

ORDINANCE NO. 2020-01

**OFF-ROAD UTILITY VEHICLES
ORDINANCE**

AN ORDINANCE OF THE COUNTY OF CRAWFORD, IOWA, TO REGULATE OFF-ROAD UTILITY VEHICLES

WHEREAS the County Board of Supervisors adopted Resolution No. 2013-45 and adopted Resolution No. 2014-19 that amended Resolution No. 2013-45, and

WHEREAS, pursuant to Iowa Code Section 3211.10, the County may permit operation of said vehicles on the roadways of that portion of county highways designated by the county board of supervisors for use during a specified period. and;

WHEREAS, the operation of said vehicles would be regulated under Iowa Code Chapters 3211, 321.20B, 321A.21, and other applicable provisions of Iowa law;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CRAWFORD COUNTY, IOWA, THAT:

ARTICLE 1. PURPOSE, TITLE AND DEFINITIONS

Section 1. PURPOSE

The purpose of this Resolution is to designate that portion of county highways upon which Off-Road Utility Vehicles may be operated during a specified period, to specify said period, and to establish regulations regarding such operation.

Section 2. TITLE

This document shall be referred to and known as "Off-Road Utility Vehicles Ordinance."

Section 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such

decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. DEFINITIONS

In this Ordinance, unless the context requires otherwise, the following terms shall be defined as:

1. **Off-Road Utility Vehicle:** as defined in Iowa Code Section 3211.1, means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
2. **Roadway:** as defined in Iowa Code Section 321I.1, means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

ARTICLE 4 - GENERAL REGULATIONS

Section 1. OPERATIONS ON ROADWAYS

A registered Off-Road Utility Vehicle may be operated on any Crawford County, Iowa, roadway, such operation 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 operation, and such operation further limited to the hours from official sunrise to 9 PM or official sunset of the same day, whichever is earlier, with official sunrise and official sunset as established by the National Weather Service.

Section 2. UNLAWFUL OPERATIONS

1. A person shall not drive or operate an Off-Road Utility Vehicle:
 - a. At a rate of speed in excess of the posted speed limit, nor 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 and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
 - e. In any tree nursery or planting in a manner which damages or destroys growing

stock.

- f. On any public land, ice, or snow, 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, conservation management area designated by the Crawford County Conservation Board except on trails clearly marked for Off-Road Utility Vehicles, 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 crossing 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 vehicles on ice.
 - h. Upon an operating railroad right-of-way. An Off-Road Utility 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's duties 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.
- 2. A person shall not operate or ride in an Off-Road Utility Vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded forearm while operating or riding in an Off-Road Utility Vehicle.
 - 3. A person shall not operate an Off-Road Utility Vehicle:
 - a. With more persons on the vehicle than it was designated to carry.
 - b. Paragraph "a" does not apply to a person who operates an Off-Road Utility Vehicle as part of a farm operation as defined in Iowa Code Section 352.2.
 - 4. A person shall not operate an Off-Road Utility Vehicle on a designated riding area or

designated trail unless the riding area or trail is signed as open to Off-Road Utility Vehicle operation.

5. A person shall not operate a vehicle other than an Off-Road Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to such other use.
6. A person shall not operate an Off-Road Utility Vehicle unless the operator is 18 years of age or older and has a valid Iowa Driver's License; unless the vehicle is duly registered; and unless the operator has proof of insurance complying with that required of the operator of a motor vehicle pursuant to applicable Iowa Statutes, Rules, and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.

ARTICLE 5 – REGISTRATION AND RECIPROCITY

Section 1. IDENTIFICATION STICKERS

Individuals who operate an Off-Road Utility Vehicle on the roadways of Crawford County must obtain an identification sticker from the office of the Crawford County Recorder. The following conditions apply:

1. The owner of each Off-Road Utility Vehicle shall be required to provide proof of ownership including but not limited to bill of sale, registration, and other documentation as may be accepted by the Recorder.
2. Each applicant for an identification sticker must provide proof that the vehicle is properly registered pursuant to Iowa Code Section 321.3 and DNR regulations.
3. Each applicant for an identification sticker must pay an annual fee in the amount of \$25.00.
4. Identification Stickers shall be affixed to the right-rear portion of all Off-Road Utility Vehicles in such a manner as to be clearly visible.
5. Bona-fide Dealers of Off-Road Utility Vehicles may make application for Dealer Identification Sticker(s) pursuant to the following conditions:
 - a. Each applicant for Dealer Identification Sticker(s) must be authorized by the Iowa DNR as a Dealer of Off-Road Utility Vehicles.
 - b. Each applicant for Dealer Identification Sticker(s) must pay a fee in the amount of \$25.00 for each sticker requested. There is no limitation on the number of stickers which may be issued to any one particular Dealer.

- c. Each applicant for Dealer Identification Sticker(s) must present proof of valid liability insurance applicable to persons operating said Dealer's Off-Road Utility Vehicles for purposes of demonstration, and such insurance must comply with that required of the operator of a motor vehicle pursuant to applicable Iowa Statutes, Rules, and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.
- d. Dealer Identification Sticker(s) shall be transferable from one Off-Road Utility Vehicle to another for the purpose of vehicle demonstration, and shall be utilized for the purpose of vehicle demonstration only.
- e. In addition to any other penalties set forth elsewhere in this Resolution, violation of this subsection may result in the revocation of all Dealer Identification Sticker(s) issued to the violating Dealer.

SECTION 2. EXEMPT VEHICLES

Registration shall not be required for vehicles exempted under Iowa Code Section 3211.9(3).

SECTION 3. RECIPROCITY

A resident of counties contiguous to Crawford County who has properly licensed his or her Off-Road Utility Vehicle in their respective county of residence may operate it in Crawford County without further registration, subject to the regulations of this Ordinance.

ARTICLE 6 - PENALTIES

Section 1. PENALTIES

Violation of this Ordinance shall constitute a SIMPLE MISDEMEANOR punishable by a minimum fine of \$105.00, a maximum fine of \$855.00, plus applicable surcharges and court costs, and a term of imprisonment not to exceed thirty days in lieu of the fine or in addition to a fine.

ARTICLE 7 – SUPERSEDING ORDINANCE

This Ordinance shall supersede all previous resolutions and/or ordinances relating to UTV operation in Crawford County.

ADOPTION

Passed and approved the first consideration on

Passed and approved the second consideration

Passed and approved the third and final consideration

Adopted on

Published on

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