

ORDINANCE _____

Regulations Regarding Off-Road Utility Vehicles on Secondary Roads

Consistent with its legal authority, and to provide for the health, safety and welfare of its citizens, the Winneshiek County Board of Supervisors states:

BE IT ORDAINED that the Winneshiek County Board of Supervisors hereby adopts the following regulations regarding Off-Road Utility Vehicles operated on that portion of Winneshiek County Secondary Roads as designated by the Winneshiek County Board of Supervisors.

- .1 Purpose
- .2 Definitions
- .3 Operation on Roadways
- .4 Restrictions
- .5 Exempt Vehicles
- .6 Enforcement
- .7 Penalties
- .8 Repealer
- .9 Savings Clause
- .10 Effective Date

SECTION .01 PURPOSE

Pursuant to Iowa Code § 321I.10, a person shall not operate an Off-Road Utility Vehicle upon roadways or highways. However, the Board of Supervisors has the authority to allow Off-Road Utility Vehicles on designated county public roadways for a specific period.

The purpose of this ordinance is to designate that portion of Winneshiek County Secondary Roads by the Winneshiek County Board of Supervisors upon which Off-Road Utility Vehicles may be operated and regulated under Iowa Codes 321I, 321.20B, and 321.234A.

SECTION .02 DEFINITIONS

1. County means Winneshiek County, Iowa.
2. "Designated Winneshiek County Secondary graveled public roadways" are those Level A public gravel roadways that have a traffic count of 200 vehicles or less per day based upon the Winneshiek County Engineer's most recent traffic study.
3. IDNR means the Iowa Department of Natural Resources.
4. "Off-Road Utility Vehicle" or "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 1,500 cubic centimeters and in total dry weight of not more than 1,900 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.
5. "Roadway" means that portion of a county road system improved, designed, or ordinarily used for vehicular travel.

SECTION .03 OPERATION ON ROADWAYS

- 1) A registered Off-Road Utility Vehicle may be operated on designated Winneshiek County Secondary graveled public roadways, with the exception of Level B and Level C roadways, provided however, in the event that a person wishes to operate an Off-Road Utility Vehicle on the permissible county gravel public road, then, and in that event, said person may so operate on the county pavement or a Level A secondary road that is not a designated roadway only so far as to reach the closest permissible county gravel public road; to stop at service stations or convenience stores along a designated roadway.

The Winneshiek County Engineer shall:

- a) Prepare a list of designated roadways annually, and updated on January 2 of each calendar year, at which time the current map designated roadways will be updated if there are changes to the Designated Winneshiek County Secondary graveled public roadways.
 - b) Post a copy of the current map of designated roadways on the County website and make copies of the maps available at the Winneshiek County Engineer's office.
 - c) In the event of an emergency, the Winneshiek County Engineer is authorized to close or terminate any Off-Road Utility Vehicle route, subject to review and approval of the Winneshiek County Board of Supervisors within 20 days of the closure or termination. Any such road closure by the Winneshiek County Engineer shall be properly signed to provide notice of the road being closed to Off-Road Utility Vehicles.
 - d) A roadway closed due to a natural disaster will not require signage, but notice will be posted by the County Engineer on the County website.
- 2) Operational time of day shall be sunrise to sunset, as established by the National Weather Service, at which time said operations shall cease.
 - 3) A person wishing to operate an Off-Road Utility Vehicle in Winneshiek County shall obtain a registered user permit from the office of the Winneshiek County Engineer for the Off-Road Utility Vehicle. A user permit shall be valid for the calendar year in which the permit was purchased. Application shall be made in a form supplied by the Winneshiek County Engineer. All Off-Road Utility Vehicle owners must provide proof of liability insurance at all times when operating on a roadway. A certificate of insurance and a valid DNR registration for the UTV must be submitted at the time of the permit application. The fee for a user permit shall be forty dollars. Upon issuance of a permit, the Winneshiek County Engineer will provide the permittee a copy of this ordinance and a copy of the current map of designated Winneshiek County Secondary graveled public roadways.

SECTION .04 RESTRICTIONS

1. A person shall not drive or operate an Off-Road Utility Vehicle on a public roadway:
 - a. Unless they have a valid driver's license—not including driver's permits—are registered with the IDNR and Winneshiek County with properly displayed registration decals and have a valid proof of liability insurance on their Off-

Road Utility Vehicle.

