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ARLENE SCHAUF, RECORDER/REGISTRAR  
JACKSON COUNTY IOWA

## JACKSON COUNTY ORDINANCE #292

### AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS REGARDING THE USE OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES ON JACKSON COUNTY, IOWA SECONDARY ROADS.

#### SECTION 1. PURPOSE.

The purpose of this ordinance is to designate that portion of Jackson County roadways upon which all-terrain vehicles or off-road utility vehicles may be operated and establish rules and regulations for such operation.

#### SECTION 2. DEFINITIONS.

1. "All-terrain Vehicle" (ATV) means a motorized 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 (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred (1,200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "Commission" means the natural resource commission of the department.
3. "Department" means department of natural resources (DNR).
4. "Off-Road Utility Vehicle" (ORV) 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 and includes the following vehicles:
  - a. "Type one" means an ORV with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
  - b. "Type two" means an ORV, other than a type 1 ORV, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
  - c. "Type three" means an ORV with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.
5. "Operate" means to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle or off-road utility vehicle in any manner, whether or not the all-terrain vehicle or off-road utility vehicle is moving.
6. "Operator" means a person who operates or is in actual physical control of an all-terrain vehicle or off-road utility vehicle.
7. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.

#### SECTION 3. OPERATION ON ROADWAYS.

1. All-terrain vehicles and off-road utility vehicles may be operated on secondary roads in Jackson County, Iowa, from January 1 through December 31 as provided in this ordinance.
2. Such operation shall not begin until 4:00 a.m. and must cease by 10:00 p.m..
3. All designated roads shall be marked with proper signage.
4. An all-terrain vehicle or off-road utility vehicle must be registered as provided in Iowa Code Chapter 321I.
5. An operator of an all-terrain vehicle or off-road utility vehicle must comply with the following:
  - a. Possess a valid driver's license.
  - b. Have financial liability coverage and carry proof of financial liability coverage in either paper or electronic format.
  - c. Display the registration decal or nonresident user permit decal on an all-terrain vehicle or off-road utility vehicle in the manner prescribed by rules of the commission.

6. An operator under the age of 18 shall be required to take and pass a DNR-approved ATV Education course and must carry a valid safety certificate onboard as proof that the DNR approved ATV course was successfully completed.

#### SECTION 4. DESIGNATION OF ROADWAYS.

1. All-terrain vehicles and off-road utility vehicles may be operated on secondary roads in Jackson County, Iowa except for those roads designated herein.
2. All level C roads are excluded.
3. Private subdivision roads are excluded.
4. All-terrain vehicles and off-road utility vehicles are not allowed to be operated in construction zones. This exclusion includes the right-of-way and ditches of such construction zones.
5. All-terrain vehicles and off-road utility vehicles are not allowed to be operated on any secondary roads that are temporarily closed. This exclusion includes the right-of-way and ditches of such temporarily closed roads.

#### SECTION 5. RESTRICTIONS.

1. A person shall not drive or operate an all-terrain vehicle or off-road utility vehicle:
  - a. At a rate of speed greater than 35 miles per hour.
  - 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, taillight and properly functioning, unaltered stock muffler as defined in section 321I.12 of the Iowa Code
  - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
  - f. On any public land, public ice or snow, or designated riding trail, in violation of official signs of the commission prohibiting such operation in the interest of safety for 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 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.
  - h. Upon an operating railroad right-of-way. An all-terrain vehicle or off-road utility vehicle may be driven directly across a 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.
2. A person shall not operate an all-terrain vehicle or off-road utility vehicle with more persons on the vehicle than it was designated to carry. No passenger shall ride on any rack or cargo area. This subsection 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.

#### SECTION 6. PENALTIES.

A violation of this ordinance is a criminal offense punishable by a scheduled fine as follows:

Section 3.2	Operate Outside Designate Time	\$135.00
Section 3.4	Operate w/o Registration	70.00
Section 3.5(a)	No Valid Driver's License	260.00
Section 3.5(b)	No Insurance	325.00
Section 3.5(c)	Failure to Display Registration	30.00
Section 3.6	Operate by Person <18yrs w/o Certificate	70.00
Section 4	Operate on Excluded Roads	260.00
Section 5.1(a)	Speeding	135.00
Section 5.1(b)	Careless, Reckless, or Negligent	135.00

Section 5.1(d)	Failure to Have Working Lights & Muffler	30.00
Section 5.1(e)	Operate in Nursery or Planting	135.00
Section 5.1(f)	Operate on Public Lands where prohibited	135.00
Section 5.1(g)	Operate in Park, Wildlife Area, Preserve	135.00
Section 5.1(h)	Operate on Railroad Right of Way	135.00
Section 5.2	Operate w/More Persons than Designed to Carry	135.00

Additionally, the penalty for violating Section 4.4 (construction zones) or 4.5 (temporarily closed roads) shall include restitution for any damage caused.

All fines are also subject to the crime services surcharge under Iowa Code §911.1 and court costs under Iowa Code §602.8106(1)(d) & (e).

**SECTION 7. REPEALER.**

All ordinances and resolutions or parts thereof, in conflict with this ordinance are hereby repealed.

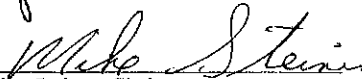
**SECTION 8. SEVERABILITY.**

If any section, provision, sentence, clause, phrase 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 provision, section, subsection, clause, phrase, or part hereof not adjudged invalid or unconstitutional.


**SECTION 9. EFFECTIVE DATE.**

This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF August, 2020.

  
 Mike Steines, Chair  
 Jackson County Board of Supervisors

  
 Larry McDavitt, Member  
 Jackson County Board of Supervisors

  
 John J. Willey, Member  
 Jackson County Board of Supervisors

ATTEST:

  
 Alisa Smith, Auditor