

CLINTON COUNTY

ORDINANCE NO. 2017-01

TITLE: AN ORDINANCE TO ESTABLISH THE LIMITED USE OF ALL TERRAIN VEHICLES (ATV) INCLUDING OFF ROAD UTILITY VEHICLES (UTV) ON SECONDARY ROADS IN CLINTON COUNTY, IOWA.

BE IT ORDAINED BY THE COUNTY OF CLINTON, STATE OF IOWA, PURSUANT TO SECTION 321 OF THE CODE OF IOWA:

That an ordinance limiting the usage of ATV'S and UTV's on Clinton County Secondary Roads, to be cited and known as the: "ATV ORDINANCE", be enacted as follows:

SECTION 1-- PURPOSE

The purpose of this ordinance is to identify regulations regarding ATV and UTV operation Clinton County roadways. This Ordinance does not relieve the operator's obligations, liabilities and responsibilities to safely and legally traverse the County roadways.

SECTION 2 -- DEFINITIONS

1. "All Terrain Vehicle" means a motorized floatation-tire 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 not more than twelve hundred pounds with a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "Off Road Utility Vehicle" means a motorized floatation-tire vehicle with not less than four and not more than eight non-highway tires or rubber tracks that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to not more than two thousand pounds with a seat that is of bench or bucket design, not intended to be straddled by the operator and which has a steering wheel or levers for steering control.
3. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.

SECTION 3 – OPERATION ON ROADWAYS

1. A registered ATV or UTV vehicle may be operated on Clinton County roads in Clinton County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. Such operation shall only be allowed between the hours of 4:00 AM and 10:00 PM (CST).
2. A person shall not operate an ATV or UTV on Clinton County roads unless the operator has a valid driver's license and is at least 16 years of age. A person under the age of 18 and shall not operate anytime before sunrise and/or anytime after sunset.
3. A person under the age of 18 operating an ATV or UTV on County roads shall be required to take and pass an Iowa Department of Natural Resources (IDNR) approved ATV Education course and must carry a valid safety certificate onboard as proof that the IDNR approved ATV course was successfully completed.
4. Operation of an ATV or UTV is only permitted on the roadway or shoulder, not in the ditch or on the road foreslope.

SECTION 4 -- RESTRICTIONS

1. A person shall not drive or operate an ATV or UTV:
 - a. At a rate of speed greater than 35 miles per hour or at a speed that is reasonable or proper under existing conditions.
 - 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. In a manner that causes the ATV or UTV to skid or cause the wheels to lose contact with the road.
 - d. While under the influence drugs or alcohol.
 - e. Without a lighted headlight, tail light and properly functioning unaltered factory exhaust muffler as defined in Iowa Code Section 321.I.12.
 - f. In any area designated as a native grass or wildflower planting area.
 - g. On any public land or designated riding trail in violation of official signs Iowa Department of Natural Resources, prohibiting such operation.
 - h. In any park, wild life area, preserve, refuge, game management area, or any portion of a meandered stream, stream, waterway or any ditch used of conveyance of drainage through the right-of-way.
 - i. ATV's and UTV's may only cross railroad rights-of-way at designated crossing and shall observe all crossing safety requirements.
 - j. Without a valid driver's license, the ATV or UTV is registered to the operator and the operator has proof of insurance.
 - k. With more persons than it was designed to carry.

SECTION 5 – REGISTRATION REQUIREMENTS AND CONDITIONS

Individuals who operate on roadways in Clinton County must register the ATV or UTV with the IDNR. The following conditions apply:

1. The owner of each ATV or UTV shall be required to provide proof of ownership including but not limited to, bill of sale, IDNR registration or registration from appropriate out-of-state authority and proof of liability insurance with minimum coverage of \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 property damage.
2. ATV's and UTV's registered in Iowa are required to display their current registration decal and carry their certificate on board.
3. ATV's and UTV's registered in another state are required to display their registration decal and carry their certificate on board.

SECTION 6 – EXEMPT VEHICLES

Registration shall not be required for ATV's or UTV's used exclusively as farm implements or as identified by the Code of Iowa.

SECTION 7 -- PENALTIES

The scheduled fine for violation of this section shall be one hundred dollars (\$100.00).

SECTION 8 -- REPEALER

All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed.

SECTION 9 -- VALIDITY

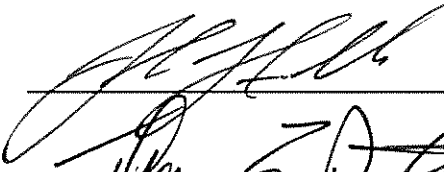
If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

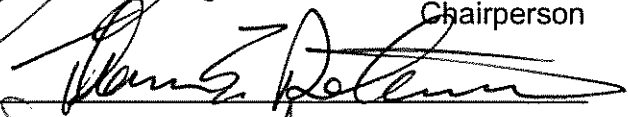
SECTION 10 -- WHEN EFFECTIVE

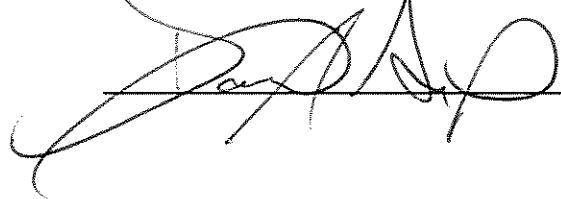
This ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved this 24th day of JULY, 2017.

Clinton County Board of Supervisors



Chairperson




ATTEST:



County Auditor

First Reading: JULY 17, 2017

Second Reading: JULY 24, 2017

Approved: JULY 24, 2017

Published: _____