

**ORDINANCE NO. \_\_\_\_9-2\_\_**

**REGULATIONS FOR USE OF ALL-TERRAIN OR OFF-ROAD UTILITY  
VEHICLES ON COUNTY ROADWAYS**

**By the Board of Supervisors of Louisa County, Iowa**

***SECTION 1 - PURPOSE***

The purpose of this ordinance is to identify regulations regarding All-Terrain Vehicle and/or Off-Road Utility Vehicle operation on the portion of county roads as designated by the Louisa County Board of Supervisors. The intention of this ordinance is to allow utilitarian, rather than recreational, use of the county roads by All-Terrain Vehicles and/or Off-Road Utility Vehicles.

***SECTION 2 - DEFINITIONS***

1. "All-Terrain Vehicle" (ATV) means a motorized flotation-tire vehicle with not less than four and not more than six low pressure tires that is limited in engine displacement to less than 1000 cubic centimeters and in total dry weight to less than 1000 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" (UTV) 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 1500 cubic centimeters and in total dry weight to not more than 1800 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 3 - OPERATION ON ROADWAYS PERMITTED***

A registered ATV and/or UTV may be operated on the Louisa County, Iowa, secondary roadways; operation on Level C roadways is not permitted. A person may operate an ATV and/or UTV on paved and gravel secondary roadways. Operation of an ATV and/or UTV on Louisa County roadways is only permitted from sunrise to sunset. The operator of an ATV and/or UTV must obey all applicable provisions of the Code of Ordinances of Louisa County, Iowa and Code of Iowa related to motor vehicle traffic and parking regulations.

#### **SECTION 4 - RESTRICTIONS**

1. A person shall not drive or operate an ATV and/or UTV:
  - a. At a rate of speed greater than 35 miles per hour.
  - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
  - c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
  - d. Without a lighted headlight and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a distance of three hundred feet ahead and behind.
  - e. Without adequate brakes and brake lights.
  - f. Upon an operating railroad right-of-way; an ATV and/or UTV may be driven directly across a railroad right-of-way only at an established road 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.
2. A person shall not operate an ATV and/or UTV with more persons on the vehicle than it is designed to carry.
3. A person shall not operate an ATV and/or UTV unless the operator has a valid Iowa driver's license, is at least 16 years of age, the vehicle is duly registered with the Iowa Dept. of Natural Resources (IA DNR), and the operator has proof of insurance.
4. A person born after 1995, shall be required to take and pass an Iowa DNR approved ATV Education Course.
5. This ordinance does not apply to a person who operates an ATV and/or UTV as part of a farm operation as defined in the Code of Iowa.

#### **SECTION 5 - PENALTIES**

Violation of this resolution constitutes a Simple Misdemeanor, punishable by a fine of at least \$65 and no more than \$625.00 and/or up to 30 days in jail.

**SECTION 6 - REPEALER**

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

**SECTION 7 - SERVERABILITY 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.

**SECTION 8 - WHEN EFFECTIVE**

This ordinance shall be in effect after final passage, approval and publication as provided by law.

Passed and approved this 3 day of May, 2016.

ITS first consideration read on 21st day of April, 2016

ITS second consideration read on 26th day of April, 2016

ITS third consideration read on 3rd day of May, 2016.

FINAL reading and consideration and Adoption on the 3rd of May, 2016


APPROVED this 3rd of May 2016

Attest

 By:  
Sandi Elliott, Auditor

LOUISA COUNTY BOARD OF SUPERVISORS,

  
Chair: Paula Buckman

  
Chris Ball

  
Randy Griffin