

CHAPTER 24

REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES

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24.01 PURPOSE. This ordinance shall identify regulations regarding all-terrain vehicles and/or off-road utility vehicles operation on the portion of county roads as designed by the Buchanan County Board of Supervisors.

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

- 1) All-terrain Vehicle as defined by Iowa Code section 321I.1 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 two hundred 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 by Iowa Code section 321I.1 means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that have 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 pounds or less and a width of fifty 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 pounds or less, and a width of sixty-five inches or less.
 - c) "Off-road Utility vehicle – type 3" means an Off-road Utility Vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.
- 3) Roadway as defined by Iowa Code section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

24.03 OPERATION ON ROADWAYS. A registered All-terrain Vehicle or Off-road Utility Vehicle may be operated on gravel roadways in Buchanan County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. A person shall not operate an All-terrain Vehicle or Off-road Utility vehicle on gravel roads in Buchanan County unless the operator has a valid driver's license and is at least 16 years of age. A person 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 on board as proof that the Iowa Department of Natural Resources approved ATV Education Course was successfully completed. A person may operate an All-terrain Vehicle and/or Off-road Utility Vehicle on county blacktop for a reasonable distance to reach the nearest gravel road. On gravel, operation of an All-terrain Vehicle and/or Off-road Utility Vehicle is only permitted on the roadway, not in the ditch. All-terrain Vehicle and Off-road Utility Vehicle operation may begin at sunrise and must cease at sunset.

24.04 UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle and/or Off-road Utility Vehicle under any of the following conditions:

- 1) At a rate of speed greater than the thirty-five (35) miles per hour or greater than reasonable and/or proper under existing circumstances.
- 2) In a careless, reckless, or negligent manner so as to:
 - a) Endanger any person;
 - b) Cause injury or damage to person or property; or,
 - c) Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
- 3) Without a lighted headlight and taillight.
- 4) In any tree nursery or planting in a manner which damages or destroys growing stock.
- 5) On public land, ice or snow in violation of official signs prohibiting such operation.
- 6) In any park, wildlife area, preserve, refuge or game management area, with the following exception:

A person shall be permitted to operate an All-terrain Vehicle and/or Off-road Utility Vehicle on public park roads and in parking lots of properties under jurisdiction of the Buchanan County Conservation Board, with the exception of Three Elms Area and Fontana Park. All-terrain Vehicles and/or Off-road Utility Vehicles shall be permitted in the designated parking area on 125th Street as it runs through Fontana Park.

- 7) 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 Iowa Department of Natural Resources and which is covered by water. This provision does not apply to designated ATV riding areas, construction vehicles engaged in lawful activity and/or the operation of all-terrain vehicles on ice.
- 8) 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.
- 9) With more persons on the vehicle than it was designed to carry.
- 10) On any riding area or trail unless the trail is designated by signs as open to All-terrain and Off-road Utility Vehicle operation.
- 11) With a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding an All-terrain Vehicle or Off-road Utility Vehicle.
- 12) Under the age of 16.
- 13) Without a valid driver's license and proof of insurance.
- 14) Being less than 18 years of age without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved ATV Education Course.

24.05 REGISTRATION REQUIREMENT AND OTHER CONDITIONS. Individuals who operate on gravel roadways in Buchanan County must register the All-terrain Vehicle or Off-road Utility Vehicle with the Iowa Department of Natural Resources. 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.
- 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 also display a valid Iowa Department of Natural Resources User Permit in addition to displaying their current registration decal and carrying their certificate on board.

24.06 EXEMPT VEHICLES. Registration shall not be required for All-terrain Vehicles and/or Off-Road Utility Vehicles used exclusively as farm implements or as identified by the Code of Iowa.

24.07 PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine of \$65.00 to \$625.00 plus the applicable court surcharge and costs and/or up to thirty (30) days in jail.

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

24.09 SEVERABILITY 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.