

ORDINANCE NO. 51

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

SECTION 1 PURPOSE. This ordinance shall designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may operate.

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

- 1) All-terrain Vehicle as defined by Iowa Code section 321I.1 means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in 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 by 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 is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than two thousand 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.
- 3) Roadway as defined by Iowa Code section 321I.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 gravel roadways in Webster County pursuant to the restrictions in this ordinance and those restrictions imposed by the Iowa Code. In the event that a person residing on a county blacktop wishes to operate an all-terrain vehicle and/or an off-road utility vehicle on the gravel roadways, said person may operate on the shoulder of the county blacktop ~~so far as to~~ **for a reasonable distance** to reach the permissible county gravel roadway. Such operation may begin one hour after sunrise and must cease one hour before sunset.

SECTION 4 UNLAWFUL OPERATION. A person shall not operate an all-terrain vehicle 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.
- 2) In a careless, reckless or negligent manner so as to
 - a) Endanger any person
 - 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 ground.
- 3) Without a lighted headlight and taillight.
- 4) In any tree nursery or planting in a manner which damages or destroys growing stock.
- 5) On public land, ice or snow in violation of official signs prohibiting such operation.

CX

Webster County
Lindsay Boeckman, Recorder
Instrument #2015-02756

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MISC MISCELLANEOUS

Total Fees: \$0.00

Pages: 3

Prepared by: Ryan D. Baldrige, Assistant Webster County Attorney - Webster County
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**AMENDMENT NUMBER 001 TO ORDINANCE NUMBER 051, AN
ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN
VEHICLES AND OFF-ROAD VEHICLES IN WEBSTER COUNTY, IOWA.**

SECTION 1 SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION 1 PURPOSE. This Ordinance shall designate the County secondary roadways upon which all-terrain vehicles and off-road utility vehicles may operate.

**SECTION 2 SHALL BE AMENDED TO INCLUDE THE FOLLOWING
SUBSECTION (4):**

- 3) Reasonable Distance. 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 operators starting location; b) any planned course of travel by the operator and/or any other individuals the operator is riding with; c) the operator's destination; d) the operator's place of residence. The above list is not exhaustive, other factors may be considered by law enforcement.

**SECTION 3 SHALL BE COMPLETELY REPLACED WITH THE FOLLOWING
LANGUAGE:**

SECTION 3 OPERATION ON COUNTY ROADWAYS. A registered all-terrain vehicle or off-road utility vehicle may be operated on unpaved roadways in Webster County pursuant to the restrictions in this ordinance and those restrictions imposed by the Iowa Code. An operator otherwise in compliance with the terms of this Ordinance and any other applicable ordinance, regulation or laws may operate a registered all-terrain

ATTEST:

Carol Messerly, County Auditor

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of Amendment 001 to Ordinance 051 passed by the Webster County Board of Supervisors on this 2nd day of June, 2015.

