

ORDINANCE 2021-5

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTH SALEM, INDIANA, REGULATING THE USE OF OFF ROAD VEHICLES ON STREETS WITHIN THE TOWN

BE IT ORDAINED by the Town of North Salem, Hendricks County, Indiana, that:

WHEREAS, the Town Council of the Town of North Salem has jurisdiction on and over the designated streets, rights-of-way and easements granting rights-of-way within the Town; and

WHEREAS, consideration has been given to the use of off road vehicles on said streets and rights-of-way under certain conditions or restrictions.

NOW THEREFORE, by the powers vested in the Town Council of the Town of North Salem, Hendricks County, Indiana, it is hereby **ORDAINED AS FOLLOWS**:

DEFINITIONS

1. As used in this section, **OFF ROAD VEHICLE** has the definition contained in IC 14-8-2-185. It means a motor driven vehicle capable of cross country travel:
 - a. Without benefit of a road or trail; and
 - b. On or immediately over land, water, snow, ice, marsh, swamp land or other natural terrain.
2. The term includes the following:
 - a. A multi-wheel drive or low pressure tire vehicle.
 - b. An amphibious machine.
 - c. A ground effect air cushion vehicle.
 - d. An all-terrain vehicle (as defined in IC 14-8-2-5.7).
 - e. A recreational off-highway vehicle (as defined in IC 14-8-2-223.5).
 - f. Other means of transportation deriving motive by a source other than muscle or wind.

3. The term does not include the following:

- a. Any vehicle including an off road vehicle being used for agricultural purposes.
- b. A vehicle being used for military or law enforcement purposes.
- c. A construction, mining or other industrial related vehicle used in the performance of the vehicle's common function.
- d. A snowmobile.
- e. A registered aircraft.
- f. Any other vehicle properly registered by the Bureau of Motor Vehicles.
- g. Any watercraft that is registered under Indiana statutes.
- h. A golf cart vehicle.
- i. 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.

BE IT THEREFORE ORDAINED that an individual may operate an off road

vehicle on a Town street or right-of-way if:

- a. The individual is at least eighteen (18) years old;
- b. The individual holds a valid driver's license and said driving privileges are not currently suspended by any State;
- c. The individual has proof of liability insurance in at least the minimum amount required by the State of Indiana;
- d. The off road vehicle is properly registered and displays any decals as required by Hendricks County Board of Commissioners Ordinance 2020-52 and state law; and
- e. The off road vehicle meets all equipment requirements under state law.

- f. In addition, an individual may operate an off road vehicle:
- (1) To cross a Town street or right-of-way at right angles for the purpose of getting from one area to another when the operation can be done safely.
 - (2) As authorized by a law enforcement officer on a Town street or right-of-way during emergencies.
 - (3) On a Town street or right-of-way for a special event if a pre-arranged schedule has been approved by the appropriate law enforcement agency.
- g. Any individual operating an off road vehicle on a Town street or right-of-way shall operate the vehicle at a reasonable and safe speed and obey all traffic rules of the State of Indiana, Hendricks County and the Town of North Salem.

IT IS FURTHER ORDAINED that this Ordinance shall become effective upon adoption.

SAID ORDINANCE IS HEREBY PASSED AND ADOPTED THIS 1

Day of July , 2021

Becky Sanchez
[Signature]
William Almy

(Constituting a majority of the members of the Town Council of the Town of North Salem, Indiana)

ATTEST:

Beth Russell
Clerk-Treasurer for the Town of North Salem, Indiana