

*FIRST
READING
APRIL 17, 2007*

ORDINANCE NO. 2007 - 05 A

**AN ORDINANCE OF MARTIN COUNTY, STATE OF INDIANA
PROVIDING FOR
THE OPERATION OF OFF-ROAD VEHICLES**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
COUNTY OF MARTIN, STATE OF INDIANA:

SECTION 1. For the purpose of this Ordinance:

- (a) "Off-road vehicle" has the meaning set out in I.C. 14-16-1-3;
- (b) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
- (c) "County highway" means any highway in Martin County which is not a highway or an extension of a highway in the Indiana State highway system and which is not within the corporate boundaries of any city or town;
- (d) "Operator" has the meaning set out in I.C. 14-16-1-5;
- (e) "Operate" means to ride in or on and to be in actual physical control of the operation of an off-road vehicle within Martin County, Indiana;

SECTION 2. The Martin County Highway Department Supervisor shall designate the county highways which are suitable for and shall be open to use by off-road vehicles.

SECTION 3. An off-road vehicle operated on a county highway shall be registered as provided under I.C. 14-16-1-9.

SECTION 4. Any person operating an off-road vehicle in Martin County, Indiana shall have liability insurance specifically for such off-road vehicle in accordance with the minimum insurance required for the operation of other motor vehicles on public highways.

SECTION 5. Any operator of an off-road vehicle shall carry in his or her possession the registration and certificate of insurance for the off-road vehicle being operated.

SECTION 6. A registered off-road vehicle shall be marked with identification numbers as provided for under I.C. 14-16-1-11.

SECTION 7. An individual shall not operate a vehicle under any of the following conditions:

(1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.

(2) While:

(a) under the influence of an alcoholic beverage; or

(b) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.

(3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.

(4) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.

(5) On the frozen surface of public waters within:

(a) one hundred (100) feet of an individual not in or upon a vehicle; or

(b) one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.

(6) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(7) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.

(8) On any property without the consent of the landowner or tenant.

(9) While transporting on or in the vehicle a firearm unless the firearm is:

(a) unloaded; and

(b) securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(10) On or across a cemetery or burial ground.

(11) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.

(12) On a railroad track or railroad right-of-way, except railroad personnel in the performances of duties.

(13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

(14) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

(a) Subsection (a)(9) does not apply to a person who is carrying a handgun if the person:

(1) has been issued an unlimited handgun license to carry a handgun under IC 35-47-2; or

(2) is not required to possess a license to carry a handgun under IC 35-47-2-2.

SECTION 8. Any law enforcement officer may prohibit operation of an off-road vehicle on a county highway during emergencies.

SECTION 9. An off-road vehicle operated in Martin County, Indiana shall be equipped with lighting and brakes as provided under I.C. 14-16-1-21.

SECTION 10. A person who operates an off-road vehicle in violation of this Ordinance shall be subject to imposition of the same judgment prescribed for a Class C Infraction as set out in I.C. 34-4-32-4, unless such violation is otherwise designated by a State statute or a rule or regulation promulgated by a State agency or department.

SECTION 11. All law enforcement officers in this State shall have the power and it shall be their duty to enforce the provisions of this Ordinance unless otherwise prevented by State statutes regarding the enforcement of State laws.

SECTION 12. All ordinances or parts of Ordinances in conflict herewith are repealed.

SECTION 13. If any section, paragraph, sentence, clause or phrase in this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected by such declaration and shall remain in full force and effect.

SECTION 14. This Ordinance shall be in full force and effect from and after its publication for two consecutive weeks in two newspapers of general circulation printed and published in Martin County, Indiana.

PASSED AND ADOPTED this 15th day of May, 2007.

**THE BOARD OF COMMISSIONERS
OF MARTIN COUNTY, INDIANA**


Michael D. Dant, President


Kevin R. Boyd, Commissioner


Paul R. George, Commissioner

ATTEST:

Frances K. Taylor, Auditor
Martin County, Indiana