

ORDINANCE NO. \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
OHIO COUNTY FISCAL COURT

**AN ORDINANCE RELATING TO THE OPERATION OF  
OFF-ROAD VEHICLES ON COUNTY ROADWAYS**

BE IT ORDAINED by the Fiscal Court of the County of Ohio, Commonwealth of Kentucky, that:

WHEREAS, the General Assembly has enacted legislation authorizing the County to permit and regulate the operation of off-road vehicles on public roadways under its jurisdiction upon adoption of an ordinance in conformity with KRS 189.281 and otherwise complying with the said statutory authority:

NOW, THEREFORE, BE IT ORDAINED BY COUNTY OF OHIO, KENTUCKY AS FOLLOWS:

**Section One:**

Subject to the limitations and conditions set forth in this ordinance, the County hereby authorizes the operation of OHV (i.e. an off-highway vehicle as defined herein below) on any public roadway or any section of county roadway within Ohio County set forth in the attached Schedule A. The roadways listed are the only roadways where the operation of an OHV is permitted.

**Section Two:**

Definition of an "OHV" or "Off-Highway Vehicle" for purposes of this ordinance means a motorized vehicle that:

1. Is designed to be primarily used for recreational purposes;
2. Has a maximum speed that is greater than thirty-five (35) miles per hour;
3. Is equipped with the following:
  - a. Four (4) to six (6) highway or non-highway tires;

- b. A steering wheel or steering mechanism;
- c. Brakes;
- d. Headlamps;
- e. Tail lamps;
- f. Brake lights;
- g. One (1) red reflex reflector on each side as far to the rear as practicable and one (1) red reflex reflector on the rear;
- h. A working muffler;
- i. A parking brake;
- j. A spark arrestor; and
- k. For multi-passenger vehicles, an exterior mirror mounted on the driver's side of the vehicle, either an interior mirror or an exterior mirror mounted on the passenger's side of the vehicle, and for each designated seating position, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209.

### **Section Three:**

1. Persons authorized to operate an OHV on a public roadway pursuant to this ordinance may only do so if the;
  - a. Operator is eighteen (18) years of age or older;
  - b. Operator has a valid operator's license in his or her possession;
  - c. OHV is insured by the owner or operator, for the payment of tort liabilities in the same form and amounts as set forth in KRS 304.39-110 for motorcycles;
  - d. Proof of insurance is inside the OHV at all times of operation on a public roadway; and
  - e. OHV is equipped with all safety equipment required under KRS 189.281(2). Any person operating an OHV on a public roadway under this ordinance shall be subject to the same traffic regulations as a motor vehicle, including the provisions of KRS 189.520 which prohibits the operation of a vehicle that is not a motor vehicle, while under the influence of intoxicants or substances which may impair driving.

3. A person shall not operate an OHV under this ordinance on any public roadway:

- a. Between one (1) hour after sunset and one (1) hour before sunrise, unless the person can demonstrate cause for driving, including but not limited to emergencies; or
- b. While carrying passengers on a trailer or any other towed unit.

Further, any passenger of an OHV that is under the age of sixteen (16) shall be required to wear a helmet that meets the national standards prescribed by the United States Department of Transportation.

Additionally, an operator and any passenger shall wear eye protection when operating or riding an OHV that is not equipped with a windshield.

#### **Section Four:**

In order to be operated on such designated County roadways, the operator/owner shall be required to maintain required equipment and procedures outlined in this ordinance and the OHV shall:

1. Be issued a sticker or permit for the OHV by the County at a charge of Twenty-Five Dollars (\$25.00) per OHV. The permit and required fee shall be issued and due once per fiscal year.
2. Display a sticker or permit for the OHV on the rear bumper where it is visibly seen, that identifies the OHV is allowed to be operated on specified highways within the County.
3. Be inspected by a certified inspector designated by the Ohio County Sheriff's Office and certified through the Department of Vehicle Registration to ensure that the OHV complies with the requirements of this ordinance.
4. Be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the OHV at all times of operation on public roadway.

Any person violating the provisions of this ordinance shall, upon citation of a first offense, be fined not less than \$100.00, nor more than \$250.00. Any person convicted of subsequent violation of this ordinance, within five (5) years of a prior citation under this ordinance, shall be fined not less than \$250.00, nor more than \$500.00. Upon an individual's third citation hereunder, the individual's permit shall be revoked for three (3) years in addition to any fine. Failure to pay

any fine within thirty (30) days due to a violation of this ordinance shall result in suspension of his/her permit.

The Clerk of the County shall cause this ordinance to be filed as part of its ordinances.

INTRODUCED AND PUBLIC READING on first reading on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

PUBLICLY READ AND APPROVED on second reading on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

OHIO COUNTY FISCAL COURT

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DAVID JOHNSTON,  
OHIO COUNTY JUDGE EXECUTIVE

ATTEST:

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MIRANDA FUNK,  
OHIO COUNTY FISCAL COURT CLERK