

POWESHIEK COUNTY ORDINANCE #28

AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN POWESHIEK COUNTY, IOWA

Be it ordained by the Board of Supervisors of Poweshiek County, Iowa;

SECTION 1: PURPOSE. The purpose of this ordinance is to designate the secondary roads within Poweshiek County where all-terrain vehicles and off-road utility vehicles may operate and how they must be operated.

SECTION 2: DEFINITIONS. The definitions of terms used in this ordinance are:

1. **All-terrain vehicle** as defined in Iowa Code Section 3211.2(1) means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. **Off-road vehicle** as defined in Iowa Code Section 3211.1 means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road utility vehicle" includes the following vehicles:
 - a. "Off-road utility vehicle – type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred (1,200) pounds or less and a width of fifty (50) inches or less.
 - b. "Off-road utility vehicle – type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand (2,000) pounds or less and a width of sixty-five (65) inches or less.
 - c. "Off-road utility vehicle – type 3" means an off-road utility vehicle with a total dry weight or more than two thousand (2,000) pounds or a width of more than sixty-five (65) inches, or both.
3. **Roadway** as defined in Iowa Code Section 3211.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3: OPERATION ON ROADWAYS. It is the intent of this ordinance to keep ATV and UTV operation on Poweshiek County paved roads to an absolute minimum. To that end, registered ATVs and UTVs may be operated on Poweshiek County gravel roadways, EXCEPT operation on a Level C roadway, in Poweshiek County, pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. Such operation must begin after official sunrise and must cease before official sunset. In the event that there is not a permissible gravel public road opposite an intersection with a Poweshiek County paved road or in the event that a person residing on a county blacktop wishes to operate an ATV or UTV on the gravel roadways, ATVs and UTVs may operate on the Poweshiek County paved road as far as the closest Poweshiek County gravel public road.

If someone is required to travel on a Poweshiek County paved roadway, the person may only do so for a reasonable distance. In order to determine whether a particular distance of travel on a paved Poweshiek County roadway is reasonable, the following factors may be considered: a) the operator's starting location; b) any planned course of travel by the operator and/or any individuals the operator is riding with; c) the operator's destination; d) the operator's place of residence; e) any other pertinent factors. Regardless of the expressed factors, this distance should not exceed two miles.

A person shall not operate an all-terrain vehicle or off-road utility vehicle on gravel or dirt county roadways in Poweshiek County unless the operator has a valid driver's license and is at least 16 years of age. An operator under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved ATV Education Course and must carry a valid safety certificate while operating the vehicle as proof that the Iowa Department of Natural Resources approved ATV Education Course was successfully completed.

SECTION 4: UNLAWFUL OPERATION. A person shall not operate an all-terrain or off-road utility vehicle under any of the following conditions:

1. At a rate of speed greater than reasonable and/or proper under existing circumstances, having due regard to the traffic, surface and any other condition existing, but not greater than 35 miles per hour.
2. In a careless, reckless or negligent manner so as to:
 - a. Endanger any person, including the operator;
 - b. Cause injury or damage to person or property; or
 - c. Create unnecessary spinning, skidding, sliding or cause any wheel or wheels to unnecessarily lose contact with the road surface.
3. Without the following equipment:
 - a. A lighted headlamp and taillight to render clearly discernible persons and vehicles at a distance of 500 feet ahead and back.
 - b. Functioning brake lights, brakes, and speedometer.
 - c. Rearview mirror so located as to reflect the operator a view to the rear of the vehicle a minimum distance of 200 feet.
 - d. An orange flag affixed to the vehicle at a height that is at least six feet off of the ground or no less than one foot above the top of the vehicle, whichever is higher **OR** have a slow moving vehicle sign affixed to the rear of the vehicle.
4. Without wearing a properly adjusted and fastened seatbelt in the all-terrain or off-road utility vehicle is so equipped.
5. Without using proper turn signals or hand signs.
6. In any tree nursery or planting in a manner which damages or destroys growing stock.
7. On public land, ice or snow in violation of official signs prohibiting such operation.
8. In any park, wildlife area, preserve, refuge or game management area, gravel pit or any other property owned by Poweshiek County.

