

**RESOLUTION #723-01-07-2020****Regulations Regarding All-Terrain Vehicles and Off-Road Utility Vehicles**

**BE IT RESOLVED** that the Jackson County Board of Supervisors hereby adopt the following regulations regarding all-terrain vehicles and 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

**SECTION .01 PURPOSE.**

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

**SECTION .02 DEFINITIONS.**

1. "All-terrain Vehicle" means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than 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. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.

**SECTION .03 OPERATIONS ON ROADWAYS.**

2. A registered all-terrain vehicle or off-road utility vehicle may be operated on secondary roads in Jackson County, Iowa, excluding all level C roads and private subdivision as designated by the Board of Supervisors annually. Such operation shall not begin until 4:00 a.m. and must cease by 10:00 p.m.
3. These roadways may only be operated by all-terrain vehicles and off-road utility vehicles from January 1 through December 31.


**SECTION .04 RESTRICTIONS.**

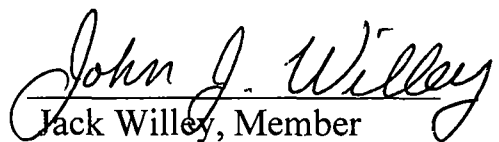
1. A person shall not drive or operate an all-terrain vehicle or off-road utility vehicle:
  - a. At a rate of speed greater than 35 miles per hour or greater than reasonable or proper under all existing circumstances.
  - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or 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 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. Any officer

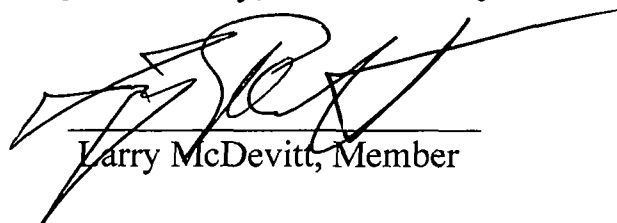
appointed by the commission may post an official sign in an emergency for the protection of persons, property or the environment.

- 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 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; 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. 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 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 Iowa Code Section 352.2.
  3. A person shall not operate an off-road utility vehicle on a designated riding area or designated riding trail unless the riding area or trail is signed by the department as open to off-road utility vehicle operation.
  4. A person shall not operate an all-terrain vehicle or off road utility vehicle pursuant to this resolution unless the operator has a valid driver's license, the all-terrain vehicle or off-road utility vehicle is registered and the operator has proof of insurance.


Adopted and passed on this 7<sup>th</sup> day of January, 2020.

  
 Mike Steines, Chair  
 Chairman, Board of Supervisors

  
 Jack Willey, Member

  
 Larry McDevitt, Member

ATTEST:

  
 Alisa Smith  
 Jackson County Auditor