

**OFF-ROAD UTILITY AND ALL-TERRAIN VEHICLE OPERATION IN HOWARD COUNTY**

BE IT ORDAINED that the Howard County Board of Supervisors hereby adopts the following regulations regarding all-terrain or off-road utility vehicles operated on that portion of county highways as designated by the Board of Supervisors.

01. Purpose
02. Definitions
03. Operations on roadways
04. Restrictions
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10. Effective Date

**Section .01 Purpose.** The purpose of this ordinance is to designate that portion of county highways designated by the Howard County Board of Supervisors upon which all-terrain vehicles or off-road utility vehicles may be operated.

**Section .02 Definitions.** (1) "All-terrain vehicle" 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 one thousand 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 1,900 pounds and that has a seat that is a 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 right of way 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 Howard County, Iowa, graveled roadway, with the exception of Level B and Level C gravel roadways, provided however, in the event that a person residing on a county paved roadway (includes all or partial asphalt, cement, blacktop or seal coat) wishes to operate an all-terrain vehicle and/or an off-road utility vehicle on the permissible county gravel road, then, and in that event, said person may so operate on the shoulder of the county paved roadway only so far as to reach the

permissible county gravel road. Operational time of day shall be one half hour after sunrise to one half hour before sunset as established by the National Weather Service February 1 to December 1 at which time said operations shall cease. If the shoulder is inadequate to accommodate all four wheels, then two wheels may be on the county paved roadway. Updates to said Ordinance can be made at any time and termination of said Ordinance made upon action of Board of Supervisors, at which time said operations shall cease.

#### **Section .04 Unlawful Operation.**

1. A person shall not drive or operate an all-terrain vehicle and/or off-road utility vehicle:
  - a. At a rate of speed greater than 35 mph, nor 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 intoxicating liquor or narcotics or habit-forming drugs.
  - d. Without a lighted headlight and taillight at all such times when conditions provide insufficient lighting to render clearly discernable persons and vehicles at a distance of five hundred 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 person, 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 ford crossing 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 all-terrain vehicle on ice.
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 person shall not operate an all-terrain vehicle and/or off-road utility vehicle:
  - a. 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 section 352.2 per Iowa Code.
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 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 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 a valid Iowa driver's license; and unless the operator, under age eighteen, is wearing a safety helmet and seat belt.

**Section .05 Exempt Vehicles.**

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

**Section .06 Requirements.**

Helmets must be worn for anyone under the age of 18 years old and seatbelts must be worn at all times. Must have headlights on at all times of operation of the UTV/ATV. Must be able to show proof of liability insurance on UTV/ATV.

**Section .07 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, plus court cost.

**Section .08 Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section .09 Severability 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 .010 Effective date.** This Ordinance shall be in effect upon publication in a newspaper of general circulation in Howard County following final approval and passage as provided by law.

First Reading: 7-5-2016

Second Reading: waved 7-5-2016

Third Reading: waved 7-5-2016

Published: 7-13-2016

This Ordinance was passed and approved by the Howard County Board of Supervisors on the 5 day of July, 2016.

I HEREBY CERTIFY that the foregoing ordinance was duly adopted by the Board of Supervisors of Howard County, Iowa, at a regular meeting held on 5 day of July, 2016 by the following vote:

AYES: McGowan, Kubik, Burnikel

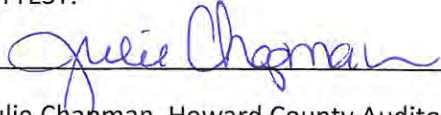
NAYS: None

ABSENTIONS: None

ABSENT: None



ATTEST:



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Julie Chapman, Howard County Auditor



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Don Burnikel, Chairman Howard County Board of  
Supervisors