

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 976

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE OPERATION OF OFF-ROAD VEHICLES IN THE TOWN OF ST. JOHN, AND PRESCRIBING PENALTIES FOR VIOLATION HEREOF.

WHEREAS, the Town Council of the Town St. John, Lake County, Indiana, has reviewed the matters pertaining to the operation of off-road vehicles within the Town of St. John.

WHEREAS, the Town Council of the Town St. John, Lake County, Indiana, has been advised by the Town Police Department that numerous issues have arisen concerning trespassing, improper use of off-road vehicles, and related incidents involving such off-road vehicles; and

WHEREAS, the Town Council of the Town St. John, Lake County, Indiana, has been advised by the Town Police Department that regulatory enforcement would assist in the enforcement in protection of the rights of persons residing in the Town who are affected by improper and inappropriate use of off-road vehicles by operators of such vehicles, and in order to protect the property of residents of the Town; and

WHEREAS, the Town Council of the Town St. John, Lake County, Indiana, is advised that provisions of *Indiana Code 14-1-3-13* permit regulation of the operation of Off-road Vehicles consistent with the statutory provisions of *Indiana Code 14-1-3-1, et. seq.* as amended from time to time; and

WHEREAS, the Town Council of the Town St. John, Lake County, Indiana, has reviewed the reports of the Town Police Department, and after being fully advised concerning the applicable statutory law, now deems it advisable and necessary, and in the best interest of the residents of the Town, to adopt regulations for the operation of off-road vehicles in the Town of St. John, and prescribe penalties for violation thereof, as the same will promote and be in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: Title of Ordinance.

This Ordinance shall be known as "The Off-road Vehicle Operation Regulations Ordinance" of the Town of St. John, Lake County, Indiana.

SECTION TWO: Administration and Enforcement. The Town Police Department shall be responsible for the administration of this Ordinance, as amended from time to time.

SECTION THREE: Adoption. This Ordinance adopts and implements the provisions of *Indiana Code 14-1-3-1, et. seq.*, as amended from time to time, as specifically permitted by the provisions of *Indiana Code 14-1-3-13*, as amended from time to time.

It is the general intent and purpose of the Town Council of the Town of St. John, in enacting this Ordinance to promote safety for persons and property, responsible enjoyment in and connected with the use and operation of off-road vehicles, and understanding consisting with the rights of all the residents of the Town of St. John.

SECTION FOUR: Definitions. As used in this Ordinance, as amended from time to time, the following terms shall mean, as follows, unless the context clearly indicates otherwise:

- (a) Operator means any person who operates or is in actual physical control of an off-road vehicle.
- (b) Owner means any person, other than a lien-holder, having the property in or title to an off-road vehicle, and entitled to the use or possession thereof.
- (c) Operate means to ride in or on and to be in actual physical control of the operation of an off-road vehicle.
- (d) Person means an individual, partnership, corporation, the state and any of its agencies or subdivisions, and any body of persons whether incorporated or not.
- (e) Snowmobile means any motor driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled type runners or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.
- (f) Off-road vehicle means a motor driven vehicle capable of cross country travel, without benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, amphibious machine, ground effect air cushion vehicle or other means of transportation driving motive power from a source other than muscle or wind. It does not include a farm vehicle being used for farming, a vehicle used for military or law enforcement purposes, a construction, mining, or other industrial related vehicle used in performance of its common function, a snowmobile, or a registered aircraft and does not include for registration any other vehicle properly registered by the State Bureau of Motor Vehicles, and any water craft which is registered pursuant to applicable Indiana statutes.
- (g) Vehicle means an off-road vehicle.
- (h) Dealer means any person engaged in the commercial sale of off-road vehicles.

(i) Highway, street or right-of-way means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(j) Department means the Department of Natural Resources (DNR).

(k) Director means the Director of the State Department Natural Resources (DNR).

(l) Public Property means land and waters which are owned or leased and subject to the control of the State of Indiana, the Town of St. John, or any political subdivisions, or entities thereof.

SECTION FIVE: Registration Required.

(a) Except as otherwise provided herein, as amended from time to time, no off-road vehicle shall be operated on public property unless registered in accordance with the provisions of this Ordinance, as amended from time to time, or *Indiana Code 14-1-3-1, et. seq.*, as amended from time to time.

(b) Registration is not required for vehicles which are exclusively operated in a special event of limited duration which is conducted according to a prearranged schedule under a permit from the Town of St. John or governmental unit having jurisdiction.

(c) The required certificate of registration issued by the Department shall accompany the off-road vehicle at all times and shall be available for inspection upon demand by any Enforcement Officer of the Town or Town Police Department, or any other authorized law enforcement Officer.

(d) Any owner of an off-road vehicle who has been issued a certificate of registration shall paint on or attach in a permanent manner to each side of the forward half of the vehicle the identification number in block characters of good proportion, not less than Three (3") inches in height, reading from left to right, in conformance with the rules and regulations of the Department, and applicable State law, this Ordinance, each as amended from time to time.

