

LUCAS COUNTY ORDINANCE NO. 32

REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN LUCAS COUNTY,
IOWA.

SECTION 1 PURPOSE. This ordinance shall identify regulations regarding all-terrain vehicles and/or off-road utility vehicles operation on all county roads outside incorporated areas.

SECTION 2 DEFINITIONS. The definitions of terms used in this ordinance are:

- 1) All-terrain Vehicles as defined by Iowa Code Section 321.1.1 means a motorized 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 two hundred cubic centimeters 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 Utility Vehicle as defined by Iowa Code Section 321.1.1 means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that have 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. "Off-road Utility Vehicle" include the following vehicles:
 - a) "Off-road" Utility Vehicle-- Type 1" means an Off-road Utility Vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
 - b) "Off-road Utility Vehicle--Type 2" means an Off-road Utility Vehicle, other than a type 1 Off-road Utility Vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-give inches or less.
 - c) "Off-road Utility Vehicle—Type 3" means an Off-road Utility Vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.
- 3) Roadways as defined by Iowa Code Section 321.1.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3 OPERATION ON ROADWAYS. A registered All-terrain Vehicle or Off-road Utility Vehicle may be operated on County roadways in Lucas County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle on roads in Lucas County unless the operator has a valid driver's license and is at least 16 years of age. A person under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved ATV Education Course and must carry a valid course certificate on public road ways. Operation is only permitted on the roadway or shoulder not in the ditch. The operator of the All-terrain Vehicle or Off-road Utility Vehicle shall carry and be able to provide proof of Liability Insurance upon request.

SECTION 4 UNLAWFUL OPERATION. A person shall not operate All-terrain Vehicle and/or Off-road Utility Vehicle upon County roadways under any of the following conditions:

- 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 with a maximum speed of 45 MPH.
- 2) In a *careless* manner as defined in Iowa Code Section 321.277A
- 3) In a *reckless* manner as defined in Iowa Code Section 321.277, or
 - a) In a negligent manner so as to endanger any person;

- b) Cause injury or damage to person or property;
- 4) Without a lighted headlight, taillight or rearview mirror.
- 5) While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
- 6) In any free nursery or planting in a manner which damages or destroys growing stock.
- 7) On public land, ice or snow in violation of official signs prohibiting such operation.
- 8) In any park, wildlife area, preserve, refuge or game management area.
- 9) Any portion of meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Iowa 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 and/or operation of all-terrain vehicles on ice.
- 10) Upon an operating railroad right-of-way. An All-terrain Vehicle may be driven directly across a railroad right-of-way only at established crossings.
- 11) With more persons on the vehicle than it was designed to carry.
- 12) On any riding area or trail unless the trail is designated by signs as open to All-terrain and Off-road Utility Vehicle operation.

SECTION 5 REGISTRATION REQUIREMENT AND OTHER CONDITIONS. Individuals who operate on roadways in Lucas County must register the All-terrain Vehicle or Off-road Utility Vehicle with the Iowa Department of Natural Resources. The following conditions apply:

- 1) The owner of each All-terrain Vehicle or Off-road Utility Vehicle shall be required to provide proof of ownership including but not limited to bill of sale, Iowa Department of Natural Resources registration of or registration from the appropriate out-of-state authority, and proof of Liability Insurance.
- 2) All-terrain Vehicles or Off-road Utility Vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
- 3) All-terrain Vehicles or Off-road Utility Vehicles registered in another state are required to also display a valid Iowa Department of Natural Resources User Permit in addition to displaying their current registration decal and carrying their certificate on board.

SECTION 6 EXEMPT VEHICLES. Registration shall not be required for All-terrain Vehicles and/or Off-Road Utility Vehicles used exclusively as farm implements or as identified by the Code of Iowa.


SECTION 7 PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine of \$105.00-\$8555.00 plus the applicable court surcharge and costs and/or up to 30 days in jail.

SECTION 8 EFFECTIVE DATE. Upon publication the ordinance shall be in effect.

Pass and approved this 2nd day of February, 2022

LUCAS COUNTY BOARD OF SUPERVISORS


Larry Davis


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Dennis Smith