

**SIOUX COUNTY
ORDINANCE NO. 27**

**ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN AND OFF-ROAD UTILITY
VEHICLES IN SIOUX COUNTY**

SECTION 1 PURPOSE: This ordinance shall designate the county secondary roads where All-Terrain and Off-Road Utility Vehicles may operate.

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

1. "All-Terrain Vehicle," as defined by Iowa Code section 321I.1(1)(a), means a motorized vehicle with not less than three and not more than six non-highway tires that is limited by engine displacement to less than one thousand cubic centimeters and 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 in Iowa Code section 321I.1(17)(a), means a motorized vehicle with not less than four and not more than eight non-highway 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. "Off-Road Utility Vehicle" includes 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-five 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. "Roadway," as defined in Iowa Code section 321I.1, means that portion of a highway improved, designed, or ordinarily used for vehicular travel. Roadway does not include the ditch.

SECTION 3 OPERATION ON ROADWAYS: If an All-Terrain Vehicle is properly registered with the Iowa DNR, pursuant to Iowa Code section 321I.3 and with proper identification under Section 5 of this ordinance, it may be operated on any gravel roadway in Sioux County (**not State or Federal highways**) pursuant to the restrictions in this ordinance and those restrictions imposed by the Iowa Code. All-Terrain and/or Off-Road Utility Vehicles shall not be operated on Class B roads when wet conditions exist that would cause damage to the roadway or would cause the vehicle to get stuck, and shall not be operated on Class C roads. The operation under this ordinance applies to those gravel roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation. Such operation must begin after official sunrise and must cease before official sunset. In the event that a person residing on a paved County road wishes to operate an All-Terrain and/or an Off-Road Utility Vehicle on the gravel roadways, said person may operate on the shoulder of a paved County road for a reasonable distance to reach the permissible County gravel roadway.

1. In order to determine whether a particular distance of travel on a paved County Roadway is

reasonable, the following factors may be considered:

- a. The operator's starting location;
- b. Any planned course of travel by the operator and/or any individuals the operator is riding with;
- c. The operator's destination;
- d. The operator's place of residence;
- e. Any other pertinent factors. This distance should not exceed two miles.

SECTION 4 UNLAWFUL OPERATION. A person **shall not operate** an All-Terrain and/or Off-Road Utility Vehicle under any of the following conditions:

1. At a rate of speed greater than the posted speed limit or greater than reasonable and/or proper under existing circumstances but in no case above 35 miles per hour.
2. During that time after sunset and before sunrise.
3. In a careless, reckless or negligent manner so as to:
 - a. Endanger any person, including the operator;
 - b. Cause injury or damage to person or property;
 - c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the road surface.
4. Without the following equipment:
 - a. Lit headlight(s) and taillight(s);
 - b. Brake lights, brakes, speedometer, and horn;
 - c. Rearview mirror, if the All-Terrain or Off-Road Utility Vehicle is so equipped;
 - d. An effective muffling device that complies with the standards and procedures required by Iowa Code 321I.12.
5. In any tree nursery planting in a manner which damages or destroys growing stock.
6. Without seatbelts when operating or riding in a side-by-side.
7. While under the influence of intoxicating liquor or narcotics or drugs. All laws that apply to a motor vehicle also apply to All-Terrain and Off-Road Utility Vehicles.
8. Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Chapter 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of insurance on board. An owner or driver cited for a violation, who produces to the clerk of court prior to the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issues shall be dismissed by the court. Upon dismissal, the Court or Clerk of Court shall assess the costs of the action against the defendant named on the citation.
9. On any designated riding area or designated trail unless the riding area or trail is signed as open to All-Terrain or Off-Road Utility Vehicle operation.
10. On any private or publicly owned property without permission.
11. Unless the operator is 16 years of age or older and has a valid Iowa Driver's License.
12. On the roadways, unless they have taken and passed an ATV education course and have an education certificate in their possession. (Applies to operators 16 and 17 years old only.)
13. With more persons on the vehicle than it was designed to carry.
14. On any County Conservation owned or managed property, including all county parks. All state park rules apply.

