor
City of Boonville