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KISHA MARTIN, RECORDER
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Kisha Martin

Prepared by: Ringgold County Attorney, 109 W. Madison St., Ste. 300, Mt. Ayr, IA – 641-464-3235

RINGGOLD COUNTY
ORDINANCE NO. 2019- = 2019-162

**Ordinance Regulating the Operation of All-Terrain and Off-Road
Vehicles in Ringgold County, Iowa**

Section 1 - Purpose: This ordinance shall designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may operate, and the regulations applicable to said vehicles.

Section 2 - Definitions: The definitions of terms used in this ordinance are:

1. "All-terrain vehicle or ATV", as defined by Iowa Code § 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 Iowa Code § 321I.1(17)(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:

a) "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.

- b) "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.
- c) "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 § 321I.1(26) 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 with the Iowa DNR, pursuant to Iowa Code section 321I.3 and with proper identification under Section 5 of this ordinance, it may be operated on any gravel or hard surface roadway in Ringgold 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 and hard surface roadways belonging to Ringgold County and lying outside the city limits of any incorporated city. This ordinance does not apply to any state highways or roadways within Ringgold County. 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.

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 an intoxicating liquor or narcotics or drugs.
5. On private property without permission of the property owner.
6. 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 the vehicle. 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 issued shall be dismissed by the Court. Upon dismissal, the Clerk of Court shall assess the costs of the action to the defendant named on the citation.

7. On any designated riding area or designated trail unless the riding area or trail is signed as open to all-terrain vehicle or off-road utility vehicle operation.
8. On any County Conservation owned or managed property, including all county parks or walking trails. All state park rules apply.
9. On any snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.
10. Unless the operator is 16 years of age or older and has a valid Iowa driver's license.

Section 5 – Identification Requirements: In addition to the all-terrain vehicle or the off-road utility vehicle being properly registered with the Iowa DNR pursuant to Iowa Code § 321I.3, individuals who operate an all-terrain vehicle or an off-road utility vehicle on gravel or hard surface roadways belonging to Ringgold County must also obtain an annual identification decal from the Office of the Ringgold County Recorder. The duration of the County identification decals shall be the same as the duration of the Iowa DNR decals under Iowa Code § 321I.7. There will be an annual fee of \$10.00. 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, registration, and other documentation accepted by the Ringgold County Recorder.
2. Decals will be issued for individual all-terrain vehicles or off-road utility vehicles and said decals are not transferable.
3. Decals 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 § 321I.9 (government and farm implements) or Iowa Code § 321.234A (incidental to and used for agricultural purposes, government, public utilities, licensed engineers, and licensed surveyors) or Iowa Code §§ 321I.14(3)(b) and 352.2(6) (farm operation). This exemption shall only apply when said vehicles are being operated pursuant to said exemptions and/or requirements.

Section 7 - Penalties: Violation of this Ordinance shall constitute a simple misdemeanor punishable by a county jail sentence not to exceed 30 days and/or a fine of not less than \$65.00 and not more than \$625.00, plus the applicable court surcharge and costs.

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.

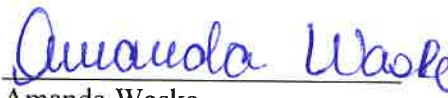
Approved and adopted this 23rd day of September 2019.

Ringgold County Board of Supervisors

ATTEST:




Craig Pennington, Chair



Amanda Waske
Ringgold County Auditor



Lyle Minnick



Ron Landphair