

TOWN OF MONROE,
STATE OF INDIANA

ORDINANCE: 2019 - 3

SHORT TITLE: AN ORDINANCE CREATING RULES AUTHORIZING THE OPERATION OF OFF-ROAD VEHICLES WITHIN THE TOWN OF MONROE, COUNTY OF ADAMS, STATE OF INDIANA

WHEREAS, Indiana Code § 36-1-3, et seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Town of Monroe is a municipality within the State of Indiana, and, Ind. Code § 36-5-2-2 provides that the Town Board for the Town of Monroe (hereinafter referred to as the "Town Board") is the legislative body for the Town of Monroe;

WHEREAS, Ind. Code § 36-5-2-9 provides that a legislative body may adopt ordinances and resolutions for the performance of the functions of the Town of Monroe;

WHEREAS, the Town Board desires to authorize the operation of off-road vehicles within the Town of Monroe's municipal limits;

WHEREAS, the Town Board further desires to create and establish rules regulating off-road vehicles, insurance requirements, the age of the operators, the operation of the off-road vehicles within the Town of Monroe's municipal limits;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF MONROE, INDIANA, AS FOLLOWS:

Section 1. Purpose. The Purpose of this Ordinance is to authorize qualified persons the privilege to operate off-road vehicles, that have been and are duly registered with the State of Indiana, Bureau of Motor Vehicles, on and upon the public roadways located within the Town of Monroe and to create and establish rules for said operation of off-road vehicles within the Town of Monroe.

Section 2. Definitions. The following definitions are applicable to this Ordinance and are not of universal meaning within the context of other Ordinances, unless specific reference is made to this Ordinance with respect to said term and definition referenced therein.

- A. "*Intentional Violation(s)*" shall mean a course of conduct that demonstrates such a reckless disregard of the rules governing the privilege of operating an Off-Road Vehicle on the public roadways located in the Town of Monroe that it creates or represents a threat to public safety and community peace.
- B. "*Law Enforcement Officers*" shall mean the Town Marshal and Deputy Town Marshals, Adams County Sheriff and Sheriff's Deputies and Indiana State Police Officers.
- C. "*Off-Road Vehicle*" shall mean any motorized or motor driven vehicle designed or capable of cross-country travel on or over land, sand, snow, ice, water and other natural terrain,

regardless of the number of wheels; but, the term does not include a farm vehicle that is being used for farming purposes.

- D. "Registered" shall mean the filing of all necessary forms with the required information concerning the off-road vehicle and making payment to the Indiana Bureau of Motor Vehicles pursuant to Indiana Code § 9-18.1-14.

Section 3. Rules and Requirements. The Rules and Requirements established in this Ordinance are to promote the safe use and operation of Off-Road Vehicles on the public roadways located within the municipal limits of the Town of Monroe.

- A. *Minimum Requirements to Operate an Off-Road Vehicle Within the Town of Monroe.*
- (i) *Age.* Any person operating an Off-Road Vehicle on the public roadways located within the municipal limits of the Town of Monroe must be a minimum of sixteen (16) years of age.
 - (ii) *Operator's License.* Any person operating an Off-Road Vehicle on the public roadways located within the municipal limits of the Town of Monroe must have a valid operators license issued by a state bureau of department of motor vehicles.
- B. *Other Requirements.*
- (i) *State Registration of Off-Road Vehicle.* All persons operating an Off-Road Vehicle shall be required to register the Off-Road Vehicle with the State of Indiana Bureau of Motor Vehicles and comply with all laws applicable to registration with said State agency.
 - (ii) *Insurance Coverage.* All Off-Road Vehicles operating on public roadways located within the municipal limits of the Town of Monroe pursuant to this Ordinance must be covered by a liability bond or policy of insurance providing not less than the minimum coverage required for motor vehicles operated on the roadways in the State of Indiana as set forth at Ind. Code § 9-25-2-3.
- C. *Operation.* All persons operating an Off-Road Vehicle on the public roadways located within the municipal limits of the Town of Monroe pursuant to this Ordinance shall be in compliance with all applicable motor vehicle and traffic laws, and as further restricted herein.
- D. *Maximum Number of Persons.* All Off-Road Vehicles shall be limited to one (1) operator and one (1) passenger.

