

**TITLE II – TRANSPORTATION**

**CHAPTER 25**

**USE OF ALL-TERRAIN OR OFF-ROAD UTILITY VEHICLES  
ON COUNTY ROADWAYS**

|                                       |                           |
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25.01 – PURPOSE

The purpose of this ordinance is to designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic in Madison County pursuant to Iowa Code Section 321I.10(2).

25.02 – DEFINITIONS

The following terms are defined:

- (1) “All-terrain vehicle” (ATV) 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) “Off-road utility vehicle” (UTV) 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.

(3) All other terms as defined in Iowa Code Section 321I.1 are hereby incorporated and adopted by ordinance.

#### 25.03 – REGISTRATION

All-terrain vehicles operating on Madison County roads shall be registered pursuant to Iowa Code Chapter 321I.

#### 25.04 – OPERATION ON ROADWAYS PERMITTED

A registered All-terrain Vehicle or Off-road Utility Vehicle may be operated on County roadways in Madison County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle on roads in Madison County unless the operator has a valid driver's license and is at least 16 years of age. Operation of an All-terrain Vehicle and/or Off-road Utility Vehicle is only permitted on the roadway or shoulder, not in the ditch.

#### 25.05 – RESTRICTIONS/UNLAWFUL OPERATION

A person shall not operate an All-terrain Vehicle and/or Off-road Utility Vehicle under any of the following conditions:

- (1) At a rate of speed greater than reasonable or proper under all existing circumstances, but not to exceed 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.
- (3) Without a lighted headlight and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a distance of five hundred (500) feet ahead and behind.
- (4) In any tree nursery or planting in a manner which damages or destroys growing stock.
- (5) On public land, ice or snow in violation of official signs prohibiting such operation.
- (6) In any county park, wildlife area, preserve, refuge or game management area.
- (7) Any portion of a meandered stream or the bed of 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 all-terrain vehicles on ice.
- (8) Upon an operating railroad right-of-way. An All-terrain Vehicle may be

driven directly across a railroad right-of-way only at established crossings. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.

- (9) With more persons on the vehicle than it was designed to carry.
- (10) On any riding area or trail unless the trail is designated by signs as open to All-terrain and Off-road Utility Vehicle operation.
- (11) Under the age of 16.
- (12) Without a valid driver's license.
- (13) Being less than 18 years of age without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved ATV Education Course.
- (14) While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
- (15) When an All-terrain Vehicle and/or Off-road Utility Vehicle is:
  - a. Overtaking a school bus, it shall not pass a school bus when red or amber warning signal lights are flashing. The operator shall bring the All-terrain Vehicle and/or Off-road Utility Vehicle to a complete stop no closer than fifteen feet from the school bus when it is stopped and the stop arm is extended, and shall remain stopped until the stop arm is retracted and the school bus resumes motion.
  - b. Meeting a school bus with flashing amber warning lamps shall reduce the vehicle's speed to not more than twenty miles per hour, and shall bring the vehicle to a complete stop when the school bus stops and the stop signal arm is extended. The vehicle shall remain stopped until the stop signal arm is retracted after which time the driver may proceed with due caution.

#### 25.06 – EXEMPT VEHICLES

Registration shall not be required for All-terrain Vehicles and/or Off-Road Utility Vehicles used exclusively as farm implements or as identified by the Code of Iowa.

#### 25.07 – PENALTIES

A violation of County Ordinance Chapter 25 constitutes a simple misdemeanor.

#### 25.08 – REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

25.09 – 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.

25.10 – EFFECTIVE DATE

This ordinance shall be in effect upon publication in a newspaper of general circulation in Madison County following final approval and passage as provided by law.

This ordinance was passed and approved by the Madison County Board of Supervisors on the 21 day of April, 2015.

AYE Jason Pinn Robert C Duff [Signature]  
NAY \_\_\_\_\_

First Reading 07 April 2015

AYE Jason Pinn Robert C Duff [Signature]  
NAY \_\_\_\_\_

Second Reading 14 April 2015

AYE Jason Pinn Robert C Duff [Signature]  
NAY \_\_\_\_\_

Third Reading 21 April 2015

AYE Jason Pinn Robert C Duff [Signature]  
NAY \_\_\_\_\_

ATTEST: [Signature]  
Heidi Burhans, Madison County Auditor

DATE: 21 April 2015