

ORDINANCE NO. 3914

AN ORDINANCE AUTHORIZING THE USE OF SIDE- BY- SIDE VEHICLES WITHIN THE CITY OF NEW CASTLE

WHEREAS, the City of New Castle may enact an ordinance authorizing off road vehicles to utilize city streets; and

WHEREAS, an ordinance should be enacted authorizing certain types of off-road vehicles to be operated on City streets; and

NOW THEREFORE, BE IT ORDAINED by the Common Council of the New Castle, Indiana, that a new Chapter 78 of the City Code should be enacted as follows:

1. 78.01 Definitions. The following terms used in this Chapter shall have the definitions set forth below:
 - (a) "side- by- side vehicle" is an off- road vehicle with a minimum of two seats positioned side by side, enclosed with a roll cage, with four wheels and operated by a steering wheel and foot controls.
 - (b) "off road vehicle" shall be defined as set forth in Indiana Code § 14-8-2-185.
2. 78.02 Authorizing Use of Side- by- Side Vehicle. A side- by- side vehicle may be operated on City streets and alley ways if the side-by-side vehicle conforms with the provisions of this Chapter. No other off- road vehicle shall be operated on City streets or alley ways except for a side- by- side vehicle in conformance with the provisions of this Chapter.
3. 78.03 Registration Required. A side- by- side vehicle shall be registered with the Indiana Bureau of Motor Vehicles as required by Indiana Code § 9-18.1-14-1, *et.seq.*
4. 78.04 Insurance Required. A side- by- side vehicle shall be insured for damage to property and bodily injury arising from its use and operation in an amount no less than that prescribed by Indiana law for the operation of motor vehicles. The operator of a side-by-side vehicle shall have proof of insurance at all times the vehicle is in operation.
5. 78.05 Required Features of Side- by- Side Vehicles. A side-by-side vehicle must have the following operational equipment:
 - (a) Headlamps;
 - (b) Front and rear turn signal lamps, tail lamps and stop lamps;
 - (c) Reflex reflectors;
 - (d) Exterior or interior mirrors;

- (e) Brakes;
- (f) Windshield;
- (g) Vehicle Identification Number;
- (h) A safety belt installed at each designated seating position; and
- (i) An operational horn that is audible at a distance of two hundred feet from the alternative transportation vehicle (200').

No person shall operate a side-by-side vehicle unless it has the operational equipment and features listed above.

- 6. 78.06 Parking of Side-by-Side Vehicles. A side-by-side vehicle shall be subject to the provisions and requirements of Chapters 72 and 75 of the New Castle City Code.
- 7. 78.07 Supplementary Effect. This Chapter shall be supplementary to the requirements of Indiana law and shall not be interpreted to conflict with, or supersede, any provision of the Indiana Code or Indiana Administrative Code, now in effect or which may later become effective, including but not limited to, laws and regulations that prohibit side-by-side vehicles from operating on a dedicated state highway or that are otherwise applicable to the operation of a side-side vehicle on a public right of way.
- 8. 78.08 Penalty. Any person who violates the provisions of this Chapter shall be subject to a fine as follows:
 - (a) \$50.00 for the first offense;
 - (b) \$150.00 for the second offense that occurs within a period of one year; and
 - (c) \$500.00 and the impoundment of the side-by-side vehicle for the third and each subsequent offense occurring within a period of one year. The owner of the impounded side-by-side vehicle shall be responsible for all costs associated with the towing and storage of the side-by-side vehicle.

REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY. Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE. This ordinance shall become effective immediately upon passage and publication.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS
____ DAY OF _____, 2023.

Greg York, Presiding Officer,
Common Council, City
of New Castle, Indiana

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ATTEST:

Brenda Grider, Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2023

Greg York, Mayor of the City
of New Castle, Indiana