

## **Ordinance #20-07**

### **Regulations Regarding Off-Road Utility Vehicles on Secondary Roads**

Be it ordained that the Bremer County Board of Supervisors hereby adopts the following regulations regarding Off-Road Utility Vehicles operated on that portion of Bremer County Secondary Roads as designated by the Bremer County Board of Supervisors.

#### **.01 Purpose**

#### **.02 Definitions**

#### **.03 Operation on Roadways**

#### **.04 Restrictions**

#### **.05 Exempt Vehicles**

#### **.06 Penalties**

### **SECTION .01 PURPOSE.**

Pursuant to Iowa Code 321I.10, a person shall not operate an Off-Road Utility Vehicle upon roadways or highways. However, the Board of Supervisors has the authority to allow Off-Road Utility Vehicles on designated county public roadways for a specific period.

The purpose of this ordinance is to designate that portion of Bremer County Secondary Roads by the Bremer County Board of Supervisors upon which Off-Road Utility Vehicles may be operated and regulated under Iowa Codes 321I, 321.20B and 321.234A.

The Bremer County Board of Supervisors has no jurisdiction or control of city streets. Regulating Off-Road Utility Vehicles within Cities in Bremer County is up to each respective city. See *When Effective* portion of this Ordinance.

### **SECTION .02 DEFINITIONS.**

1. "Off Road Utility Vehicle" means a motorized flotation-tire vehicle not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight of not more than 1,900 pounds and that has a seat is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
2. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

### **SECTION .03 OPERATIONS ON ROADWAYS.**

A registered Off-Road Utility Vehicle may be operated on the Bremer County Secondary graveled public roadway, with the exception of Level C roadways, provided however, in the event that a person wishes to operate an Off-Road Utility on the permissible county gravel public road, then and in that even, said person may so operate on the county pavement only so far as to reach the permissible county gravel public road. Operational time of day shall be from sunrise to dusk, as established by the National Weather Service, at which time said operations shall cease.

### **SECTION .04 RESTRICTIONS.**

1. A person shall not drive or operate an Off-Road Vehicle:

- a. Unless they are 18 years of age, have a valid driver's license-are registered with the Iowa Department of Natural Resources(IDNR) with properly displayed registration decal and have a valid proof of insurance on their Off-Road Utility Vehicle
  - b. Operators under the age of 18 and who possess a valid driver's license shall also have a valid IDNR Certification for Off-Road Utility Vehicle education course.
  - c. Operators under the age of 18 shall have an approved helmet.
  - d. At a rate of speed not greater than 35 Miles Per Hour or the posted speed limit, whichever is less.
  - e. Without a lighted headlight, taillight, and turn signals to render clearly discernible persons and vehicles at a distance of five hundred feet ahead and back, and, have a minimum one mirror to allow visibility to a minimum distance of 200 feet behind the vehicle.
  - f. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a non-meandered stream, which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossings of public roads or any other for crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of Off-Road Vehicle on ice.
  - g. Upon operating within railroad right-of-way, an Off-Road Utility Vehicle may be driven directly across railroad right-of-way only at established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.
  - h. All Off-Road Utility Vehicle operators shall ride in single file on the right-hand side of the roadway and shall make left turns across the road only if it is safe to do so under prevailing conditions.
  - i. All Riders under the age of 18 years old shall wear an approved helmet.
  - j. The operator and riders of an Off-Road Utility Vehicle shall wear the seatbelt or harness as so equipped by the manufacturer.
  - k. Operators shall abide by all traffic laws and posted traffic signs.
2. Any person operating an Off-Road Utility Vehicle with a firearm in the operator's possession shall abide by any applicable state laws during the time this ordinance is in effect.
  3. A person shall not operate an Off-Road Utility Vehicle with more persons on the vehicle than it was designated to carry.
  4. A person shall not operate an Off-Road Utility Vehicle on a designated trail other than Secondary Roads unless the trail is signed as open to Off-Road Utility Vehicle operation.
  5. A person shall not operate their Off-Road Utility Vehicle in any areas of the roadway ditch.
  6. A person operating an Off-Road Vehicle on a State of Iowa Highway in Bremer County (Highways: 3, 63, 93, 188, 218 in Bremer County) shall abide by any applicable state laws during the time this ordinance is in effect.

#### **SECTION 05. EXEMPT VEHICLES.**

Registration shall not be required for Off-Road Utility Vehicles used exclusively for farm implements and those vehicles used exclusively for emergency response or law enforcement purposes.

**SECTION 06. PENALTIES.**

Violation of this Ordinance constitutes a Simple Misdemeanor. The scheduled fine for violation of this section shall be one hundred dollars (\$100.00) plus all applicable court costs and fees.

**WHEN EFFECTIVE**

This ordinance shall be in effect after passage by the Bremer County Board of Supervisors and published as provided by law; This ordinance shall remain in effect until such time the Board of Supervisors passes a future ordinance repealing this ordinance.

1<sup>st</sup> Reading: August 3, 2020 at 10:30 a.m.

2<sup>nd</sup> Reading: August 17, 2020 at 10:30 a.m.

3<sup>rd</sup> Reading: August 31, 2020 at 10:30 a.m.

Motion by Supervisor Hildebrandt and seconded by Supervisor Kammeyer to approve the final reading of Bremer County Ordinance # 20-07, Regulations Regarding Off-Road Utility Vehicles on Secondary Roads Ordinance.

Vote taken resulted as follows:

Ayes: Hildebrandt, Kammeyer, Neil

Nays: None

Absent: None

Passed and approved by the Bremer County Board of Supervisors on this the 31<sup>st</sup> Day of August, 2020.