
This instrument was prepared by: Chad White, Henry County Supervisor, Courthouse, Mt. Pleasant, IA 52641, Telephone (319) 385-0759 Return to Shelly Barber Henry County Auditor. Courthouse, Mt. Pleasant, IA 52641, Telephone (319) 385-0756.

ORDINANCE OF HENRY COUNTY, IOWA

AN ORDINANCE TO REGULATE THE OPERATION OF ATV/UTV ON CERTAIN COUNTY ROADS

WHEREAS, the purpose of this ordinance is to identify regulations, permissions, and restrictions regarding ATV and UTV operation on Henry County secondary roadways. The ordinance does not relieve the operator's obligations, liabilities and responsibilities to safely and legally traverse the County roadways; and

WHEREAS, the Henry County Board of Supervisors is authorized by the State of Iowa to enact this ordinance by Iowa Code Sections 331.302 and 3211.10(2);

THEREFORE:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRY COUNTY, IOWA AS FOLLOWS:

ARTICLE 1. SHORT TITLE AND JURISDICTION

Section 1. SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the "ORDINANCE TO REGULATE THE OPERATION OF ATV/UTV ON CERTAIN COUNTY ROADS" to the same effect as if the full title was stated.

Section 2. JURISDICTION. This Ordinance is adopted by Henry County, Iowa, specific to regulation and operation of ATV/UTV on certain County roads.

ARTICLE 2. DEFINITIONS:

1. "All-terrain Vehicle or ATV," as defined in Iowa Code Section 321I, means a motorized flotation tire vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand 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 in Iowa Code Section 321I means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is a bucket or bench design, not intended to be straddled by the operator, and has a steering wheel or control levers for control.
3. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.

ARTICLE 3. OPERATION ON ROADWAYS:

It is the intent of this ordinance to keep ATV and UTV operation on Henry County paved roadways to an absolute minimum. To that end, ATV's and UTV's may be operated on Henry County public roads in accordance with Iowa Code. ATV's and UTV's may make a direct crossing of Henry County paved roads. If a permissible public road is not opposite an intersection with a Henry County paved road, ATV's and UTV's may operate on the Henry County paved road only as far as the closest Henry County un-paved public road. The ATV / UTV shall then exit the paved road and operate on the un-paved public road.

Intentional use of an un-paved road (mud riding) which causes rutting and road surface damages is not authorized and can lead to repair costs being assessed to the operator and / or criminal sanctions.

Additional Regulations are as follows:

1. ATV / UTV operation shall be allowed from one hour before sunrise to one hour after sunset as defined in the Sunrise-Sunset Table established by the Iowa Department of Natural Resources.
2. Every ATV or UTV when operated at any time from sunset to sunrise and at such other times when conditions such as fog, snow, sleet, rain, smoke, or dust must provide adequate lighting to clearly illuminate discernable persons and vehicles on the road at a distance of five hundred feet ahead, shall display lighted headlamps and tail lamps as required in IOWA ADMINISTRATIVE CODE 761-450.4.
3. Every ATV / UTV must be equipped with an operable speedometer, operable service brakes, operable electric horn, rear-view mirror(s) and operable head, tail and brake lamps.
4. Every ATV or UTV when operated on public roadways shall have a prominently displayed a Slow Moving Vehicle Triangle sign visible from two hundred feet from its back end and a DAY-GLO orange colored safety flag that extends not less than five feet above the ground attached to the rear of the vehicle. The safety flag must be triangular in shape, with a surface area of not less than 30 square inches.
5. A person shall not operate an ATV or UTV on Henry County roads unless the operator has a valid vehicle driver's license (not a school permit) and is at least 16 years of age.
6. Operation of ATV's with three wheels are prohibited.
7. Operation of an ATV or UTV is only permitted on the authorized roadways or shoulders, not in areas beyond the shoulders which are not ordinarily used for vehicular travel.
8. ATV / UTV should not be operated on the designated snow mobile trails along public roads.
9. All ATV's and UTV's shall be ridden in single file formation and shall not be ridden abreast or side by side of one another while on public roads.
10. All ATV's and UTV's shall obey all "Rules of the Road" as set forth in the Iowa Code.

ARTICLE 4. RESTRICTIONS:

1. A person shall not drive or operate an ATV or UTV:
 - a. At a rate of speed greater than 35 miles per hour.
 - b. Without properly wearing seatbelts in a UTV.
 - c. On an ATV, no passengers are allowed.
 - d. In a side by side formation with another ATV, UTV or other vehicle in traffic.
 - e. In a careless, reckless, or negligent manner as to endanger the person or property of another or to cause injury or damage hereto.
 - f. In a manner that causes the ATV or UTV to skid, slide or yaw or cause the wheels to lose contact with the roadway.
 - g. While under the influence or impairment of drugs or alcohol using the same legal standards and thresholds as any other non-commercial driver's license (CDL) motor vehicle.
 - h. Without a properly functioning and unaltered factory exhaust and muffler system as defined in Iowa Code Section 321I.12.
 - i. On private property without permission of the property owner.
 - j. In any area designated as a native grass or wildflower planting area.
 - k. On any public land or designated riding trail in violation of official signs prohibiting such operation.
 - l. On any public land, ice, or snow not expressly designated by sign as open to all terrain and off-road utility vehicle operation.
 - m. In any park, recreation area, wildlife area, preserve, refuge, or game management area unless permitted by the local governing authority and only then in designated areas.
 - n. On any portion of a meandered stream or the bed of a non-meandered 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, or construction vehicles engaged in lawful activity.
 - o. In a manner which damages or destroys trees growing in any tree nursery or planting area.
 - p. On any riding area or trail unless the trail is designated by sign as open to all-terrain and off-road utility vehicle operation.
 - q. ATV's and UTV's shall only cross railroad right of ways at designated vehicular crossings and shall observe / obey all crossing safety requirements.
 - r. With more persons on the vehicle than it was designed to properly seat.
 - s. In violation of any other regulation as set forth in Iowa Code.
2. Any person operating an ATV or UTV with a firearm in the operator's or passenger's possession shall abide by any applicable state firearms related laws during the time this ordinance is in effect.

