

Title VII: Traffic Code

CHAPTER 72: TRAFFIC REGULATIONS

Section

72.01 Regulation of off road vehicles

§ 72.01 REGULATION OF OFF ROAD VEHICLES.

(A) As used in this section **OFF ROAD VEHICLE** means a motor driven vehicle capable of cross country travel.

(A) (a) Without benefit of a road or trail; and

(b) On or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(2) The term includes the following:

(a) A multi-wheel driven or low pressure tire vehicle.

(b) An amphibious machine.

(c) A ground effect air cushion vehicle.

(3) The term does not include the following:

(a) Any vehicle including an off road vehicle being used for agricultural purposes.

(b) Any vehicle including an off road vehicle being used by a state licensed surveyor or engineer in the course of conducting his/her official duties as a surveyor or engineer.

(c) A vehicle being used for military or law enforcement purposes.

(d) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.

(e) A snowmobile.

(f) A registered aircraft.

(g) Any other vehicle properly registered by the bureau of motor vehicles.

(h) Any water craft that is registered under Indiana statutes.

(i) A golf cart vehicle.

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(j) Any vehicle including an off road vehicle that is being used by a person suffering from a handicap or disability, if the handicapped or disabled person is using the vehicle as a necessary means of transportation.

(B) As used in this section **HIGHWAY, STREET OR RIGHT-OF-WAY** means the entire width between the boundary lines of any way that is publicly maintained and open for purposes of vehicular traffic located anywhere in Montgomery County.

(C) An individual may not operate an off-road vehicle on any highway, street or right-of-way except under the following circumstances:

(1) The operator of an off road vehicle may cross a public highway at right angles for the purpose of getting from one area to another when the operation can be done in safety.

(2) A law or fire enforcement officer of a city, town, county or state may authorize use of an off road vehicle on the public highway, streets or rights-of-way within the officer's jurisdiction during emergencies.

(3) An off road vehicle may be operated on a street or highway for a special event if a prearranged schedule has been approved by the appropriate county, city or town law enforcement agency.

(D) An individual may not operate an off road vehicle on a highway, street or right-of-way without a valid motor vehicle driver's license. No individual under the age of 18 year of age may operate an off road vehicle on a highway, street or right-of-way for any purpose.

(E) Any individual operating an off road vehicle on a County road or right of way must have proof of liability insurance in the minimum amount of \$100,000 per person and \$300,000 per occurrence for personal injury and property damage. The off road vehicle must be registered with the Indiana Department of Natural Resources.

(F) Any individual operating an off road vehicle on a County road or right of way shall operate the vehicle at a reasonable and safe speed.

(G) A law enforcement officer may operate an off road vehicle on any highway, street or right-of-way in order to discharge the law enforcement officer's official duties. An appropriate insignia decal should be fixed to the vehicle designating that the vehicle is a law enforcement vehicle or the officer riding the vehicle should be wearing clothing that readily identifies the rider as a law enforcement officer.

(H) Violation of this section is a Class A infraction. This section shall be enforced in the same manner as other traffic ordinances.
(Ord. passed 4-1-03; Am. Commissioners Ord. 2007-03, passed 6-25-07)