- b. At a rate of speed greater than 35 miles per hour or the posted speed limit, whichever is less.
 - c. In a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
 - d. While under the influence of intoxicating liquor or narcotics or habit-forming drugs as prescribed under chapter 321J of the Code of Iowa.
 - e. Without a lighted headlight, taillight, and turn signals to render clearly discernible persons and vehicles at a distance of five hundred feet ahead and back, and have a minimum one mirror to allow visibility to a minimum distance of 200 feet behind the vehicle.
 - f. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a non-meandered stream, which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossings of public roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of Off-Road Utility Vehicle on ice.
 - g. In inclement weather or when visibility is impaired.
2. An Off-Road Utility Vehicle shall only be operated on a public roadway when in compliance with the following requirements:
- a. Upon operating within railroad right-of-way, an Off-Road Utility Vehicle may be driven directly across railroad right-of-way only at an established 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.
 - b. Riders under the age of 18 years old shall wear an approved helmet.
 - c. The operator and riders of an Off-Road Utility Vehicle shall wear the seatbelt or harness as so equipped by the manufacturer.
 - d. Operators under age of 18 shall have a valid IDNR Certification for Off-Road Utility Vehicle education course.
 - e. Operators shall abide by all traffic laws and posted traffic signs, except as specifically prescribed in this ordinance.
 - f. All Off-Road Utility Vehicle operators shall ride in single file on the extreme right-hand side of the roadway and shall make left turns across the road only if it is safe to do so under prevailing conditions.
 - g. The provisions of Iowa Code section 321.20B requiring the Owner/Operator to provide proof of financial responsibility is adopted and violation of this provision shall constitute a civil infraction as provided by Iowa Code section 331.302(5).
 - h. .
3. Any person operating an Off-Road Utility Vehicle with a firearm in the operator's

possession, shall abide by any applicable state laws during the time this ordinance is in effect.

4. A person shall not operate an Off-Road Utility Vehicle with more persons on the vehicle than it was designated to carry.
5. A person shall not operate an Off-Road Utility Vehicle on a designated trail other than Secondary Roads unless the trail is signed as open to Off-Road Utility Vehicle operation.
6. A person shall operate their Off-Road Utility Vehicle only on the traveled portion of a roadway, shall not operate their Off-Road Utility Vehicle a grass shoulder, grass slopes or in the road ditches.

SECTION 05. EXEMPT VEHICLES

This ordinance shall not apply to Off-Road Utility Vehicles and All-Terrain Vehicles operated in compliance with Iowa Code section 321.234A, subsection 1, paragraph “a” (2017, as amended).

SECTION 06. ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer of the Winneshiek County Sheriff's Office, or any other peace officer as set forth in Iowa Code § 801.4(11). Enforcement shall follow the procedures set forth in Iowa Code § 331.307 (2017, as amended).

SECTION 07. PENALTIES

Violation of this Ordinance constitutes a Civil Infraction as defined by Iowa Code § 331.307, punishable by the following schedule plus applicable court fees and costs:

1. Illegal Operation of an UTV on or off roadway in a manner for which a violation is not otherwise specified in this section.	\$200.00
2. Operate a UTV without proof of liability insurance (financial responsibility)	\$250.00
3. Operation of an UTV without valid registration permits	\$200.00
4. Speeding, on or off roadway	\$150.00
5. Failure to Operate Single File:	\$150.00
6. Failure to Illuminate Headlights or Taillights	\$150.00
7. Operating an UTV Without Safety Certificate	\$150.00
8. Operating an UTV Without Approved Helmet	\$150.00
9. Damage to Route or UTV Sign or Removal of Sign	\$500.00
10. Illegal Possession of UTV Sign	\$250.00

SECTION 08. REPEALER. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 09. SAVINGS CLAUSE. If any section, provision, or part of this ordinance shall

be adjudged invalid, illegal 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, illegal or unconstitutional.

SECTION 10. EFFECTIVE DATE. This ordinance shall be in effect January 1, 2019. In addition, this ordinance shall remain in effect until such time the Board of Supervisors passes a future ordinance amending or repealing this ordinance.

Passed and approved this _____ day of _____, 2018.

Winneshiek County Board of Supervisors

John Logsdon, Chair

Attest:

Benjamin Steines, Auditor

First Reading: _____

Second Reading: _____

Third Reading: _____

Approved: _____

Published: _____