

**CITY OF BATESVILLE  
ORDINANCE NO. 09-2018**

**AN ORDINANCE ALLOWING FOR CERTAIN OFF-ROAD  
VEHICLE USAGE ON BATESVILLE ROADWAYS**

WHEREAS, it is determined that, the City of Batesville, is in need of a policy governing Off-Road Vehicles usage on city streets as defined by IC § 14-8-2-185;

WHEREAS, I.C. § 14-16-1-20(a) (3) authorizes a local highway department to allow Off-Road Vehicles to operate on city streets, pursuant to limits imposed by state law;

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 Common Council of the City of Batesville, Indiana, as follows:

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, (both terms to have their defined meanings throughout this ordinance) are hereby allowed on streets of Batesville, 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 or Recreational Off-Road Vehicles.
3. All-Terrain Vehicles and Recreational Off-Road Vehicles, must be registered

at least every two years with the City of Batesville to operate on city streets. 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 address, and a contact phone number. A registration sticker which must be displayed prominently on the rear of the vehicle will be provided for free.

4. All-Terrain Vehicle and Recreational Off-Road vehicle 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 city streets;
5. All All-Terrain Vehicle and Recreational Off-Road Vehicle operators on city streets must be at least 18 years of age or older;
6. No passengers are permitted on single seat All-Terrain Vehicles or Recreational Off-Road Vehicles. Passengers on all other All-Terrain Vehicles and Recreational Off-Road Vehicles are limited to the number of passenger seats on the vehicle;
7. All-Terrain Vehicle and Recreational Off-Road Vehicles must have at least one operating headlight and one tail brake light when in operation on city streets;
8. No All-Terrain Vehicles or Recreational Off-Road Vehicles are permitted on city streets from midnight to 6:00 A.M.;
9. All-Terrain Vehicles and Recreational Off-Road Vehicles, must travel single-file on city streets.
10. Failure to abide by any of the above conditions when an All-Terrain Vehicle or Recreational Off-Road Vehicle is in use on city streets shall constitute a violation of this ordinance.
11. 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 and Recreational Off-Road Vehicles on city streets;
  3. Third and Subsequent Violations - \$500.00 and a lifetime suspension from using All-Terrain Vehicles and Recreational Off-Road Vehicles on city streets;

4. Any conviction for criminal trespass involving an Off-Road Vehicle, as defined by IC § 14-8-2-185, subsequent to the passage of this ordinance, shall result in an automatic lifetime suspension from the operation of Terrain Vehicles and Recreational Off-Road Vehicles on city streets.
  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 Batesville City Court, or may be contested in court.
  7. Court costs, as set by the state schedule, shall apply to all cases contested in court.
- 
12. Enforcement of this ordinance shall be conducted pursuant to I.C. § 34-28-5.
  13. If any provision of this ordinance is found to conflict with the Indiana state law or with federal law, all other portions shall remain in full force and effect.

Whole number of Council being five.

Those sections above having three (3) or more Aye votes were adopted by the Common Council of the City of Batesville, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Whereupon, the Mayor declared said Ordinance adopted.

\_\_\_\_\_  
Michael A. Bettice, Mayor

Attest: \_\_\_\_\_  
Paul J. Gates, Clerk-Treasurer