

CHICKASAW COUNTY ORDINANCE
Title V – Public Order, Safety and Health Ordinance V-16
AN ORDINANCE REGULATING THE OPERATION OF
ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES
IN CHICKASAW COUNTY, IOWA

_____ .01 Purpose	_____ .06 Exempt Vehicles
_____ .02 Definitions	_____ .07 Penalties
_____ .03 Operation on Roadways	_____ .08 Severability Clause
_____ .04 Unlawful Operation	_____ .09 Effective Date
_____ .05 Registration Requirements and Other Conditions	

.01 PURPOSE. The purpose of this ordinance is to designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may be operated and to establish regulations regarding such operation.

.02 DEFINITIONS. The definitions of terms used in this ordinance are:

1. "All-terrain vehicle," as defined in Iowa Code Section 321I.1(1)(a) means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in 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," as defined in Iowa Code Section 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:
 - (1) "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.

- (2) "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.
 - (3) "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 Section 321I.1(26), means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

.03 OPERATION ON ROADWAYS. Registered all-terrain vehicles or off-road utility vehicles may be operated on all county roadways in Chickasaw County pursuant to the restrictions in this ordinance and those restrictions imposed by Iowa Code Chapter 321I and Iowa Code Section 321.234A. Such operation must begin after official sunrise and must cease before official sunset.

.04 UNLAWFUL OPERATION. A person shall not operate all-terrain vehicles or off-road utility vehicles under any of the following conditions:

1. At a rate of speed greater than reasonable or proper under all existing circumstances, having due regard to the traffic, surface and any other condition existing, but not greater than 35 miles per hour.
2. In a careless, reckless or negligent manner so as to:
 - a. Endanger any person, including the operator;
 - b. Cause injury or damage to any person or any property; or
 - c. Create unnecessary spinning, skidding, sliding or cause any wheel or wheels to unnecessarily lose contact with the road surface.
3. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
4. Without a lighted headlamp and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred (500) feet ahead.
5. Without at least one mirror so located as to reflect to the operator a view to the rear of the vehicle a distance of at least two hundred (200) feet.

6. Without operable turn signals.
7. Without the use of safety belts when provided on the vehicle by the manufacturer.
8. Without the vehicle bearing sixteen (16) square inches of red and white reflective tape or factory installed red reflectors or a slow-moving vehicle sign, any of which is clearly visible on the rear of the vehicle.
9. In any tree nursery or planting in a manner which damages or destroys growing stock.
10. On any public land, public ice, or designated riding trail, in violation of official signs prohibiting such operation in the interest of safety for persons, property or the environment.
11. In any park, wildlife area, preserve, refuge or game management area, gravel pit or any other property owned by Chickasaw County.
12. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream or the bed of a nonmeandered stream which has been identified as a navigable stream or river by the Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas; designated riding trails; the use of crossings for agricultural purposes; the use of construction vehicles engaged in lawful construction; or the operation of all-terrain vehicles on ice.
13. On snowmobile trails except where designated by Chickasaw County.
14. Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at established crossings and only after yielding to oncoming traffic. This provision does not apply to a law enforcement officer or a railroad employee with authority to enter upon the railroad right-of-way in the lawful performance of their duties.
15. With more persons on the vehicle than it was designed to carry.
16. On any riding area or trail unless the trail is designated by signs as open to all terrain and off-road utility vehicle operation.

17. Without a valid driver's license.
18. Under the age of 16 years.
19. Without a valid certificate of successful completion of an Iowa Department of Natural Resources approved ATV Education Course if the operator is younger than 18 years of age. Said certificate must be in the operator's possession at all times of operation
20. Without proof of insurance.
21. Without being duly registered, pursuant to the laws of the State of Iowa, including, but not limited to Iowa Code Sections 321.18 and 321.20. This subsection shall not apply to all-terrain or off-road utility vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code Section 321I.9(3).

.05 REGISTRATION REQUIREMENTS AND OTHER CONDITIONS.

Individuals who operate on county roadways in Chickasaw County must register the all-terrain vehicle or off-road utility vehicle with the Iowa Department of Natural Resources. 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: a bill of sale, Iowa Department of Natural Resources registration or registration from the appropriate out-of-state authority, and proof of liability insurance as required by Iowa Code Section 321.20B and 321A.21.
2. All-terrain vehicles or off-road utility vehicles registered in Iowa are required to display a current registration decal and carry a valid registration certificate on board.
3. All-terrain vehicles or off-road utility vehicles registered in another state are required to display a valid Iowa Department of Natural Resources User Permit in addition to displaying a current registration decal and carrying a valid registration certificate on board.

.06 EXEMPT VEHICLES. The registration requirements of this ordinance shall not apply to the following described all-terrain or off-road utility vehicles:

1. All-terrain vehicles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.
2. All-terrain vehicles used in accordance with section 321.234A(1)(a).
3. All-terrain vehicles used exclusively as farm implements.

.07 PENALTIES. Violation of this ordinance shall constitute a Simple Misdemeanor punishable by a fine and/or jail sentence as provided in Iowa Code Section 903.1(1)(a). There shall be a fine of at least sixty-five dollars (\$65.00) but the fine shall not exceed six hundred twenty-five dollars (\$625.00). Imprisonment in the county jail of up to thirty (30) days may be ordered in addition to a fine or in lieu of a fine. Violators shall also be assessed applicable surcharges and courts costs.

.08 SEVERABILITY. If any clause, 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.

.09 EFFECTIVE DATE. This ordinance shall become effective upon passage and publication pursuant to Iowa Code Section 331.302(8).

Adopted this 16th day of March, 2020.

Jacob Hackman

Jacob Hackman, Chair
Chickasaw County Board of Supervisors

Tim Zoll, Vice Chair
Chickasaw County Board of Supervisors

Jason Byrne

Jason Byrne, Board Member
Chickasaw County Board of Supervisors

Steve Geerts

Steve Geerts, Board Member
Chickasaw County Board of Supervisors

David Tilkes

David Tilkes, Board Member
Chickasaw County Board of Supervisors

ATTEST:

Joan E. Knoll

Joan E. Knoll
Chickasaw County Auditor

