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## CH30 30 .8 - Establishing new Regulations for the Operation of Off Road Vehicles

AN ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, AMENDING PRIOR ORDINANCE REGARDING THE REGULATION OF GOLF CARTS AND ALTERNATIVE TRANSPORTATION IN THE TOWN OF LAPEL AND ESTABLISHING NEW REGULATIONS FOR THE OPERATION OF OFF ROAD VEHICLES AS DEFINED BY I.C. [14-8-2-185](#)

**WHEREAS**, the Town of Lapel ("Town" or "Lapel") have passed prior ordinances regulating the use of golf carts and alternative transportation in the Town of Lapel; and,

**WHEREAS**, while those prior ordinances did not specifically address the use of Off Road Vehicles as defined by I.C. [14-8-2-185](#), the Town now desires to repeal in part and amend in part those prior ordinances that could have been construed to apply to Off Road Vehicles and pass a new ordinance that applies only to Off Road Vehicles; and,

**WHEREAS**, I.C. [9-21-1-3\(a\)\(14\)](#) allows a local authority to regulate or prohibit the operation of low speed vehicles, golf carts, or off-road vehicles on highways under the local authority's jurisdiction; and,

**WHEREAS**, I.C. [14-16-1-22](#) permits counties, cities, and towns to pass ordinances regulating the operation of off-road vehicles provided that such ordinances meet substantially the minimum requirements of I.C. [14-16-1](#).

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

1. **RECITALS:** The recitals stated herein are hereby incorporated by reference.
2. **PRIOR ORDINANCES REPEALED:** Ordinance No 4, 2003, Ordinance No 5, 2009, Ordinance No 5, 2011, Ordinance No 5, 2016 are hereby repealed in their entirety and replaced as follows.
3. **DEFINITIONS:** All definitions contained herein shall have the same meaning as set forth in I.C. [14-16-1](#) except as indicated herein.

- a. "Alcoholic Beverage": The term "alcoholic beverage" as defined in I.C. [14-16-1-1.5](#) "has the meaning set forth in I.C."
- b. "Operate": The term "operate" as defined in I.C. [\[\[14-16-1-4" target="ic">7.1-1-3-5."](#)
- c. "Operate": The term "operate" as defined in I.C. [\[\[14-16-1-4](#) means "to (1) ride in or on; and (2) be in actual physical control of the operation of; a vehicle."
- d. "Operator": The term "operator" as defined in I.C. [14-16-1-5](#) means "an individual who: (1) operates; or (2) in in actual physical control of; an off-road vehicle or a snowmobile."
- e. "Owner": The term "owner" as defined in I.C. [14-16-1-6](#) means "a person, othat than a lienholder, who: (1) has the property in or title to: and (2) is entitled to the use or possession of: an off-road vehicle or a snowmobile."
- f. "Vehicle": The term "vehicle" as defined in I.C. [14-16-1-7](#) means "an off-road vehicle or snowmobile."
  - i. Off Road Vehicle is more precisely defined in IC [14-8-2-185](#);
  - ii. For purposes of this Ordinance, the term "Vehicle" shall include Vehicles with four or more tires that has side-by-side seating. The term Vehicle does not include snowmobiles, quads, and three wheelers. Snowmobiles, quads, and three wheelers are specifically excluded from the provisions of this Ordinance and are prohibited from operation in the Town.

#### 4. REGISTRATION

- a. All Vehicles must be registered pursuant to I.C. [9-18.1-14-1](#)
- b. In addition, any owner of a Vehicle desiring to operate the same on Town streets must annually register the Off-Road Vehicle with the Lapel Police Department ("LPD" or "Police Department").
- c. The Lapel Police Department is charged with the responsibility of inspecting and registering the Vehicle to ensure the Vehicle is in compliance with State law and the requirements set forth in this Ordinance. The Police Department shall also maintain records of the inspection and registration for the Vehicle.
- d. Inspections must be completed annually and will expire on June 30th of every calendar year.
- e. Inspections can be conducted by contacting the Lapel Police Department for an appointment.
- f. Upon registration and inspection of the Vehicle, the owner of said Vehicle shall receive an inspection sticker if the Vehicle passes inspection. The inspection sticker shall be placed and displayed at all times on the outside of the windshield on the lower passenger side of the Vehicle
- g. Inspection stickers shall not be transferred to another person.
- h. The cost of the registration and inspection fee is \$50.00 per Vehicle.
- i. All fees from the registration and inspections of Vehicle shall be deposited in the Law Enforcement Continuing Education fund.

5. **INSURANCE:** The owner of any registered Vehicle who operates the Vehicle on any Town roadway or highway shall maintain recreational vehicle insurance with a minimum amount of twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual, fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident, and twenty-five thousand dollars (\$25,000) for damage to or the destruction of property in one (1) accident.

6. **AGE REQUIREMENT:** No children under three (3) years of age shall be permitted to ride in a Vehicle.

