

Instrument #: 2018-004888  
10/02/2018 12:55:19 PM Total Pages: 5  
AFO ORDINANCE  
Recording Fee: \$0.00 Transfer Tax: \$0  
Lisa L. Schreiner, Recorder, Des Moines County Iowa



Prepared by: Des Moines County Sheriff, 512 North Main Street, Burlington, Iowa 52601 (319) 753-8212

**DES MOINES COUNTY  
ATV/UTV ORDINANCE #56**

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES IN DES MOINES COUNTY, IOWA

**SECTION 1-PURPOSE**

The purpose of this ordinance is to identify regulations regarding ATV and UTV operation on Des Moines County secondary roadways. The Ordinance does not relieve the operator's obligations, liabilities and responsibilities to safely and legally traverse the County roadways.

**SECTION 2-DEFINITIONS**

1. "All-terrain Vehicle or ATV," as defined in Iowa Code Section 321I, means a motorized flotation tire 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 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 or UTV," as defined in Iowa Code Section 321I 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 a bucket or bench design, not intended to be straddled by the operator, and has a steering wheel or control levers for control.
3. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.

**SECTION-3 OPERATION ON ROADWAYS**

It is the intent of this ordinance to keep ATV and UTV operation on Des Moines County paved roads to an absolute minimum. To that end, ATV's and UTV's may be operated on Des Moines County graveled public roads, with the exception of Level C roads. ATV's and UTV's may make a direct crossing on Des Moines County paved roads. In the event that there is not a permissible graveled public road opposite an intersection with a Des Moines County paved road, ATV's and UTV's may operate on the Des Moines County paved road as far as the closest Des Moines County gravel public road. The ATV/UTV's will then exit the paved road and operate on the graveled public road.

Additional Regulations are as follows:

1. Such operation shall be allowed between the hours of 4:00a.m. and 10:00p.m.
2. Every ATV or UTV when operated at any time from sunset to sunrise and at such other times when conditions such as fog, snow, sleet, rain, smoke, or dust provide insufficient lighting to render clearly discernible persons and vehicles on the road at a distance of five hundred feet ahead, shall display lighted headlamps and tail lamps.
3. A person shall not operate an ATV or UTV on Des Moines County roads unless the operator has a valid driver's license and is at least 18 years of age.
4. Operation of ATV's with three wheels are prohibited.
5. 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.
6. All ATV's and UTV's will obey all "Rules of the Road" as set forth in the Iowa Code Section 321.

#### SECTION 4-RESTRICTIONS

1. A person shall not drive or operate an ATV or UTV:
  - a. At a rate of speed greater than 35 miles per hour.
  - b. In a UTV, without the use of seatbelts.
  - c. On an ATV, with a passenger.
  - d. In a careless, reckless, or negligent manner as to endanger the person or property of another or to cause injury or damage hereto.
  - e. In a manner that causes the ATV or UTV to skid or cause the wheels to lose contact with the road.
  - f. Under the influence of drugs or alcohol.
  - g. Without a properly functioning unaltered factory exhaust muffler as defined in Iowa Code Section 321I.12.
  - h. On private property without permission of the owner.
  - i. In any area designated as a native grass or wildflower planting area.
  - j. On any public land or designated riding trail in violation of official signs prohibiting such operation.
  - k. On any public land, ice, or snow not expressly designated by sign as open to all terrain and off-road utility vehicle operation.
  - l. In any park, recreation area, wildlife area, preserve, refuge, or game management area unless permitted by the local governing authority and only then in designated areas. Operation is permitted only where signage allows.
  - m. 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 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.
  - n. In any tree nursery or planting in a manner which damages or destroys growing stock.
  - o. On any riding area or trail unless the trail is designated by sign as open to all-terrain and off-road utility vehicle operation.

- p. ATV's and UTV's may only cross railroad right of way at designated crossings and shall observe all crossing safety requirements.
  - q. With more persons on the vehicle than it was designed to carry.
  - r. On any levee under the jurisdiction of the Two Rivers Levee and Drainage Association without specific permission.
2. Any person operating a UTV or ATV with a firearm in the operators or passengers possession shall abide by any applicable state laws during the time this ordinance is in effect.

