

**ORDINANCE NO. 2022-R- 4**

**DEKALB COUNTY CODE SECTION 9-4-1**

**DEKALB COUNTY COMMISSIONERS**

**AN ORDINANCE REGULATING THE OPERATION OF  
OFF-ROAD VEHICLES IN DEKALB COUNTY**

**WHEREAS**, certain residents of DeKalb County, Indiana (the “County”) desire to operate certain Off-Road Vehicles (“ORVs) upon the roadways located in DeKalb County; and

**WHEREAS**, the Board of Commissioners of the County of DeKalb (“the Commissioners”) desire to allow safe and reasonable use of certain ORVs upon the roadways located in DeKalb County; and

**WHEREAS**, the operation of ORVs is regulated by Indiana Code 14-16-1; and

**WHEREAS**, the Commissioners are vested with the authority under Indiana Code 14-16-1 to allow the operation of ORVs upon roadways located in DeKalb County.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:**

**SECTION I**

Definition of the term “County Roads” is hereby defined as follows:

- a. County Roads shall include all roads and adjacent rights-of-way within the County;
- b. County Road 35, County Road 427, and County Road 11A from County Road 427 to County Road 56 and continuing to County Road 56 to State Road 205, are not authorized for ORV traffic.
- c. Those operators living on the restricted roads listed above in section (b), may use the restricted roads ONLY to travel to the nearest unrestricted road.

Exceptions to the term “County Roads” are hereby defined as follows:

- a. Federal and State roads;
- b. Federal and State rights-of-way;
- c. Roads and rights-of-way within an Incorporated City or Town Municipal Boundaries;

d. However, an operator of an ORV is permitted to cross a highway in the State highway system, at right angles, in order to travel from one highway under the jurisdiction of the county to another highway under the jurisdiction of the County when the operation can be done safely.

## **SECTION II**

Definition of the term “Off Road Vehicle (ORV).” The following requirements must be met before an ORV may be operated on County Roads:

- a. Utility or pleasure vehicle;
- b. Is 76 inches in width or less and 156 inches in length or less;
- c. Is designed to travel on two (2) or more tires;
- d. Has as least one (1) working headlight and one (1) working taillight;
- e. Was not manufactured for use on public roads;
- f. Has an internal combustion engine of at least 200 cubic centimeters;
- g. May have 2 or more wheels, a braking system, and may have passengers if the ORV was manufactured allowing passengers and then only to the extent it was manufactured accordingly.

## **SECTION III**

A person shall not operate an ORV on County Roads:

- a. With disregard for any laws regulating traffic on County roads;
- b. At a rate of speed excessive to road condition, operator capability, or ORV capability;
- c. On private property without consent of the land owners;
- d. By an operator under the age of eighteen (18);
- e. Without liability insurance for the ORV consistent with the minimum requirements of the State of Indiana for Motor Vehicle Insurance;
- f. Without properly registering the ORV with the State of Indiana BMV;

## **SECTION IV**

All portions of any ordinance in conflict herewith are hereby repealed.

## **SECTION V**

The expressed or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance.

Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed amended Ordinances as if this Ordinance had not been adopted.

## SECTION VI

No part of this Ordinance shall be interpreted to conflict with Federal, State, or Local Laws and regulations, and all reasonable efforts should be made to harmonize the same.

Should any section or part thereof of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than that portion so declared to be invalid and for this purpose the provisions of this Ordinance are hereby declared to be severable.

## SECTION VII

### **VIOLATIONS**

The DeKalb County Prosecuting Attorney is authorized to prosecute any violation of this Ordinance.

Any Court of DeKalb County, Indiana, having general traffic jurisdiction shall be empowered to process such charges as violations of the law similar to treatments of speeding violations of Indiana Code.

Any existing penalties for such violations shall be applied to this Ordinance and be imposed for any such violations.

## SECTION VIII

This Ordinance shall become effective after passage of the third reading as adopted by the DeKalb County Commissioners, and the publication of this Ordinance thereafter as required by law.

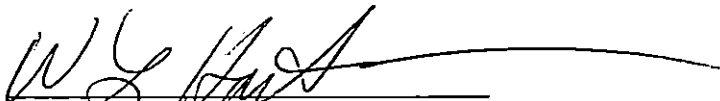
**Ordinance Codified.** This DeKalb County Ordinance No. 2022-R-4 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 9-4-1, and appropriately indexed in the code.


READ AND PASSED ON FIRST READING: Monday, March 7, 2022.


AMENDED READ AND PASSED ON SECOND READING: Monday, April 4, 2022.

READ AND PASSED ON THIRD READING: Monday, April 11, 2022.

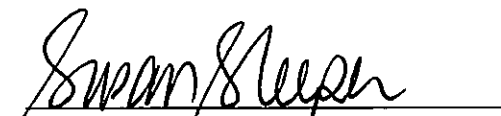
**COMMISSIONERS:**

BY:   
William L. Hartman, President

BY:   
Todd R. Sanderson, Vice President

BY:   
Michael V. Watson, Vice President

Attested By:

  
Susan Sleeper, Auditor of  
DeKalb County, Indiana