

**JASPER COUNTY**

**ORDINANCE NO. 65**

**AN ORDINANCE TO REGULATE THE OPERATION OF ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES IN JASPER COUNTY**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS JASPER COUNTY, IOWA:**

**SECTION 1 – PURPOSE**

The purpose of this ordinance is to designate the secondary roads within Jasper County where all-terrain vehicles and off-road utility vehicles may operate and how they must be operated.

**SECTION 2 – DEFINITIONS**

The definition of terms used in this ordinance are:

1. “All-terrain vehicle,” OR “ATV” as defined by Iowa Code section 321I.1 (1)(a), means a motorized vehicle with not less than three and not more than six non-highway tires that is limited by 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 vehicle,” or “UTV” as defined in Iowa Code section 321I.1(17)(a), 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.
3. “Roadway,” as defined in Iowa Code section 321I.1, means that portion of a highway improved, designed, or ordinarily used for vehicular travel. Roadway does not include the ditch.

**SECTION 3 – OPERATION ON ROADWAYS**

It is the intent of this ordinance to keep ATV and UTV operation on Jasper County paved roads to an absolute minimum. To that end, ATVs and UTVs may be operated on Jasper County graveled public roads, with the exception of Level B and C roads. Such operation must begin after official sunrise and must cease before official sunset. In the event that there is not a permissible gravel public road opposite an intersection with a Jasper County paved road or in the event that a person residing on a county blacktop wishes to operate an ATV or UTV on the gravel roadways, ATVs and UTVs may operate on the Jasper County paved road as far as the closest Jasper County gravel public road.

If someone is required to travel on a Jasper County paved roadway the person may only do so for a reasonable distance. In order to determine whether a particular distance of travel on a paved Jasper County roadway is reasonable, the following factors may be considered: a) the

operator's starting location; b) any planned course of travel by the operator and/or any individuals the operator is riding with; c) the operator's destination; d) the operator's place of residence; e) any other pertinent factors. Regardless of the expressed factors, this distance should not exceed two miles.

#### **SECTION 4 – UNLAWFUL OPERATION**

A person shall not operate an ATV or UTV under any of the following conditions on Jasper County Roads:

1. At a rate of speed greater than the posted speed limit or greater than reasonable or proper under existing circumstances, but in no case above 35 miles per hour.
2. During that time after sunset and before sunrise.
3. In a careless manner such that it creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.
4. Without a lighted white light to the front and lighted red light to the rear, both of which shall be installed, functional and on at all times of operation.
5. Without seatbelts when operating or riding in a side-by-side. and operated in accordance with industry standards and practices for the vehicle.
6. While under the influence of alcohol, narcotics or drugs. All laws that apply to a motor vehicle also apply to ATVs and UTVs.
7. Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Chapter 321A) in an amount not less than that amount set forth in Section 5 of this Ordinance and shall carry proof of insurance on board at all times of operation. An owner or driver cited for a violation, who produces to the clerk of court prior to the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issues shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.
8. A person shall not operate an ATV or UTV on any designated riding area or designated trail unless the riding area or trail is signed as open to ATV or UTV operation.

9. A person shall not operate an ATV or UTV unless the operator is 18 years of age or older and has a valid driver's license.
10. A person shall not operate an ATV or UTV with more persons on the vehicle than it was designed to carry.
11. A person shall not operate an ATV or UTV at between September 15<sup>th</sup> and November 1<sup>st</sup> of the calendar year.
12. A person shall not operate an ATV or UTV without using proper turn signals or hand signs.
13. A person shall not operate an ATV or UTV on any County Conservation owned or managed property, including all county parks. All state park rules apply.
14. A person shall not operate an ATV or UTV on any snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.
15. The operation of an ATV or UTV is only permitted on the roadway or shoulder, not in the ditch or the area between the edge of the shoulder to the bottom of the ditch.
16. A person shall have a copy of this ordinance with them at all times of operation.
17. A person shall not allow someone to operate an ATV or UTV in violation of this ordinance.
18. A person shall not operate an ATV or UTV in violation of any other County or State law.

## **SECTION 5 – IDENTIFICATION REQUIREMENTS**

Individuals who operate on gravel roadways in Jasper County must obtain an identification decal from the Office of the Jasper County Recorder. There will be a yearly fee of (\$30). The following conditions apply:

1. The individual applying for an identification decal shall be 18 years or older and possesses a valid driver's license.
2. The owner of each ATV or UTV shall be required to provide proof of ownership including but not limited to, registration and other documentation accepted by the Recorder.
3. The owner of each ATV or UTV at time of purchasing the identification decal shall be required to prove liability insurance with the minimum coverage of \$50,000 bodily

injury per person, \$100,000 bodily injury per accident, and \$50,000 property damage. The minimum coverages must be in effect during operation of an ATV or UTV.

4. Decals will be issued for ATV and UTV and are not transferable.
5. Decals shall be affixed to the rear of the vehicle so that the permit is clearly visible at all times of operation.
6. Decals will be good for one (1) calendar year and valid January 1<sup>st</sup> through December 31<sup>st</sup>.
7. The Sheriff may revoke the decal upon evidence that the owner/operator has violated the conditions of the decal or abused the privileges of being a decal holder. If the decal is revoked there will be no refund for that decal fee. Reinstatement or purchase of a new decal is not allowed for that owner/operator for 1 year from the date of the revocation.

#### **SECTION 6 – EXEMPT VEHICLES AND OPERATORS**

This Ordinance does not apply to any exemption under the Iowa Code for ATVs or UTVs operated pursuant to Iowa Code section 321I.9(government and farm implements) or Iowa Code section 321.234A (incidental to and use for agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code section 352.2, 321I.14(3)(b)(farm operations).

#### **SECTION 7 – PENALTIES**

Violation of this Ordinance shall constitute a Simple Misdemeanor punishable by a fine of \$65.00 to \$625 plus the applicable court surcharge and costs and/or up to 30 days in jail.

#### **SECTION 8 – SEVERABILITY CLAUSE**

If any section, provision, or part of this ordinance shall be adjudged 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 – EFFECTIVE DATE**

This ordinance shall be in effect immediately after its final passage and publication as provided by law. If the effective date falls in the last quarter of the calendar year the decals created under this Ordinance shall have the next calendar year on them but shall be valid for the year in which the effective date falls.

#### **SECTION 10 – REVIEW OF ORDINANCE**

As part of this Ordinance the Jasper County Board of Supervisors sets forth a plan to review this Ordinance in a calendar year from the effective date of the Ordinance. Therefore, the Jasper County Board of Supervisors shall review this Ordinance during a Board of Supervisors meeting, within the 11<sup>th</sup> month of the Ordinance's effective date, and vote to reapprove the ordinance or to strike it. After the one-year review of this Ordinance, regardless if it is reapproved or stricken, there will be no additional yearly reviews.

Passed and approved this 27 day of August 2019.

Jasper County Board of Supervisors

Denny Carpenter  
Denny Carpenter – Chairman

Brandon Talsma  
Brandon Talsma

Doug Cupples  
Doug Cupples

ATTEST:  
Dennis Parrott  
Dennis Parrott – County Auditor

First Reading: ✓

Second Reading: ✓

Approved: ✓

Published: ✓