

ORDINANCE #11-30-20-01
ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND
OFF-ROAD UTILITY VEHICLES IN MUSCATINE COUNTY, IOWA

BE IT ENACTED by the Muscatine County Board of Supervisors:

Section 1. Purpose. This ordinance shall identify regulations regarding the operation of all-terrain vehicles and/or off-road utility vehicles on county roadways designated by the Muscatine County Board of Supervisors. This ordinance shall not apply to, authorize or permit the use of golf carts on any County roadways or authorize the use of ATV's or UTV's on any incorporated City's streets or roadways. In addition, this ordinance shall not be deemed to authorize the use of ATV's or UTV's on private property belonging to others.

Section 2. Definitions. The definitions of terms used in this ordinance are:

1. **All-terrain Vehicle ("ATV")** as defined by Iowa Code § 321I.1 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.
2. **Designated riding area** as defined by Iowa Code § 321I.1 means an all-terrain vehicle riding area on any public land or public ice under the jurisdiction of the Department of Natural Resources that has been designated by the department for all-terrain vehicle use.
3. **Designated riding trail** as defined by Iowa Code § 321I.1 means an all-terrain vehicle riding trail on any public land, private land, or public ice that has been designated by the department, a political subdivision, or a controlling authority for all-terrain vehicle use.
4. **Off-road Utility Vehicle ("UTV")** as defined by Iowa Code § 321I.1 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. "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. "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. "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.
5. **Public ice** as defined by Iowa Code § 321I.1 means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river

areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the Natural Resource Commission of the DNR.

6. **Public land** as defined by Iowa Code § 321I.1 means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321I.8.
7. **Roadway** as defined by Iowa Code § 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Section 3. Operation on Roadways. A registered ATV or UTV may be operated on secondary roadways in Muscatine County pursuant to the restrictions in this ordinance as referenced in Appendix A, and those restrictions imposed by the Code of Iowa. Operation is limited to roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operations. Operators are required to follow all local regulations and ordinances when operating in any incorporated city allowing such operation.

Residents who reside on a restricted roadway are permitted to operate on that restricted roadway only to reach the nearest unrestricted roadway. Residents are permitted to operate on a restricted roadway that is the shortest distance between an unrestricted roadway and the city limits of any incorporated city which has an ordinance or other regulation in effect allowing such operations. Restricted roadways are included in Appendix A, which includes all State of Iowa highways and roads.

A person shall not operate an ATV's or UTV's on secondary roads in Muscatine County, unless the operator has a valid driver's license and is at least 16 years of age. An operator under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved ATV/UTV Education Course and must carry a valid safety certificate while operating the vehicle as proof that the Iowa Department of Natural Resources approved ATV/UTV Education Course was successfully completed and in addition to any other requirements provided for herein.

All-terrain Vehicle and Off-road Utility Vehicle operation on secondary roads that are not otherwise restricted from use, may occur at any time during the day or night, but subject to the requirements of this ordinance. These limitations include, but are not limited to operation with headlights, taillights, brake lights, etc.

Section 4. Unlawful Operation. A person shall not operate an ATV's and/or UTV's under any of the following conditions:

1. At a rate of speed greater than thirty five (35) miles per hour.
2. In a careless, reckless, or negligent manner so as to:
 - a. Endanger any person;
 - b. Cause injury or damage to person or property; or
 - c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground; or
 - d. In a group or processions that exceeds more than ten (10) units, unless authorized by the Sheriff's office and with approved escort.

3. ATV's and/or UTV's shall not be used to pull a trailer, carry or transport persons or property in a trailer and/or to tow another vehicle of any kind.
4. Operation on secondary roads shall be prohibited when road conditions, weather conditions or traffic patterns have changed and make use unsafe. Any emergency detours implemented for State highways and roadways, that are using secondary roads as part of their detour, shall not be used by ATV's or UTV's for the duration of the detour.
5. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
6. Without the following equipment:
 - a. Properly functioning headlights and taillights, operational breaks, functioning brake lights, and speedometer. In the case of an ATV or UTV unit that does not come equipped with a speedometer, no speedometer is required, but speed shall still be maintained under 35 mph. The aforementioned equipment shall be used and in operation at all times, including between sunrise and sunset and then at night.
 - b. A properly functioning muffling device that complies with the standards and procedures required by Iowa Code § 321I.12.
 - c. Rearview mirror, if the All-terrain or Off-road Utility Vehicle is so equipped.
 - d. A slow moving vehicle sign (SMV) properly affixed to the unit. Safety flags and reflective tape are suggested as additional safety precautions, but not required.
7. Without wearing a properly adjusted and fastened seatbelt, if the ATV or UTV is so equipped by the manufacturer (pursuant to Iowa Code Section 321.455) and including the proper use of a "child restraint device" (pursuant to Iowa Code Section 321.446).
8. In any tree nursery or planting in a manner which damages or destroys growing stock.
9. On any public land, public ice, or designated riding trail in violation of official signs prohibiting such operation.
10. In any park, wildlife area, preserve, refuge, or game management area, except on designated riding areas identified by the Department of Natural Resources or designated riding areas identified by the local governing authority. For purposes of clarification, it is permissible to park the ATV's and UTV's in the public parking areas of the County parks, so long as these units are operated in the same fashion as a motor vehicle would be operated and do not cause damage to the parking area.
11. Upon any levee or similar structure owned by or managed by any governmental body or unit.
12. Any portion of a meandered stream or the bed on a non-meandered stream which has been identified as a navigable stream or river by the Iowa Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas, designated riding trails, construction vehicles engaged in lawful activity, and/or the operation of ATV's and UTV's on ice.
13. Upon an operating railroad right-of-way. All ATV's and UTV's may only be driven directly across a railroad right-of-way and then only at established crossings.

