

BOARD OF COMMISSIONERS OF BOONE COUNTY
ORDINANCE NO. 2025-07

AN ORDINANCE AMENDING CHAPTER 70 REGARDING THE USE OF UTVS

WHEREAS, Boone County (the "County") is a unit organized and existing under the provisions of Ind. Code § 36-1-2-23 and Ind. Code § 36-2-1, *et. seq.*;

WHEREAS, the Board of Commissioners of Boone County ("Commissioners") serves as the executive of the County per Ind. Code § 36-2-2-2;

WHEREAS, the Commissioners have the authority to regulate the traffic and the use of off-road vehicles in the unincorporated areas of Boone County;

WHEREAS, Boone County Code of Ordinances section 70.05 currently regulates the use of off-road vehicles but does not clearly define the use of UTVs;

WHEREAS, the Boone County Highway Director has recommended that we repeal Section 70.05 and replace it with legislation regulating the use of UTVs;

NOW, THEREFORE, be it ordained by the Board of Commissioners of Boone County, Indiana, that the following provisions shall occur:

1. The existing language in Section 70.05 is hereby repealed.
2. Section 70.05 shall now read as follows:

(A) *Registration.*

(1) The Boone County Highway Department is charged with the registration of all UTV side-by-side vehicles. The Boone County Highway Department shall also maintain records of the registration of UTV side-by-side vehicles.

(2) UTV side-by-side owners wishing to have their vehicle registered for use on streets within the county's jurisdiction must complete the application prescribed by the Highway Director and comply with the other provisions outlined in this section and within applicable State law.

(3) A **UTV SIDE-BY-SIDE VEHICLE** is defined in Indiana Code I.C. 14-8-2-233.5. For purposes of this section, UTVs do not include:

- (a) A farm vehicle being used for farming, including, but not limited to, a farm wagon.
- (b) A vehicle used for military or law enforcement purposes.
- (c) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function, including, but not limited to, a farm wagon.
- (d) A snowmobile as defined by IC 14-8-2-261.

- (e) A registered aircraft.
- (f) A golf cart vehicle as defined by IC 9-13-2-69.7
- (g) An All-Terrain Vehicle (ATV) as defined by IC 14-8-2-5.7
- (h) Any other vehicle properly registered by the bureau of motor vehicles.
- (i) Any watercraft that is registered under Indiana statutes.

(4) Before registration of a UTV side-by-side vehicle, the vehicle must be equipped with the following:

- (a) *UTV side-by side.*
 - 1. Must meet all statutory definitions for a UTV side-by side as outlined in Indiana Code;
 - 2. A Vehicle Identification Number (VIN);
 - 3. Two turn signals on the front and rear, two headlights, and at least one brake light;
 - 4. Must be controlled by a steering wheel;
 - 5. Seatbelts for all seating positions;
 - 6. Valid DNR registration for off road vehicle (UTV side-by-side) obtained pursuant to Indiana DNR and BMV requirements;
 - 7. A muffler, in good working order; and
 - 8. A factory installed rollover protection system.

(5) Before registering any UTV Side-by-Side Vehicle, the owner must be able to show the Highway Department proof of financial responsibility. Written proof of financial responsibility must be carried on the UTV side-by-side vehicle or on the person of the operator of the UTV side-by-side vehicle at all times when the vehicle is in operation.

(6) Before registration is issued, the owner/operator of the vehicle must provide to the Highway Department a valid driver's license to operate a motor vehicle on the public road in the State of Indiana.

(7) The Boone County Highway Department shall not register any UTV side-by-side vehicle that does not meet each of the criteria referenced in this section.

(8) UTV side-by-side vehicle registrations are valid from the date of issue for a minimum of one year and up to 3 years. Upon expiration of the registration, the vehicle owner must renew the registration with the Highway Department

(B) *Registration and registration sticker.*

(1) Prior to registration with the Highway Department, a permit must be obtained from the Bureau of Motor Vehicles (BMV). A copy of the permit obtained from the BMV shall be provided to the Highway Department when applying for a UTV permit.

(2) Proof of insurance that specifically lists the vehicle being registered must be provided when submitting a permit application.

(3) The registration of UTV side-by-side vehicles will take place at the Highway Department, located at 1955 Indianapolis Ave., Lebanon, IN 46052, during regular business hours.

(4) The fee for the registration of UTV's is \$25 per year, and it can be issued for up to 3 years. The permit fee must be paid in full before a permit will be issued.

(5) Upon registration, the owner of the UTV side-by-side vehicle will receive a registration sticker from the Highway Department that must be displayed on the front driver's side area of the UTV side-by-side vehicle. If the registration sticker becomes damaged or is tampered with, it must be reported to the Highway Department within 24 hours for rectification.

