

TOWN OF DANVILLE

DANVILLE TOWN COUNCIL
WORK STUDY SESSION
May 19, 2021 @ 6:30PM

*****MEETING TO BE HELD IN BOSSTICK GYM*****

The Danville Town Council will be conducting a Work Study Session on May 19, 2021 at 6:30pm. The location will be the Bosstick Gym located in the Danville Town Hall at 49 N. Wayne Street, Danville, IN 46122.

Agenda will include:

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Topics of Discussion**

**A. Side by Side Vehicles in Danville Corporate Boundaries –
Town Manager and Town Attorney**

VI. Motion to Adjourn

Topic Summary

A. Side by Side Vehicles in Danville Corporate Boundaries – There has been discussion about allowing the use of Side-by-Side vehicles in the Corporate Boundaries of the Town of Danville. Town Manager and legal counsel will be seeking additional direction and answering questions on what language the Council would like to see in an ordinance. I have included a copy of the rough draft from legal counsel and some additional questions before this issue comes to you formally.

Mark Morgan

From: Voller, Kaitlin F. <KVoller@taftlaw.com>
Sent: Tuesday, May 11, 2021 4:44 PM
To: Mark Morgan
Cc: Lee, Chou-il
Subject: off-road vehicles ordinance
Attachments: Danville Off-Road Vehicles Ordinance 5.11.21.DOCX

Hey Mark,

Here is the current draft of the off-road vehicle ordinance, with the information still needed from the Council in the comments. Also, an example of a similar ordinance was recently passed around on the list-serve. Much of the detail included was actually specifically in violation of the statutes regulating what a City or Town can and cannot do, but I wanted to run some of the proper inclusions by you for potential future discussion with the Council.

The ordinance:

- Prohibits operation on specific streets designated by a sign
- Prohibits operations on sidewalks, multi-use trails, and unpaved surfaces of public property
- Restricts vehicles with only three non-highway or off-highway tires from operation on Town streets
- Says that no vehicle is allowed to be occupied by more persons than which the vehicle was designed
- Restricts operation on Town streets between certain hours
- States that the vehicles shall not be driven in a manner that will damage by the streets.

Thanks!

Taft / **Kaitlin F. Voller**
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ORDINANCE NO. ___-2021

AN ORDINANCE REGULATING OFF-ROAD
VEHICLES IN THE TOWN OF DANVILLE

WHEREAS, pursuant to Ind. Code § 9-21-1-3, the Town of Danville, Indiana ("Town") has the authority to regulate off-road vehicles on private roads and highways under the Town's jurisdiction;

WHEREAS, pursuant to Ind. Code § 14-16-1-20, an individual may not operate an off-road vehicle on public highways, streets, or rights-of-way, or public or non-designated public or private parking lots, unless the Town adopts by ordinance traffic regulations concerning the use of such off-road vehicles;

WHEREAS, pursuant to Ind. Code § 14-16-1-22, the Town may pass an ordinance regulating the operation of off-road vehicles if the ordinance meets substantially the minimum requirements of Ind. Code § 14-16-1 *et seq.*;

WHEREAS, the Town wishes to promote recreation while also protecting the safety of its citizens;

WHEREAS, off-road vehicles are currently unregulated by the Town; and

WHEREAS, the Town, by and through its Town Council, now finds that it is in the best interests of the safety and welfare of its citizens to establish regulations for the operation of off-road vehicles in the Town of Danville.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, THAT:

Section 1. The above recitals are incorporated by reference.

Section 2. Chapter 76 of the Danville, Indiana Code of Ordinances shall now read as follows:

OFF-ROAD VEHICLES

Definition

OFF-ROAD VEHICLE

- (1) A motor driven vehicle capable of cross-country travel:
 - (a) without benefit of a road; and
 - (b) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.
 - (2) The term includes the following:
 - (a) a multiwheel drive or low pressure tire vehicle;
 - (b) an amphibious machine;
 - (c) a ground effect air cushion vehicle;
 - (d) an all-terrain vehicle (as defined in Ind. Code § 14-8-2-5.7)
 - (e) a recreational off-highway vehicle (as defined in Ind. Code § 14-8-2-233.5)
 - (f) other means of transportation deriving motive power from a source other than muscle or wind.
 - (3) The term does not include the following:
 - (a) a farm vehicle being used for farming, including, but not limited to, a farm wagon (as defined in Ind. Code § 9-13-2-60(2));
 - (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 (as defined in Ind. Code § 9-13-2-60(2));
 - (d) a snowmobile (as defined in Ind. Code § 14-8-2-261);
 - (e) a registered aircraft;
 - (f) any other vehicle properly registered by the bureau of motor vehicles;
 - (g) any watercraft that is registered under Indiana statutes;
 - (h) a golf cart vehicle;
- (i) an electric bicycle (as defined in Ind. Code § 9-13-2-49.2).

Certain Off-Road Vehicles Permitted

The following off-road vehicles may be operated on Town roads ("Permitted Off-Road Vehicles"):

(1)

(2)

(3)

Commented [VKF1]: Or, we can do the reverse by allowing all off-road vehicles EXCEPT certain types.
What does the Town Council want to include/exclude?

Use and Operation on Designated Roads

(a) Permitted Off-Road Vehicles may be operated on roadways and highways under the Town’s jurisdiction and inside Town limits. Permitted Off-Road Vehicles must be operated in a reasonable and safe manner, subject to all local ordinances, state laws (*See Ind. Code § 14-16-1 et seq.* and *Ind. Code § 9-18.1-14 et seq.*), state regulations, and the terms and conditions of this chapter.

(b) The Town Council may prohibit the use of off-road vehicles on other roads, streets, highways that are under the jurisdiction of the town if the operation of off-road vehicles poses a danger. This subchapter shall be amended from time to time to include those roads deemed unsuitable for their use.

Speed Limit

(a) Permitted Off-Road Vehicles must operate at a speed of ____ mph or less on Town roadways or highways. A Permitted Off-Road Vehicle may not operate at a speed higher than ____ mph.

Commented [VKF2]: We need to add in relevant speed limits.

(b) The Town Council may alter the speed limit for Permitted Off-Road Vehicles if the current speed limit poses a danger. This subchapter shall be amended from time to time to reflect any such alteration.

Emergencies

Any town, county, or state law enforcement office may prohibit operation of an off-road vehicle on a town road during emergencies.

Enforcement

All law enforcement officers in the Town shall have the power and it shall be their duty to enforce the provisions of this chapter unless otherwise prevented by state statutes regarding the enforcement of state laws.

Penalty

(a) Any person who violates any provision of this chapter shall be deemed guilty of an ordinance violation and, upon conviction, shall be fined pursuant to the following schedule:

- (1) First offense in a calendar year: \$ _____
- (2) Second offense in a calendar year: \$ _____
- (3) Third offense in a calendar year: \$ _____

Commented [VKF3]: We need penalty amounts.

Section 3. This Chapter is effective when signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part of the highway that is affected, per Ind. Code § 9-21-1-3.

ADOPTED by the Town Council of the Town of Danville, Indiana, on this _____ day of _____, 2021.

DANVILLE TOWN COUNCIL

FOR:

AGAINST:

_____	Chris Gearld	_____
_____	Nancy Leavitt	_____
_____	Tom Pado	_____
_____	Greg Vanlaere	_____
_____	David Winters	_____

ATTEST:

Jennifer Percy, Clerk-Treasurer