

GARRARD COUNTY FISCAL COURT  
GARRARD COUNTY, KENTUCKY  
ORDINANCE NO.

0-4-14-25-2

**AN ORDINANCE ESTABLISHED BY THE GARRARD COUNTY FISCAL  
COURTREGULATING THE USE OF OFF-HIGHWAY VEHICLES ON THE  
COUNTY ROAD SYSTEM**

WHEREAS, Garrard County, Kentucky wishes to allow off-highway vehicles to operate on certain roads in the county road system and to get state approval to use portions of state highways for use.

NOW, THEREFORE, be it ordained by the Fiscal Court, Garrard County Kentucky, that this ordinance shall be known as the Garrard Off-Highway Vehicle use on Public Roads.

**SECTION 1. Definitions**

As used in this Ordinance, unless the context otherwise requires:

- (a) "Roads" Includes highways, bridges, bridge approaches, cul-de-sacs and turnarounds adopted in the Garrard County Fiscal Court's Road maintenance Program.
- (b) "Off-Highway vehicle" or "OHV" means 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, Headlamps, Tail Lamps, Brake lights.
    - d) One (1) red reflex reflector on each side as far to the rear as practicable, and one (1) red reflex reflector on the rear;
    - e) A working muffler.
    - f) A parking brake.
    - g) A spark arrestor.
    - h) For multi- passenger vehicles, an exterior mirror mounted on the drivers side of the vehicle, either an interior mirror or an exterior mirror mounted on the passenger side of the vehicle, and for each designated seating position, a seat belt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209

**SECTION 2: Acceptance of New Road into the System**

- a) Prior to Accepting any new county road into the System, the Fiscal Court shall notify the public of its plans to allow OHV use on roadways under its jurisdiction, public notice under this paragraph shall:
- b) The Fiscal Court may petition the Kentucky Transportation Cabinet in accordance with KRS 189.281 to designate a portion of State Highways for OHV usage.
  - 1) Notify the public of the time, subject, and location of the public meeting and shall be posted in both a local newspaper, if any, and a newspaper of General circulation in the county.
  - 2) Include a list and map of all roadways and connecting trails that the local government intends to designate for OHV use and:
  - 3) Be placed on the Website of the local government.

**SECTION 3: Fiscal Court Discretion**

Although no county road shall be accepted into the OHV system unless it meets the specifications set out herein; the decision to add a road into the system shall be within the sole discretion of the Garrard Fiscal Court acting in the best interests of the County and its citizenry and it shall not be compelled to accept any roadway into the system unless it chooses to do so, irrespective of anything within this ordinance to the contrary.

**SECTION 4: Removal of road from County System**

The County may remove a road from the OHV system by complying with the following requirements. Notices must be published according to the provisions of KRS 178.050, and in addition, notices must be placed at three (3) prominent and visible public places within one (1) mile of the road. After posting the notices, the fiscal court shall appoint two (2) viewers who have no vested interest in the discontinuance of the road and who together with the county road supervisor and applicable trail manager(s), shall view the road and report in writing at the hearing what inconvenience would result from the discontinuance. Upon presentation of the report and other evidence, if any at a public meeting of the fiscal court, the court may discontinue the road.

1) **SECTION 5: General Rules Concerning uses of OHV**

- a) A person may operate an OHV on a Public Roadway if the;
1. Operator is eighteen (18) years of age or older.
  2. Operator has a valid operator's license in their possession
  3. OHV is insured by the owner or operator for the payment of tort liabilities in same form and amounts as set fourth in KRS 304.39-110 for motorcycle.
  4. Proof of Insurance is inside the OHV at all times of operation on a public roadway; and
  5. OHV is equipped with ALL safety equipment under this ordinance.

b) Any person operating an OHV on a public roadway under this section shall be subject to the same traffic regulations of this chapter as a motor vehicle, including KRS 189.520 prohibiting the operation of a vehicle that is not a motor vehicle, while under the influence of intoxicants or substances which may impair driving.

c) A person shall not operate an OHV under this section on any public roadway; 1. Between 1 hour after sunset and 1 hour before sunset, unless they can demonstrate cause for driving, including but not limited to emergencies, agriculture, or towing passengers on a trailer or other towed unit.

d) 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.

e) An operator and any passengers shall wear eye protection when operating or riding an OHV that is not equipped with a windshield.

**SECTION 6: Permits and Fees**

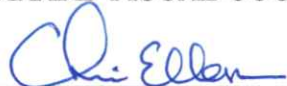
- 1) OHV permits will be issued by the Garrard County Sheriff's Office.
- 2) Inspection Fees as set in the Sheriff fee Schedule to residents of this Commonwealth; and
- 3) Plate renewals as required by KRS.
- 4) Annual permits shall expire on April 1<sup>st</sup> each year
- 5) The Sheriff may establish an online system to purchase annual permits; and local vendors.

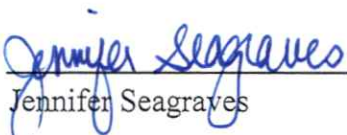
**SECTION 7: Severability**

Provisions of this ordinance are severable and if any provision or part thereof shall be held invalid and unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

This ordinance Shall become effective upon second reading and adoption

GARRARD FISCAL COURT

By:   
Chris "Roo" Elleman

Attest:   
Jennifer Seagraves