

**ORDINANCE #26-2019**  
**ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN**  
**VEHICLES AND OFF-ROAD VEHICLES IN WAPELLO COUNTY, IOWA**

**By the Board of Supervisors of Wapello County, Iowa**

**SECTION 1 – PURPOSE**

The purpose of this ordinance is to identify regulations regarding all-terrain vehicle and/or off-road utility vehicle operation on the portion of county roads as designated by the Wapello County Board of Supervisors.

**SECTION 2 – DEFINITIONS**

1. “All-Terrain Vehicle” (ATV) means a motorized flotation-tire vehicle with not less than four and not more than six low pressure tires that is limited in engine displacement to less than 1000 cubic centimeters and in total dry weight to less than 1000 pounds and that has a seat or saddle designed to be straddled by the operator and handle bars for steering control.
2. “Off-Road Utility Vehicle” (UTV) 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 1500 cubic centimeters and in total dry weight to not more than 1800 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and 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 PERMITTED**

A registered ATV or UTV may be operated on the Wapello County, Iowa, secondary roadways; operation on Level C roadways is not permitted. A person may only operate an ATV and/or UTV on the shoulder of paved secondary roadways, if available, on gravel and Level B secondary roadways. Operation of an ATV and/or UTV is only permitted on the roadway, not in the ditch. If no traversable shoulder exists along a hard surface road, use of the pavement is acceptable only to the next intersection with a gravel road. Operation of an ATV and/or UTV on Wapello County roadways is only permitted from sunrise to sunset. The operator of an ATV and/or UTV must obey all applicable provisions of the Code of Ordinances of Wapello County, Iowa and Code of Iowa related to motor vehicle traffic and parking regulations.

All ATVs and UTVs shall yield the right of way to all other motor vehicle traffic. All ATVs on county roads must exhibit a flag on the rear of the ATV.

#### **SECTION 4 – RESTRICTIONS**

1. A person shall not drive or operate an ATV and/or UTV:
  - a. At a rate of speed greater than 35 miles per hour.
  - 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, taillight and brake light.
  - e. Without adequate brakes.
  - f. Upon an operating railroad right-of-way; an ATV and/or UTV may be driven directly across a railroad right-of-way only at an established road 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.
2. A person shall not operate or ride an ATV and/or UTV with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case with only one noted exception: a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding an ATV and/or UTV as defined in Iowa Code 2019, section 321I.14.2. Non-ambulatory persons must show proof of that status when carrying firearms.
3. A person shall not operate an ATV and/or UTV with more persons on the vehicle than it was designed to carry. This does not apply to a person who operates an ATV and/or UTV as part of a farm operation as defined in the Code of Iowa.
4. A person shall not operate an ATV and/or UTV unless the operator has a valid driver's license, is at least 16 years of age, the vehicle is duly registered with the Iowa Department of Natural Resources (IA DNR), the vehicle is duly registered with Wapello County, and the operator has proof of insurance.
5. A person 18 yrs. of age and younger, shall be required to take and pass an Iowa DNR approved ATV Education Course and show proof of passing the course.
6. No person shall cause damage to the road surface; displace surface material; distribute foreign or earthen material onto the roadway.

#### **SECTION 5 – PERMITS**

1. ATV and/or UTV owners may apply for a permit on forms provided by the County Recorder.
2. The County Recorder shall not issue a permit until the owner has provided the following:
  - a. Evidence that the owner is at least 16 years of age, possesses a valid driver's license and proof of passing an Iowa DNR approved ATV Education Course, if required.
  - b. Proof that the ATV or UTV is registered with the Iowa DNR.
  - c. Proof that the owner has liability insurance covering operation of ATVs and/or UTVs on County graveled roadways in the amount of a minimum of \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 property damage.
  - d. Owners age 16 and 17 must provide proof that they have passed the Iowa DNR approved ATV Education Course.
3. All permits shall be issued for a specific ATV or UTV. Permit holders will be issued a number and a sticker to affix to the left side front fender or similar component.
4. The fee for such permits shall be set by the Board of Supervisors by Resolution.
5. Permits will be granted for one (1) year valid from January 1<sup>st</sup> through December 31<sup>st</sup>. Permits may be purchased at any time during the year and will not be prorated in price. First time permits purchased in the last quarter of the calendar year may be granted validation through December 31<sup>st</sup> of the following calendar year for an additional \$5 fee.
6. The permit may be suspended or revoked, by the Sheriff, upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refund of the permit fee. Should a permit be suspended or revoked, the owner must receive approval of the Wapello County Sheriff to allow reinstatement of an existing permit or issuance of a new permit. The Sheriff will notify the County Recorder of any suspensions or revocations.
7. The County Recorder will provide the Sheriff with a list of current permit holders.

## **SECTION 6 – EXEMPT VEHICLES**

Registration/permits according to this ordinance shall not be required for an ATV and/or UTV used exclusively as farm implements or as identified by the Code of Iowa.

## **SECTION 7 – PENALTIES**

Violation of the ordinance constitutes a Simple Misdemeanor, punishable by a fine of \$100.

**SECTION 8 – REPEALER**

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

**SECTION 9 – SERVERABILITY CLAUSE**

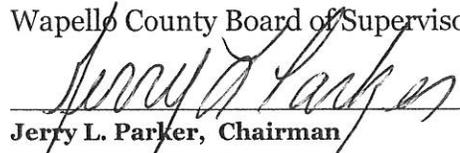
If any section, provision or part of this ordinance shall be judged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

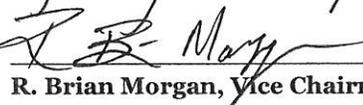
**SECTION 10 – WHEN EFFECTIVE**

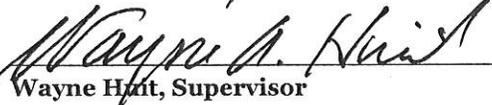
This ordinance shall be in effect July 1, 2019 after final passage, approval and publication as provided by law.

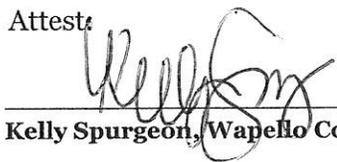
Passed and approved this 7th day of May, 2019.

Wapello County Board of Supervisors

  
\_\_\_\_\_  
Jerry L. Parker, Chairman

  
\_\_\_\_\_  
R. Brian Morgan, Vice Chairman

  
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Wayne Hunt, Supervisor

Attest:  
  
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Kelly Spurgeon, Wapello County Auditor

First Reading: 4-30-19  
Second Reading: 5-7-19  
Third Read: Waived  
Adopted: 5-7-19  
Published: \_\_\_\_\_