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ORDINANCE NO. 2013 - 18

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PAMELA K BENEKER
FRANKLIN County Recorder IN
Recorded as Presented



Stephen Brack
AUDITOR, FRANKLIN COUNTY

AN ORDINANCE ALLOWING FOR CERTAIN OFF-ROAD VEHICLE AND GOLF CART USAGE ON FRANKLIN COUNTY HIGHWAYS

WHEREAS, it is determined that, Franklin County, IN, is in need of a policy governing Off-Road Vehicle, as defined by IC § 14-8-2-185, and Golf Cart, as defined by I.C. § 9-13-2-69.7, usage on county roadways;

WHEREAS, I.C. § 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, I.C. § 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, including but not limited to the following will remain in full force and effect and abiding by such laws shall remain the operator's sole responsibility:

- 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 I.C. § 14-16-1, *et seq.*;
- 3) I.C. § 14-16-1-23 – Requiring a working muffler; and
- 4) Any and all requirements to maintain a valid operator's license.

BE IT NOW ORDAINED by the Board of Commissioners of Franklin County, Indiana, acting in their roles as the heads of the Franklin County Highway Department:

1. Subject to the regulations contained in this ordinance, only All-Terrain Vehicles as defined by I.C. § 14-8-2-5.7, Recreational Off-Road Vehicles as defined by I.C. § 14-8-2-233.5, and Golf Carts, as defined by I.C. § 9-13-2-69.7 (all three terms to have their defined meanings throughout this ordinance) are hereby allowed on roads in the Franklin County Highway Inventory ("Franklin County Roadways"), excluding state highways, subject to the conditions set forth in this ordinance.
2. Dead end roads shall only be open to local 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 Franklin County Commissioners Office to operate on Franklin County Highways. To register, each operator must present a VIN#, the make and model number of their ATV, proof of insurance, proof that the operator is at least eighteen years of age, proof of

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address, and a contact phone number. A registration sticker which must be displayed prominently on 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 Franklin County Roadways;
5. All All-Terrain Vehicle, Recreational Off-Road Vehicle, and Golf Cart operators on Franklin County Roadways must be at least 18 years of age or older;
6. No passengers are permitted on single seat All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts on Franklin County Roadways, passengers on all other All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts are limited to the number of passenger seats on the vehicle;
7. All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts must have at least an operating brake light when in operation on Franklin County Roadways;
8. Golf carts must have at least one (1) operating headlight and at least one (1) operating taillight when in operation on Franklin County Roadways;
9. Golf Carts must have a "Slow Moving Vehicle" sign on the rear of the cart, pursuant to the authority granted in I.C. § 9-21-9-0.5 to be operated on Franklin County Roadways;
10. No All-Terrain Vehicles, Recreational Off-Road Vehicles, or Golf Carts are permitted on Franklin County Roadways from sunset until sunrise;
11. 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.
12. Pursuant to the authority of I.C. § 9-21-1-3.3, 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;
13. All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts must travel single-file on Franklin 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 Franklin County Highways shall constitute a violation of this ordinance.



15. Fines and penalties for violations of this ordinance:

- 1. First violation - \$100.00;**
- 2. Second violation - \$250.00 and a 60-day suspension from using All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts on Franklin County Roadways;**
- 3. Third and Subsequent Violations - \$500.00 and a lifetime suspension from using All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts on Franklin County Roadways;**
- 4. 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 Franklin County Roadways.**
- 5. The violation of a 60-day or lifetime suspension shall result in a \$1000 fine for each offense.**
- 6. Fines up to \$250.00 may be paid through the Franklin County Ordinance Violations Bureau, if such bureau exists, or may be contested in court.**
- 7. Court costs, as set by the state schedule, shall apply to all cases contested in court.**
- 8. All fines shall be deposited into the Franklin County General Fund.**

16. Enforcement of this ordinance shall be conducted pursuant to I.C. § 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 September 1, 2013, or upon the completion of all publication requirements, whichever is later.



BE IT NOW ORDAINED AND ADOPTED this 8th day of July, 2013.

BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, INDIANA

Tom Wilson
TOM WILSON
Tom Linkel
TOM LINKEL
Scott M. McDonough
SCOTT MCDONOUGH

ATTEST: Steve Brack
STEVE BRACK, AUDITOR
FRANKLIN COUNTY, INDIANA

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