

ORDINANCE #44

Regulations Regarding All-Terrain and Off-Road Utility Vehicles

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SECTION 01 PURPOSE.

The purpose of this ordinance is to designate that portion of county secondary roads designated by the Wright County Board of Supervisors upon which all-terrain vehicles and off-road utility vehicles may be operated.

SECTION 02 DEFINITIONS.

1. "All-terrain Vehicle" means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,000 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" 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 to not more than 1,800 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 county road improved, designed, or ordinarily used for vehicular travel.

SECTION 03 OPERATION ON ROADWAYS.

A registered all-terrain vehicle or off-road utility vehicle may be operated on the Wright County, Iowa, graveled roadway pursuant to the conditions of this resolution. In the event that a person residing on a county blacktop wishes to operate an all-terrain vehicle and/or an off-road utility vehicle on the permissible county gravel roadways, then, and in that event, said person may so operate on the shoulder of the county blacktop only so far as to reach the permissible county gravel roadway from one-half hour after sunrise to one-half hour before sunset.

SECTION 04 RESTRICTIONS

1. A person shall not drive or operate an all-terrain vehicle and/or off-road utility vehicle:
 - a. At a rate of speed not greater than the posted or accepted speed limit, or greater than reasonable or proper under all existing circumstances.
 - 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 alcohol, 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 vehicles at a distance of 500 feet ahead.
 - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
 - f. On any public land, ice, or snow, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.

- g. 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 crossings of public roads or any other 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 all-terrain vehicles on ice.
 - h. Upon an operating railroad right-of-way, an all-terrain vehicle may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, and 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 or ride an all-terrain vehicle and/or off-road utility vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle.
 - 3. a. A person shall not operate an all-terrain vehicle and/or off-road utility vehicle with more persons on the vehicle than it was designated to carry.
b. Paragraph "a" does not apply to a person who operates an all-terrain vehicle as part of a farm operation as defined in Iowa Code Section 352.2.
 - 4. A person shall not operate an off-road utility vehicle on a designated riding area or designated trail unless the riding area or trail is signed by the department as open to off-road utility vehicle operation
 - 5. A person shall not operate a vehicle other than an all-terrain vehicle on a designated riding trail unless the riding area or trail is signed by the department as open to such other use.
 - 6. A person shall not operate an all-terrain vehicle and/or off road utility vehicle unless the operator has an Iowa driver's license, the vehicle is duly registered, and the operator has proof of insurance.

SECTION 05 EXEMPT VEHICLES.

Registration shall not be required for all-terrain vehicles used exclusively as farm implements.

SECTION 06 PENALTIES.

Violation of this Resolution constitutes a Simple Misdemeanor, punishable by a fine of at least \$65.00 and no more than \$625.00 and/or up to 30 days in jail.

PASSED AND ADOPTED on this 31ST day of October, 2011 and effective upon publication.

Chairman, Wright County Board of Supervisors

Attest: Wright County Auditor