

ORDINANCE NO. 2023- 01

**AN ORDINANCE AUTHORIZING AND REGULATING
THE OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES
ON THE STREETS AND ALLEYS UNDER THE
JURISDICTION OF THE TOWN OF FERDINAND**

WHEREAS, I.C. 9-21-1-3(a)(14) and I.C. 9-21-1-3.3(a) authorize municipalities to permit and regulate the operation of off road vehicles on private roads, highways, and alleyways under their jurisdiction; and

WHEREAS, the Ferdinand Town Council, now determines it is in the interest of the citizens of the Town of Ferdinand to permit the operation of certain off-road vehicles, defined as “recreational off-highway vehicles” (those commonly referred to as “Gators” and “Side by Sides”) on the streets and alleys under the jurisdiction of the Town; and

WHEREAS, the Ferdinand Town Council, in the exercise of its police powers, now determines it reasonably necessary to regulate the operation of certain approved off-road vehicles upon the streets and alleys under its jurisdiction in order to safeguard the public health, welfare and safety.

NOW THEREFORE, BE IT ORDAINED by the Ferdinand Town Council that Chapter 9.20 of the Ferdinand Municipal Code should be amended and replaced as follows:

Section 1. Definitions. Except as otherwise provided, the following definitions shall apply throughout this ordinance:

Street - the entire width between the boundaries of every publicly maintained way which is open and maintained for public vehicular travel. The term includes street and alley.

Recreational Off-Highway Vehicle -

An off-highway vehicle as defined by 14-8-2-233.5, meeting the following:

- is eighty (80) inches in width when measured from outside of tire rim to outside of tire rim, or less;
- has a dry weight of two thousand five hundred (2,500) lbs. or less;

- is designed for travel on at least four (4) nonhighway or off-highway tires;
- is designed for recreational use by one (1) or more individuals;

In addition to the foregoing statutory definition, for the purposes of this ordinance, a recreational off-highway vehicle, shall:

- not have saddle seat(s) designed to be straddled by the operator or passenger(s);
- not have been privately assembled, as described by IC 9-17-4-1; and
- have a powertrain rating of 99 horsepower or less.

Section 2. Recreational Off-Highway Vehicle Operation Permitted. Recreational off-highway vehicles, as defined by this Ordinance, may be operated on all streets and alleys under the jurisdiction of the Town of Ferdinand, with the exception of any highway designated as part of the state highway system (State Road 162 (Main Street) and State Road 264 (East 23rd Street) other than to cross at a right angle at intersections where such state highway intersects with a local street under the jurisdiction of the Town of Ferdinand. Such vehicles shall not be operated on the streets and alleys of the Town during the hours from 10:00 PM to 6:00 AM.

Section 3. Driver's License Required. A recreational off-highway vehicle operated on the streets and alleys of the Town of Ferdinand shall at all times be operated by an individual who possesses a valid state issued license to operate a motor vehicle.

Section 4. Safety Restraints, Passengers. The operator may not permit more passengers than for which the recreational off-highway vehicle is equipped with passenger seating and safety belts. The operator and all passengers must be restrained with a safety belt, properly fastened about the occupant's body at all times when the vehicle is in motion. Every operator and passenger under the age of eighteen (18) years must wear a U.S. Department of Transportation approved helmet.

Section 5. Financial Responsibility Requirements. A person shall not operate a recreational off-highway vehicle on the streets or alleys of the Town of Ferdinand, unless the minimum amounts of financial responsibility as required by I.C. 9-25-4 *et seq.* is in effect with

respect to the vehicle. Proof of such minimum financial responsibility shall be in accordance with I.C. 9-25-4-7.

