

ORDINANCE NO. 14-1

REGULATIONS FOR USE OF ALL-TERRAIN OR OFF-ROAD UTILITY VEHICLES ON COUNTY ROADWAYS

By the Board of Supervisors of Washington County, Iowa

SECTION 1 – PURPOSE

The purpose of this ordinance is to identify regulations regarding all-terrain vehicle and/or off-road utility vehicle operation on the portion of county roads as designated by the Washington County Board of Supervisors.

SECTION 2 – DEFINITIONS

1. “All-Terrain Vehicle” (ATV) means a motorized flotation-tire vehicle with not less than four and not more than six low pressure tires that is limited in engine displacement to less than 1000 cubic centimeters and in total dry weight to less than 1000 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” (UTV) 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 1500 cubic centimeters and in total dry weight to not more the 1800 pounds and 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.
3. “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3 – OPERATION ON ROADWAYS PERMITTED

A registered ATV or UTV may be operated on the Washington County, Iowa, secondary roadways; operation on Level C roadways is not permitted. A person may only operate an ATV and/or UTV on the shoulder of paved secondary roadways. On gravel and Level B secondary roadways, operation of an ATV and/or UTV is only permitted on the roadway, not in the ditch. Operation of an ATV and/or UTV on Washington County roadways is only permitted from sunrise to sunset. The operator of an ATV and/or UTV must obey all applicable provisions of the Code of Ordinances of Washington County, Iowa (2009) and Code of Iowa related to motor vehicle traffic and parking regulations.

SECTION 4 – RESTRICTIONS

1. A person shall not drive or operate an ATV and/or UTV:
 - a. At a rate of speed greater than 35 miles per hour.

- 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 at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a distance of three hundred feet ahead and behind.
 - e. Without adequate brakes.
 - f. Upon an operating railroad right-of-way; an ATV and/or UTV may be driven directly across a railroad right-of-way only at an established road 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 or railroad 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 an ATV and/or UTV with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case with only one noted exception: a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding an ATV and/or UTV as defined in Iowa Code 2013, section 321I.14.2.
 3. A person shall not operate an ATV and/or UTV with more persons on the vehicle than it was designed to carry. This does not apply to a person who operates an ATV and/or UTV as part of a farm operation as defined in the Code of Iowa.
 4. A person shall not operate an ATV and/or UTV unless the operator has a valid Iowa driver's license, is at least 16 years of age, the vehicle is duly registered with the Iowa Department of Natural Resources (IA DNR), the vehicle is duly registered with Washington County, and the operator has proof of insurance.
 5. A person born after 1995, shall be required to take and pass an Iowa DNR approved ATV Education Course.

SECTION 5 – PERMITS

No person shall operate an ATV or UTV on any County graveled roadway, for any purpose, unless the operator possesses a Washington County permit to operate an ATV or UTV on County graveled roadways, issued by the County Engineer.

1. ATV and/or UTV owners may apply for a permit on forms provided by the County Engineer.
2. The County Engineer shall not issue a permit until the owner/operator has provided the following:

- a. Evidence that the operator is at least 16 years of age and possesses a valid Iowa driver's license.
 - i. If the operator was born after 1995, they shall provide proof of passing an Iowa DNR approved ATV Education Course.
 - b. Proof that the ATV or UTV is registered with the IA DNR
 - c. Proof that the owner and operator have liability insurance covering operation of ATVs and/or UTVs on County graveled roadways in the amount required by the Code of Iowa.
3. All permits shall be issued for a specific ATV or UTV. Permit holders will be issued a number and a sticker to affix to the left side front fender or similar component.
 4. The fee for such permits shall be set by the Board of Supervisors by Resolution.
 5. Permits will be granted for one (1) year valid from January 1st through December 31st. Permits may be purchased at any time during the year and will not be prorated in price. First time permits purchased in the last quarter of the calendar year may be granted validation through December 31st of the following calendar year for an additional \$5 fee.
 6. The permit may be suspended or revoked, by the County Engineer, upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refund of the permit fee. Should a permit be suspended or revoked, the owner or operator must receive a majority vote of the Board of Supervisors to allow for reinstatement of an existing permit or issuance of a new permit.

SECTION 6 – EXEMPT VEHICLES

Registration/permits according to this ordinance shall not be required for an ATV and/or UTV used exclusively as farm implements or as identified by the Code of Iowa.

SECTION 7 – PENALTIES

Violation of this resolution constitutes a Simple Misdemeanor, punishable by a fine of at least \$65 and no more than \$315 and/or up to 30 days in jail.

SECTION 8 – REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9 – SERVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be judged 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 10 – WHEN EFFECTIVE

This ordinance shall be in effect after final passage, approval and publication as provided by law.

Passed and approved this 4th day of March, 2014.

Washington County Board of Supervisors

Steve Jones
Chairman

ATTEST:

Daniel L. Widmer
Washington County Auditor

First Reading: February 18, 2014
Second Reading: February 25, 2014
Third Read: March 4, 2014
Adopted: _____
Published: _____