14. With more persons on the vehicle than it was designed to carry or without the proper use of all manufacturer provided safety equipment. This paragraph does not apply to a person who operates an ATV or Off-road UTV as part of a farm operation as defined in Iowa Code § 352.2.
15. On any riding area or trail unless the trail is designated by signs as open to ATV and/or UTV operation.
16. With a firearm in the person's possession while operating or riding on an ATV or UTV, unless it is unloaded and enclosed in a carrying case, subject to the following exceptions:
 - a. The person is riding on or operating an ATV on land owned or possessed by the person and the person's conduct is otherwise lawful.
 - b. The person is riding on or operating an ATV or UTV on land that is not owned or possessed by the person and all of the following apply:
 - i. The loaded firearm is a pistol or revolver and is secured in a retention holster upon the person,
 - ii. The person's conduct is within the limits of the permit to carry weapons.
 - c. A nonambulatory person may carry an uncased and unloaded firearm while operating or riding on an All-terrain Vehicle.
17. While discharging a firearm as the operator or passenger, except a nonambulatory person may discharge a firearm from an ATV and/or UTV while lawfully hunting if the person is not operating or riding on a moving All-terrain Vehicle.
18. Under the age of 16.
19. Without a valid driver's license, registration and proof of the state required minimum liability coverage.
20. Without a valid safety certification on board as proof of successful completion of an Iowa Department of Natural Resources approved ATV/UTV Education Course, if the operator is younger than 18 years of age.

Section 5. Registration Requirements and Other Conditions. Individuals who operate on county roadways in Muscatine County must annually register the ATV or UTV with the Iowa Department of Natural Resources. The following conditions apply:

1. The owner of each ATV or UTV shall be required to provide proof of ownership, including but not limited to bill of sale, Iowa Department of Natural Resources registration or registration from the appropriate out-of-state authority, and proof of liability insurance as required by Iowa Code § 321.20B and § 321A.21.
2. ATV's and UTV's registered in Iowa are required to display their current registration decal and carry their certificate on board.
3. ATV's or UTV's registered in another state are required to also display a valid Iowa Department of Natural Resources User Permit in addition to displaying a current registration decal and carrying the certificate on board.

Section 6. Exempt Vehicles. Registration shall not be required for:

1. ATV's and/or UTV's used exclusively as farm implements.
2. ATV's or UTV's 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 purposes, but not for recreational or commercial purposes.
3. ATV's used in accordance with Iowa Code § 321.234A (1) (a).

Section 7. Penalties. Violation of the ordinance shall constitute a simple misdemeanor punishable by a fine of \$65.00 to \$625.00, plus the applicable court surcharge and costs and/or up to thirty (30) days in jail as set forth in Iowa Code § 903.1(1) (a). Any amendments to the simple misdemeanor penalties of Iowa Code § 903.1(1) (a) shall be automatically incorporated into this section without the need of amending this ordinance. To the extent that a person is deemed to be a "repeat offender", under Iowa Code section 321I.36 or as may be deemed appropriate by the Muscatine County Attorney's office, any violations hereunder may be charged using the applicable State provisions then existing under the Iowa Code.

Section 8. Severability Clause. If any section, provision, or part of this ordinance shall be judged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 9. Conflict Clause. For purposes of clarification, nothing in the Ordinance shall allow and operation of ATV's or UTV's on State highways in contravention of Iowa Code Section 321I and then as the Code of Iowa 2020 currently exists or at any time in the future should it be amended by the Iowa Legislature.

Section 10. Public Notification. In an effort to assure public awareness of this ordinance, the Muscatine County Recorder's Office shall provide a copy of the ordinance and Appendix A to each person who registers an ATV or UTV with their office. For purposes of clarification, this transfer of information occurring at the time of registration, is not a defense to a violation of this ordinance by an owner/operator.

Section 11. Effective Date. The ordinance shall become effective upon its passage and publication pursuant to Iowa Code § 331.302(8).

APPENDIX "A"

RESTRICTED ROADWAYS

(See attached map of Muscatine County and designated State and County roadways)

PASSED, APPROVED AND ADOPTED this 30th day of November, 2020.

ATTEST:

Betty L. Wamback
First deputy Auditor

Jeff Sorensen, Chairperson
Muscatine County Board of Supervisors