

ORDINANCE No.: 949

**AN ORDINANCE REGULATING THE OPERATION OF
OFF-ROAD VEHICLES (ORV's) IN STEUBEN COUNTY**

WHEREAS, certain residents of Steuben County, Indiana, (the "County") desire to operate certain off-road vehicles upon the roadways located in Steuben County; and

WHEREAS, The Board of Commissioners of the County of Steuben (the "Commissioners") desire to allow safe and reasonable use of certain off-road vehicles upon the roadways located in Steuben County; and

WHEREAS, The Commissioners are vested with the authority under Indiana Code §14-16-1 to allow the operation of off-road vehicles upon roadways located in Steuben County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF STEUBEN COUNTY, INDIANA, THAT THE FOLLOWING ORDINANCE BE ENACTED:

SECTION I

Definition of the term - *County Roads* is hereby defined as follows:

- a. *County Roads* shall include all roads and adjacent right of ways within the county.

Exceptions to the definition of the term *County Roads* are hereby defined as follows:

- a. Federal and State Roads
- b. Federal and State Right of Ways
- c. Roads and Right of Ways within an Incorporated Towns' Municipal Boundaries

SECTION II

Definition of the term - *Off-Road Vehicle (ORV)*:

- a. Utility Vehicle
- b. Is 72 inches in width or less
- c. Is Designed to Travel on Four (4) or more Low-Pressure or Non-Pneumatic Tires
- d. Has a Steering Wheel
- e. Has Two (2) Headlights, A Taillight, and a Brake Light
- f. Has a Roll Bar
- g. Has a Seat Belt for the Operator and each Passenger

SECTION III

A person shall not operate an Off-Road Vehicle (ORV):

- a. With Disregard for Traffic Control Signs and Signals
- b. At a Rate of Speed Greater than is Reasonable and Proper for the Type of Off-Road Vehicle (ORV) and Road Condition
- c. On any Private Property Without Consent of the Landowner or Tenant
- d. At a Speed Exceeding Five (5) Miles Per Hour on Ice Covering Public Waters Within One Hundred (100) Feet of an Individual on Foot (Not in or Upon a Vehicle) or Within One Hundred (100) Feet of a Fishing Shanty or Shelter
- e. Without a Valid Motor Vehicle Driver's License
- f. Without Liability Insurance for the Off-Road Vehicle (ORV) Consistent with the Minimum Requirements of the State of Indiana for Motor Vehicle Insurance

SECTION IV

All portions of any ordinance in conflict herewith are hereby repealed.

SECTION V

The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance.

Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinances as if this Ordinance had not been adopted.

SECTION VI

No part of this Ordinance shall be interpreted to conflict with Federal, State, or Local Laws and all reasonable efforts should be made to harmonize the same.

Should any section or part thereof of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than that portion so declared to be invalid and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION VII

This Ordinance shall become effective upon promulgation according to law.

Adopted and Ordained this 7 day of Sept., 2021.

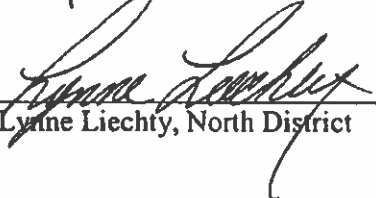
BOARD OF COMMISSIONERS OF
STEUBEN COUNTY, INDIANA



Wil Howard, President



Ken Shelton, Middle District



Lynne Liechty, North District

Attest:

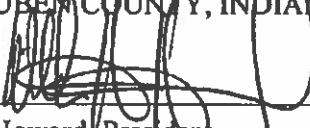


Kim Meyers, Steuben County Auditor

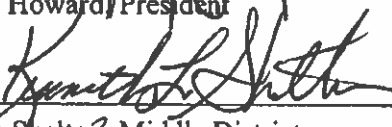
WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived and the Ordinance was deemed effective as of the date of passage.

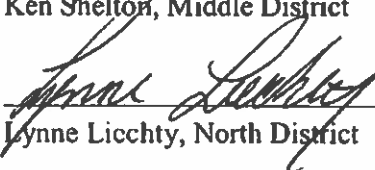
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