

TOWN OF AVILLA

ORDINANCE NO. 1632-11-21

AN ORDINANCE ALLOWING FOR CERTAIN UTV SIDE-BY-SIDE VEHICLE USAGE ON AVILLA ROADWAYS

WHEREAS, it is determined that the Town of Avilla is in need of a policy governing UTV side-by-side vehicle usage on city streets, as defined by I.C. § 14-8-2-185;

WHEREAS, I.C. § 14-16-1-20(a)(3) authorizes a local highway department to allow UTV side-by-side vehicles to operate on city streets, pursuant to limits imposed by State law; and

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) Any applicable Department of Natural Resources Registration requirements under I.C. §14-16-1, *et seq.*;
- 2) I.C. § 14-16-1-23, which requires a working muffler; and
- 3) Any and all requirements to maintain a valid operator's license.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVILLA, INDIANA, AS FOLLOWS:

SECTION 1: Subject to the regulations contained in this ordinance, UTV side-by-side vehicles, as defined by I.C. § 14-8-2-233.5, are hereby allowed on the streets of Avilla, excluding State highways, subject to the conditions set forth in this ordinance. Three wheelers and four wheelers are not allowed on the streets of Avilla.

SECTION 2: UTV side-by-side vehicles must be registered annually with the Town of Avilla by the Avilla Police Department to operate on Town streets. To register, each operator must present a VIN, the make and model number of the UTV side-by-side vehicle, proof of address and contact phone number, proof of insurance, and proof of registration through the Department of Natural Resources. Each vehicle will be visibly inspected for compliance with all Indiana laws and Ordinances. Inspections shall occur at the Avilla Police Department at a date and time to be determined by the Avilla Town Marshall and posted at the Avilla Police Department. Upon registration and inspection, the operator will be provided with a sticker or decal specific to that vehicle. The sticker or decal provided by the Avilla Police Department shall always be displayed prominently on the vehicle while on Town streets.

SECTION 3: UTV side-by-side vehicles operators must have proof of valid insurance covering his or her vehicle in an amount greater than or equal to the Indiana state automotive insurance minimums, as set forth under I.C. § 9-25-4-5, when operated on Town streets.

SECTION 4: All UTV side-by-side vehicle operators on Town streets must comply with the following:

- 1) The operator must be at least 18 years of age or older and have a valid Indiana Operator's License;
- 2) No passengers are permitted on a single seat UTV side-by-side vehicle;
- 3) Passengers on all other UTV side-by-side vehicles are limited to the number of passenger seats on the vehicle. Any passenger under the age of 18 years of age shall wear a safety helmet in accordance Indiana State law;
- 4) UTV side-by-side vehicles must have working turn signals, two operating headlights, and one tailbrake light when in operation on Town streets;
- 5) No UTV side-by-side vehicles are permitted on Town streets from midnight to 6:00 a.m.; and
- 6) UTV side-by-side vehicles must travel single-file on Town streets.

SECTION 5: Failure to abide by any of the above conditions when a UTV side-by-side vehicle is in use on Town streets shall constitute a violation of this Ordinance. Fines and penalties for violations of this Ordinance are as follows:

- 1) First Violation - \$100.00;
- 2) Second Violation - \$250.00 and a 60-day suspension from using UTV side-by-side vehicles on Town streets;
- 3) Third and subsequent violations - \$500.00 fine and a lifetime suspension from using UTV side-by-side vehicles on Town streets;
- 4) Any conviction for criminal trespass involving a UTV side-by-side vehicle, as defined by I.C. § 14-8-2-185, subsequent to the passage of this Ordinance, shall result in an automatic lifetime suspension from the operation of UTV side-by-side vehicles on Town streets;
- 5) The violation of a 60-day or lifetime suspension shall result in a \$1,000.00 fine for each offense;
- 6) All fines shall be paid through Town of Avilla or they may be contested in court; and
- 7) Court costs, as set by the State schedule, and applicable attorney's fees shall apply to all cases contested in court.

SECTION 6: Enforcement of this Ordinance shall be conducted pursuant to I.C. § 34-28-5.

SECTION 7: 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.

ORDAINED AND PASSED THIS _____ DAY OF _____, 2021.

AVILLA TOWN COUNCIL

Paul Shepherd, President

William Krock, Jr.

Philip Puckett, Jr.

ATTEST:

Rita Grocock, Clerk/Treasurer