

STARKE COUNTY COMMISSIONERS ORDINANCE 2017-____
COUNTY HIGHWAYS:
AN ORDINANCE AUTHORIZING AND REGULATING
RECREATIONAL UTILITY TASK VEHICLE USE
ON CERTAIN COUNTY ROADS AND HIGHWAYS

WHEREAS, pursuant to Ind. Code § 14-16-1-20 Off-Road Vehicles (“ORVs”) are generally prohibited from operating on public highways, including county roads and highways; and,

WHEREAS, pursuant to I.C. §§ 14-16-1-22, 9-21-1-3 and 9-21-1-3.3, the Board of Commissioners of Starke County possesses statutory authority to enact an ordinance regulating the operation of ORVs on county highways; and,

WHEREAS, after investigation and study, the Board of Commissioners of Starke County find that authorizing the recreational use of certain ORVs on Starke County Highways is desired by the public and is not inconsistent with the orderly functioning of the county’s transportation system.

NOW, THEREFORE, BE IT ORDAINED that the Starke County Code be amended to add Commissioners’ Ordinance 2017-____, **COUNTY HIGHWAYS: AN ORDINANCE AUTHORIZING AND REGULATING RECREATIONAL UTILITY TASK VEHICLE USE ON CERTAIN COUNTY ROADS AND HIGHWAYS** superseding, replacing and repealing all prior ordinances inconsistent with the terms hereof.

The ordinance is as follows:

Section I. Definitions

In this Ordinance:

1. **Off-Road Vehicle (“ORV”).** Means any vehicle intended primarily for off-road use as defined under Ind. Code § 14-8-2-185 and regulated under I.C. 14-16-1 as amended.
2. **Recreational Utility Task Vehicle (“RUTV”).** Means a class of ORVs sometimes called “side by sides” or “SxS”, or Recreational Off-Road Vehicle. An RUTV is an ORV with each of the following: (a) a minimum of four tires intended primarily for off-road use; and (b) for which a minimum of four tires are normally in contact with

- the roadway or ground surface; and possessing (c) a minimum installed wheelbase width of 50 inches, and a minimum wheelbase length of 60 inches, and providing (d) seating for at least two persons across, in bucket or bench seats and not straddling the vehicle, and equipped with (e) a factory installed roll bar or cage.
3. **Starke County Highway.** Any public road with pavement, gravel or similar surface for vehicular traffic located in an unincorporated portion of Starke County, Indiana and under the sole jurisdiction and control of the Starke County Highway Department; but excluding any Indiana state or US Federal system highway or road. Note also that this ordinance is inapplicable to highways, roads, streets and other public ways within the corporate boundaries of any town or city in Starke.
 4. **Exempt ORV.** Any vehicle exempted by statute from regulation under IC Chapter 14-16-1, including those exempted by definition under I.C. § 14-8-2-185(2)(c). Examples include a farm vehicle being used for farming, certain vehicles being used for construction, industrial, search and rescue, and military and law enforcement vehicles.
 5. **Factory Installed.** The equipment, design, dimensions and functionality of an ORV or portion of an ORV that is standard for the particular vehicle's make and model and not the product of later additions, removals or modifications.
 6. **Recreational Use.** Use of an RUTV for purposes other than for agriculture, construction, industrial, search and rescue, military or law enforcement or any other exempt ORV purpose.

Section II. Statement of Purpose and Policy

It is the purpose of this Ordinance to authorize responsible adult recreational use of RUTVs as defined herein on Starke County Highways, and to continue to prohibit all other ORVs except for Exempt ORVs as provided under Indiana statutory law.

Section III. RUTVs Authorized for Recreational Use of Starke County Highways

(A) An RUTV may be operated for recreational purposes on a Starke County Highway subject to the terms and conditions set forth herein, and in the Indiana Code, including IC Chapter 14-16-1 as amended.

(B) An ORV that does not qualify as an RUTV as defined in this ordinance is prohibited from use on Starke County Roads unless it is an Exempt ORV. Operation of an RUTV upon which required factory installed equipment is nonfunctional, or has been removed is prohibited.

Section IV. Conditions Applicable to RUTV Use on Starke County Highways

(A) An RUTV must qualify as such based on factory installed and present and fully functional equipment; modifications of a non-qualifying ORV by non-factory installed equipment or modifications will not cause a non-qualifying ORV to become a qualifying RUTV.

(B) Pursuant to I.C. § 14-16-1-20(5)(c) an individual may not operate an RUTV on a Starke County Highway without a valid motor vehicle driver's license.

(C) Operation of an RUTV on a Starke County Highway without proof of liability insurance coverage is prohibited.

(D) The operator of an RUTV on a Starke County Highway involved in an accident resulting in serious bodily injury to or death of an individual or property damage in an estimated amount of at least seven hundred fifty dollars (\$750) shall immediately, by the quickest means of communication, comply with the notice and reporting requirements of I.C. § 14-16-1-24 as amended.

(E) It is the duty of any person operating an RUTV on a Starke County Highway to comply with all laws, regulations and rules applicable to safe and lawful operation of a vehicle on a public highway, and to comply with all laws regulating the operation of ORVs including those under I.C. Chapter 14-16-1. All such ORV operation and general traffic laws, regulations and rules may be fully enforced upon a person operating an RUTV on a Starke County Highway by any law enforcement officer.

(F) Nothing herein is intended, nor shall it be construed, to authorize operation of an RUTV on public property other than designated roadways open to motorized vehicular traffic, nor to authorize use upon any private property whatsoever.

(G) Any violation of the general traffic law by a vehicle using a Starke County Highway pursuant to this ordinance shall be subject to the same penalty, fine, imprisonment or combination thereof as would be applicable under Indiana law had the violation occurred while the violator was operating a motor vehicle. However, if the violation is operation of a non-qualifying ORV, the applicable penalty shall be the same as set by Indiana law for operation of an ORV on a public highway where prohibited. If the violation is of a law, rule or regulation applicable only to ORVs, then the violation shall be subject to the same penalty, fine, imprisonment or combination thereof as would be applicable under Indiana law applicable to ORVs, as amended.

Section V. Restricted Roads

The Starke County Highway Superintendent may, in his discretion, designate any Starke County Highway or any portion thereof, temporarily or permanently closed to RUTV use by placement of signs, or otherwise by providing notice to the public.

Section VI. Effective Date

This Ordinance shall take effect on January 1, 2018.

Presented to the Board of Commissioners of Starke County, Indiana, and approved on the final reading the _____ day of December 2017, by the following vote:

COMMISSIONERS OF STARKE COUNTY

VOTE

Don Binkley, *President*

Kathryn Norem, *Commissioner*

Charles Chesak, *Commissioner*

ATTEST:

Katherine Chaffins, *Auditor*
Of Starke County Indiana