

JONES COUNTY IOWA ORDINANCE 2018-08

An ordinance amending the code of ordinances of the County of Jones, State of Iowa.

Be it enacted by the Board of Supervisors of Jones County, Iowa as follows:

Section 1: The purpose of this ordinance is to add CHAPTER 16, JONES COUNTY OFF-HIGHWAY VEHICLE ORDINANCE OF TITLE V - PUBLIC ORDER, SAFETY & HEALTH.

Section 2: The Chapter will read as follows:

CHAPTER 16
OFF-HIGHWAY VEHICLE ORDINANCE
TITLE V - PUBLIC ORDER, SAFETY & HEALTH

SECTION 1. TITLE

This ordinance shall be known and may be cited and referred to as the Jones County Off-Highway Vehicle (O.H.V.) Ordinance.

SECTION 2. PURPOSE

The purpose of this ordinance is to protect the interest, welfare, health, and safety of citizens in Jones County by regulating the operation of Off-Highway Vehicles in Jones County Iowa. This ordinance does not relieve the operator's obligations, liabilities and responsibilities to safely and legally traverse the county's roadways.

SECTION 3. DEFINITIONS

For purposes of this ordinance, the following terms have the following meanings:

- A. Alcoholic Beverage means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
- B. 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 non-highway tires that is limited in engine displacement to less than one thousand two hundred 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.
- C. Designated Riding Area as defined by Iowa Code Section 321I.1 means an All-Terrain vehicle riding area on any public land or public ice under the jurisdiction of the Iowa Department of Natural Resources that has been designated by the department for All-terrain Vehicle use.
- D. Designated Riding Trail as defined by Iowa Code Section 321I.1 means an All-Terrain Vehicle riding trail on any public land, private land or public ice that has been designated by the state or the county for All-terrain Vehicle use.
- E. Off-Highway Vehicles (O.H.V.s) means All-Terrain Vehicles and Off-Road Utility Vehicles, either collectively or individually.
- F. 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 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" includes the following vehicles:

1. "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.
2. "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.
3. "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.

- G. Public Ice as defined by Iowa Code Section 321I.1 means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the Natural Resource Commission of the Iowa Department of Natural Resources.
- H. Public Land as defined by Iowa Code Section 321I.1 means land owned by the federal government, the state or political subdivisions of the state and land acquired or developed for public recreation pursuant to Iowa Code Section 321I.8.
- I. Roadway as defined by Iowa Code Section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 4. OPERATION ON ROADWAYS

A registered Off-Highway Vehicle may be operated on county roadways in Jones County, excluding state highways, pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. A person shall not operate an Off-Highway Vehicle on roads in Jones 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 A.T.V. Education Course and must carry a valid safety certificate on board as proof that the Iowa Department of Natural Resources approved A.T.V. Education Course was successfully completed. Operation of an Off-Highway Vehicle is only permitted on the roadway or shoulder, not in the ditch or on the road foreslope. Operation is 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. Operators are required to follow all local regulations or ordinances when operating in any incorporated city allowing such operation.

SECTION 5. UNLAWFUL OPERATION

A person shall not operate an Off-Highway Vehicle under any of the following conditions:

- A. At a rate of speed not to exceed thirty-five (35) miles per hour.
- B. In a careless, reckless, or negligent manner so as to:
 1. Endanger any person;
 2. Cause injury or damage to person or property; or,

3. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
- C. Without a lighted headlight and taillight from sunset to sunrise and operational brakes and a properly functioning unaltered factory exhaust muffler as defined in Iowa Code Section 321I.12.
- D. Without wearing a properly adjusted and fastened seatbelt if the All-terrain or Off-Road Utility Vehicle is so equipped from the manufacturer.
- E. Possess in the passenger area of the Off-Highway Vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.
- F. While driving impaired from an intoxicating beverage and/or narcotic and/or habit-forming drug.
- G. In any tree nursery or planting in a manner which damages or destroys growing stock.
- H. On public land, public ice, snow, or Designated Riding Trail in violation of official signs prohibiting such operation.
- I. In any park, wildlife area, preserve, refuge or game management area except on a Designated Riding Area or Designated Riding Trail identified by the Iowa Department of Natural Resources or the Jones County Conservation Board.
- J. Any portion of a 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 the operation of All-Terrain Vehicles on ice.
- K. With more persons on the vehicle than it was designed to carry.
- L. On any riding area or trail unless the trail is designated by signs as open to Off-Highway Vehicle operation.
- M. Under the age of 16.
- N. Without a valid driver's license.
- O. Being less than 18 years of age without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved A.T.V. Education Course.

SECTION 6. REGISTRATION REQUIREMENT AND OTHER CONDITIONS

Individuals who operate Off-Highway Vehicles on roadways in Jones County must register the Off-Highway Vehicle with the Iowa Department of Natural Resources through a county recorder's office. The following conditions apply:

- A. The owner of each Off-Highway Vehicle shall be required to provide proof of ownership including but not limited to bill of sale, Iowa Department of Natural Resources registration or registration from

the appropriate out-of-state authority, and Proof of Liability Insurance.

- B. Off-Highway Vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
- C. Off-Highway 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 7. LIABILITY INSURANCE REQUIREMENTS

At minimum a policy with bodily injury at \$500,000 per person, \$500,000 per incident and property damage of \$100,000 or combined single limits (bodily injury and property damage) of \$500,000 or equivalent. Upon request the operator is required to show proof of financial liability meeting the minimum requirements listed above. A proof of financial liability coverage card may be produced in paper or electronic format.

SECTION 8. EXEMPT VEHICLES

Registration shall not be required for:

- A. All-Terrain Vehicles and/or Off-Road Utility Vehicles used exclusively as farm implements in a farming operation as defined by the Iowa Code Section 352.2. Additionally, farm exempt vehicles that are used in a manner not consistent with the farm exemption, Iowa Code Sections 352.2 and 321.234A, are subject to the requirements of this ordinance including registration requirements and proof of including proof of liability insurance.
- B. All-Terrain Vehicles and/or Off-Road Utility Vehicles owned by the United States, this State or another State or by a governmental subdivision thereof and used for enforcement, search and rescue or official purposes but not for recreational or commercial purposes.
- C. All-Terrain Vehicles used in accordance with Iowa Code Section 321.234A(1)(a).

SECTION 9. PENALTIES

Violation of the ordinance shall constitute a simple misdemeanor punishable by a fine of \$65.00 to \$625.00 plus the applicable court surcharge and costs and/or up to 30 days in jail as set forth in Iowa Code Section 903.1(1)(a). Any amendments to the Simple Misdemeanor penalties of Iowa Code Section 903.1(1)(a) shall be automatically incorporated into this section without the need of amending this ordinance.

SECTION 10. EFFECTIVE DATE

The ordinance shall become effective upon its passage and publication pursuant to Iowa Code Section 331.302(8).

SECTION 11. VALIDITY

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 3. When Effective

This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

APPROVAL:

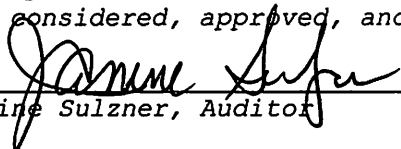
First Consideration: _____ November 14, 2018 Book "T".

Second Consideration: The provisions of Iowa Code section 331.302(6) regarding the number of considerations prior to final approval, were suspended by majority vote of the Board of Supervisors on November 20, 2018 Book "T".

Final Consideration & Adoption: _____ November 20, 2018 Book "T".

Published: December 5, 2018 in the Monticello Express, and December 6, 2018 in the Anamosa Journal-Eureka.

I, Janine Sulzner, Jones County Auditor, hereby certify that the foregoing Jones County, Iowa, Ordinance 2018-08, to amend the Jones County Code of Ordinances, was considered, approved, and published as stated.



Janine Sulzner, Auditor

12/5/18

Date