

## MILLS COUNTY ORDINANCE NO. 19-03

### AN ORDINANCE AUTHORIZING THE REGISTRATION AND OPERATION OF ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES IN MILLS COUNTY, IOWA

**SECTION 1 – PURPOSE.** The purpose of this Ordinance is to designate the secondary roads within Mills County, Iowa where all-terrain vehicles and off-road utility vehicles may be operated and how they must be operated on any such roadways.

**SECTION 2 – DEFINITIONS.** The definition of terms used in this Ordinance are as follows:

1. “All-Terrain Vehicle” or “ATV” – 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 Utility Vehicle” or “UTV” – as defined in Iowa Code Section 312I.1(17)(a), means a motorized vehicle with not less than four and not more than eight non-highway 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.
3. “Roadway” as defined in Iowa Code Section 321I.1(26), means that portion of a highway improved, designed, or ordinarily used for vehicular travel. Roadway does not include the shoulder or ditch.

**SECTION 3 – LAWFUL OPERATION ON ROADWAYS.** It is the intent of this Ordinance to keep ATV and UTV operation on Mills County paved roadways to a minimum. As a result, registered ATVs and UTVs may be operated on Mills County gravel roadways. In the event that there is no permissible Mills County gravel roadway available or it is not possible to reach the desired destination by use of Mills County gravel roadways alone, ATVs and UTVs may be operated on Mills County paved roadways for a reasonable distance to allow the operator to arrive at the nearest available Mills County gravel roadway or the desired destination. This Ordinance shall not be construed to permit or opine on the operation of ATVs and UTVs on State highways or municipal roadways.

ATVs and UTVs must be operated by insured and licensed drivers and in accordance with the restrictions imposed by this Ordinance, the laws of the State of Iowa, and any applicable municipal ordinance. ATVs and UTVs must be operated in such a manner as to not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic. ATV and UTV operation must begin after official sunrise and must cease before official sunset or must be performed with a lighted white light to the front and a lighted red light to the rear.

**SECTION 4 – UNLAWFUL OPERATION.** A person shall not operate an ATV or UTV in Mills County, Iowa under any of the following conditions:

1. In violation of any provision of Iowa Code Section 321I.4
2. At a rate of speed greater than the posted speed limit or greater than reasonable or proper under existing circumstances and conditions.

3. In a careless or reckless 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.
4. 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 to require additional maintenance or grading so as to restore the regular crown or shape of the road surface.
5. During the time after official sunset and before official sunrise unless equipped with adequate lighting as described in paragraph 6 below.
6. 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, functional, and on at all times of operation.
7. Without seatbelts when operating or riding in a side-by-side and operated in accordance with industry standards and practices for the vehicle.
8. Without using proper turn signals or hand signs.
9. While the operator is 18 years of age or older and or without a valid driver's license.
10. With more persons on the vehicle than it was designed to carry.
11. While under the influence of alcohol, controlled substances, or illegal drugs.
12. Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Chapter 321A) in an amount not less than that amount set forth in Section 5 of this Ordinance and shall carry proof of insurance on board at all times of operation. 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.
13. On any roadway where official signs are placed in accordance with the Manual of Uniform Traffic Control Devices restricting operation.
14. On any land under the control of the Mills County Conservation Board where Official Rules have been adopted and signs placed in accordance with the Manual of Uniform Traffic Control Devices restricting operation.
15. On any designated riding area or designated trail unless the riding area or trail is signed as open to ATV or UTV operation.
16. On any snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.
17. In the ditch or the area between the edge of the shoulder to the bottom of the ditch or any other area that does not constitute the roadway or shoulder.
18. In violation of this Ordinance, or any other Mills County Ordinance or State law.

**SECTION 5 – REGISTRATION AND IDENTIFICATION.** Any and all ATVs or UTVs operated on Mills County roadways shall be registered pursuant to the Iowa Code and must also be registered with the Office of the Mills County Recorder. Mills County ATV and UTV registration shall have an initial registration fee of thirty dollars (\$30.00) with an annual renewal fee of fifteen dollars (\$15.00). Upon registration and/or renewal, the Office of the Mills County

Recorder will provide an identification decal for the registered vehicle. The following conditions apply:

1. The individual applying for an identification decal shall be 18 years or older and possesses a valid driver's license.
2. The owner of each ATV or UTV shall be required to provide proof of ownership including but not limited to, title, State registration, and other documentation accepted by the Recorder.
3. The owner of each ATV or UTV at time of registration and purchasing of the identification decal shall be required to prove liability insurance with the minimum coverage of fifty thousand dollars (\$50,000.00) bodily injury per person, one hundred thousand dollars (\$100,000.00) bodily injury per accident, and fifty thousand (\$50,000.00) property damage. The minimum coverages must be in effect during operation of an ATV or UTV.
4. Decals will be issued for ATV and UTV and are not transferable.
5. Decals shall be affixed to the rear of the vehicle so that the permit is clearly visible at all times of operation.
6. Decals will be good for up to one (1) calendar year and are valid from January 1 through December 31 of each year.
7. The Mills County Sheriff, or designee, may revoke the decal upon evidence that the owner/operator has violated the conditions of the decal, abused the privileges of being a decal holder, or violated the provisions of this Ordinance. If the decal is revoked there will be no refund for that decal fee. Reinstatement or purchase of a new decal is not allowed for that owner/operator for a period of one (1) year from the date of the revocation.

**SECTION 6 – EXEMPT VEHICLES AND OPERATORS.** This Ordinance does not apply to any exemption under the Iowa Code for ATVs and UTVs operated pursuant to Iowa Code Section 3211.9 (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 Sections 352.2 and 3211.14(3)(b)(farm operations).

**SECTION 7 – PENALTIES.** Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine as provided by the Iowa Code plus the applicable surcharge and court costs. Violation 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 to require additional maintenance or grading so as to restore the regular crown or shape of the road surface shall also be punishable by payment of restitution to Mills County in the amount of the total cost of grading, repair, and/or restoration of the roadway.

**SECTION 8 – JURISDICTION.** The provisions of this Ordinance shall apply throughout Mills County, Iowa, including municipalities which have not enacted a municipal ordinance dealing with similar subject matter.

**SECTION 9 – REPEAL.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 10 – SEVERABILITY CLAUSE.** If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, 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 11 – EFFECTIVE DATE.** This ordinance shall take effect on January 1, 2020.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Carol Vinton, Chairman  
Mills County Board of Supervisors

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ATTEST: Carol Robertson, Auditor  
Mills County Auditor