**SECTION 5-REGISTRATION REQUIREMENTS AND CONDITIONS**

- A. Individuals who operate on roadways in Des Moines County must register the ATV or UTV with the Iowa Department of Natural Resources. (IDNR). 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, IDNR registration or registration from appropriate out-of-state authority and proof of liability insurance with the minimum coverage of \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 property damage.
  - 2. ATV's and UTV's shall be required to be properly registered with the IDNR and display their current registration decal. The current registration certificate shall be carried on board.
  - 3. ATV's and UTV's registered in another state are required to display their current registration decal and carry their certificate on board.

B. No person shall operate an ATV/UTV on Des Moines County roadways unless the owner possesses a Des Moines County Permit issued by the Des Moines County Recorder. The fee for this permit will be set by the Des Moines County Board of Supervisors by Resolution.

- 1. ATV/UTV owners may apply for a permit by application at the County Recorder's Office.
- 2. The County Recorder shall issue a permit only when the owner has provided the following:
  - a. The operator is 18 years of age or older.
  - b. Proof that the ATV/UTV is currently registered with the IDNR.
  - c. Proof that the owner and operator have liability insurance covering the operator of the ATV/UTV on Des Moines County gravel roadways in the amount as described in Section 5(1).
- 3. All permits shall be issued to a specific ATV/UTV and receive a specific decal for that vehicle. The decal shall be affixed to the rear of the vehicle along with the current DNR decal so that it is clearly visible.
- 4. The current DNR registration certificate must be carried on board.
- 5. Permits will be good for 1 year and valid January 1 through December 31. Anyone purchasing a permit for the first time in the last quarter of the current calendar year may purchase the permit through December 31<sup>st</sup> of the next calendar year for an additional \$5.00.

- 6. The Sheriff may suspend or revoke the permit upon evidence that the owner/operator has violated the conditions of the permit or abused the privilege of being a permit holder. If the permit is suspended or revoked there will be no refund for that permit fee. The operator must receive a majority vote of the Board of Supervisors to allow reinstatement of an existing permit or issuance of a new permit.

**SECTION 6-EXEMPT VEHICLES AND OPERATORS**

This ordinance does not apply to any exemption under the Iowa Code for All-Terrain Vehicles and Off-Road Utility Vehicles operated pursuant to Iowa Code section 321I.9 (government and farm implements) of 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 operators).

**SECTION 7-PENALTIES**

Violation of this Ordinance shall constitute a Simple Misdemeanor punishable by a minimum fine of \$65.00, a maximum fine of \$625.00, plus applicable surcharges and court costs, and/or up to (30) days in jail.

FIRST READING: September 18, 2018

Jim Cary yes  
 Thomas L. Broeker yes  
 Robert W. Beck yes

**APPROVED**

SEP 18 2018

**BOARD OF SUPERVISORS**

SECOND READING: September 25, 2018

Jim Cary yes  
 Thomas L. Broeker yes  
 Robert W. Beck yes

**APPROVED**

SEP 25 2018

**BOARD OF SUPERVISORS**

THIRD READING: October 2, 2018

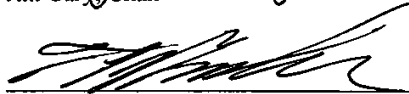
Jim Cary yes  
 Thomas L. Broeker yes  
 Robert W. Beck RW yes

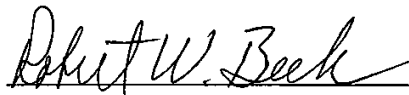
**APPROVED**  
 RB OCT 2 2018  
**BOARD OF SUPERVISORS**

DES MOINES COUNTY ORDINANCE #56 IS IN ITS ENTIRETY, is hereby approved,  
effective and adopted this 2<sup>nd</sup> day of October, 2018.

DES MOINES COUNTY BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Jim Cary, Chair

  
\_\_\_\_\_  
Thomas L. Broeker, Vice-Chair

  
\_\_\_\_\_  
Robert W. Beck, Member

**APPROVED**  
  
OCT 2 2018  
**BOARD OF SUPERVISORS**