ORDINANCE NO. 132

REGULATING THE OPERATION OF ALL-TERRAIN AND OFF-ROAD VEHICLES IN BOONE COUNTY

SECTION 1 PURPOSE: This ordinance shall designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may operate.

SECTION 2 DEFINITIONS: The definition of terms used in this ordinance are:

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 non-highway tires that is limited by 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 vehicle," as defined in Iowa Code section 321I.1(18)(a), means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks 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. "Off-road utility vehicle" includes the following vehicles:

(1) "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.
(2) "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.
(3) "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 in Iowa Code section 321I.1, means that portion of a highway improved, designed, or ordinarily used for vehicular travel. Roadway does not include the ditch.

SECTION 3 OPERATION ON ROADWAYS: If an All-Terrain Vehicle is properly registered pursuant to Iowa Code section 321I.3 and with proper identification under Section 5 of this ordinance, may be operated on any gravel roadway in Boone County pursuant to the restrictions in this ordinance and those restrictions imposed by the Iowa Code. The operation under this ordinance applies to those gravel roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation. Such operation must begin after official sunrise and must cease before official sunset. An all-terrain vehicle and/or off-road utility vehicle may stop at service stations or convenience stores along the designated roadway.

In the event that a person residing on a county blacktop wishes to operate an all-terrain vehicle and/or an off-road utility vehicle on the gravel roadways, said person may operate on the shoulder of the county blacktop for a reasonable distance to reach the permissible county gravel roadway.

SECTION 4 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 posted speed limit or greater than reasonable and/or proper under existing circumstances but in no case above 45 miles per hour.
2.) In a careless manner such that it creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.
3.) Without a lighted white light to the front and lighted red light to the rear, both of which shall be installed and operated in accordance with industry standards and practices for the vehicle.
4.) While under the influence of intoxicating liquor or narcotics or drugs.
5.) Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Chapter 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of insurance on board. An owner or driver cited for a violation, who produces to the clerk of court prior to the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issues shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.
6.) A person shall not operate an All-Terrain or Off-Road Utility Vehicle on any designated riding area or designated trail unless the riding area or trail is signed as open to All-Terrain or Off Road Utility Vehicle operation.
7.) A person shall not operate an All-Terrain or Off-Road Utility Vehicle unless the operator is 16 years of age or older and has a valid Iowa Driver's License.

SECTION 5 IDENTIFICATION REQUIREMENTS: Individuals who operate on gravel roadways in Boone County must obtain an identification plate from the Office of the Boone County Recorder. 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 or sale, registration and other documentation accepted by the Recorder.
2.) Identification plates will be issued for only one All-Terrain Vehicle or Off Road Utility Vehicle and are not transferable.
3.) Identification plates shall be affixed to the rear of the vehicle so that the permit is clearly visible.

SECTION 6 EXEMPT VEHICLES AND OPERATORS: This Ordinance does not apply to any exemption under the Iowa Code for All-Terrain Vehicles and Off-Road Utility Vehicles operated pursuant to Iowa Code section 321I.9(government and farm implements) or Iowa Code section 321.234A (incidental to and use for agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code section 352.2, 321I.14(3)(b)(farm operations).

SECTION 7 PENALTIES: Violation of this Ordinance shall constitute a Simple Misdemeanor punishable by a fine of $65.00 to $625 plus the applicable court surcharge and costs and/or up to 30 days in jail.

SECTION 8 SEVERABILITY CLAUSE: If any section, provision, or part of this ordinance shall be adjudged 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 9 EFFECTIVE DATE: This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and Approved by the Boone County Board of Supervisors, this _____day or _____, 2016.

Introduction and First Reading: _____

Second Reading:_____

Third and Final Reading:_____

_____
Thomas Foster, Chairman
Boone County Board of Supervisors

Attest: _____
Philippe E. Meier
County Auditor