7. **LICENSE REQUIREMENT:** The operation of a Vehicle on a public highway in Indiana without a valid motor vehicle driver's license is prohibited by I.C. [14-16-1-20\(c\)](#).

8. **LIGHTS:** Pursuant to I.C. [14-16-1-21](#)(a) A Vehicle may not be operated between sunset and sunrise unless the Vehicle has at least one (1) headlight and one (1) taillight.
9. **BRAKES:** Pursuant to I.C. [14-16-1-21](#)(b), a Vehicle may not be operated at any time unless the vehicle has adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hour
10. **HELMETS:**
- a. Pursuant to I.C. [14-16-1-33](#), a person who is: (1) the owner of an off-road vehicle; (2) in possession of an off-road vehicle; or (3) entitled to the possession of an off-road vehicle, whether by reason of legal title, lease, license, rental arrangement, lease with option to purchase, contract of conditional sale, or otherwise; may not knowingly authorize or permit an individual less than eighteen (18) years of age to operate the off-road vehicle in violation of I.C. [9-18.1-14-11](#).
  - b. Pursuant to I.C. [9-18.1-14-11](#), an individual less than eighteen (18) years of age who is operating or riding on an off-road vehicle shall wear a helmet that meets the standards established by the United States Department of Transportation under 49 CFT 571.218 as in effect January 1, 1979. (b) An individual who violates this section commits a Class C infraction.
11. **DESIGNATED ROADS AND STATE HIGHWAYS:**
- a. Vehicles may not be operated on state highways except as provided herein or pursuant to I.C. [14-16-1-20](#).
  - b. Vehicles may be operated on roadways within the Town.
  - c. The Lapel Town Council may prohibit the use of Vehicles on roads, street, highways that are under the jurisdiction of the Town of Lapel if the operation of Vehicles poses a danger. This Ordinance shall be amended from time to time to include those roads deemed unsuitable for their use.
12. **PASSENGERS:** The maximum number of persons in a Vehicle will be limited by the requirements set by the manufacturer. Each occupant must be in a seat and must wear a seatbelt.
13. **SIDEWALKS, PARKS AND WALKING PATHS:** Vehicles shall not be operated on sidewalks, walking paths, or in any Town park.
14. **RESTRICTIONS AND EXCEPTIONS:**
- a. Pursuant to I.C. [14-16-1-23](#)(a), an individual shall not operate a vehicle under any of the following conditions:
    - i. At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.
      - i. For purposes of this Ordinance, the Town hereby limits the speed at which a Vehicle may be operated at thirty (30) miles an hour or the posted speed limit, whichever is less.
    - ii. While:
      - i. under the influence of an alcoholic beverage; or
      - ii. unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.
    - iii. During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.
    - iv. In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.

- v. On the frozen surface of public waters within:
  - i. one hundred (100) feet of an individual not in or upon a vehicle; or
  - ii. one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.
- vi. Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- vii. Within one hundred (100) feet of a dwelling between midnight and 6:00am, except on the individuals own property or property under the individuals control or as an invited guest.
- viii. On any property without the consent of the landowner or tenant.
- ix. While transporting on or in the vehicle a firearm, unless the firearm is:
  - i. unloaded; and
  - ii. securely encased or equipped with and made inoperative by a manufactured key locked trigger housing mechanism.
- x. On or across a cemetery or burial ground.
- xi. Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.
- xii. On a railroad track or railroad right-of-way, except railroad personnel in the performance of duties.
- xiii. In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.
- xiv. An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

b. The exceptions, as contained in I.C. [14-16-1-23\(b\)](#), apply herein.

**15. HOURS OF OPERATION:** The hours of operation allowed for Vehicles are from 6:00am to 11:00pm.

**16. EXCLUSIONS:**

- a. This Ordinance shall not apply to any Vehicles owned by the Town and used by the Town for official Town business.
- b. This Ordinance shall not apply to Vehicles being operated in a parade or other function sanctioned and authorized by the Town.
- c. This Ordinance does not rescind, repeal, or otherwise amend Ordinance 4, 2011 regarding the procedures for the use of golf carts during the Lapel Village Fair. Ordinance 4, 2011 remains in full force and effect.

**17. VIOLATIONS/PENALTIES:**

- a. Any person who violates this Ordinance shall be fined up to an in an amount not to exceed \$250.00
- b. Monites collected for a violation of this Ordinance shall be deposited into the Town's general fund pursuant to Indiana Code I.C. [9-21-1-3.3](#).

**18. CONFLICT WITH STATE LAW:** No provision of this Ordinance is intended to conflict with or supersede state law.

**19. SEVERABILITY/VALIDITY:** If any provision of this Ordinance shall be held to be invalid or unenforceable, that determination shall not affect the remaining provisions of this Ordinance and such remaining

provisions shall be considered valid.

20. **EFFECTIVE DATE:** This Ordinance shall become effective upon the adoption and signature of the Lapel Town Council, the posting of signs giving notice, and publication as required by law.