(e) A person shall not possess or operate a vehicle with an altered, defaced or obliterated vehicle number.

SECTION SIX: Operation on Public Highways and Rights-of-Way; Conditions.

(a) A person shall not operate a vehicle required to be registered under this Ordinance, as amended from time to time, upon a public highway or street or right-of-way thereof

or on a public or private parking lot not specifically designated for the use of off-road vehicles, except under the following conditions and circumstances:

(1) A vehicle may be operated on the public right-of-way adjacent to the traveled portion of the public highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled portion, and in a manner so as not to endanger life or property.

(2) The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one area to another when the operation can be done in safety. The operator shall bring his vehicle to a complete stop before proceeding across any public highway and shall yield the right-of-way to all traffic.

(3) Notwithstanding the provisions of this section, vehicles may be operated on a highway in a county road system, outside the corporate limits of the Town of St. John, which is designated for such purpose by the Lake County Highway Department.

(4) A duly constituted law enforcement officer of the Town of St. John, Lake County, or the State of Indiana, may authorize use of a vehicle on the public highways, streets and right-of-way within his jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

(5) A vehicle may be operated on a street or highway for a special event of limited duration conducted according to prearranged schedule only under permit from the Town of St. John. The event may be conducted on the frozen surface of public waters only under permit from the Department of Natural Resources (DNR).

(b) A person under the age of Fourteen (14) shall not operate a vehicle without immediate supervision of a person Eighteen (18) years of age or older except on land owned or under the control of such person, or his parent or legal guardian.

(c) No person shall operate a vehicle, as defined in this Ordinance, as amended from time to time, on a public highway without a valid motor vehicle driver's license.

(d) A vehicle shall not be used to hunt, pursue, worry or kill a wild bird or any domestic or wild animal.

SECTION SEVEN: Lighting and Brakes. A vehicle shall not be operated unless it has at least One (1) headlight, One (1) taillight and adequate brakes capable of producing deceleration at Fourteen (14) feet a second on level ground at a speed of Twenty (20) miles an hour.

SECTION EIGHT: Restrictions on Operation. A person shall not operate a vehicle:

(a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.

- (b) While under the influence of intoxicating liquor or unlawfully under the influence of narcotic or other habit forming or dangerous depressant or stimulant drug.
- (c) During the hours from One-Half (1/2) hour after sunset to One-Half (1/2) hour before sunrise without displaying a lighted headlight and a lighted taillight.
- (d) In any forest nursery, planting area, or public lands posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.
- (e) On the frozen surface of public waters within One Hundred (100) feet of a person not in or upon a vehicle or within One Hundred (100) feet of a fishing shanty or shelter except at a speed of Five (5) miles per hour or less.
- (f) Unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- (g) Within One Hundred (100) feet of a dwelling between 12 midnight and 6 A.M., except on his own property or property under his control or as an invited guest.
- (h) On any property without the consent of the landowner or tenant thereof.
- (i) While transporting thereon a bow unless unstrung or a firearm unless unloaded and securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.
- (j) On or across a cemetery or burial ground.
- (k) Within One Hundred (100) feet of a slide, ski or skating area, except for the purpose of servicing the area.
- (l) On a railroad track or railroad right-of-way, except railroad personnel in performance of their duties.
- (m) In or upon any flowing river, stream or creek, except for the purpose of crossing by the shortest possible route, unless of sufficient water depth to permit movement by floatation of this vehicle at all times.

SECTION NINE: Accident Reports. The operator of a vehicle involved in an accident with the Town resulting in injuries to or death of any person, or property damage in an estimated amount of One Hundred Dollars (\$100) or more, shall immediately by the quickest means of communication notify a State Police Officer, Conservation Officer, the Lake County Sheriff's Office, or the St. John Police Department. The police agency receiving the notice shall complete a report of the accident on forms prescribed by the Director of the Department of Natural Resources and forward the report to him.

SECTION TEN: Enforcement. All Police and Peace Officers, including Officers of the St. John Police Department, shall have the power and authority to enforce the provisions of this Ordinance and corresponding State law, each as amended from time to time.

SECTION ELEVEN: Violations; Penalties. The violation of any provision of this Ordinance, as amended from time to time, in addition to any penalties prescribed under the applicable State law, shall be punished by a fine not to exceed Two Thousand Five Hundred (\$2,500) Dollars. Every day any violation of this Ordinance, as amended from time to time, shall continue shall constitute a separate offense.

SECTION TWELVE: That all existing Ordinances, Guidelines, Regulations or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION THIRTEEN: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION FOURTEEN: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA THIS 19th DAY OF December, 1994.

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, TOWN COUNCIL

Carl Brown
Carl Brown, President

Kenneth D. Gembala
Kenneth D. Gembala, Member

Douglas E. Patterson, Member

ATTEST:

Judith L. Companik
Judith L. Companik, Clerk-Treasurer