

**ORDINANCE OF THE CITY OF ROCKPORT, INDIANA AUTHORIZING USE  
OF OFF-ROAD VEHICLES ON CITY STREETS**

WHEREAS, citizens of the City of Rockport, Indiana have expressed an interest in the operation of off-road vehicles on the City streets;

WHEREAS, the Common Council of the City of Rockport deems it in the best interest of the citizens to allow such operation subject to restrictions.

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. **Permit.** All Operators must obtain a permit annually from the Rockport Police Department and pay an annual permit fee of Twenty Dollars (\$20.00). Each permit expires and is subject to renewal each December 31. Each annual permit fee shall be deposited in the General Fund of the City of Rockport.

4. **Inspection and Approval.** Each Off-Road Vehicle is subject to inspection and approval by an officer of the Rockport Police Department.

5. **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).

6. **Registration Requirements.** Off-Road Vehicles must be registered under I.C. §14-16-1-8, as amended.

7. **Headlights, Taillights, Brakes, Pennant and Rear View Mirror.** Off-Road Vehicles must meet those standards of headlights, taillights, and brakes required under I.C. §14-16-1-21. In addition, each and every Off-Road Vehicles operated on a City street pursuant to this Ordinance must have an orange pennant or flag at least twelve (12) inches but not more than twenty-four (24) inches long, affixed to a staff or pole measuring at least four (4) feet but not more than ten (10) feet in height. The pole or staff height shall be measured from the top of the seat. The Off-Road Vehicle shall be equipped with a functional rear view mirror at all times when the vehicle is being operated.

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

9. **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.

10. **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.

11. **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.

12. **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. §14-16-1 and the certificate of insurance required under this Ordinance for the Off-Road Vehicle being operated.

13. **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.

14. **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.

15. **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 seventeen (17) below, shall be responsible for all costs of repair of such damage or disturbance.

16. **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.

17. **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: \$100.00
- (iii) Third offense in a calendar year: \$150.00

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

18. **Impoundment of Off-Road Vehicle.** Any Off-Road Vehicle operated on the streets of the City of Rockport by an unlicensed Operator or without the equipment required by this Ordinance of Indiana law shall be impounded by the enforcing officer.

Said Off-Road Vehicle shall be held until retrieved by the owner and a properly licensed Operator. If the Off-Road Vehicle is improperly equipped as required by this Ordinance or Indiana law for operation on the streets of the City of Rockport, then it shall only be released to be hauled away upon a properly licensed vehicle capable of safely hauling the same. The Off-Road Vehicle shall not be released from impoundment until:

- (a) It is properly registered as by law required;
- (b) The actual charge for the towing of the vehicle to the place of impoundment is paid; and
- (c) Storage charges in the amount of \$5.00 per day, or part thereof, have been paid.

The City of Rockport shall not be responsible for any loss or damage sustained by any Off-Road Vehicle so impounded or stored hereunder. Off-Road Vehicles not reclaimed within thirty (30) days from the date of impoundment shall be deemed abandoned and shall be sold as surplus property.

19. **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.


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


21. **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.


22. 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 as required by Indiana Code §5-3-1-2.

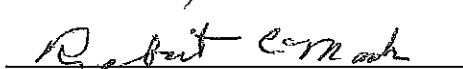
Passed and adopted by the Common Council of the City of Rockport, Indiana on the 3 day of February 2015.

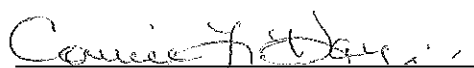
Common Council:

  
Chris Brown


  
Ferman Yearby, III

  
Carol Huff

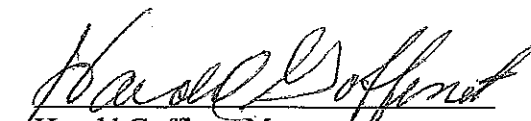
  
Robert C. Mack

  
Connie L. Hargis

Presented by me to the Mayor of the City of Rockport, Indiana on the 3rd day of February, 2015 at 6:45 o'clock p.m.

  
Susie Roberts,  
Clerk-Treasurer

Approved and signed by me this 3rd day of February, 2015 at 6:45 o'clock p.m.

  
Harold Goffinet, Mayor  
City of Rockport