

**AN ORDINANCE ALLOWING FOR CERTAIN OFF-ROAD  
VEHICLE USAGE ON HUNTINGTON COUNTY HIGHWAYS**

WHEREAS, it is determined that, Huntington County, IN, is in need of a policy governing Off-Road Vehicle, as defined by IC § 14-8-2-185 usage on county roadways;

WHEREAS, I.C. § 14-16-1-20(a) (3) authorizes a local highway department to allow Off-Road Vehicles to operate on county roads, pursuant to limits imposed by state law;

WHEREAS, all other applicable state traffic and other laws, including but not limited to the following will remain in full force and effect and abiding by such laws shall remain the operator's sole responsibility:

- 1) All applicable speed limits — Operators are put on notice that they are responsible for abiding by all speed limits even if their vehicle is not equipped with an operable speedometer;
- 2) Any applicable Department of Natural Resources Registration requirements under I.C. § 14-16-1, *et seq.*;
- 3) I.C. § 14-16-1-23 — Requiring a working muffler; and
- 4) Any and all requirements to maintain a valid operator's license.

BE IT NOW ORDAINED by the Board of Commissioners of Huntington County, Indiana, acting in their roles as the heads of the Huntington County Highway Department:

1. Subject to the regulations contained in this ordinance, only All-Terrain Vehicles as defined by I.C. § 14-8-2-5.7, Recreational Off-Road Vehicles as defined by I.C. § 14-8-2-233.5 (both terms to have their defined meanings throughout this ordinance) are hereby allowed on roads in the Huntington County Highway Inventory ("Huntington County Roadways"), excluding state highways, subject to the conditions set forth in this ordinance.
2. All-Terrain Vehicle and or Recreational Off-Road Vehicle operators must have proof of valid liability insurance covering his/her vehicle in an amount greater than or equal to the Indiana state automotive insurance minimums as set forth in IC § 9-25-4-5 when operated on Huntington County Roadways;
3. All All-Terrain Vehicle and or Recreational Off-Road Vehicle operators on Huntington County Roadways must be at least 16 years of age or older;
4. No passengers are permitted on single seat All-Terrain Vehicles and or Recreational Off-Road Vehicles on Huntington County Roadways, passengers on all other All-Terrain Vehicles, Recreational and or Off-Road Vehicles are limited to the number of passenger seats on the vehicle;

5. All-Terrain Vehicles and or Recreational Off-Road Vehicles must have at least Operating headlights and taillights with operating brake lights when in operation on Huntington County Roadways;
6. All-Terrain Vehicles and or Recreational Off-Road Vehicles being actively used for agricultural purposes are exempt from Sections 2 through 8 of this ordinance.
7. Failure to abide by any of the above conditions when an All-Terrain Vehicle, Recreational and or Off-Road Vehicle is in use on Huntington County Highways shall constitute a violation of this ordinance.
8. Fines and penalties for violations of this ordinance:
  1. First violation - \$25.00;
  2. Second violation - \$100.00 and a 60-day suspension from using All-Terrain Vehicles, Recreational and or Off-Road Vehicles on Huntington County Roadways;
  3. Third and Subsequent Violations - \$250.00 and a lifetime suspension from using All-Terrain Vehicles and or Recreational Off-Road Vehicles on Huntington County Roadways;
  4. Any conviction for criminal trespass involving an Off-Road Vehicle, as defined by IC § 14-8-2-185, subsequent to the passage of this ordinance, shall result in an automatic lifetime suspension from the operation of All-Terrain Vehicles and or Recreational Off-Road Vehicles on Huntington County Roadways.
  5. The violation of a 60-day or lifetime suspension shall result in a \$500 fine for each offense.
  6. Fines up to \$250.00 may be paid through the Huntington County Ordinance Violations Bureau, or may be contested in court.
  7. Court costs, as set by the state schedule, shall apply to all cases contested in court.
  8. All fines shall be deposited into the Huntington County General Fund.
  9. Enforcement of this ordinance shall be conducted pursuant to I.C. § 34-28-5.
  10. If any provision of this ordinance is found to conflict with Indiana state law or with federal law, all other portions shall remain in full force and effect.

11. This ordinance shall become effective on September 30, 2013, or upon the completion of all publication requirements, whichever is later.

BE IT NOW ORDAINED AND ADOPTED this 23<sup>rd</sup> day of September, 2013

BOARD OF COUNTY COMMISSIONERS  
OF HUNTINGTON COUNTY, INDIANA

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Leon Hulburt, Commissioner

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Tom Wall, Commissioner

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Larry Buzzard, Commissioner

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Cindy Yeiter  
Huntington County Auditor