

ORDINANCE NUMBER 2015-2

OPERATION OF ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES

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Section 1. Purpose. The purpose of this ordinance is to designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may be operated during a specified period, to specify said period, and to establish regulations regarding such operation.

Section 2 Definitions. The definitions of terms used in the ordinance are:

- a. "All-terrain vehicles"* as defined by Iowa Code Section 321I.1 means a motorized vehicle with not less than four (4) and not more than six (6) 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.
- b. "Off-road Utility Vehicle"* is defined by Iowa Code Section 321I.1 means a motorized vehicle with not less than four (4) and not more than eight (8) non-highway tires or rubberized tracks that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than two thousand pounds and that has 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.
- c. "Roadway"* as defined by Iowa Code Section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Section 3. Operation on Roadways. If an All-Terrain or Off-Road Utility Vehicle is properly registered pursuant to Iowa Code Section 321I.3, it may be operated on any Calhoun County, Iowa, roadway (**not** State or Federal highways), 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 operations. Operation of All-Terrain Vehicle and/or Off-Road Utility Vehicle is only permitted on the roadway or shoulder, not in the ditch. Such operation is limited to the hours from official sunrise to official sunset of the same day, as established by the National Weather Service. The operator must follow all rules of the road and abide by all traffic laws.

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;
 - c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the road surface.
3. Without a lighted headlamp, a lighted rear lamp, and equipped with at least one mirror so located as to reflect to the operator a view to the rear of the vehicle a distance of 200 feet.
4. 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 on an All-Terrain or Off-Road Utility Vehicle.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. On public land, ice or snow in violation of official signs prohibiting such operation.
7. In any park, wildlife area, preserve, refuge or game management area, gravel pit or any other property owned by Calhoun County.
8. 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 rails; the use of crossing for agricultural purposes; the use of construction vehicle engaged in lawful activity; and/or the operation of All-Terrain Vehicles on ice.
9. On snowmobile trails except where designated by Calhoun County and the primary snowmobile trail sponsor.
10. Upon an operating railroad right-of-way. An All-Terrain Vehicle may be driven directly across a railroad right-of-way at established crossings. This provision does not apply to a law enforcement officer or railroad employee with authority to enter upon the railroad right-of-way in the lawful performance of their duties.
11. With more persons on the vehicle than it was designed to carry.
12. On any riding area or trail, unless the trail is designated by sign as open to All-Terrain and Off-Road Utility Vehicle operation.
13. Unless the operator is at least sixteen (16) years of age, has a valid driver's license, the vehicle is duly registered and the operator has proof of insurance.
14. A person born after 1995, shall be required to take and pass an Iowa DNR approved ATV Education Course.
15. Without the All-Terrain or Off-Road Utility Vehicle bearing 8 square inches of red and white reflective tape or factory installed red reflectors affixed to the rear of the vehicle so that it is clearly visible.
16. In a manner which caused the road surface material on the roadway to be disrupted or moved in any fashion such as to cause the road surface to have ruts, cause standing water or in any fashion require additional maintenance or grading so as to restore the regular crown or shape.

Section 5. Exempt Vehicles. The registration requirements of this ordinance shall not apply to the following described All-Terrain or Off-Road Utility Vehicles:

1. All-Terrain or Off-Road Utility 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 or Off-Road Utility Vehicles used in accordance with Section 321.234A(1)(a).
3. All-Terrain or Off-Road Utility Vehicles used exclusively as farm implements.

Section 6. Penalties. Violation of this Ordinance shall constitute a county infraction punishable by a fine of \$65 to \$625, plus the applicable court surcharges and costs.

Section 7. Effective Date. This ordinance shall become effective upon passage and publication pursuant to Iowa Code Section 331.302(8).

First reading: August 25, 2015

Second reading: August 25, 2015

Third reading: August 25, 2015

Final reading/Adoption: August 25, 2015

Mary Wickham
Chairperson
Calhoun County Board of Supervisors

Scott Jansen
Supervisor

Mike Coyne
Supervisor

Attested: Judy Howrey
Judy Howrey, Calhoun County Auditor

Adopted and passed by the Calhoun County Board of Supervisors on this 25
day of August, 2015.