

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 07-2003

**PROHIBITION OF OPERATING RECREATIONAL MOTOR VEHICLES IN
RESIDENTIAL NEIGHBORHOODS IN THE TOWN OF PLAINFIELD**

WHEREAS, it has become necessary to establish rules and regulations prohibiting the use of recreational motor vehicles in residential areas in the Town of Plainfield, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Plainfield, Hendricks County, Indiana that:

Section 1. Purpose

The purpose of this ordinance is to establish reasonable and responsible regulations for the use of recreational motor vehicles. This ordinance is not intended to allow what state law prohibits. This ordinance seeks to improve the safety of individuals living in residential areas, the safety of persons operating recreational motor vehicles, and to eliminate noise incident to the operation of recreational motor vehicles on property zoned residential and agricultural within the town limits of Plainfield. This ordinance is desirable to achieve a decrease in the overall level of noise in such areas, and is intended to prevent a public nuisance.

Section 2. Recreational Motor Vehicles Defined

A recreational motor vehicle is defined for purposes of this ordinance as follows: any self-propelled motorized vehicle used for recreational purposes, including a trail bike or other all-terrain vehicle, motor scooter or moped being used for off-road recreational purposes.

Motor scooter, for purposes of this ordinance, means a vehicle that has motive power, a seat, but not a saddle, for the driver, two wheels, and a floor pad for the driver's feet.

All-terrain vehicle, or ATV, for purposes of this ordinance, means any motorized vehicle with three wheels or four wheels designed for use off of paved roads.

Section 3. Operation

- A. No person shall operate a recreational motor vehicle in any area that is zoned residential or agricultural within the town limits of Plainfield, except as set forth in Section 4 herein.
- B. No person shall operate a recreational motor vehicle carelessly or heedlessly in disregard of the rights or the safety of others or in any manner which endangers or is likely to endanger any person or property.

- C. No person shall enter and operate a recreational motor vehicle on land not his own without the written permission of the owner, occupant, or lessee of the land, except where otherwise allowed by law. Written permission may be given by posted notice which specifies the kind of vehicles allowed, such as "Recreational Vehicles Allowed," "Trail Bikes Allowed," "All-Terrain Vehicles Allowed," or other similar language.
- D. No person shall operate a recreational motor vehicle in excess of 25 miles per hour on publicly owned land.
- E. No person shall operate a recreational motor vehicle on any public property, including public school grounds, park property, playgrounds and recreational areas, except in areas specifically designated for use of such vehicles, and except as specifically set forth in Section 4 herein.
- F. No person shall operate a recreational motor vehicle in a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

Section 4. Exclusions for Police, Municipal Purposes and Farm Operations

Specifically excluded from this Ordinance are all off-road and recreational vehicles used by the Plainfield Metropolitan Police Department for law enforcement purposes; used by the town of Plainfield for carrying out the functions of Town government; and used by a farming operation in the normal course of its business.

Section 5. Jurisdiction

Any violation of this ordinance shall be within the jurisdiction of the Plainfield Town Court.

Section 6. Penalties

Any person violating any provision of this ordinance shall be fined not less than \$25 nor more than \$75 for his or her first offense, and shall be fined not less than \$75 nor more than \$150 for each subsequent offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 7. Savings Clause

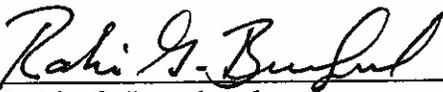
If any section, provision, or part of this ordinance shall be judged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any sections, provisions or parts thereof not adjudged invalid or unconstitutional.

Section 8. Effective date

This ordinance shall be in full force and effect from and after its adoption by the Town Council and upon publication as provided by law.

Passed and adopted this 12th day of May, 2003.

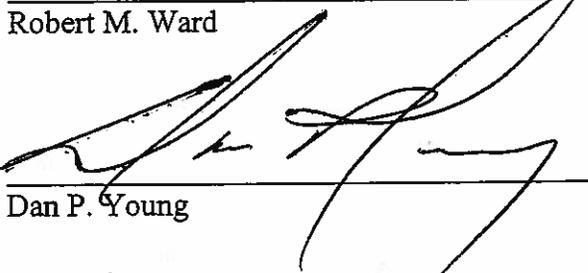
TOWN COUNCIL, TOWN OF PLAINFIELD
HENDRICKS COUNTY, INDIANA:



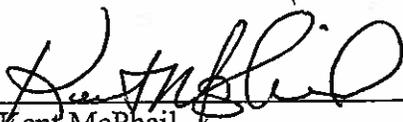
Robin G. Brandgard



Robert M. Ward



Dan P. Young



Kent McPhail

Bill Kirchoff

Constituting a majority of all the members of the
Town Council

ATTESTED BY:



Juliana Mitchell, Clerk-Treasurer
Of the Town of Plainfield, Indiana

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