ARTICLE 5. REGISTRATION REQUIREMENTS

1. Individuals who operate ATV / UTV's on Henry County roadways must also register the ATV / UTV with the Iowa Department of Natural Resources (IDNR). The following conditions apply:
 - a. The owner of each ATV / UTV shall be required to provide proof of ownership such as a bill of sale, IDNR registration receipt or valid registration receipt from an out-of-state authority. Registration requires insurance coverages of \$50,000 bodily injury per person, \$100,000 bodily injury per accident, and \$50,000 property damage or the same minimum levels of coverage as for a motor vehicle.
 - b. ATV's / UTV's shall be required to be properly registered and current with IDNR registration and display IDNR decal as required. The current registration certificates shall be carried on board the UTV / ATV.
 - c. ATV's and UTV's registered in another state are required to display that states current registration decal and have the registration receipt. In states with no ATV / UTV registration they shall carry a bill of sale or proof of ownership on board the UTV / ATV.
2. No person shall operate an ATV / UTV on Henry County roadways unless the owner possesses a Henry County UTV / ATV Permit issued by the Henry County Recorder. The fee for this permit will be set by the Henry County Board of Supervisors by county resolution.
 - a. The Henry County Recorder shall issue an ATV / UTV permit only when the owner has provided the following:
 - i. Proof that the ATV / UTV is currently registered with the IDNR.
 - ii. Proof that the owner has liability insurance covering the operation of the ATV / UTV on Henry County roadways in the amount as described above.
 - b. All permits shall be issued to a specific ATV / UTV and receive a specific decal for that vehicle. The decal shall be affixed to the rear of the vehicle along with the current IDNR decal as required.
 - c. The current IDNR registration certificate must be carried on board.
 - d. Permits will be valid for one (1) calendar year, January 1st through December 31st. Anyone purchasing a permit for the first time in the last quarter of a calendar year may purchase the permit through December 31st of the next calendar year for an additional \$5.00.
 - e. The Henry County Sheriff may revoke the permit upon evidence that the owner or operator has violated the conditions of this permit or abused the privilege of being a permit holder. If the permit is revoked there will be no refund for that permit fee.

ARTICLE 6. VEHICLES AND OPERATORS

This ordinance does not apply to any exemption under Iowa Code for All-Terrain Vehicles and Off-Road Utility Vehicles operated pursuant to Iowa Code Section 321I.9 (government and farm implements) or Iowa Code section 321.234A (incidental to and use for agricultural purposes, government, public utilities, licensed engineers, and licensed surveyors) or Iowa Code section 352.2, 321I.14(3)(b) (farm operators).

ARTICLE 7. PENALTIES

1. Violation of this Ordinance shall constitute a Simple Misdemeanor punishable as follows:
 - a. A fine of \$100 for a 1st offense violation of this ordinance.
 - b. A fine of \$200 for a 2nd offense violation of this ordinance.
 - c. A fine of \$300 for a 3rd or subsequent offense, plus up to 30 days in jail.
2. All fines are subject to applicable surcharges and court costs.
3. In addition to any possible penalties outlined above, the Sheriff may revoke the County issued permit for up to 90 days for a 2nd offense violation of this ordinance. The owner or operator is allowed to purchase a new permit after the 90-day revocation has lapsed.
4. In addition to any possible penalties outlined above, the Sheriff shall revoke the County issued permit for at least one year for 3rd or subsequent violations of this ordinance. The Sheriff may revoke the County issued permit for an indefinite period

of at least one year for 3rd or subsequent violations of this ordinance. The operator or owner must receive a majority vote of the Henry County Board of Supervisors to allow for reinstatement after the minimum one year of revocation.

- 5. This ordinance shall be exempt from the provisions of Title I Chapter 7 of the Henry County Code of Ordinances.

ARTICLE 8. SEVERABILITY CLAUSE

Section 1. INVALID SECTIONS. If any section, provision, or part of this Ordinance is 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.

ARTICLE 9. REPEAL OF CONFLICTING ORDINANCES

Section 1. CONFLICTING ORDINANCES. All ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE 10. ADOPTION

Section 1. ADOPTION. This Ordinance will take effect upon final publication

FIRST READING on its first consideration on the ____ day of May 2021.

SECOND READING on its second consideration on the ____ day of May 2021.

PASSAGE AND ADOPTION on the ____ day of June 2021.

APPROVED this ____ day of June 2021.

HENRY COUNTY BOARD OF SUPERVISORS

Attest:

Aye: _____
Marc B. Lindeen, Chairman

Shelly Barber, Henry County Auditor

Aye: _____
Greg Moeller, Supervisor

Aye: _____
Chad White, Supervisor

I certify that the foregoing was published on the ____ day of _____, 2021.

Shelly Barber, Henry County Auditor