Section 6. Minimum Equipment. All recreational off-highway vehicles operated on the streets or alleys of the Town of Ferdinand shall be equipped with the following minimum equipment:

- Steering wheel for steering control
- Headlamps
- Front and rear turn signal lamps, tail lamps and stop lamps
- Reflex reflectors
- Exterior or interior rearview mirrors
- Brakes
- A windshield
- A safety belt installed at each designated seating position
- Manufacturer supplied muffler exhaust system with operational spark arrestor

Section 7. Permit Required. Prior to operating or permitting the operation of a recreational off-highway vehicle on the streets or alleys of the Town of Ferdinand, the owner thereof shall register the same and obtain a permit from the Police Department. The permit shall be an annual permit which shall expire on the annual anniversary of registration. Every recreational off-highway vehicle operated on any street or alley within the jurisdiction of the Town of Ferdinand pursuant to an annual permit shall be re-registered and re-permitted on or before the expiration of any existing permit, and such renewal shall be on an annual basis.

Section 8. Application for Permit. Every person required to register and permit a recreational off-highway vehicle to be operated on the streets and alleys within the jurisdiction of the Town of Ferdinand shall present said vehicle to the Police Department for inspection for compliance with the minimum equipment, and proof of financial responsibility requirements of this ordinance. The registration and permit issued shall be displayed on the vehicle.

Section 9. Permit Fees. Every applicant for registration and permitting of a recreational off-highway vehicle shall pay a permit fee in the sum of Thirty Dollars (\$30.00) for each annual permit. All permit fees collected pursuant to this ordinance shall be deposited into the General Fund of the Town of Ferdinand.

Section 10. Observance of Traffic Regulations. All traffic regulations applicable to the operation of motor vehicles on streets, roads and highways of the State of Indiana and in the

Town of Ferdinand, and all applicable provisions of I.C. 14-16-1 *et seq.* regarding the operation of off-road vehicles, shall apply to the operation of recreational off-highway vehicles on the streets and alleys of the Town of Ferdinand.

Section 11. Exceptions. This ordinance shall not be construed to prohibit:

- a. The operation of an off-road vehicle by any police officer, firefighter, or other emergency worker in the discharge of their official duties.
- b. The operation of an off-road vehicle by employees of the municipal street, park or utility departments in the discharge of their official duties, when authorized by their supervisor.

Section 12. Penalty. Any person who violates any provision of this Ordinance (other than a moving traffic violation) shall be fined in the sum of Twenty-Five Dollars (\$25.00) for the first offense; Fifty Dollars (\$50.00) for a second offense occurring within a calendar year; and One Hundred Dollars (\$100.00) for each subsequent offense occurring during a calendar year. In addition, the Chief of Police shall be authorized to suspend the permit of any person who violates any provision of this Ordinance. All fines collected pursuant to this Ordinance shall be deposited into the General Fund of the Town of Ferdinand.

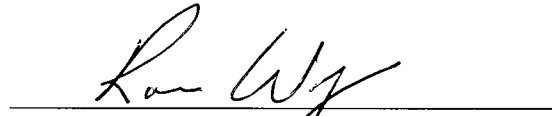
Section 13. Severability. In the event any provision of this Ordinance is determined to be invalid or unenforceable by a court of competent jurisdiction, such provision shall be stricken without affecting the validity or enforceability of the remaining provisions hereof.

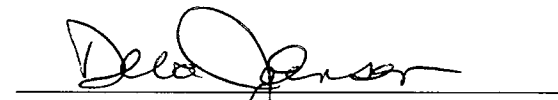
Section 14. This Ordinance shall be in full force and effect from and after adoption and publication and posting as required by law.

DULY ADOPTED BY THE FERDINAND TOWN COUNCIL THIS 21st DAY OF February, 2023.

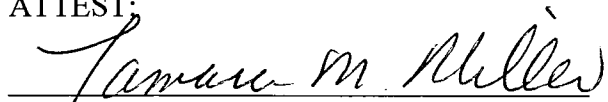
FERDINAND TOWN COUNCIL


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DEBRA JOHNSON, MEMBER

ATTEST:


Tamara M. Miller, Clerk Treasurer