

ORDINANCE NO. 2012-3

**AN ORDINANCE REGULATING THE USE AND OPERATION
OF RECREATIONAL OFF-ROAD VEHICLES AS DEFINED IN IC 14-8-2-233.5
FOR PURPOSES OF IC 14-5-2-185 IN THE TOWN OF HAMILTON**

WHEREAS, IC 14-16-1-22 provides that the Town may pass an ordinance regulating the operation of off-road vehicles if the ordinance meets substantially the minimum requirements of IC 14-16-1 *et seq.*; and

WHEREAS, IC 14-16-1-22 further provides that the Town may not adopt an ordinance that provides 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; and

WHEREAS, IC 14-16-1-20 provides that in individual may not operate an off-road vehicle on a public highway without a valid motor vehicles drivers's license; and

WHEREAS, IC 14-8-2-185 defines an off-road vehicle as an all-terrain vehicle and also as a recreational off-highway vehicle; and

WHEREAS, IC 14-8-2-233.5 provides as follows: "Recreational off-road vehicle". For purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

1. is sixty-four (64) inches or less in width;
2. has a dry weight of two thousand (2,000) pounds or less;
3. is designed for travel on at least four (4) nonhighway or off-highway tires;
4. is designed for recreational use by one (1) or more individuals;
5. has a nonstraddle seat or saddle; and
6. has a steering wheel for steering control; and

WHEREAS, the Town Council deems it advisable and in the best interests of the community to register and regulate the use and operation of recreational off-road vehicles on the streets and alleys within the corporate limits of the Town of Hamilton subject to the provisions of this Ordinance and to prohibit the use and operation of all-terrain vehicles as defined in IC 14-8-2-5.7 as now enacted, supplemented or amended, on the streets and alleys within the corporate limits of the Town of Hamilton.

NOW, THEREFORE, BE IT ORDAINED by the Hamilton Town Council as follows:

1. Recreational off-road vehicles, as defined above, shall be permitted to be operated and used on the streets and alleys within the corporate limits of the Town of Hamilton.
2. All-terrain vehicles, as defined in IC 14-8-2-5.7 as now enacted, supplemented or amended, shall not be permitted to be operated and used on the streets and alleys within the corporate limits of the Town of Hamilton.

3. The ownership, use and operation of recreational off-road vehicles shall be done in strict compliance with the provisions of IC 14-16-1 *et seq.*, as now enacted, supplemented or amended, and also in strict compliance with all the other provisions of the Indiana Code applicable to the use and operation of recreational off-road vehicles .
4. Operators of recreational off-road vehicles shall obey all of the rules of the road, traffic regulations of the State of Indiana and the Town.
5. As required by IC 14-16-1-20(c) as now enacted, supplemented or amended, operators of recreational off-road vehicles are required to have a valid motor vehicle driver's license.
6. All recreational off-road vehicles to be operated on the public streets and alleys shall be registered with the Town.
7. The annual registration is for a period of time from April 1st to March 31st of the following year, at which time the annual registration shall expire. The registration forms are available in the office of the Clerk-Treasurer.
8. At the time of registration the owner shall present proof of insurance insuring not only the recreation off-road vehicle from property damage but also carrying property damage and personal liability coverage for injury or damage to property of other persons and of personal injury to other persons with a minimum combined single limit of \$100,000.00. Prior to the issuance of the registration by the Clerk-Treasurer, the recreational off-road vehicle shall be inspected by the Town Marshall to insure compliance with the terms of this Ordinance.
9. All provisions of this Ordinance shall apply to owner - operated recreational off-road vehicles as well as those leased or rented from a vendor.
10. Recreational off-road vehicles shall not be operated upon any sidewalk within the Town.
11. No person under the age of two (2) years shall be allowed to ride on a recreational off-road vehicle, and all persons under the age of ten years must ride in the front seat of a recreational off-road vehicle.
12. If the recreational off-road vehicle is equipped with seat belts they shall be used by the operator and any passengers.
13. An recreational off-road vehicle lawfully registered in another city, town or county shall be deemed registered in the Town of Hamilton, provided, however, that the other registering agency has an ordinance with the same requirements as this Ordinance.
14. All violations of this Ordinance shall be enforced by the Ordinance Violation Bureau.
15. Any person operating an recreational off-road vehicle within the Town of Hamilton not in compliance with the terms of this Ordinance shall be ordered by the Town Marshall or any other law enforcement agency to immediately cease operation until compliance with this Ordinance is accomplished.
16. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Hamilton, Steuben County, Indiana, at their regular meeting on the ____ day of _____, 2012.

TOWN COUNCIL OF THE TOWN OF HAMILTON, INDIANA

Brent L. Shull, Council Member

Robert Howard
Robert Howard, Council Member

Will Nuttle
Will Nuttle, Council Member

Mary Vail

Mary Vail, Council Member

Larry Grantham
Larry Grantham, Council Member

ATTEST:

Hester Souder
Hester Souder, Clerk-Treasurer

Presented to the President of the Town Council of the Town of Hamilton this 2nd day of JULY, 2012, at 7:00 o'clock A.M./P.M.

Hester Souder
Hester Souder Clerk-Treasurer

Approved by me this 2nd day of JULY, 2012, at 7:00 o'clock A.M./P.M.

President of Town Council, Hamilton, IN