15. On any snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.
16. Upon an operating railroad right-of-way. All-Terrain or Off-Road Utility Vehicles may only cross railroad rights-of-way at designated crossing and shall observe all crossing safety requirements.
17. With a firearm in the person's possession while operating or riding on an All-Terrain or Off-Road Utility Vehicle, unless the firearm is unloaded and enclosed in a carrying case, subject to the following exceptions:
 - a. The person is riding on or operating an All-Terrain or Off-Road Utility Vehicle on land owned or possessed by the person and the person's conduct is otherwise lawful;
 - b. The person is riding on or operating an All-Terrain or Off-Road Utility Vehicle on land that is not owned or possessed by the person and all of the following apply:
 - i. The loaded firearm is a pistol or revolver and is secured in a retention holster upon the person,
 - ii. The person possesses and displays to a peace officer upon demand a valid permit to carry weapons which has been issued to the person, and
 - iii. The person's conduct is within the limits of the permit to carry weapons.

A non-ambulatory person may carry an uncased and unloaded firearm while operating or riding on an All-Terrain or Off-Road Utility Vehicle.

18. When an All-Terrain or an Off-Road Utility Vehicle is:
 - a. Overtaking a school bus, it shall not pass when red or amber warning signal lights are flashing. The operator shall bring the All-Terrain or Off-Road Utility Vehicle to a complete stop no closer than fifteen feet from the school bus when it is stopped and the stop arm is extended, and shall remain stopped until the stop arm is retracted and the school bus resumes motion.
 - b. Meeting a school bus with flashing amber warning lamps shall reduce the vehicle's speed to not more than twenty miles per hour, and shall bring the vehicle to a complete stop when the school bus stops and the stop signal arm is extended. The vehicle shall remain stopped until the stop signal arm is retracted after which time the driver may proceed with due caution.

SECTION 5 IDENTIFICATION REQUIREMENTS: Individuals who operate an All-Terrain and/or Off-Road Utility Vehicle on the roadways of Sioux County must obtain an identification sticker from the office of the Sioux County Recorder. The Sioux County Recorder is authorized to collect a registration fee as authorized by Resolution of the Board of Supervisors. The following conditions apply:

1. The owner of each All-Terrain and/or Off-Road Utility Vehicle shall be required to provide proof of ownership which is a current Iowa registration and a current Iowa decal as provided by the Sioux County Recorder.
2. Decals will be issued for All-Terrain and/or Off-Road Utility Vehicles and are not transferable.
3. Decals shall be affixed to the rear of the vehicle so that the permit is clearly visible.

SECTION 6 EXEMPT VEHICLES AND OPERATORS: This Ordinance does not apply to any exemption under the Iowa Code for All-Terrain and/or Off-Road Utility Vehicles operated pursuant to Iowa Code section 321I.9 (government and farm implements) or Iowa Code section 321.234A

(incidental to and use for agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code section 352.2, 321I.14(3)(b)(farm operations).

SECTION 7 PENALTIES: Violation of this Ordinance shall constitute a Simple Misdemeanor punishable by a fine of \$65.00 to \$625 plus the applicable court surcharge and costs and/or up to 30 days in jail.

SECTION 8 SEVERABILITY CLAUSE: If any section, provision, or part of this ordinance shall be adjudged 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 9 EFFECTIVE DATE: This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.


Approved and adopted this 15th day of May, 2018

Sioux County Board of Supervisors


Mark Sybesma, Chairman, Board of Supervisors

ATTEST: 
Ryan Dokter, Sioux County Auditor

First Reading: 5-1-2018
Second Reading: 5-15-2018
Approved: 5-15-2018


Ryan Dokter
Sioux County Auditor

RESOLUTION 2018-15

SETTING REGISTRATION FEES FOR ATV ORDINANCE NO. 27

WHEREAS, the Sioux County Board of Supervisors enacted Ordinance No. 27 Ordinance Regulating the Operation of All-Terrain and Off-Road Utility Vehicles in Sioux County, Iowa.


NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Sioux County, Iowa, that an annual registration fee of fifteen dollars (\$15) be assessed and collected by the Sioux County Recorder for the County registration of all-terrain and off-road utility vehicles in Sioux County.

Signed and dated this 15th day of May, 2018.



Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST:



Ryan Dokter
Sioux County Auditor