

AN ORDINANCE SUPERSEDING ORDINANCE NO. 2015-5, AN ORDINANCE OF THE CITY OF ROCKPORT, INDIANA AUTHORIZING USE OF OFF-ROAD VEHICLES ON CITY STREETS

WHEREAS, in 2015 the City of Rockport Common Council passed Ordinance No. 2015-5 regulating the use of off-road vehicles on City streets, and

WHEREAS, a new Ordinance regarding the operation of off-road vehicles should be passed and Ordinance No. 2015-5 should be superseded.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ROCKPORT, INDIANA AS FOLLOWS:

1. Definition of Off-Road Vehicle.

(a) Off-Road Vehicle, for purposes of this ordinance and I. C. §14-16-1 means a motor driven vehicle of at least four (4) wheels capable of cross-country travel:

- (i) without benefit of a road; and
- (ii) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term Off-Road Vehicle does not include a snowmobile, any other vehicle properly registered by the Bureau of Motor Vehicles, any watercraft that is registered under Indiana statutes, or a golf cart vehicle.

2. Authorized Use and Operation. Subject to the terms and conditions of this ordinance, Off-Road Vehicles are hereby authorized to be operated on all streets and alleys under the jurisdiction of the City of Rockport with the exception of any highway designated as part of the state highway system, which includes State Road 66, and with the exception of Fifth Street extending from the north city limit to its intersection with

Main Street, the entire length of Sycamore Street, and the entire length of Lincoln Avenue, all within the limits of the City of Rockport, other than to cross such state highway or streets as they intersect with local streets under the jurisdiction of the City of Rockport.

3. **Inspection, Authorization and Requirements of Operation.** Each owner/operator of an Off-Road Vehicle, pursuant to the terms of this ordinance, must comply with the following requirements:

- A. Provide to the Rockport Police Department proof of valid and current registration of the vehicle with the State of Indiana as required by I. C. 9-18.1-14-1;
- B. Possession of a valid license to operate a motor vehicle;
- C. Proof of liability insurance at the time of application;
- D. Annual permit to be obtained from the Rockport Police Department. There shall be no fee to obtain the permit, which shall be granted upon proof of valid and current registration of the vehicle as set forth above in paragraph 3(A);
- E. Beginning in 2020, the City of Rockport shall issue decals indicating that a permit has been issued in accordance with paragraph 3(C) above;
- F. Decals shall be affixed to the left rear of the Off-Road Vehicle in a manner to be visible from the rear of the vehicle.

4. **Definition of Operator.** An "Operator" of an Off-Road Vehicle must be at least 18 years of age and possess a valid motor vehicle driver's license as is also required by I.C. §14-16-1-20(c).

5. **Registration Requirements.** Off-Road Vehicles must be registered under I.C. §9-18.1-14-1, as amended.

6. **Lights, Brakes, Mirrors, Turn Signals, and Slow Moving Vehicle Emblem or Placard.** Off-Road Vehicles must be equipped with brakes as required under I.C. §14-

16-1-21, headlights, tail lamps, rear stop lamps, exterior or interior review view mirrors, and slow moving vehicle emblem or placard.

7. **Statutory Restrictions on Use.** Nothing in this Ordinance modifies, alters or changes the restrictions on operation established under I.C. §14-16-1-23.

8. **Number of Occupants.** No Off-Road Vehicle shall be occupied by more persons than for which the vehicle was designed. Each occupant shall have and use a separate seat. No part of the body of the Operator or an occupant shall extend outside the perimeter of the Off-Road Vehicle while in operation.

9. **Duties in Event of Accident.** Nothing in this Ordinance modifies, alters or changes the duties under I.C. §14-16-1-24 placed on the Operator of an Off-Road Vehicle in the event of an accident.

10. **Liability Insurance.** An Operator operating an Off-Road Vehicle on a City street shall have liability insurance specifically for such Off-Road Vehicle in accordance with the minimum insurance required for the operation of other motor vehicles on public highways, in the minimum amount of \$25,000 per person/\$50,000 per accident.

11. **Possession of Registration and Certificate of Insurance.** Any operator of an Off-Road Vehicle shall carry on his or her person any registration required under I.C. §9-18.1-14 and the certificate of insurance required under this Ordinance for the Off-Road Vehicle being operated.

12. **Restriction on Operation Between 10:00 p.m. and 6:00 a.m.** In furtherance of the restriction established under I.C. §14-16-1-23(a)(7) prohibiting the operation of Off-Road Vehicles within 100 feet of a dwelling between midnight and 6:00 a. m., an Off-Road Vehicle may not be operated on any City street between 10:00 p. m.

and 6:00 a. m. An exception to this restriction is that Off-Road Vehicles may be operated during the stated restricted hours when special events such as the Spencer County Fair, Blues On The Rock, or cruise ins are being held and in progress.

13. **Other Laws and Regulations.** Nothing in this Ordinance modifies, alters or changes the requirements of the operation of vehicles on public roadways in Indiana, and all Operators of Off-Road Vehicles must obey and follow all rules and regulations applicable to the operation of vehicles on roadways in Indiana.

14. **Disturbance of Roadway.** No person shall operate an Off-Road Vehicle on City of Rockport streets in such a manner which causes damage to the street or disturbs the surface of the roadway. Any violator of this paragraph, in addition to such penalties set forth in paragraph sixteen (16) below, shall be responsible for all costs of repair of such damage or disturbance.

15. **Emergencies.** Any city, county or state law enforcement officer may prohibit operation of an Off-Road Vehicle on a city street or roadway during emergencies.

16. **Penalty.**

(a) Any person who violates any provision of this Ordinance shall be deemed guilty of a violation and, upon conviction, shall be fined pursuant to the following schedule, with said fines to be deposited in the General Fund of the City of Rockport:

- (i) First offense in a calendar year: \$50.00
- (ii) Second offense in a calendar year: \$150.00
- (iii) Third and subsequent offenses in a calendar year: \$200.00

(b) Each day that a violation occurs constitutes a separate offense.

All fines are in addition to court costs, for which the person who is fined will also be responsible.

17. **Enforcement.** All law enforcement officers within the City of Rockport shall have the power and it shall be their duty to enforce the provisions of this Ordinance unless otherwise prevented by State statutes regarding the enforcement of State laws.

18. **Repeal of Inconsistent Ordinances.** All ordinances or parts of ordinances in conflict herewith are repealed.

19. **Severability.** If any paragraph, sentence, clause or phrase in this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected by such declaration and shall remain in full force and effect.

20. **Effective Date.** This Ordinance shall become effective upon passage by the Common Council of the City of Rockport, attested by the Clerk/Treasurer, and published pursuant to Indiana Code §5-3-1-2.

21. **Rescission.** City of Rockport Ordinance No. 2015-5 is hereby rescinded and superseded by this Ordinance.

Passed and adopted by the Common Council of the City of Rockport, Indiana on the 12 day of August 2019.

COMMON COUNCIL OF THE
CITY OF ROCKPORT, INDIANA

Connie L. Hargis

Roxanna Decker
Roxanna Decker

Donna Lashley
Donna Lashley

Joseph Carpenter
Joseph Carpenter

Ferman Yearby, III
Ferman Yearby, III

Presented by me to the Mayor of the City of Rockport, Indiana on the 13th day of August, 2019 at 4:50 o'clock p. m.

Susie Roberts
Susie Roberts,
Clerk-Treasurer

Approved and signed by me this 12th day of August, 2019 at 4:50 o'clock p. m.

Gay Ann Harney
Gay Ann Harney, Mayor
City of Rockport