

Ordinance #41

Regulations Regarding Off-Road Utility Vehicles on Secondary Roads Ordinance

BE IT ORDAINED that the Fayette County Board of Supervisors hereby adopts the following regulations regarding Off-Road Utility Vehicles operated on that portion of Fayette County Secondary Roads as designated by the Fayette County Board of Supervisors.

- .01 Purpose
- .02 Definitions
- .03 Operation on Roadways
- .04 Restrictions
- .05 Exempt Vehicles
- .06 Penalties

SECTION .01 PURPOSE.

Pursuant to Iowa Code 321I.10, a person shall not operate an Off-Road Utility Vehicle upon roadways or highways. However, the Board of Supervisors has the authority to allow Off-Road Utility Vehicles on designated county public roadways for a specific period.

The purpose of this ordinance is to designate that portion of Fayette County Secondary Roads by the Fayette County Board of Supervisors upon which Off-Road Utility Vehicles may be operated and regulated under Iowa Codes 321I, 321.20B, and 321.234A.

The Fayette County Board of Supervisors has no jurisdiction or control of city streets. Regulating Off-Road Utility Vehicles within Cities in Fayette County is up to each respective city. See When Effective portion of this Ordinance.

SECTION .02 DEFINITIONS.

1. "Off-Road Utility Vehicle" 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 of not more than 1,900 pounds and 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.
2. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION .03 OPERATION ON ROADWAYS.

A registered Off-Road Utility Vehicle may be operated on the Fayette County Secondary graveled public roadway, with the exception of Level C roadways, provided however, in the event that a person wishes to operate an Off-Road Utility Vehicle on the permissible county gravel public road, then, and in that event, said person may so operate on the county pavement only so far as to reach the permissible county gravel public road. Operational time of day shall be from sunrise to dusk, as established by the National Weather Service, at which time said operations shall cease.

SECTION .04 RESTRICTIONS

1. A person shall not drive or operate an Off-Road Utility Vehicle:
 - a. Unless they are 18 years of age, have a valid driver's license—are registered with the IDNR with properly displayed registration decal and have a valid proof of insurance on their Off-Road Utility Vehicle.
 - b. At a rate of speed not greater than the posted speed limit.
 - c. In a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
 - d. While under the influence of intoxicating liquor or narcotics or habit-forming drugs as prescribed under chapter 321J of the Code of Iowa.
 - e. Without a lighted headlight, taillight, and turn signals to render clearly discernible persons and vehicles at a distance of five hundred feet ahead and back, and have a minimum one mirror to allow visibility to a minimum distance of 200 feet behind the vehicle.
 - f. In any park, wildlife area, preserve, refuge, game management area, 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 crossings 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 Off-Road Utility Vehicle on ice.
 - g. Upon operating within railroad right-of-way, an Off-Road Utility Vehicle may be driven directly across 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 or railroad employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.
 - h. Riders under the age of 16 years old shall wear an approved helmet.
 - i. The operator and riders of an Off-Road Utility Vehicle shall wear the seatbelt or harness as so equipped by the manufacturer.
 - j. Operators shall abide by all traffic laws and posted traffic signs.
 - k. As the portion of Ivy Road through the Volga River Recreation Area has joint jurisdiction and control between the Iowa DNR and Fayette County and the DNR has not authorized use of this road for Off-Road Utility Vehicles, operation of Off-Road Utility Vehicles is currently prohibited on Ivy Road within the VRRRA.

2. Any person operating an Off-Road Utility Vehicle with a firearm in the operator's possession shall abide by any applicable state laws during the time this ordinance is in effect.

3. A person shall not operate an Off-Road Utility Vehicle with more persons on the vehicle than it was designated to carry.

4. A person shall not operate an Off-Road Utility Vehicle on a designated trail other than Secondary Roads unless the trail is signed as open to Off-Road Utility Vehicle operation.

5. A person shall not operate their Off-Road Utility Vehicle in any areas of the roadway ditch.

6. Any person operating an Off-Road Vehicle on a State of Iowa Highway in Fayette County (Highways: 150, 3, 187, 18, 281, 56, 93 in Fayette County) shall abide by any applicable state laws during the time this ordinance is in effect.

SECTION 05. EXEMPT VEHICLES.

Registration shall not be required for Off-Road Utility Vehicles used exclusively as farm implements.

SECTION 06. PENALTIES.

Violation of this Ordinance constitutes a Simple Misdemeanor, punishable by a fine of at least \$65.00 and no more than \$625.00 and/or up to 30 days in jail plus applicable court surcharges and costs.

WHEN EFFECTIVE

This ordinance shall be in effect after passage by the Fayette County Board of Supervisors and published as provided by law; This ordinance shall remain in effect until such time the Board of Supervisors passes a future ordinance repealing this ordinance.

1st Reading: April 24, 2017

2nd Reading: May 1, 2017

3rd Reading: -waived-

Motion by Supervisor DOIF and seconded by Supervisor BRADLEY to approve the final reading of Fayette County Ordinance #41, Regulations Regarding Off-Road Utility Vehicles on Secondary Roads Ordinance.

Vote taken resulted as follows:

Ayes: TELLIN, DOIF & BRADLEY

Nays: -NONE-

Absent: -NONE-

Passed and approved by the Fayette County Board of Supervisors on this 15th

Day of May, 2017.

ATTEST: [Signature]
Lori Moellers, Auditor

Board of Supervisors of Fayette County
[Signature]
Jeanine Tellin, Chairperson