(6) The registration of a UTV side-by-side vehicle is not transferable to another individual nor to another UTV side-by-side vehicle.

(7) No individual shall receive registration who has been cited and convicted of a violation of this section within the previous 12-month period.

(C) Insurance.

(1) The owner/operator of any UTV side-by-side vehicle must be covered by liability insurance coverage in an amount and duration not less than that provided by Indiana laws for motor vehicles operated on public thoroughfares in the State of Indiana.

(2) If during the period of registration, the operator/owner allows the insurance to lapse, or the insurance coverage is terminated by the insurance carrier, the registration will become invalid, and the owner/operator of the UTV side-by-side vehicle shall not operate it on public streets.

(D) Operation.

(1) Only licensed drivers shall be allowed to operate a UTV side-by-side vehicle in the county. The operator must possess on his or her person, or within the UTV side-by-side vehicle, their driver's license and proof of financial responsibility. Additionally, operators of UTV side-by-side vehicles must have within the vehicle a valid certificate of registration.

(2) Only UTV side-by-side vehicles that have obtained registration pursuant to this ordinance may operate in accordance with this section.

(3) Operation of UTV side-by side vehicles between the hours of midnight and 6:00 a.m. is prohibited.

(4) UTV side-by-side vehicles shall have one properly installed seat belt per seating position on the vehicle. Seat belts shall be utilized while the UTV side-by-side vehicle is in operation.

(5) Operation of UTV side-by-side vehicles on any road, or any portion of any road, designated as a state road is prohibited. These roads may be crossed at 90 degrees at any properly established intersection.

(6) UTV side-by-side vehicles shall travel in single-file on county streets and alleys and yield to motor vehicle traffic as required by State law.

(7) Operation of UTV side-by-side vehicles on private property is prohibited unless the operator has the expressed consent of the property owner.

(8) UTV side-by-side vehicle operators shall abide by the rules of the road and comply with all state laws and local ordinances to include statutes related to open container laws, operating while intoxicated and relevant state statutes regarding cell phone use in a motor vehicle. Additionally, UTV side-by-side operators and owners must comply with State law requirements regarding usage of helmets. Specifically, all children under 18 years are required to wear a helmet on or in any UTV. This applies both to public and private property.

(9) UTV side-by-side vehicles shall only be operated on the drivable portion of the roadway. Operation on sidewalks or the neutral area between the sidewalk and curb are prohibited. Operation in county parks or on park trails or other areas designated as walk/run or bicycling trails is prohibited.

(10) Parking UTV side-by-side vehicles on county streets is prohibited.

(11) UTV side-by-side vehicles shall not be operated in any manner in which to impede the reasonable movement of traffic.

(12) The number of occupants on a UTV side-by-side vehicle shall not exceed the number of persons for whom factory seating is installed. All occupants must remain seated during operation. Occupants less than eight years old may ride in a UTV if accompanied by a parent or legal guardian and in an age-appropriate restraint system as identified and required under state and federal laws.

(E) *ATVs, snowmobiles, and ORVs (other than UTV side-by-side vehicles).* The use of ATVs, snowmobiles, and ORVs, other than UTV side-by-side vehicles, as defined by Indiana Code is prohibited on county property and streets and alleys within the county.

(F) *Exemptions.*

(1) Employees, agents, and officials of the county, or individuals acting at the direction of the county administrators, while engaged in county government business, are exempt from the application of this section.

(2) Subject to the discretion of the county executive, temporary exemptions to the rules set forth in this section may be granted to official participants in parades, festivals, or other special events.

(G) *Penalty.*

(1) Violation of this section shall be punishable as a Class "C" Infraction. UTV side-by-side vehicles found to be in violation of this chapter may be impounded at the discretion of the investigating officer.

(2) Whoever violates any provision of this title for which no specific penalty is otherwise provided, shall be subject to the penalties proscribed pursuant to Indiana Code for any violations of a traffic or criminal violation.

(H) *Liability.* The intent of this section shall not be construed as a representation, opinion, claim, warranty, or guarantee that operating any particular UTV side-by-side vehicle on any county street is safe, advisable, or that any person is competent to operate such a vehicle. The County, nor any of its employees, assume any liability after issuance of a UTV side-by-side vehicle registration. The county expressly disclaims any liability for personal injury, death, property damage, and other losses caused or alleged to be caused or incurred by any person due to, or alleged to be due to, the operation of a UTV side-by-side vehicle on a county street.

3. All other provisions in Chapter 70 shall remain the same.
4. This Ordinance shall be in full force and effect immediately after publication as required by law.

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ADOPTED BY THE BOARD OF COMMISSIONERS OF BOONE COUNTY, INDIANA
this ____ day of _____, 2025.

FOR:

Scott Pell

Tim Beyer

Donnie Lawson

AGAINST:

ATTEST:

Debbie Crum, Auditor