

## **PUBLIC NOTICE**

On May 9, 2016 the Allamakee County Board of Supervisors adopted the following Ordinance which becomes effective upon publication. A copy can be obtained at the Auditor's office at 110 Allamakee Street, Waukon, Iowa, Monday–Friday 8am-4pm.

### **ORDINANCE NO. LV**

#### **Regulations Regarding All-Terrain Vehicles or Off-Road Utility Vehicles on Secondary Roads**

BE IT ORDAINED that the Allamakee County Board of Supervisors hereby adopts the following regulations regarding All-Terrain Vehicles or Off-Road Utility Vehicles operated on that portion of Allamakee County Secondary Roads as designated by the Allamakee County Board of Supervisors.

- .01 Purpose
- .02 Definitions
- .03 Operation on Roadways
- .04 Restrictions
- .05 Exempt Vehicles
- .06 Penalties

#### SECTION .01 PURPOSE.

Pursuant to Iowa Code 321I.10, a person shall not operate an All-Terrain Vehicle or Off-Road Utility Vehicle upon roadways or highways. However, the Board of Supervisors has the authority to allow All-Terrain Vehicles or Off-Road Utility Vehicles on designated county public roadways for a specific period.

The purpose of this ordinance is to designate that portion of Allamakee County Secondary Roads by the Allamakee County Board of Supervisors upon which All-Terrain Vehicles or Off-Road Utility Vehicles may be operated and regulated under Iowa Codes 321I, 321.20B, and 321.234A.

#### SECTION .02 DEFINITIONS.

1. "All-Terrain Vehicle" means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight of not more than 1,000 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" 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 of not more than 1,900 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 .03 OPERATION ON ROADWAYS.

A registered All-Terrain Vehicle or Off-Road Utility Vehicle may be operated on the Allamakee County Secondary graveled public roadway, with the exception of Level C roadways, provided however, in the event that a person residing on a county pavement wishes to operate an All-Terrain Vehicle and/or an Off-Road Utility Vehicle on the permissible county gravel public road, then, and in that event, said person may so operate on the shoulder of the county pavement only so far as to reach the permissible county gravel public road. Operational time of day shall be from sunrise to sunset, as established by the National Weather Service, February 1<sup>st</sup> to December 1<sup>st</sup> at which time said operations shall cease.

#### SECTION .04 RESTRICTIONS

1. A person shall not drive or operate an All-Terrain Vehicle and/or Off-Road Utility Vehicle:
  - a. Unless they have a valid driver's license, are registered with the IDNR with properly displayed registration decal and have a valid proof of insurance on their All-Terrain Vehicle or Off-Road Utility Vehicle.
  - b. At a rate of speed not greater than 35 miles per hour.
  - c. In a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
  - d. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
  - e. Without a lighted headlight and taillight to render clearly discernible persons and vehicles at a distance of five hundred feet ahead and back, and have a minimum one mirror to allow visibility to a minimum distance of 200 feet behind the vehicle.
  - f. 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 crossings 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 and/or Off-Road Utility Vehicle on ice.

g. Upon operating within railroad right-of-way, an All-Terrain Vehicle or Off-Road Utility Vehicle may be driven directly across 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 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.

h. Operator and riders under the age of 16 years old shall wear an approved helmet.

i. The operator and riders of an Off-Road Utility Vehicle shall wear the seatbelt or harness as so equipped by the manufacturer.

j. Operators under age of 18 shall have a valid IDNR Certification for All-Terrain Vehicle or Off-Road Utility Vehicle education course.

k. Operators shall abide by all traffic laws and posted traffic signs.

l. Riding groups of more than 24 All-Terrain Vehicles and Off-Road Utility Vehicles shall not be allowed.

2. Any person operating an All-Terrain Vehicle and/or Off-Road Utility Vehicle with a firearm in the operator's possession, shall abide by any applicable state laws during the time this ordinance is in effect.

3. A person shall not operate an All-Terrain Vehicle and/or Off-Road Utility Vehicle with more persons on the vehicle than it was designated to carry.

4. A person shall not operate an Off-Road Utility Vehicle or All-Terrain Vehicle on a designated trail other than Secondary Roads unless the trail is signed as open to Off-Road Utility Vehicle or All-Terrain Vehicle operation.

5. A person shall not operate their All-Terrain Vehicle or Off-Road Utility Vehicle in any areas of the roadway ditch.

#### SECTION 05. EXEMPT VEHICLES.

Registration shall not be required for All-Terrain Vehicles or Off-Road Utility Vehicles used exclusively as farm implements.

#### SECTION 06. PENALTIES.

Violation of this Ordinance constitutes a Simple Misdemeanor, punishable by a fine of at least \$65.00 and no more than \$625.00 and/or up to 30 days in jail plus applicable court surcharges and costs.

#### WHEN EFFECTIVE

This ordinance shall be in effect immediately after its final passage and publication as provided by law. In addition, this ordinance shall remain in effect until such time the Board of Supervisors passes a future ordinance repealing this ordinance. This ordinance should be reviewed by the Board of Supervisors annually.

Passed and approved this 9<sup>th</sup> day of May, 2016.

Allamakee County Board of Supervisors - Chairman – Larry Schellhammer; ATTEST - Allamakee County Auditor