9. Upon any portion of a meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas; designated riding trails; the use of crossings for agricultural purposes; the use of construction vehicles engaged in law activity; and/or the operation of all-terrain vehicles on ice.
10. On snowmobile trails except where designated by Poweshiek County.
11. Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at established crossings and only after yielding to oncoming traffic. This provision does not apply to a law enforcement officer or a railroad employee with authority to enter upon the railroad right-of-way in the lawful performance of their duties.
12. With more persons on the vehicle than it was designed to carry.
13. On any riding, area or trail unless the trail is designated by signs as open to all-terrain and off-road utility vehicle operation.
14. Under the age of 16.
15. Without a valid driver's license.
16. Without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved ATV Education Course if the operator is younger than 18 years of age.
17. Without proof of insurance.
18. Without being duly registered, pursuant to the laws of the State of Iowa, including but not limited to Iowa Code Section 321.18 and 321.20. This subsection shall not apply to all-terrain or off-road utility vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code Section 321I.9(3).
19. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
20. A person shall not operate an ATV or UTV in violation of any other County or State law.
21. In any areas of the roadway ditch.

SECTION 5: REGISTRATION REQUIREMENTS AND OTHER CONDITIONS. Individuals who operate on county roadways in Poweshiek County must register the all-terrain vehicle or off-road utility vehicle with the Iowa Department of Natural Resources and must obtain an identification decal from the Office of the Poweshiek County Recorder. There will be a yearly fee of \$35. The following conditions apply:

1. The owner of each all-terrain vehicle or off-road utility vehicle shall be required to provide proof of ownership, including but not limited to bill of sale, Iowa Department of Natural Resources registration or registration from the appropriate out-of-state

authority, and proof of liability insurance as required by Iowa Code Section 321.20B and 321A.21.

2. All-terrain vehicles or off-road utility vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
3. All-terrain vehicles or off-road utility vehicles registered in another state are required to all display a valid Iowa Department of Natural Resources User Permit in addition to displaying a current registration decal and carrying the certificate on board.
4. Operators shall abide by all traffic laws and posted traffic signs.
5. Decals will be issued for ATV and UTV and are not transferable.
6. Decals shall be affixed to the rear of the vehicle so that the permit is clearly visible at all times of operation.
7. Decals will be good for one (1) calendar year and valid January 1 through December 31.
8. The sheriff may revoke the decal upon evidence that the owner/operator has violated the conditions of the decal or abused the privileges of being a decal holder. If the decal is revoked, there will be no refund for that decal fee. Reinstatement or purchase of a new decal is not allowed for that owner/operator for 1-year from the date of the revocation.
9. A person shall have a copy of this ordinance with them at all times of operation.

SECTION 6: EXEMPT VEHICLES. The registration requirements of this ordinance shall not apply to the following described all-terrain or off-road vehicles:

1. All-terrain vehicles owned by the United States, this state or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.
2. All-terrain vehicles used in accordance with Iowa Code Section 321.234A(1)(a).
3. All-terrain vehicles used exclusively as farm implements.

SECTION 7: PENALTIES. Violation of this ordinance shall constitute a Simple Misdemeanor punishable by a fine of at least \$65 and no more than \$625 and/or jail sentence up to 30 days, in addition to applicable surcharges and court costs, as provided by the laws of the State of Iowa, including but not limited to Iowa Code Section 903.1(a).

SECTION 8: SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 9: EFFECTIVE DATE. This Ordinance shall become effective upon passage and publication pursuant to Iowa Code Section 331.302(8).

SECTION 10: REVIEW OF ORDINANCE. As part of this Ordinance, the Poweshiek County Board of Supervisors sets forth a plan to review this Ordinance in a calendar year from the effective date of the Ordinance. Therefore, the Poweshiek County Board of Supervisors shall review this Ordinance during a Board of Supervisors meeting, within the 11th month of the Ordinance's effective date, and vote to reapprove the Ordinance or to strike it. After the one-year review of this Ordinance, regardless if it is reapproved or stricken, there will be no additional yearly reviews.

Passed and adopted this 22 day of July, 2021.

POWESHIEK COUNTY BOARD OF SUPERVISORS



Merle Doty, Chairman



Diana Dawley, Vice Chairman



Jason Roudabush, Member

Attest: 

Melissa Eilander, Poweshiek County Auditor

First reading: 07-15-21
Second Reading: 07-22-21
Third Reading: WAIVED
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