

CHAPTER 10 OPERATION OF ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES

4-10-1 PURPOSE: The purpose of this Resolution is to designate that portion of county highways upon which All-Terrain Vehicles and Utility Vehicles may be operated during a specified period, to specify said period, and to establish regulations regarding such operation.

4-10-2 DEFINITIONS:

(1) "All-terrain vehicle," as defined by Iowa Code Section 321I.1(1)(a), means a motorized vehicle with not less than three and not more than six nonhighway 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 Utility Vehicle", as defined in Iowa Code Section 321I.1(17), means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

(3) "Roadway", as defined in Iowa Code Section 321I.1, means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

4-10-3 OPERATION ON ROADWAYS: If an All-Terrain or Off-Road Utility Vehicle is properly registered pursuant to Iowa Code Section 321I.3, the same may be operated on any Sac County, Iowa, roadway, such operation limited to roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation, and such operation further limited to the hours from official sunrise to official sunset of the same day, as established by the National Weather Service.

4-10-4 UNLAWFUL OPERATIONS:

(1) A person shall not drive or operate an All-Terrain or Off-Road Utility Vehicle:

- a. At a rate of speed in excess of the posted speed limit, nor greater than reasonable or proper under all existing circumstances.
- b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
- d. Without a lighted headlight and taillight.
- e. In any tree nursery or planting in a manner which damages or destroys growing stock.
- f. On any public land, ice, or snow, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.

g. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a non-meandered stream, which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossing of public roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of all-terrain vehicles on ice.

h. Upon an operating railroad right-of-way. An All-Terrain or Off-Road Utility Vehicle may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right of-way in the lawful performance of the employee's duties.

(2) A person shall not operate or ride in an All-Terrain or an Off-Road Utility Vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding in an All-Terrain or Off-Road Utility Vehicle.

(3) A person shall not operate an All-Terrain or Off-Road Utility Vehicle:

a. With more persons on the vehicle than it was designated to carry.

b. Paragraph "a" does not apply to a person who operates an All-Terrain or Off-Road Utility Vehicle as part of a farm operation as defined in Iowa Code Section 352.2.

(4) A person shall not operate an All-Terrain or Off-Road Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to Off Road Utility Vehicle operation.

(5) A person shall not operate a vehicle other than an All- Terrain or Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to such other use.

(6) A person shall not operate an All-Terrain or Off-Road Utility Vehicle unless the operator is 18 years of age or older and has a valid Iowa Driver's License; unless the vehicle is duly registered; and unless the operator has proof of insurance complying with that required of the operator of a motor vehicle pursuant to applicable Iowa Statutes, Rules, and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.

4-10-5 EXEMPT VEHICLES. Registration shall not be required for all-terrain vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code section 321I.9(3).

4-10-6 PENALTIES: Violation of this Ordinance shall constitute a SIMPLE MISDEMEANOR punishable by a minimum fine of \$65.00, a maximum fine of \$625.00, plus applicable surcharges and court costs, and/or up to thirty (30) days in jail.

4-10-7 EFFECTIVE DATE: This ordinance shall become effective on November 18, 2014.