ORDINANCE 2012 - 4

AN ORDINANCE OF THE TOWN OF CROTHERSVILLE, INDIANA

Authorizing the Operation of Off-Road Vehicles within the Town Limits of the Town of Crothersville and Within Designated Usage Areas, and Prohibiting Certain Conduct Thereon and Providing for Violations

WHEREAS, the Town of Crothersville recognizes that the expanding popularity of off-road vehicles may provide opportunities for a wide variety of uses and outdoor recreational activities and the commerce that is derived therefrom; and,

WHEREAS, Indiana Code Title 14, Recreation and Land Management, Article 16, Regulation of Land Recreation; Chapter 1 Off Road Vehicles, provides in part the following:

“IC 14-16-1-22
Local ordinances
Sec. 22. A county, city, or town may pass an ordinance regulating the operation of vehicles if the ordinance meets substantially the minimum requirements of this chapter. However, a county, city, or town may not adopt an ordinance that does any of the following:
(1) Imposes a fee for a license.
(2) Specifies accessory equipment to be carried on the vehicles.
(3) Requires a vehicle operator to possess a driver’s license issued under IC 9-24-11 while operating an off-road vehicle or snowmobile.
(4) Imposes a dry weight limitation of less than two thousand (2,000) pounds.

WHEREAS, the, Town of Crothersville is desirous of defining areas of use and establishing rules to regulate the operation of off-road vehicles to promote and facilitate responsible off-road vehicle activities and recreation within the Town of Crothersville.

NOW THEREFORE, the Town Council of the Town of Crothersville, Indiana does ordain as follows:

There is hereby added to the Crothersville Town Code a new Chapter to read as follows:

Section 1: Definitions.

A. The definitions of various terms set forth in IC 14-16-1 et. seq. are incorporated by reference.
B. As used in this Chapter, the following terms mean, unless otherwise designated:
“Highway” means any highway or road, owned or managed by a public agency, and not otherwise owned or maintained by the Town of Crothersville.
“IC” means the Official Indiana Code.
“ORV” means off-road vehicle as said term “off-road vehicle” is used in IC 14-16-1 et seq. It also means Utility Terrain Vehicle (UTV), Side-by-Side Vehicle (SxS), Recreational Utility Vehicle (RUV), Recreational Off-Highway Vehicle (ROV), and Multi-Use Vehicle (MUV).
“Town street” or “Town alley” means any Town street or alley inside the Town of Crothersville owned or maintained by the Town of Crothersville.

Section 2: Operation of ORVs in the Town of Crothersville.

A. Except as otherwise provided in this Chapter, it is lawful to operate an ORV upon Town streets and Town alleys. ORVs may not be operated on sidewalks or on U.S. Highway 31 except to cross said state highway at right angles for the purpose of getting from one permitted area to another when the operation can be done in safety.

B. Persons operating ORVs must comply with all State laws and Town regulations including, but not limited to, the operating regulations set forth in IC 14-16-1 as existing or hereafter amended.

C. Any ORV being operated shall be equipped with a lighted headlight and a lighted taillight and brake lights, which headlights and taillights shall remain on at all times of operation.

D. All ORVs that cross any Town streets or highways will do so at a 90 degree angle to the center of the street or highway being crossed. All ORVs will yield to all other traffic while crossing Town streets, roads, highways or non-highway roads.

E. No ORVs shall be operated in such a manner such as to harass pets, animals, game, wildlife or people.

F. The number of occupants on an ORV shall be limited to the number of persons for whom factory seating is installed and provided on an ORV. The operator and all occupants shall be seated on the ORV and no part of the body of the operator or occupants shall extend outside the perimeter of the ORV while the ORV is being operated.


Each person who operates an ORV on a permitted public way shall have in effect at all times at least the minimum amount of liability insurance coverage for the ORV as is required by state law for the operation of an automobile. Written proof of financial responsibility must be available either on the ORV or carried by the operator at all times of operation.

Section 4: Registration and Inspection.

A. Each ORV operated on a public way shall be registered pursuant to IC 14-16-1-9 and subject to each provision contained in IC 14-16-1 et seq, concerning said registration and associated display of decals.
B. Each ORV operated on public way must also be inspected by and registered with the Town of Crothersville Police before it may be operated on a public way.

1. The owner of each ORV shall:
   (a) File an application for registration with the Crothersville Police Department on forms provided by the department.
   (b) Sign the application.
   (c) Include a signed affidavit in which the applicant swears or affirms that the information set forth by the applicant is correct.
   (d) Pay an inspection fee of Twenty Five Dollars ($25.00).

