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STATE OF IOWA  
COUNTY OF JEFFERSON  
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Delly A. Speer Recorder  
Image 2016-0763

**Jefferson County All-Terrain and Off-Road Utility Vehicle Ordinance**

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**Recorder's Cover Sheet**

**Preparer Information:** Jefferson County Attorney, 51 W. Hempstead Ave., Fairfield, IA  
52556 (641)472-9201

**Return Document To:** Jefferson County Auditor, 51 E. Briggs Ave., Fairfield, IA 52556

**Between:**

Jefferson County, Iowa  
51 E. Briggs Ave.  
Fairfield, Iowa 52556

AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES (2010),  
ADDING CHAPTER 6-60 REGULATING ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES  
ON JEFFERSON COUNTY ROADWAYS.

BE IT ADOPTED BY THE JEFFERSON COUNTY BOARD OF SUPERVISORS THAT:

I. Amendment. The Jefferson County Code of Ordinances should be amended by adding Chapter 6-60, which states:

**“Chapter 6-60. Off-Road Utility Vehicles.**

**SECTION 1. Purpose.** The purpose of this ordinance is to identify regulations regarding all-terrain vehicle and/or off-road utility vehicle operation on the portion of county roads as designated by the Jefferson County Board of Supervisors.

**SECTION 2. Definitions.**

1. ALL-TERRAIN VEHICLE (ATV) - a motorized flotation-tire vehicle with not less than four and not more than six non-highway tires that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred (1,200) 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 (UTV) - a motorized flotation-tire vehicle with not less than four and not more than eight non-highway tires that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to less than two thousand (2,000) 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 – that portion of a highway improved, designed, or ordinarily used for vehicle travel.

**SECTION 3. Operation on Roadways Permitted.** A registered ATV or UTV may be operated on all county roadways in Jefferson County, Iowa. Operation is permitted on paved secondary roads, gravel and Level B secondary roadways. Operation is prohibited in the ditches to any county roadway. Operation on Level C roadways is only permitted to those who have authority to otherwise use the Level C roadway. Operation of an ATV or UTV on Jefferson County roadways is only permitted from 1 hour after sunrise to 1 hour before sunset. The operator of an ATV or UTV must obey all applicable provisions the Code of Iowa and all county ordinances related to motor vehicle traffic and parking regulations.

**SECTION 4. Restrictions.** A person shall not drive or operate an ATV or UTV:

1. At a rate of speed greater than 35 miles per hours.
2. In a careless, reckless, or negligent manner as to:
  - a. Endanger any person;
  - b. Cause injury or damage to person or property; or
  - c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
3. While under the influence of an alcoholic beverage or narcotics or habit-forming drugs.
4. Without a lighted headlights and taillights at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a safe distance.
5. Without all persons in the vehicle properly secured by seat belts if the vehicle is equipped with seat belts.
6. Without adequate brakes.

**SECTION 5. Recommendations.** The safety of the travelling public is of great importance. Jefferson County also recognizes that each individual operator is primarily responsible for the safe operation of any ATV or UTV on a county roadway. Jefferson County recommends, but does not require:

1. Any time an ATV or UTV is operated on a paved secondary road it should operate on the shoulder if and when shoulder space is available and it is safe to do so.
2. All persons operating or riding on an ATV or UTV are encouraged to wear protective headgear at all times.

**SECTION 6. Permits.** No person shall operate an ATV or UTV on any approved County roadway, for any purpose, unless the operator possesses a Jefferson County permit to do so, issued by the County Sheriff's Office.

1. ATV or UTV owners may apply for a permit on forms provided by the County Sheriff's Office.
2. The County Sheriff's Office shall not issue a permit until the owner/operator has provided the following:
  - a. Evidence that the operator is at least 18 years of age and in possession of a valid Iowa driver's license.
  - b. Proof that the ATV or UTV is registered with the Iowa DNR.
  - c. Proof that the owner and operator have liability insurance covering operation of ATV or UTVs on approved County roadways in the amount required by the Code of Iowa.

3. All permits shall be issued for a specific ATV or UTV. Permit holders will be issued a number and a sticker to affix to the left rear of the vehicle in a place that can be easily seen by others viewing said vehicle from behind.
4. The fee for such permits shall be set by the Board of Supervisors and shall be valid for one (1) year from July 1<sup>st</sup> through June 30<sup>th</sup>.
5. The permit shall be suspended for 30 days for a first offense; 90 days for a second offense; and a permanent revocation for the third offense occurring within a calendar year for any violation occurring while operating an ATV or UTV of Iowa Code Chapters 321 or 321I.
6. The permit may be suspended or revoked by the County Sheriff's Office upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refund of the permit fee. Should permit be suspended or revoked, the owner or operator must receive a majority vote of the Board of Supervisors to allow for reinstatement of an existing permit or issuance of a new permit.

**SECTION 7. Exempt Vehicles.** The terms of this ordinance shall not be required for an ATV or UTV used exclusively as farm implements or as identified by the Code of Iowa. An ATV or UTV used as an authorized emergency vehicle is also exempted from requirements of this ordinance.

**SECTION 8. Penalties.** Any person, firm, partnership, corporation, or other entity or responsible person violating these rules or any provision thereof, shall be guilty of a simple misdemeanor and shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20.”

II. Severability Clause. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this document, which are separable from the unlawful provision shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

IV. Publication, Hearing, Approval, Adoption, and Filing of:

AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES (2010), ADDING CHAPTER 6-60 REGULATING ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES ON JEFFERSON COUNTY ROADWAYS.

Public hearing notice (Board of Supervisors) published on March 31<sup>st</sup> & April 14<sup>th</sup>, 2016 in Clarion-Plainsman and March 31<sup>st</sup> & April 12<sup>th</sup>, 2016 in The Fairfield Ledger.

First Reading on April 4, 2016.

Second Reading on April 18, 2016.

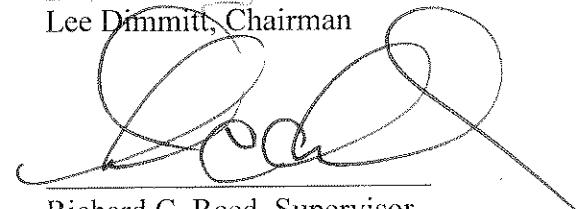
Third Reading waived.

Approved by the Board of Supervisors on this 18<sup>th</sup> day of April, 2016.



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Lee Dimmitt, Chairman



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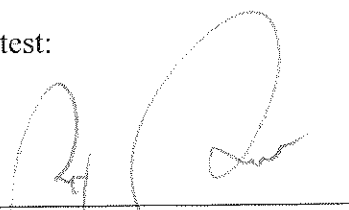
Richard C. Reed, Supervisor



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Becky Schmitz, Supervisor

Attest:



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Scott Reneker  
County Auditor

Publication of full text on April 29, 2016, in  
The Fairfield Ledger and May 5, 2016 in  
the Clarion-Plainsman.