Section 4. Violations. A person who violates this Ordinance shall be subject to a fine of up to Five Hundred and 00/100 Dollars (\$500.00). A person who violates this Ordinance more than once in a twelve (12) month period shall be subject to a fine of up to One Thousand and 00/100 Dollars (\$1,000.00) for the second offense and the Town of Monroe shall revoke their privilege to operate an Off-Road Vehicle on the public roadways located within the municipal limits of the Town of Monroe. The following shall be deemed violations of this Ordinance:

- A. *Age.* Any person operating an Off-Road Vehicle on the public roadways located within the municipal limits of the Town of Monroe who is less than the age of sixteen (16) years shall have committed a violation of this Ordinance and subject to the fines set forth herein above.
- B. *Operator's License.* Any person operating an Off-Road Vehicle on the public roadways located within the municipal limits of the Town of Monroe without a valid operator's

license issued by a state bureau of department of motor vehicles shall have committed a violation of this Ordinance and subject to the fines set forth herein above.

- C. *Registration with State of Indiana Bureau of Motor Vehicles.* Any person operating an Off-Road Vehicle on a public roadway within the municipal limits of the Town of Monroe that is not registered with the Indiana Bureau of Motor Vehicles as required in Section 3(B)(i) of this Ordinance shall have committed a violation of this Ordinance and subject to a fines set forth herein above.
- D. *Insurance.* Any person operating an Off-Road Vehicle on a public roadway within the municipal limits of the Town of Monroe that is not insured as required in Section 3(B)(ii) of this Ordinance shall have committed a violation of this Ordinance and subject to the fines set forth herein above.

Section 5. Intentional Violations. In addition to any criminal charges for the intentional violation described below herein, the following conduct shall be deemed intentional violations and subject to the following schedule of fines; and, the Town of Monroe shall revoke the individual's privilege to operate an Off-Road Vehicle on the public roadways located within the municipal limits of the Town of Monroe:

- A. *Operating on Sidewalks.* Any person operating an Off-Road Vehicle on a sidewalk located within the municipal limits of the Town of Monroe, other than for the purpose of perpendicularly crossing a sidewalk that connects two (2) public streets, shall be deemed an intentional violation and subject to a fine of One Thousand and 00/100 Dollars (\$1,000.00).
- B. *Speeding.* Any person operating an Off-Road Vehicle on a public roadway located within the municipal limits of the Town of Monroe in excess of five (5) miles over the posted speed limit shall be deemed an intentional violation of this Ordinance and subject to a fine of One Thousand and 00/100 Dollars (\$1,000.00).
- C. *Maximum Number of Persons.* Any person operating an Off-Road Vehicle on a public roadway within the municipal limits of the Town of Monroe with more than one (1) passenger shall be deemed to have committed an intentional violation of this Ordinance and subject to a fine of One Thousand and 00/100 Dollars (\$1,000.00).
- D. *Operating Under the Influence.* Any person operating an Off-Road Vehicle on a public roadway within the municipal limits of the Town of Monroe who is convicted of operating the vehicle under influence according to Ind. Code § 9-30-5-1 (or similar statute) shall be deemed to have committed an intentional violation of this Ordinance and their privilege to operate an Off-Road Vehicle shall be revoked.

Section 6. Enforcement. the Town of Monroe authorizes the Law Enforcement Officers to enforce this Ordinance by issuing citations for violations and intentional violations as described herein at Section 4 and Section 5.

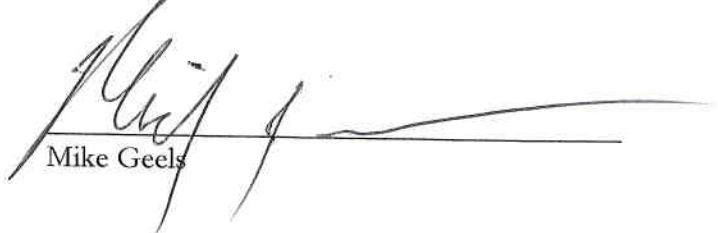
Section 7. Effectiveness. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

[Signature Page follow on Page 4 of 4].

ADOPTED, by the Town Board for the Town of Monroe, State of Indiana, this 1st day of August, 2019, at 7:00 PM by a vote of 2 ayes and 0 nays.

TOWN BOARD FOR THE TOWN OF
MONROE, STATE OF INDIANA


Debra Giessler, President


Mike Geels

Jeffery L. Johnson

ATTESTED: 
Rachel Tague, Clerk/Treasurer