

**ORDINANCE NO. 2020- 12F**  
**HANCOCK COUNTY ORDINANCE REGULATING THE**  
**OPERATION OF OFF-ROAD VEHICLES**

WHEREAS, Hancock County is cognizant of increased activity of off-road vehicles; and

WHEREAS, I.C. 14-16-1-22 provides that a County may enact an Ordinance regulating the operation of off-road vehicles provided the Ordinance substantially complies with I.C. 14-16-1; and

WHEREAS, Hancock County desires to regulate the use and operation of off-road vehicles in Hancock County pursuant to I.C. 14-16-1-22, which expressly provides that a County may pass an Ordinance regulating the operation of vehicles which does not impose a fee for a license, specify accessory equipment to be carried on the vehicles, or require a vehicle operator to possess a driver's license issued under I.C. 9-24-11 while operating an off-road vehicle or snowmobile, or impose a dry weight limitation of less than 2,000 pounds.

NOW, THEREFORE, be it ordained and resolved by the Hancock County Board of Commissioners:

**SECTION I**

I.C. 14-16-1-1 governs the use and operation of off-road vehicles under Indiana law. The general intent of the legislature under the aforementioned statute was to promote: (1) safety of persons and property; (2) responsible enjoyment in and connected with the use and operation of off-road vehicles and snowmobiles; and (3) understanding consistent with rights of all the citizens of Indiana. An off-road vehicle or snowmobile is defined under I.C. 14-16-1-7. I.C. 14-16-1-20 prohibits the operation of off-road vehicles on a public highway, street, or right-of-way, or on a public or private parking lot, not specifically designated for the use of vehicles.

**SECTION II**

**DEFINITIONS**

**“Operator”** means any person who operates or is an actual physical control of an off-road vehicle.

**“Owner”** means any person, other than a lienholder, having the property in or title to an off-road vehicle entitled to the use or possession thereof.

**“Person”** means an individual, partnership, corporation, the state and any of its agencies or subdivisions and anybody of persons, whether incorporated or not.

**“Off-Road Vehicle”** means a motor driven vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, water, snow, ice, marsh,

swampland, or other natural terrain. It includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, amphibious machine, ground effect air cushion vehicle, or other means of transportation driving power from a source other than muscle or wind. It does not include a farm vehicle being used for farming, a vehicle used for military and law enforcement purposes, construction, mining or other industrial related vehicles used in performance of their common function, or a registered aircraft, and does not include for registration any other vehicle properly registered by the Bureau of Motor Vehicles, and any watercraft registered pursuant to Indiana statutes.

**“Highway, street or right-of-way”** means the entire width between the boundary lines every way publicly maintained when any part thereof is opened to use of the public for purposes of vehicle travel.

**“Department”** means the Department of Natural Resources.

**“Director”** means the Director of the Department of Natural Resources.

### **SECTION III**

From and after the effective date of this Ordinance, all highways within the Hancock County road system, excepting such highways as may be located within the corporate limits of any city or town, may be utilized for travel by off-road vehicles, subject to the rules, laws and regulations now existing or hereinafter enacted by the Department of Natural Resources, State of Indiana, or any other applicable state laws, including I.C. 14-16-1-20.

### **SECTION IV**

The operation of an off-road vehicle on the Hancock County Highway traffic system shall be at the risk of the owner and operator of such vehicle. The owner of such off-road vehicle operated on the Hancock County Highway system shall be liable for any damage resulting to the roadbed, drainage structures, side ditches, and highway in the operation of such vehicle.

### **SECTION V**

No person shall operate an off-road vehicle on a Hancock County Highway within the Hancock County road system:

(1) Without being properly registered pursuant to applicable state law.

(2) Without having liability insurance in an amount that is equal to the minimum required insurance and financial responsibility required by drivers of automobiles on public roads within the State of Indiana and to have in the operator’s possession, when operating an off-road vehicle on a County Highway, proof of this insurance.

- (3) Unless operated by a person of at least eighteen (18) years of age.
- (4) At a rate of speed greater than is reasonable and proper, having due regard for existing conditions.
- (5) While under the influence of an intoxicating liquor, narcotic or other dangerous depressant or stimulant drug.
- (6) Without displaying a lighted headlight, with a lighted taillight and lighted brake lights at all times when operating.
- (7) In any forest, nursery, planting area or public lands posted or reasonably identified as an area of forest or plant, reproductions and when growing stock may be damaged.
- (8) On a frozen surface of public water within 100 feet of a person not in or upon a vehicle or within 100 feet of a fishing shelter, except at a speed of 5 miles per hour or less
- (9) Unless it is equipped with a muffler in good working order and in constant operation to prevent excess or unusual noise and annoying smoke.
- (10) Within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m., except on a person's own property or property under a person's control or as an invited guest.
- (11) On any property without consent of the land owner or tenant.
- (12) While transporting a bow unless unstrung or securely encased or a firearm, unless unloaded and securely encased or equipped with and made operative by a manufactured key locked trigger housing mechanism, unless the person possesses a valid license to carry a handgun issued pursuant to Indiana statute for the firearm being transported, which is otherwise not contradictory to any state statute governing possession of handguns.
- (13) On or across a cemetery or burial ground.
- (14) Within 100 feet of a slide, ski or skating area, except for the purpose of servicing the area.
- (15) On a railroad track or railroad right-of-way, except railroad personnel in performance of their duties.
- (16) 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 flotation of this vehicle at all times.

**SECTION VI**

Nothing in this Ordinance shall be interpreted or otherwise construed to be contradictory to any Indiana law, including I.C. 14-16-1 *et seq.* concerning off-road vehicles.

**SECTION VII**

Further, anyone violating any provisions of this Hancock County Ordinance are subject to the same penalties delineated in I.C. 14-6-1-29.

**SECTION VIII**

A law enforcement officer in Hancock County shall enforce this Ordinance. Enforcement of the Ordinance can be done through provisions delineated in Indiana statute or by Ordinance. A violation of the Ordinance shall result in a fine not to exceed the maximum allowed by statute.

**SECTION IX**

All Ordinances or part of Ordinances in conflict with this Ordinance are hereby repealed. The validity of any Section, clause, sentence or provision of this Ordinance shall not effect the validity of any other part of this Ordinance.

**SECTION X**

This Ordinance shall be in full force and effect from and after publication.

This Ordinance shall become effective ninety (90) days after its due publication according to the law.

BOARD OF COMMISSIONERS  
HANCOCK COUNTY, INDIANA

Attest: Debra A. Carnes  
Hancock County Auditor

John Jessup  
John Jessup, President  
Marc Huber  
Marc Huber  
Brad Armstrong  
Brad Armstrong