

ORDINANCE # 6, 2016

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 9  
BY THE INCLUSION OF SECTION 8-87

Entitled traffic regulations for the use of off-road vehicles (ORV) within the City of Attica

WHEREAS, the Common Council for the City of Attica, Indiana, has the authority under Indiana Code 14-16-1-22 to regulate the use of off-road vehicles on a road or highway under the jurisdiction of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL FOR THE CITY OF ATTICA, INDIANA as follows:

Chapter 8, Article 9 shall be amended by the inclusion of Section 8-87 and to provide the following:

SECTION I DEFINITION

An off-road vehicle shall mean a motor driven vehicle capable of cross-country travel without benefit of a road. The term is limited to a recreational off-highway vehicle that has a utilitarian purpose. (Source 312 IAC 8-1.5-17 and Ind. Code 14-8-2-185.)

The term does not include a golf cart or snowmobile.

SECTION II OPERATION

A person may operate, drive or park an off-road vehicle on the streets and alleys within the City of Attica subject to the following rules and regulations:

- a. The Operator must have a valid driver's license and shall obey all state, federal and local laws, regulations and ordinances governing the use of motor vehicles, including provisions of Ind. Code 14-16-1-1 through Ind. Code 14-16-1-32.
- b. The vehicle must be registered by the State of Indiana as required by Ind. Code 14-16-1-8 and display a registration decal as required by Ind. Code 14-16-1-11.5.
- c. The vehicle may not be operated 30 minutes before sunset and 30 minutes after sunrise unless the vehicle has at least one (1) headlight and one (1) taillight.

- d. The vehicle must have adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hour.
- e. The vehicle must be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke
- f. The Operator of the vehicle must have proof of financial responsibility in the form of liability insurance coverage in an amount not less than required by applicable Indiana law for motor vehicles operated on public highways within the State of Indiana and carry proof of said insurance at all times of the vehicle's use.
- g. The vehicle shall be operated so that it does not impede or block the normal flow of traffic.
- h. Drinking alcoholic beverages while driving or riding on the vehicle by the driver or any passenger is prohibited.
- i. Vehicles must display a City Registration tag on the right rear of the vehicle and in plain view. A City tag will be issued through the City Clerk's Office for a period of one year, effective from January 1 through December 31, at a cost of \$25.00 per year.  
Applicants for the Tag must provide owner's name, address, telephone number and proof of insurance.  
Replacement cost for lost stickers shall be \$25 unless the old sticker is returned to the Clerk's office. If the old sticker is returned, the cost for replacement shall be \$5.

### SECTION III PENALTIES

Violation of the provisions of this Ordinance shall be subject to the following penalties:

- a. First violation - \$75.00 fine
- b. Second violation - \$150.00 fine
- c. Third violation - \$300.00 fine
- d. Fourth violation – The vehicle will be impounded and cannot be returned unless tow and storage charges are paid along with a \$250.00 fine.

In addition, Operators of the vehicle are subject to any penalties as allowed by State laws regulating motor vehicles (including, but not limited to: speeding, operating vehicle while intoxicated or over the legal limit, and unsafe driving.)

This Ordinance shall be effective from and after its passage and publication as required by law.

Adopted by the Common Council for the City of Attica, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

\_\_\_\_\_  
Sponsoring Council Member

ATTEST:

\_\_\_\_\_  
Susan Stoll, Clerk-Treasurer

\_\_\_\_\_  
Duane Roderick, Mayor

ATTEST:

\_\_\_\_\_  
Susan Stoll, Clerk-Treasurer