2. Upon receipt of an application in approved form, the department shall inspect the ORV to ascertain whether said ORV is in compliance with each provision of the Code. Upon passing of the inspection the department shall issue a certificate of registration containing the following:
   (a) The number awarded to the vehicle,
   (b) The name and address of the owner, and
   (c) Other information that the department considers necessary.

C. A decal indicating the vehicles’s registration number and the year in which the registration will expire must be attached and displayed from the rear of the ORV and be visible from no less than fifty (50) feet.

D. Inspection fees obtained under this Chapter shall be deposited into the ORV inspection fund.

Section 5: Penalty.

A. A judgment of violation of the provisions of this Chapter entered against a person shall subject the person to a penalty of suspension of the ORV’s registration and a fine of not less than $75.00 and not more than $200.00. Each day shall constitute a separate violation. Any police officer who observes the violation of this Chapter shall issue to the individual a citation and advise that such person may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer of the Town of Crothersville, Indiana (the Violations Clerk), as a fine for and in full satisfaction of such violation, the sum of $75.00. In the event the fine is paid within the initial timeframe, the ORV’s registration will be suspended for a period of ___0___ months from the date of the violation. Upon failure of such individual to make such payment within the seven (7) day period, the original fine shall increase from $75.00 to $100.00 and the ORV’s registration will be suspended for a period of ___12___ months from the date of the violation. If this enhanced fine is not paid in full through the Clerk-Treasurer of the Town of Crothersville, Indiana (the Violations Clerk) on or before the date and time set forth on the citation, the individual who has been issued said citation shall be subject to the general penalties provided for violations of this Chapter. All fines received for violations of this ordinance shall be deposited into the Town’s General Fund pursuant to applicable law.

B. Failure To Satisfy Civil Penalty, Prosecution, Trial for Violations.

A person who receives a citation for a violation may elect to stand trial for the violation by indicating on the citation his intent to stand trial and returning a copy of the citation to the Clerk-Treasurer (the Violations Clerk). The returned copy of the citation shall serve as a notice of the person’s intent to stand trial, and the issuance of additional citations and additional monetary fines as prescribed this Chapter shall be stayed upon receipt of the notice. The notice shall be given at least five (5) days before the date that payment of the
citation is due as set forth below. On receipt of the notice of intention to stand trial, a lawsuit may be commenced by the Town of Crothersville or the appropriate enforcement official as provided by applicable law to enforce the terms and provisions of this Chapter.

C. If a person who receives a citation fails to:
   1. Pay the assessed fine within forty-five (45) days after the issuance of a citation;
   2. File a petition as prescribed above; or,
   3. Give notice of his intention to stand trial as prescribed above,
the Town of Crothersville or a designated enforcement official may file a lawsuit as provided by applicable law to enforce the terms and provisions of this Chapter.

D. Seeking a civil penalty as authorized in this Chapter does not preclude the designated enforcement entity from seeking alternative and additional relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of this Chapter adopted or action taken under the Indiana Code.

E. In the event that a violation of this Chapter is determined to exist by a court of competent jurisdiction the owner shall be liable to the Town of Crothersville, Indiana for a fine of $200.00 and the Town’s reasonable attorney fees and Court Costs.

F. A judgment of violation of any provision of this Chapter shall constitute the revocation of the ORV’s registration for a period of up to, but not to exceed, one (1) year from the date of the violation.

Section 6: Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts.

Section 7: Effective Date.

This Ordinance shall become effective from and after its passage by the Council and after publication as required by law.

The foregoing was passed by the Town Council of the Town of Crothersville, Indiana this ___ day of __________________, 2012.

AYES  NAYS

_________________________________  __________________________________________

_________________________________  __________________________________________

_________________________________  __________________________________________

_________________________________  __________________________________________

Council Members  Council Members
Presented by me to the President this ____ day of ______________________, 2012.

____________________________________
Michele Teipen, Clerk-Treasurer

Approved and signed by me this ____ day of ______________________, 2012.

____________________________________
President, Crothersville Town Council

STATE OF INDIANA )
COUNTY OF JACKSON )SS:

I, the undersigned Clerk-Treasurer of the Town of Crothersville, in Jackson County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Ordinance No. __________ passed by the Town Council of the Town of Crothersville on the ____ day of _________________, 2012 by a vote of ____ AYES and ____ NAYS, which Ordinance was duly signed by the President of the Council on the ____ day of ______________, 2012, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the Town of Crothersville this ____ day of ______________________, 2012.

____________________________________
Michele Teipen, Clerk-Treasurer

(SEAL)