

ORDINANCE NO. 2025-07-07-01
WHITE COUNTY BOARD OF COMMISSIONERS

**AN ORDINANCE ALLOWING OPERATION OF CERTAIN
OFF-ROAD VEHICLES IN WHITE COUNTY**

WHEREAS, the Board of Commissioners of White County, Indiana (the “Commissioners”) determine that requirement and restrictions shall be put in place as it relates to Off-Road Vehicles (hereinafter “ORV”) in White County; and

WHEREAS, the Commissioners have determined that this ordinance is in the interest of the citizens of White County to enact the same.

WHEREAS, pursuant to Indiana Code 14-16-1-22, the Commissioners may pass an ordinance regulating the operation of ORV’s.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of White County Indiana, as follows:

- I. DEFINITIONS.** For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.
- a. *COUNTY ROAD.***
- i. Any road, street, or other right-of-way open to the public for travel under the jurisdiction of the County Highway Department. This ordinance shall not supersede any definitions, laws, or ordinances of any municipality or town.
- b. *OFF-ROAD VEHICLE (“ORV”) (as defined by I.C. 14-8-2-185)***
- i. For purposes of I.C. 14-16-1 and I.C. 14-19-1-0.5, means a motor vehicle capable of cross-country travel:
1. Without benefit of a road; and
 2. On or immediately over land, water, snow, ice, marsh, swampland or other natural terrain.
- ii. The term includes the following:
1. A multi-wheel drive or low-pressure tire vehicle;
 2. An amphibious machine;
 3. A ground effect air cushion vehicle;
 4. An all-terrain vehicle (as defined by I.C. 14-8-2-5.7);
 5. A recreational off-highway vehicle (as defined by I.C. 14-8-2-233.5); and
 6. Other means of transportation deriving motive power from a source other than muscle or wind.

iii. The term off-road vehicles **shall not** include:

1. A farm vehicle being used for farming, including, but not limited to, a farm wagon (as defined in IC 9-13-2-60(2));
2. A vehicle used for military or law enforcement purposes;
3. A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function, including, but not limited to, a farm wagon (as defined in IC 9-13-2-60(2));
4. A snowmobile (as defined in IC 14-8-2-261 of this chapter);
5. A registered aircraft;
6. Any other vehicle properly registered by the bureau of motor vehicles;
7. Any watercraft that is registered under Indiana statutes;
8. A golf cart vehicle; or
9. An electric bicycle (as defined in IC 9-13-2-49.2).

c. ***OPERATE***

- i. "Operate" means to (1) ride in or on, and (2) to be in actual physical control of the operation of an off-road vehicle.

d. ***OPERATOR***

- i. "Operator" means any person who (1) operates or (2) is in actual physical control of an off-road vehicle.

e. ***OWNER***

- i. "Owner" means a person, other than a lien-holder, who (1) has the property in or title to an off-road vehicle and (2) is entitled to the use or possession thereof.

f. ***PERSON***

- i. "Person" means an individual, partnership, corporation, the state and nay of its agencies or subdivisions and any body of persons whether incorporated or not.

II. PERMITTED AREAS AND VEHICLES OF USE.

- a. ORV's that are subject to the provisions of this chapter may be operated on county roads only in unincorporated parts of White County. See Part I, Section (a) for definition of county roads.
- b. The ORV's authorized for operation under this chapter shall only include those defined above.
- c. This ordinance does not provide terms and provisions for operation of golf carts or other vehicles to the extent regulation of usage thereof is provided by state law, nor does it authorize or govern the items listed in Section I(b)(iii) above.

III. RESTRICTIONS ON OPERATION OF OFF-ROAD VEHICLES ON COUNTY HIGHWAYS AND ROADS.

No person shall operate an ORV on a county highway and/or road within the White County Road system contrary to I.C. 14-16-1-23, "prohibited operating conditions", including the following:

- a. At a rate of speed greater than is reasonable and proper, having due regard for conditions then existing.
- b. While under the influence of intoxicating and/or controlled substances as defined by statute.
- c. Without displaying a lighted headlight, lighted taillight and lighted turn signals.
- d. In any forest nursery, planting area, or public lands posted or reasonably identified as an area of forest or plan reproduction and when growing stock/crop can be damaged.
- e. On frozen surfaces of public water withing one hundred (100) feet of a person not in or upon a vehicle or within one hundred (100) feet of a fishing shanty or shelter, except at a speed of five (5) miles per hour or less.
- f. Unless it is equipped with a muffler in good working order and in constant operation to prevent excessive noise and annoying smoke.
- g. Within one hundred (100) feet of a dwelling except on his/her own property or property under his/her control, or as an invited guest.
- h. Between the hours of 11:00 p.m. and 6:00 a.m.
- i. On any property without the consent of the landowner or tenant thereof.
- j. While transporting thereon a bow unless unstrung or a firearm unless unloaded and securely encased or equipped with and made inoperative by a manufactured key locked trigger housing mechanism. This subsection 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 I.C. 35-47-2 or (2) does not require to possess a license to carry a handgun under I.C. 35-47-2-2.
- k. On or across a cemetery or burial ground.
- l. Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.
- m. On a railroad track or railroad right-of-way, except personnel in performance of their duties.
- n. In or upon any flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless of sufficient water depth to permit movement by floatation of this vehicle at all times.
- o. Without a valid motor vehicle driver's license.
- p. An off-road vehicle may not be used to hunt, pursue, worry or kill a wild bird or a domestic or wild animal.
- q. In violation of I.C. 14-16-1-21 outlining the equipment required to operate.

