

Chapter 12
All-terrain and Off-road Vehicles
(Ordinance #2020-03/September 11, 2020)

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12.01 **PURPOSE:** This ordinance shall identify regulations regarding all-terrain vehicles and/or off-road utility vehicles operation on all approved county roads.

12.02 **DEFINITIONS:** below definitions are compliant with 321I of the Iowa Code

12.02.01 **All-terrain Vehicle** – 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 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.

12.02.02 **Off-Road Vehicle** - 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 vehicle" includes the following vehicles:

- a. (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.
- b. (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.
- c. (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.

12.02.03 **Roadway** - means that portion of a roadway improved, designed, or ordinarily used for vehicular travel.

12.03 **OPERATION ON ROADWAYS:**

12.03.01 If an all-terrain vehicle or off-road vehicle is properly registered pursuant to Iowa Code section 321I.3 and is equipped with the minimum level of safety equipment as prescribed in Section 4 of this ordinance, the vehicle may be operated on any County public roadway within Pottawattamie County.

12.03.02 The operation under this ordinance applies to those 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 shall be permitted on Farm to Market

roadways through cities with a population of less than 2500 population whether an ordinance exists or not.

- 12.03.03** Individuals who operate an all-terrain or off-road vehicle must have a valid state driver's license, proof of liability insurance, and Iowa Department of Natural Resources registration or registration from the appropriate out of state authority on their persons while operating said vehicle.
- 12.03.04** Operation of all-terrain or off-road vehicles on County public roadways shall be conducted in accordance with all State of Iowa traffic laws and posted signage.

12.04 **MINIMUM EQUIPMENT STANDARDS FOR OPERATION:**

- 12.04.01** Vehicles more than 40 inches wide shall be equipped with turn signal lamps and have a manually operated switched controlled by the driver.
- 12.04.02** Vehicle shall be equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and shall be fully illuminated when the headlamp(s) are activated.
- 12.04.03** Vehicles shall be equipped with an electrically actuated horn, and emit a sound clearly audible from a distance of 200 feet. The horn shall be actuated with a switch easily accessible to the driver when operating the vehicle.
- 12.04.04** Vehicles shall be equipped with a headlamp that shall be in a plane that is perpendicular to a vertical plane through the longitudinal centerline of the vehicle. The headlamps shall be mounted not less than 24 inches, nor more than 54 inches, above the road surface when measured to the headlamp center.
- 12.04.05** Vehicles shall be equipped with tail lamp or lamps mounted on the rear of the vehicle, exhibiting a red light plainly visible from a distance of 500 feet to the rear. The tail lamps shall be mounted not less than 15 inches, nor more than 72 inches, above the roadway.
- 12.04.06** Vehicles shall be equipped with a stop lamp that is actuated by the brake switch to indicate braking of the vehicle.
- 12.04.07** Vehicles shall be equipped with a DOT rated tire which shall display the proper markings on the sidewall of the tire.
- 12.04.08** Vehicles shall be equipped with a rear facing mirror and shall provide the operator with a clear view of the rear.

12.05 **REQUIREMENTS OF OPERATION:** Individuals who operate on roadways in Pottawattamie County must adhere to all applicable County Ordinances and provisions of the Iowa Code. In addition to the provisions of Iowa Code Chapters 321 and 321I, the following conditions apply:

- 12.05.01** Every all-terrain or off-road vehicle operated upon roadways of Pottawattamie County shall be registered annually with the County Recorder and be required to pay a registration fee in such amount established by the Board. The operator of each all-terrain or off-road vehicle shall be required to provide, upon request by any peace officer, proof of ownership including but not limited to bill of sale or registration. This requirement shall be satisfied if an all-terrain or off-road vehicle is in compliance with the registration requirements of any state within the United States of America.
- 12.05.02** A person shall not operate an all-terrain or off-road vehicle unless the operator has a valid driver's license issued by any state within the United States of America.
- 12.05.03** A person shall not operate an all-terrain or off-road vehicle unless the operator has proof of insurance complying with that required of an operator of a motor vehicle pursuant to applicable provisions of the Iowa Code, Rules and Regulations, including but not limited to Iowa Code 321.20B and 321A.21.

12.05.04

A person shall not drive or operate an all-terrain or off-road vehicle:

- .01 At a rate of speed greater than the posted speed limit.
- .02 In a careless, reckless, or negligent manner so as to;
- .03 Endanger any person
- .04 Cause injury or damage to person or property
- .05 Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
- .06 While under the influence of intoxicating liquor or narcotics or habit-forming drugs as prescribed under chapter 321J of the Iowa Code.
- .07 In any park, wildlife area, reserve, refuge, game management area, or any portion of a 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 trails.
- .08 Upon operating railroad right-of-way, an all-terrain or off-road vehicle may be driven directly across 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 authority to enter upon the railroad right-of-way in the lawful performance of the employee's duty.
- .09 With more persons on the vehicle than designed to be carried or seated.
- .10 The operator and passengers shall wear the seatbelt or harness as so equipped by the manufacturer.

12.06

EXEMPT VEHICLES:

12.06.01

All-terrain or off-road 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.

12.06.02

Registration shall not be required for all-terrain or off-road vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code 321.9(3)

12.06.03

All-terrain or off-road vehicles used in accordance with section 321.234A, subsection 1, paragraph "a".

12.07

VIOLATIONS AND PENALTIES: The penalty for violating the provisions of this Chapter shall be as set forth in Chapter 1.75.

12.08

FEE SCHEDULE: The fee schedule as set forth in Chapter 1.50 is hereby established for matters pertaining to this Ordinance.