

KEOKUK COUNTY ORDINANCE NO. 48

REGULATIONS FOR USE OF ALL-TERRAIN OR OFF-ROAD UTILITY VEHICLES ON COUNTY ROADWAYS.

Be it enacted by the Board of Supervisors of Keokuk County, Iowa

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 and to allow utilitarian rather than recreational use as designated by the Keokuk County Board of Supervisors.

SECTION 2 – DEFINITIONS

1. "All-Terrain Vehicle" (ATV) means a motorized flotation -tire vehicle with not less than four and not more than six low pressure tires that is limited in engine displacement to less than 1000 cubic centimeters and in total dry weight to less than 1200 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) means a motorized flotation-tire vehicle with not less than four and not more than eight low pressure tires that is limited in engine displacement to less than 1500 cubic centimeters and in total dry weight to not more than the 1800 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. "Registered" means the vehicle is currently registered with the County Recorder pursuant to Iowa Code Chapter 321I.

4. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.

SECTION 3 – OPERATION ON ROADWAYS PERMITTED

A registered ATV or UTV may be operated on the paved, or the shoulder of paved, and gravel, not in the ditch, of secondary roadways in Keokuk County, Iowa; operation on Level C roadways is not permitted. Operation of an ATV and/or UTV on Keokuk County roadways is only permitted from sunrise to sunset. The operator of an ATV and/or UTV must obey all applicable provisions of the Code of Ordinances of Keokuk County, Iowa and Code of Iowa related to motor vehicle traffic and parking regulations.

SECTION 4 – RESTRICTIONS

1. A person shall not drive or operate an ATV and/or UTV:
 - a. At a rate of speed greater than 35 miles per hour.
 - 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. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. Without a lighted headlight and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a distance of three hundred feet ahead and behind.
 - e. Without adequate brakes.
 - f. Upon an operating railroad right-of-way; an ATV and/or UTV may be driven directly across a railroad right-of-way only at an established road 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.
2. A person shall not operate an ATV and/or UTV with more persons on the vehicle than it is designed to carry.
 3. A person shall not operate an ATV and/or UTV unless the operator has a valid Iowa driver's license, is at least 16 years of age, the vehicle is duly registered with the Iowa Dept. of Natural Resources (IA DNR), and the operator has proof of insurance.
 4. A person operating an ATV and/or a UTV who is 16 or 17 years old, shall be required to take and pass an Iowa DNR approved ATV Education Course and provide proof of the same.
 5. A person shall not discharge a firearm while on an ATV or UTV, except that a nonambulatory person may discharge a firearm from an ATV or UTV while lawfully hunting if the person is not operating or riding a moving vehicle.
 6. This ordinance does not apply to a person who operates an ATV and/or UTV for agricultural or other purposes as permitted in Iowa Code Section 321.234A.

SECTION 5 – PENALTIES

Violation of this resolution constitutes a Simple Misdemeanor, punishable by a fine of at least \$65 and no more than \$625 and/or up to 30 days in jail.

SECTION 6 – REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

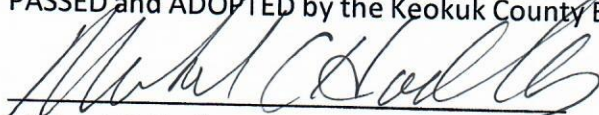
SECTION 7 – SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be judged 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.

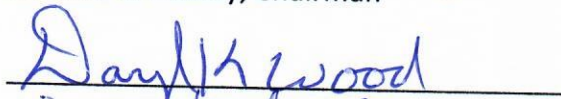
SECTION 8 – WHEN EFFECTIVE

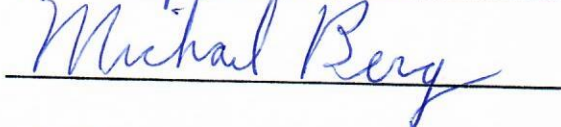
This ordinance shall be in effect after final passage, approval and publication as provided by law.

PASSED and ADOPTED by the Keokuk County Board of Supervisors on this 2nd day of December, 2019.




Michael C. Hadley, Chairman





ATTEST:



Christy Bates, Keokuk County Auditor

First Reading 11-18-19
Second Reading 11-25-19
Third Reading 12-2-19
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