

ORDINANCE 2021-03

An ordinance to designate that portion of the highways upon which off-road vehicles may be operated during a specified period, and to establish regulations of such operation.

This would exempt vehicles covered under Iowa Code Section 321I.9(3)

The ordinance reads as follows:

WHEREAS the County Board of Supervisors has evaluated the traffic conditions on all County highways and designated roadways and has determined that Off-Road Utility Vehicles can be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic, and;

WHEREAS, pursuant to Iowa Code Section 321I.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 vehicle would be regulated under Iowa Code Chapters 321I, 321.20B, 321A.21, and other applicable provisions of Iowa law;

NOW, THEREFORE, be it resolved by the County Board of Supervisors of Lyon County, Iowa, that the following regulations are hereby adopted regarding operation of Off-Road Utility Vehicles on county highways within Lyon County:

- .01 Purposes
- .02 Definitions
- .03 Operation and Roadways
- .04 Restrictions
- .05 Identification Stickers
- .06 Exempt Vehicles
- .07 Penalties

Section .01, 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 .02, Definitions:

- (1) "Off-Road Utility Vehicle", as defined in Iowa Code Section 321I.1, 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 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.

Section .03, Operation on Roadways: A registered Off-Road Utility Vehicle may be operated on any Lyon 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 official sunset of the same day, as established by the National Weather Service.

Section .04, 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 and in no case 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 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 person, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of person, property, or the environment.
 - g. 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 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 officers 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 year 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.

Section .05, Identification Stickers: Individuals who operate an Off-Road Utility Vehicle on the roadways of Lyon County must obtain an identification sticker from the office of the Lyon 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 321I.3 and DNR regulations.
- (3) Each applicant for an identification plate must pay a fee in the amount of \$25.00. The cost of a duplicate sticker, if a sticker is lost during the registration year, is \$7.75.
- (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) Stickers can be purchased starting September 1 of the year prior to the year printed on the permit. The sticker will expire December 31 of the year printed on the permit.
- (6) The owner of an Off-Road Utility Vehicle registered in another state must purchase a sticker to operate on the roadways of Lyon County as set forth in this ordinance.

Section .06. Exempt Vehicles: Registration shall not be required for vehicles exempted under Iowa Code Section 321I.9(3).

Section .07, 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/or up to thirty (30) days in jail.

Section .08, Effective Date: This ordinance shall become effective on May 1, 2021.

Passed and approved this 27 day of April 2021.

ATTEST:



Jen Smit
Lyon County Auditor



Josh Feucht
Chairperson, Board of Supervisors

First Reading: March 23, 2021

Second Reading: April 13, 2021

Third Reading: waived, April 27, 2021