

RESOLUTION #606-03-06-2012

Regulations Regarding All-Terrain or Off-Road Utility Vehicles.

BE IT RESOLVED that the Jackson County Board of Supervisors hereby adopt the following regulations regarding all-terrain or off-road utility vehicles operated on that portion of county roadways as designated by the Board of Supervisors.

- .01 Purpose
- .02 Definitions
- .03 Operations on roadways
- .04 Restrictions
- .05 Penalties

SECTION .01 PURPOSE.

The purpose of the resolution is to designate that portion of Jackson County roadways designated by the Jackson County Board of Supervisors upon which all-terrain vehicles or off-road utility vehicles may be operated.

SECTION .02 DEFINITIONS.

1. "All-terrain Vehicle" means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than 1,000 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" means a motorized flotation-tire vehicle with not less than four and not more than eight low pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and 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.
3. "Roadway" means that portion of the highway improved, designed or ordinarily used for vehicle travel.
4. "Department" means Department of Natural Resources (DNR).

SECTION .03 OPERATION ON ROADWAYS.

A registered all-terrain vehicle or off-road utility vehicle may be operated on designated Jackson County, Iowa roadways from one-half hour after sunrise to one-half hour before sunset for up to ten (10) controlled bi-weekly rides from June 9, 2012 to October 20, 2012, at which time said operations shall cease or with proper notice this schedule may be altered by the Jackson County Board of Supervisors.

SECTION .04 RESTRICTIONS.

1. A person shall not drive or operate an all-terrain vehicle and/or off-road utility vehicle:
 - a. At a rate of speed greater than 35 miles per hour or greater than reasonable or proper under all existing circumstances.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or of 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 321.I.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, ice, or snow, in violation of official signs of the commission prohibiting such operations in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of 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 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; or the operation of all-terrain vehicle on ice.
- h. Upon an operating railroad right-of-way, an all-terrain 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 or ride an all-terrain vehicle and/or off-road utility vehicle with a firearm in the person's possession.
 3. a. A person shall not operate an all-terrain and/or off-road vehicle with more persons on the vehicle than it was designated to carry which is defined as factory approved seat for each and every rider. No passenger shall ride on any rack or cargo area.
b. Paragraph "a" does not apply to a person who operates an all-terrain vehicle as part of a farm operation as defined in section 352.2.
 4. A person shall not operate an off-road vehicle on a designated riding trail unless the riding area or trail is signed by the department as open to off-road utility vehicle operation.
 5. A person shall not operate an all-terrain vehicle and/or off road utility vehicle unless the operator has a valid driver's license; unless the vehicle is registered; and unless the operator has proof of insurance.

SECTION .05 PENALTIES.

Violation of this Resolution constitutes a Simple Misdemeanor, punishable by a fine of at least \$250.00 and no more than \$625.00 and/or up to 30 days in jail.

Adopted and passed on March 6th, 2012 with effective date being the date of publication.

ATTEST:

M. Joseph Deppa
Jackson County Auditor

Lay J. Koo
Chair - Board of Supervisors

Steve Z. fm
Member

John J. Willey
Member