IV. CONDITIONS FOR OPERATION ON PUBLIC HIGHWAYS, STREETS, OR RIGHT-OF WAY.

- a. This shall be governed by Indiana Code 14-16-1-20.
- b. Except as provided in IC 9-21-1-3(a)(14) and IC 9-21-1-3.3, an individual may not operate a vehicle required to be registered under this chapter, under IC 9-18-2.5 (before its expiration), or under IC 9-18.1-14 upon a public highway, street, or rights-of-way thereof or on a public or private parking lot not specifically designated for the use of vehicles, except under the following conditions:
 - i. A vehicle may be operated on the public right-of-way adjacent to the traveled part of the public highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.
 - ii. The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one (1) area to another when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway and shall yield the right-of-way to all traffic.
 - iii. Notwithstanding this section, a vehicle may be operated on a highway in a county road system outside the corporate limits of a city or town if the highway is designated for this purpose by the county highway department having jurisdiction.
 - iv. A law enforcement officer of a city, town, or county or the state may authorize use of a vehicle on the public highways, streets, and rights-of-way within the officer's jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.
- c. Except as provided in IC 9-21-1-3(a)(14) and IC 9-21-1-3.3, an individual may not operate a vehicle on a public highway without a valid motor vehicle driver's license.
- d. A vehicle may not be used to hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.

V. DUTIES OF OPERATOR OF OFF-ROAD VEHICLE INVOLVED IN ACCIDENT.

- a. In accordance with I.C. 14-16-1-24, (a) The operator of a vehicle 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, notify at least one (1) of the following: (1) A state police officer or conservation officer, (2) The sheriff's office of the county where the accident occurred, or (3) The office of the police department of the municipality where the accident occurred. (b) The police agency

receiving the notice shall do the following: (1) Complete a report of the accident on forms prescribed by the director. (2) Forward the report to the director.

VI. COUNTY PERMIT.

- a. In addition to state registration requirements under I.C. 14-16 *et seq* persons who desire to operate an ORV in the above designated areas of the county pursuant to this chapter must annually obtain an adhesive county owner's county permit and registration number ("county permit"). This is not a charge for a state fee or a license fee, or in lieu of other fees possibly required by the State of Indiana.
- b. The county permit shall be posted on the driver's side front fender, in plain and visible view, at all times and must be obtained before the operator uses an ORV pursuant to this chapter.
- c. A county permit shall be obtained at the office of the Sheriff of the county. Proof of a valid driver's license and insurance must be presented at the time of application for the permit. The fee for the county permit shall be \$100.00 . The county permit shall be issued for purposes of assisting the County Sheriff Office in meeting expenses for public and police education concerning off-road vehicles, expenses of regulation, training and administration of this chapter, as well as for assisting the Sheriff in record-keeping functions for maintaining a permanent local record of the owners of vehicles operating subject to the terms of this chapter.
- d. Each person obtaining a county permit will be required to sign an acknowledgment of such receipt.
- e. Permits shall be renewed annually, on or before January 31 of each calendar year.

VII. VIOLATIONS AND ENFORCEMENT.

- a. It shall be a violation of this chapter to not comply with any requirement hereof and all Indiana Code regulating ORV's.
- b. It shall be a violation of this chapter to operate an off-road vehicle in areas of the county, not specified and designated in Section II above.
- c. It shall be a violation of this chapter to operate an off-road vehicle in designated areas without a valid county permit of the type described above.
- d. It shall be a violation of this chapter to operate an off-road vehicle in the above-designated areas without being in compliance with all state registration requirements under I.C. 14-16 *et seq*.

- e. Pursuant to I.C. 14-16-1-25, enforcement of this ordinance is placed upon all law enforcement officers.

VIII. PENALTY AND PROCEDURE.

- a. A person who operates ORV's 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. 34-28-5-4, or as otherwise amended by statute, unless such violation is otherwise designated by a state statute, or a rule or regulation, promulgated by a state agency or department.

All of which is Ordained and Adopted this 7th day of July, 2025.

Effective in force October 1, 2025

**BOARD OF COMMISSIONERS OF
WHITE COUNTY, INDIANA**




DAVID DAVIS, President

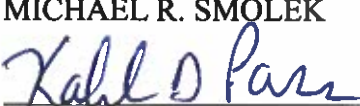
Attest:



ELIZABETH BILLUE
White County Auditor



MICHAEL R. SMOLEK



KALEB PASS