

**WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM**

**#9**

Date: 3/14/19

Weekly Agenda Date: 3/19/19

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Supervisor Rocky De Witt

**WORDING FOR AGENDA ITEM:**

Public hearing and first reading of an ordinance permitting the operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Woodbury County, Iowa

**ACTION REQUIRED:**

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☒

Other: Informational ☐

Attachments ☒

**EXECUTIVE SUMMARY:**

Discussion on an ordinance permitting the operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Woodbury County, Iowa.

**BACKGROUND:**

**FINANCIAL IMPACT:**

Minimal

**IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?**

Yes ☐ No ☐

**RECOMMENDATION:**

**ACTION REQUIRED / PROPOSED MOTION:**

- a. Public hearing for an ordinance permitting the operation of All-Terrain Vehicles and Off-Road Utility in Woodbury County, Iowa
- b. Discussion and action on suspension of 2nd & 3rd readings for an ordinance permitting the operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Woodbury County, Iowa
- c. Discussion and action on an ordinance permitting the operation of All-Terrain Vehicles & Off-Road Utility Vehicles in Woodbury County, Iowa

## WOODBURY COUNTY, IOWA

### ORDINANCE # \_\_\_\_\_

An Ordinance permitting the operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Woodbury County, Iowa

**WHEREAS**, the Board of Supervisors has evaluated the traffic conditions on all County roadways/highways and has determined that all-terrain vehicles and off-road utility vehicles can be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic, and;

**WHEREAS**, pursuant to Iowa Code section 321I.10, the County may permit operation of said vehicles on the roadways of the county, and;

**WHEREAS**, the operation of said vehicles would be regulated under Iowa Code Chapters 321I, 321.20B, 321A.21, and other applicable provisions of the Iowa Code;

**NOW**, therefore be it resolved by the Board of Supervisors that the following regulations are hereby adopted regarding operation of all-terrain vehicles and off-road utility vehicles on county roadways within Woodbury County, Iowa:

#### Section 1: Purpose

To designate the county roadways upon which all-terrain vehicles and off-road utility vehicles may operate and to establish regulations regarding such operation.

#### Section 2: Definitions

1. All-Terrain Vehicle 321I.1(1)(a): means a motorized vehicle with not less than three and not more than six non-highway tires that is limited by 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 321I.1(17)(a): 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 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 vehicles include Type 1, Type 2 & Type 3 vehicles.
3. Roadways 321I.1: means that portion of the highway improved, designed or ordinarily used for vehicular travel. Roadway does not include the ditch.

#### Section 3: Operation on Roadways

A vehicle properly registered with the Iowa DNR, pursuant to Iowa Code section 321I.3, and with proper Woodbury County identification, pursuant to Section 5 of this ordinance, may be operated on any roadway in Woodbury County, Iowa pursuant to the restrictions in this ordinance and those restrictions imposed by Iowa Code. All-Terrain Vehicles and Off-Road Vehicles shall not be operated on dirt or earth surface roads or other Class B roads when wet conditions exist that would cause damage to the roadway or would cause the vehicle to get stuck. They are prohibited from Class C Roads. Operation under this

ordinance is only permitted on the county roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation. Operation is not permitted at any time on Interstate 29 and state highways.

#### Section 4: Unlawful Operation

A person shall not operate an All-Terrain Vehicle or Off-Road Utility Vehicle on county roadways under any of the following conditions:

1. At a rate of speed greater than the posted speed limit.
2. In a careless, reckless or negligent manner.
3. Without a lighted headlight or taillight.
4. In any tree nursery or planting in a manner which damages or destroys growing stock.
5. On private or public land prohibiting such operation.
6. In any park, wildlife area, preserve, refuge or game management area.
7. 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 Iowa DNR and which is covered by water. Does not apply to designated riding areas and designated riding trails.
8. Upon an operating railroad right-of-way. May be driven directly across a railroad right-of-way only at established crossings.
9. With more persons on the vehicle than it was designed to carry.
10. While under the influence of intoxicating liquor or narcotics or drugs.
11. Without a valid driver's license and proof of insurance.
12. Under the age of 18.

#### Section 5: Identification Requirements

Individuals who operate an All-Terrain Vehicle or Off-Road Utility Vehicle on the roadways of the county must obtain an identification sticker from the office of Woodbury County Treasurer. The following conditions apply:

1. For each vehicle, the owner must provide proof of ownership, current registration with the Iowa DNR and proof of liability insurance.
2. Pay an annual registration fee in the amount of \$25.00.
3. Stickers must be affixed to the right-rear portion of the vehicle such that it is clearly visible.
4. Stickers are non-transferable.
5. Out of state vehicles are also required to be registered with Iowa DNR.

#### Section 6: Exempt Vehicles and Operators

This ordinance does not apply to any vehicles operated pursuant to Iowa Code section 321I.9 (government and farm implements) or Iowa Code section 321.234A (agricultural purposes, government, public utilities, licensed engineers and licensed surveyors).

#### Section 7: Penalties

Violation of this ordinance shall constitute a simple misdemeanor punishable by a minimum fine of \$65.00 and a maximum fine of \$625.00, plus applicable surcharges and court costs.

#### Section 8: Effective Date

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

Passed and approved this \_\_\_\_\_ day of \_\_ \_\_\_\_, 2019.

Woodbury County Board of Supervisors

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Keith Radig, Chairman

ATTEST:

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Patrick Gill, Woodbury County Auditor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved: \_\_\_\_\_

Published: \_\_\_\_\_