

2023 Factsheet and Frequently Asked Questions for Use of ATVs/ORVs on Pottawattamie County Secondary Roadways

General Operation Guidelines

- Maximum Speed Limit of 35 MPH.
- Must be 18 years or older and poses a VALID driver's license and carry VALID proof of insurance.
- Vehicle must have VALID DNR registration.
- A registered vehicle may only operate on a state highway that is NOT a divided highway (4 lanes) or Interstate Road System.
- You can ONLY drive on a state two lane highway over the most direct and accessible route to and from an all-terrain vehicle park or trail, to the nearest county secondary road, or an authorized city street or your residence.
- You may cross a State Divided 4 lane highway at an intersection from an authorized road as long as it is NOT an Interstate Highway.
- Counties can restrict use of a secondary road if it is under construction or is a detour for normal vehicle traffic.
- Iowa Cities may create their own restrictions for operation within city limits.

County Road Pass

The Pottawattamie County Board of Supervisors requires the purchase of a County Issues Road Pass to operate an ATV or ORV on a Pottawattamie County Secondary Road. The vehicle must also be up to date with its DNR registration. The current annual Road Pass fee is \$50.

Vehicle Requirements for Road Use

Vehicles must be equipped the following accessories and equipment to lawfully operate on Pottawattamie County Secondary Roadways:

- Turn Signals (If vehicle is greater than 40 inches wide)
- Headlights
- Taillights
- Brake Lights
- Horn
- Illuminated Speedometer and Odometer
- DOT Rated Tires
- Rear Facing Mirror

FAQs

Can a City or County Charge for a Road Pass? – Iowa Code prohibits any city from charging a fee. While ATVs/ORVs are allowed to operate on County Secondary Roadway, state law does not prohibit counties from charging a fee.

Can I drive in a City? – Each City can adopt its own rules and regulations on where ATVs/ORVs can operate within its City Limits. Please contact the city you live in or where you will operate the vehicle.

Can I drive in a State Park? – State Law allows for operation on a “through road”, meaning a road that starts and ends outside the boundaries of the park. You may not operate on a side road wholly contained inside the park. This also applies to wildlife/game management areas.

My ATV/ORV is Farm Exempt, Can I Drive on the Road? – Iowa Code §321I.9(3) exempting ATVs used exclusively as farm implements from registration was not changed by the new law. Nor was Iowa Code §321.234A(1)(a) allowing for ATV operation on a highway between sunrise and sunset and incidental to the vehicle’s use for agricultural purposes (including stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator). The new law’s language regarding age and insurance also does not apply to ATVs used for agricultural purposes under Iowa Code §321.234A(1)(a).

ATVs/ORVs used on roadways only for agricultural purposes need not obtain a County Road Pass.

Attachments

Iowa Code §321I.10 (ATV Operation on Roadways, Highways, and Trails.)
Chapter 12 of the Pottawattamie County Code

For complete rules and regulations, please defer to Iowa Code and Pottawattamie County Code. Any place where Pottawattamie County Code and Iowa Code contradict each other, Iowa Code will supersede.

321I.10 Operation on roadways, highways, and trails.

1. A person shall not operate an all-terrain vehicle or off-road utility vehicle upon roadways or highways except as provided in [section 321.234A](#) and [this section](#).

2. A registered all-terrain vehicle or off-road utility vehicle may be operated on an undivided two-lane primary highway that is not part of the interstate road system over the most direct and accessible route between any of the following locations:

- a. An all-terrain vehicle park or trail.
- b. A secondary road on which such vehicles are authorized to operate under [subsection 3](#).
- c. A city street on which such vehicles are authorized to operate under [subsection 4](#).
- d. The vehicle operator's residence.

3. a. A registered all-terrain vehicle or off-road utility vehicle may be operated on any of the following secondary roads:

(1) An unpaved secondary road.

(2) A paved, undivided two-lane secondary road over the most direct and accessible route between any of the following locations:

(a) An all-terrain vehicle park or trail.

(b) Another secondary road on which such vehicles are authorized to operate under this paragraph.

(c) A city street on which such vehicles are authorized to operate under [subsection 4](#).

(d) The vehicle operator's residence.

(3) A paved, undivided secondary road or segment thereof, if authorized by the county board of supervisors. The board shall evaluate the traffic conditions on all such secondary roads under its jurisdiction and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway.

b. Notwithstanding paragraph "a", a county may prohibit the operation of all-terrain vehicles and off-road utility vehicles on a secondary road or segment thereof under its jurisdiction as follows:

(1) When the secondary road or segment thereof is closed to motor vehicle traffic pursuant to [section 306.41](#).

(2) When the secondary road or segment thereof is designated as a detour route pursuant to [section 306.41](#).

(3) For any other secondary road or segment thereof, for no more than seven consecutive days and no more than thirty days in a calendar year when the prohibited days are established by ordinance.

4. A city may regulate the operation of registered all-terrain vehicles and off-road utility vehicles and may designate streets under the jurisdiction of the city within its corporate limits, and two-lane primary and secondary road extensions in the city, which may be used for the operation of such vehicles. In designating such streets, the city may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated street. However, a city shall not charge a fee to operate a registered all-terrain vehicle or off-road utility vehicle within the city.

5. All-terrain vehicles shall not be operated on snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.

6. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

b. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

e. The crossing is made from a street, roadway, or highway on which the all-terrain vehicle or off-road utility vehicle is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.

2004 Acts, ch 1132, §53; 2004 Acts, ch 1175, §371; 2005 Acts, ch 20, §9; 2006 Acts, ch 1030, §37; 2009 Acts, ch 179, §125; 2010 Acts, ch 1186, §10; 2017 Acts, ch 32, §2; 2022 Acts, ch 1105, §8 – 11

Referred to in §321.234A, 331.362, 805.8B(2A)(b)

For applicable scheduled fines, see §805.8B, subsection 2A, paragraph b
Section amended and editorially internally renumbered

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

Sections:	12.01	Purpose
	12.02	Definitions
	12.03	Operation on Roadways
	12.04	Minimum Equipment Standards for Operation
	12.05	Requirements of Operation
	12.06	Exempt Vehicles
	12.07	Penalties
	12.08	Fees

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.