

## **AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN BUCHANAN COUNTY, IOWA.**

**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 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 non-highway 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 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 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 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.** 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 Iowa Code. 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. Such operation may begin one hour after sunrise and must cease one hour before sunset.

**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 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.
- 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 riding areas, designated riding trails, 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.

**SECTION 5 REGISTRATION REQUIREMENT AND OTHER CONDITIONS.**

Individuals who operate on gravel roadways in Buchanan County must register the machine 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) Machines registered in Iowa are required to display their current registration decal and carry their certificate on board.
- 3) Machines 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.

**SECTION 6 EXEMPT VEHICLES.** Registration shall not be required for All-terrain Vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code section 321I.9(3).

**SECTION 7 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.

**SECTION 8 EFFECTIVE DATE.** Ordinance effective on February 9, 2014.