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**ORDINANCE NO. 2014-03-CM**  
**AMENDING TIPPECANOE COUNTY CODE**  
**ADDING NEW SECTION §70.05**  
**ORDINANCE ALLOWING FOR CERTAIN OFF-ROAD VEHICLE AND GOLF CART**  
**USAGE ON TIPPECANOE COUNTY ROADS**

**WHEREAS**, it is determined that Tippecanoe County, IN, is in need of a policy governing the usage on Tippecanoe County roadways of All-Terrain Vehicles, as defined by IC 14-8-2-5.7, Off-Road Vehicles, as defined by IC 14-8-2-185, Recreational Off-Road Vehicles as defined by IC 14-8-2-233.5, and Golf Carts, as defined by IC 9-13-2-69.7;

**WHEREAS**, IC 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**, IC 9-21-1-3.3 authorizes counties to adopt an ordinance allowing for the use of Golf Carts on county highways, pursuant to limits imposed by state law; and

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

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 IC 9-18-2.5, *et seq.*;
3. IC 14-16-1-23 - Requiring a working muffler; and
4. Any and all requirements to maintain a valid operator's license.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to add a new section §reading as follows:

1. Subject to the regulations contained in this ordinance, only All-Terrain Vehicles as defined by IC 14-8-2-5.7, Recreational Off-Road Vehicles as defined by IC 14-8-2-233.5, and Golf Carts, as defined by IC 9-13-2-69.7 (all three terms to have their defined meanings throughout this ordinance) are hereby allowed on roads in the Tippecanoe County Highway Inventory ("Tippecanoe County Roadways"), excluding state highways, subject to the

conditions set forth in this ordinance.

2. Dead end roads shall only be open to local resident traffic only for All-Terrain Vehicles, Recreational Off-Road Vehicles, or Golf Carts.
3. All-Terrain Vehicles, Recreational Off-Road Vehicles, or Golf Carts must be registered at least every two years at the Tippecanoe County Sheriff's Department to operate on Tippecanoe County Roadways. To register, each operator must present a VIN#, Indiana State Registration #, the make and model number of the vehicle, proof of insurance, proof that the owner is at least eighteen years of age, proof of address, and a contact phone number. A registration sticker which must be displayed prominently on the rear of the vehicle will be provided for free.
4. All-Terrain Vehicle, Recreational Off-Road Vehicle, and Golf Cart 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 Tippecanoe County Roadways;
5. All All-Terrain Vehicle, Recreational Off-Road Vehicle, and Golf Cart operators on Tippecanoe County Roadways must be at least 18 years of age or older;
6. Passengers on All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts are limited to the number of passenger seats on the vehicle. No passengers are permitted on single-seat All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts;
7. All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts must have at least an operating brake light when in operation on Tippecanoe County Roadways;
8. All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts must have at least one (1) operating headlight and at least one (1) operating taillight when in operation on Tippecanoe County Roadways;
9. Golf Carts must have a "Slow Moving Vehicle" sign on the rear of the cart, pursuant to the authority granted under IC 9-21-9-0.5 to be operated on Tippecanoe County Roadways;
10. All-Terrain Vehicles, Recreational Off-Road Vehicles, or Golf Carts being actively used for agricultural purposes are exempt from Sections 2 through

10 of this ordinance;

11. Pursuant to the authority of IC 9-21-1-3.3 and IC 14-16-1-20, All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts are permitted to cross a highway in the state highway system, at right angles, in order to travel from one (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely;
12. No All-Terrain Vehicles, Recreational Off-Road Vehicles, or Golf Carts shall be operated on Tippecanoe County Roadways between the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.
13. All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts must travel single-file on Tippecanoe County Roadways;
14. Failure to abide by any of the above conditions when an All-Terrain Vehicle, Recreational Off-Road Vehicle, or Golf Cart is in use on Tippecanoe County Highways shall constitute a violation of this ordinance;
15. Fines and penalties for violations of this ordinance:
  - a. First violation - \$100.00;
  - b. Second violation - \$250.00 and a 60-day suspension from using All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts on Tippecanoe County Roadways;
  - c. Third and subsequent violations - \$500.00 and a lifetime suspension from using All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts on Tippecanoe County Roadways;
  - d. Any conviction for criminal trespass involving an Off-Road Vehicle, as defined by IC 14-8-2-185 or a Golf Cart, subsequent to the passage of this ordinance, shall result in an automatic lifetime suspension from the operation of All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts on Tippecanoe County Roadways.
  - e. The violation of a 60-day or lifetime suspension shall result in a \$1,000 fine for each offense;
  - f. Court costs, as set by the state schedule, shall apply to all cases

contested in court;

g. All fines shall be deposited into the Tippecanoe County General Fund.

- 16. Enforcement of this ordinance shall be conducted pursuant to IC 34-28-5;
- 17. 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;
- 18. This ordinance shall become effective on \_\_\_\_\_ 1, 2014, or upon the completion of all publication requirements, whichever is later.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to add section §70.05, reading as follows:

This Ordinance shall be in full force and effect immediately upon its passage and signing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and with publication as required by law.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY

VOTE

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\_\_\_\_\_  
John Knochel, President

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\_\_\_\_\_  
Thomas P. Murtaugh, Vice President

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David S. Byers, Member

ATTEST:

\_\_\_\_\_  
Jennifer Weston, Auditor of Tippecanoe County

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Roads\04-18-2014.Off-Road Vehicle draft ordinance draft.wpd