

**ORIGINAL**

ORDINANCE 2017- 030

**ORDINANCE AMENDING TITLE 5 OF THE DELAWARE  
COUNTY CODE OF ORDINANCES**

WHEREAS, the Board of Commissioners of Delaware County, Indiana (the “Commissioners”) has adopted a policy prohibiting the use of wheeled devices commonly known as skateboards, roller skates/blades, and scooters on public property, including County Highways unless specifically designated for that use; and

WHEREAS, this policy is currently codified in Title 5, Chapter 17, of the County’s Code of Ordinances and provides for a penalty to be imposed for any such violations; and

WHEREAS, Indiana Code Section 9-21-1-3.3 allows the County to adopt, by ordinance, traffic regulations concerning the use of golf carts or off-road vehicles, or both, on highways under the jurisdiction of the County; and

WHEREAS, the Commissioners have determined a need to amend the County’s existing Code of Ordinances in order to expand and clearly state the County’s policy regarding the use of wheeled devices and other unregistered vehicles, including golf carts and off-road vehicles, on public property, including County Highways.

IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA that:

**SECTION 1.** The following shall be added to Title 5, Vehicles and County Highway, of the Delaware County Code of Ordinances as Chapter 17A:

“CHAPTER 17A – LOW SPEED, OFF-ROAD, AND OTHER LIKE VEHICLES

5-17A-1. Definitions.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LICENSED PERSON.** Any person holding a valid Indiana motor vehicle operator’s license or a comparable license issued by another state.

**LOW SPEED VEHICLE.** Any two-, three- or four-wheeled motor powered vehicle:

- (A) With a maximum design speed of not more than 35 mph;
- (B) With a maximum weight not to exceed 2,200 pounds; and

- (C) With the capacity to transport one or more persons from one place to another or for recreational use.

An example of a Low Speed Vehicle is a golf cart, or other similar type of vehicle.

**PERSONAL ASSIST MOBILITY DEVICE.** Any three- or four-wheeled motorized vehicle used to assist medically handicapped persons travel from one place to another.

**OFF-ROAD VEHICLE.** Any four-wheeled motorized vehicle having either a side-by-side seating arrangement or straddled seating for which the state does not require registration and plating to utilize in going from one place to another for transportation or recreation. The term includes vehicles commonly referred to as all-terrain vehicles (ATV), side-by-side vehicles (SxS), utility task vehicles (UTV), recreational off-highway vehicles (ROV), or multipurpose off-highway utility vehicles (MOHUV).

5-17A-2. Permitted Uses.

- (A) Any Low Speed or Off-Road Vehicle equipped with headlamps, tail lights, mirror, and horn operated by a licensed driver shall be allowed to be utilized as a vehicle for the purposes of transportation or recreational activities in and on the highways under the jurisdiction of the County.
- (B) No Low Speed or Off-Road Vehicle may be parked or operated on a highway in the state highway system other than to cross the state highway at a 90 degree angle (right angle) in order to travel from one County highway to another County highway and only when the operation can be done safely.
- (C) Any person who, by medical prescription, operates a Personal Assist Mobility Device in and on the highways of the County shall be allowed as to the benefit only of the prescribed person.
- (D) Any permitted use shall still be subject to all state statutes and relevant County ordinances applicable to the operation of motor vehicles, including speed limits and parking restrictions.
- (E) The number of passengers permitted on any Low Speed or Off-Road Vehicle may not exceed the number of passengers recommended by the Vehicle's manufacturer.
- (F) Where more than one Low Speed or Off-Road Vehicle is present, they shall ride single file and no single file group shall pass or overtake any motor vehicle.
- (G) No Low Speed or Off-Road Vehicle shall be loaded or unloaded from a stopped or standing motor vehicle on the traveled portion of any County highway.

- (H) The Operator of a Low Speed or Off-Road Vehicle shall maintain insurance on the operation of the vehicle in the minimum amounts specified in I. C. 9-25-4-5.

5-17A-3. Prohibited Uses.

- (A) Except as specifically provided in § 5-17A-2, the utilization of Low Speed Vehicles, Personal Assist Mobility Devices, or Off-Road Vehicles in and on the highways of the County (including highways in the state highway system) is prohibited and the same shall be a violation of this Ordinance.
- (B) No Low Speed or Off-Road Vehicle may be operated on a County highway where such operation is specifically prohibited by ordinance. Any such prohibition will only be effective when signs giving notice of the prohibition are posted upon or at the entrances to the highway or part thereof that is affected.

5-17A-4. Risk.

The County makes no representations as to safety of its highways or the use of its highways for Low Speed Vehicle, Personal Assist Mobility Device, or Off-Road Vehicle purposes. Any use of Low Speed Vehicles, Personal Assist Mobility Devices, or Off-Road Vehicles is done at the risk of the operator and his or her passengers.

5-17A-5. Severance Provision.

Should any part of this Chapter be declared invalid, such invalidity shall apply only to the specific Section or Subsection of the Chapter so declared invalid and shall not otherwise affect the balance of the Chapter.

5-17A-6. Enforcement and Penalties.

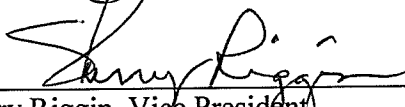
- (A) An officer of the Delaware County Sheriff's Department may issue a County Ordinance Violation citation to a person who violates any provision of this Chapter.
- (B) Any person found in violation of any provision of this Chapter shall be fined in a sum not to exceed Two Thousand Five Hundred (\$2,500.00) Dollars. A fine assessed for a violation of this Chapter shall be deposited into the County's general fund.
- (C) A violation of this Chapter that is committed on a state highway by the operator of a Low Speed or Off-Road Vehicle is considered to be an ordinance violation."

**SECTION 2.** All remaining sections of the Delaware County Code of Ordinances shall remain in full force, except, any ordinance in conflict with the provisions herein shall be superseded and of no effect.

**SECTION 3.** This Ordinance shall take effect upon adoption.

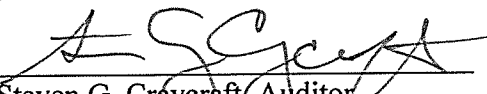
***PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS, DELAWARE COUNTY, INDIANA ON THIS, THE 4 DAY OF December, 2017.***

  
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James King, President  
Board of Commissioners

  
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Sherry Riffin, Vice President  
Board of Commissioners

  
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Shannon Henry, Member  
Board of Commissioners

Attest:

  
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Steven G. Craycraft, Auditor  
Delaware County, IN