



THE CITY OF GREENSBURG

**CITY OF GREENSBURG
AMENDED ORDINANCE NO. 2019-40**

**AN ORDINANCE ALLOWING FOR CERTAIN UTV SIDE BY SIDE VEHICLE
USAGE ON GREENSBURG ROADWAYS**

WHEREAS, it is determined that, the City of Greensburg, is in need of a policy governing UTV side by side vehicle usage on city streets as defined by IC 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;

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

NOW THEREFORE BE IT ORDAINED, BY THE COMMON COUNCIL OF THE CITY OF GREENSBURG, 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 streets of Greensburg, excluding state highways, subject to the conditions set forth in this ordinance. 4-wheelers are not allowed on the streets of Greensburg.

SECTION 2: *INTENTIONALLY LEFT BLANK*

SECTION 3: UTV side by side vehicles must be registered annually with the City of Greensburg by the Greensburg Police Department to operate on city streets. To register, each operator must present a VIN #, the make and model number of the UTV side by side vehicles, proof of address and contact phone number, proof of insurance, and proof of registration through the Department of Natural Resources, and pay a processing fee in the sum of Thirty-Five Dollars (\$35.00). This processing fee shall be paid annually. Processing fee shall be paid to the Greensburg Clerk-Treasurer's Office. Each vehicle will be visibly inspected for compliance with all Indiana laws and ordinances. Inspections shall occur at the Greensburg Police Department at a date and time to be determined by the Greensburg Chief of Police and posted at the Greensburg Police Station. Upon registration and inspection, the operator will be provided with a license plate specific to that vehicle. The license plate provided by the Greensburg Police Department shall always be displayed prominently on the rear of the vehicle while on city streets.

All funds received from registration and issuance of license plate shall be deposited into the General Fund for the City of Greensburg and allocated to recoup costs of the UTV license registration process and other public safety projects.

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

SECTION 5: All UTV side by side vehicle operators on city 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. 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 with Indiana state law;
- 3) UTV side by side vehicles must have working turn signals, two operating headlights, and one tail brake light when in operation on city streets;
- 4) No UTV side by side vehicles are permitted on city streets from midnight to 6:00 A.M.;
- 5) UTV side by side vehicles, must travel single-file on city streets.

SECTION 6: Failure to abide by any of the above conditions when a UTV side by side vehicle is in use on city streets shall constitute a violation of this ordinance. Fines and penalties for violations of his 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 city streets;
- 3) Third and Subsequent Violations - \$500.00 and a lifetime suspension from using UTV side by side vehicles on city streets;
- 4) Any conviction for criminal trespass involving 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 city 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 Greensburg Clerk-Treasurer, or may be contested in court.
- 7) Court costs, as set by the state schedule, and applicable attorney's fees shall apply to all cases contested in court.

SECTION 7: Enforcement of this ordinance shall be conducted pursuant to I.C. 34-28-5.

SECTION 8 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.

ADOPTED AND PASSED by the Common Council of the City of Greensburg, Indiana.