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## **CERRO GORDO COUNTY ORDINANCE NO. 64**

### **AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN THE UNINCORPORATED AREAS OF CERRO GORDO COUNTY, IOWA.**

WHEREAS, this ordinance designates the streets and portion of roadways where All-terrain Vehicles and Off-road Utility Vehicles may operate; and

WHEREAS, Iowa Code Chapter 321I authorizes Cerro Gordo County to evaluate and designate roadways for operation which does not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic; and

Whereas, registered All-terrain Vehicles and Off-road Utility Vehicles when operated with lights and by insured and licensed drivers do not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Cerro Gordo, Iowa

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SECTION 1. DEFINITIONS. The definitions of terms used in this ordinance are:

- 1) All-terrain Vehicle (ATV) means as defined by Iowa Code §321I.1
- 2) Off-road Utility Vehicle (UTV) means as defined by Iowa Code §321I.1
- 3) Roadway means that portion of a public street, right of way or highway improved, designed, or ordinarily used for vehicular travel.

SECTION 2. LAWFUL OPERATION. An All-terrain Vehicle or Off-road Utility Vehicle may be operated on Roadways (except State highways) in the unincorporated areas of Cerro Gordo County except in violation of the restrictions in this ordinance and those imposed by the Iowa Code.

SECTION 3. UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle under any of the following conditions:

- 1) In violation of any provision of Iowa Code §321I.4.
- 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) In a manner which causes the road surface material on the roadway to be disrupted or moved in any fashion such as to cause the road surface to have ruts, cause standing water or in any fashion require additional maintenance or grading so as to restore the regular crown or shape.
- 4) 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.
- 5) Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Ch. 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 date of 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 issued 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) On any Grade level C Roadway or dirt road.
- 7) On any Grade level B Roadway, except the portion thereof designed, or ordinarily used for vehicular travel is permitted.
- 8) On any street where, official signs are placed in accordance with the Uniform Sign Manual restricting operation.
- 9) On any land under the control of the Cerro Gordo County Conservation Board.
- 10) Shall not operate any ATV or UTV at a speed above thirty-five (35) miles per hour.
- 11) Shall not operate any ATV or UTV on any hard surface Roadway with a speed limit of fifty-five (55) miles per hour.

SECTION 4. REGISTRATION REQUIREMENTS. An All-terrain Vehicle or Off-road Utility Vehicle operated on a roadway shall be registered pursuant to the Iowa Code.

- 1) Those registered in Iowa shall display the current registration decal and shall carry the certificate on board.
- 2) Those registered in another state shall display the current indicia of registration and shall carry the certificate on board in compliance with the other state law.

- 3) All operators under this ordinance shall be sixteen years of age or older and have a valid driver's license.
- 4) All operators born after the year 1995 shall have successfully completed the ATV/UTV course through the Iowa DNR and carry proof of completion while operating the ATV or UTV.

SECTION 5. EXEMPT VEHICLES & 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 §321I.9 (government and farm implements) or Iowa Code §321.234A (incidental to and use for agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code §§352.2, 321I.14(3)(b)(farm operations).

SECTION 6. PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine only as provided by the Iowa Code plus the applicable court surcharge and costs.

SECTION 7. JURISDICTION. The provisions of this Ordinance shall apply throughout the unincorporated areas of Cerro Gordo County, Iowa.

SECTION 8. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. 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 10. EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First Consideration: February 5, 2019  
Second Consideration: February 12, 2019  
Third & Final Consideration: February 26, 2019

PASSED AND APPROVED this 26th day of February, 2019

AYES: Watts, Latham, Callanan

NAYS: None

ABSENT-NOT VOTING: None

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Chris Watts, Chairman  
Cerro Gordo County Board of Supervisors

ATTEST:

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Becky Kirchgatter  
Deputy Auditor