

ORDINANCE NO. 08-15-2024-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AUTHORIZING OFF-ROAD VEHICLES ON HIGHWAYS UNDER THE JURISDICTION OF THE TOWN OF BRISTOL, INDIANA AND IMPOSING REQUIREMENTS, CONDITIONS, AND RESTRICTIONS FOR SUCH

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, the Town is a “local authority” as the term is defined in Indiana Code § 9-13-2-94; and

WHEREAS, pursuant to Indiana Code § 9-21-8-57, an Off-Road Vehicle may not be operated on a highway under the jurisdiction of the Town, except in accordance with an ordinance adopted under Indiana Code §§ 9-21-1-3(a)(14) and 9-21-1-3.3(a), which authorize the operation of an Off-Road Vehicle on the highway; and

WHEREAS, the Town now wishes to allow the use of Off-Road Vehicles on highways under the jurisdiction of the Town and set minimum requirements for the use thereof.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. This Ordinance adopts all mandatory provisions of state law relating to Off-Road Vehicles, including those set forth at I.C. § 14-16-1 and I.C. § 9-21-1.
- Section 3. Definitions.
- (a) “Town Road” means any highway, road, street, or other right-of-way open to the public for travel under the jurisdiction of the Town of Bristol except for the following:
 - (i) Any street posted by order of the Town Council or its designee for non-use for Off-Road Vehicles; and
 - (ii) Sidewalks and other paved or unpaved surfaces of public property on which motor vehicles are not permitted.
 - (b) “Off-Road Vehicle” has the meaning set forth in I.C. § 14-8-2-185. This definition excludes farm vehicles being used for farming. This definition does not include snowmobiles or golf carts.

Section 4. Operation of Off-Road Vehicles Permitted.

- (a) The Town Council hereby designates all Town Roads for the operation of Off- Road Vehicles, subject to the requirements of this Ordinance and applicable law. The operation of Off-Road Vehicles upon Town Roads is prohibited unless the Off-Road Vehicle is operated and equipped in full compliance with this Ordinance.
- (b) This ordinance does not restrict the use of municipally owned Off-Road Vehicles used for maintenance, public safety, or special events.

Section 5. Regulation of Off-Road Vehicles.

- (a) When operating an Off-Road Vehicle on a Town Road, an individual shall:
 - (i) Have financial responsibility in effect for the Off-Road Vehicle consisting of at least the following types in the following amounts:
 - (A) Twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual;
 - (B) Fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident; and
 - (C) Twenty-five thousand dollars (\$25,000) for damage to or the destruction of property in one (1) accident.
 - (ii) Obey all applicable traffic laws as if the Off-Road Vehicle were a passenger motor vehicle as defined in I.C. § 9-13-2-123;
 - (iii) Have no more passengers than the number of seats for which the Off- Road Vehicle is rated by its manufacturer.
 - (iv) Ensure that all passengers of the Off-Road Vehicle are seated in a factory installed seat position attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.
- (b) When more than one Off-Road Vehicle is present, the Off-Road Vehicle shall travel in single file except when passing or overtaking another vehicle.
- (c) When an Off-Road Vehicle is only operated at twenty-five (25)

miles per hour or less, the Off-Road Vehicle shall display the slow-moving vehicle emblem described by I.C. § 9-21-9-2.

- (d) All occupants within the Off-Road Vehicle less than eighteen (18) years of age must wear a helmet per I.C. § 9-18.1-14-11, except as permitted by state law.
- (e) To be registered and operated on highways under the jurisdiction of the Town, an Off-Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. § 14-16-1, as amended from time to time.
- (f) All safety equipment must be maintained in good operating order. Lights must be used when time of day or weather conditions necessitate such use for the Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this Ordinance.

Section 6. Regulation of Operators.

- (a) Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is valid and is not suspended or revoked, may operate an Off-Road Vehicle on Town Roads.
- (b) The owner of an Off-Road Vehicle may not cause or knowingly permit an individual to operate the Off-Road Vehicle on Town Roads unless the individual holds a driver's license from a State Bureau of Motor Vehicles that is valid and is not suspended or revoked.
- (c) Owners and operators must ensure that all State-issued certificates of registration and decals for the Off-Road Vehicle are properly posted and available for inspection upon demand by a police officer. The decals must contain the Off- Road Vehicle's registration number and expiration date and must be attached on the forward half of the Off-Road Vehicle.

Section 7. Existing State Laws Applicable.

- (a) Except as otherwise provided, this Ordinance does not affect the rights, responsibilities, or duties of individuals operating or owning an Off-Road Vehicles under Indiana law, including those with respect to:
 - (i) Operating a vehicle at speeds compliant with posted speed limits or at reduced speeds when required by law;

- (ii) The prohibition on operating:
 - (A) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a maimer that unnecessarily endangers the person or property of another;
 - (B) Without proper registration;
 - (C) While under the influence of an alcoholic beverage or unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulating drug;
 - (D) Without displaying a lighted headlight and a lighted taillight during the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise or when other conditions limit visibility;
 - (E) Without a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke;
 - (F) Within one hundred (100) feet of another's dwelling between midnight and 6:00 a.m.;
 - (G) While transporting on or in the vehicle a firearm, except as provided by state law;
 - (H) Without adequate brakes and lights;
 - (I) On a public highway or street without a valid motor vehicle driver's license;
 - (J) Without a helmet if less than eighteen (18) years of age, except as permitted by state law; or
 - (K) To hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.
- (iii) The duty to notify a conservation or law enforcement officer with jurisdiction where an accident involving an Off-Road Vehicle occurs by the quickest means of communication.
- (iv) The requirement that the owner of an Off-Road Vehicle shall have applied for and obtained a valid Off-Road Vehicle registration from the State of Indiana per I.C. § 9-18.1-14.

- (b) No Town permit, decal, or inspection shall be required of Off-Road Vehicles registered through the State of Indiana Bureau of Motor Vehicles as prescribed by I.C. § 9-18.1-14.
- (c) As prescribed by I.C. § 14-16-1-20(a)(2), 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.

Section 8. Violations, Enforcement, and Penalties.

- (a) Any person who violates Section 5(a)(i) of this Ordinance while on a Town Road commits an ordinance violation and may be fined as if the person had violated I.C. § 9-25-8-2 but in no case be fined more than a maximum of \$2,500.00.
- (b) Any person who violates Section 5(a)(ii) of this Ordinance while on a Town Road commits an ordinance violation and may be fined as if the offense had been committed with a passenger motor vehicle as defined in I.C. § 9-13-2-123 but in no case be fined more than a maximum of \$2,500.00.
- (c) Any person who violates Section 5(c) of this Ordinance while on a Town Road commits an ordinance violation and may be fined as if the person had violated I.C. § 9-21-9-2 but in no case be fined more than a maximum of \$2,500.00.
- (d) Any person who violates any provision of this Ordinance for which a penalty is not otherwise provided commits an ordinance violation and may be fined not more than \$500 for each offense.
- (e) This Ordinance does not affect the sanctions and penalties for violating a state statute or regulation concerning Off-Road Vehicles, including the provisions of I.C. § 14-16-1.
- (f) The Town may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed \$2,500 for each violation.
- (g) All fines or civil penalties collected shall be deposited in the general fund of the Town.

Section 9. All ordinances and parts of ordinances inconsistent or in conflict with the terms of this Ordinance are repealed to the extent of the inconsistency or conflict.

Section 10. The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or pm1 of this ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 11. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

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ADOPTED THIS ____ DAY OF _____, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer