

**MONONA COUNTY  
ORDINANCE NO. 55**

An Ordinance Permitting the Operation of Off-Road Utility Vehicles in Monona County, Iowa

**WHEREAS** the County Board of Supervisors has evaluated the traffic conditions on all County highways and designated roadways and has determined that Off-Road Utility Vehicles can be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic, and;

**WHEREAS**, pursuant to Iowa Code Section 321I.10, the County may permit operation of said vehicles on the roadways of that portion of county highways designated by the county board of supervisors for use during a specified period. and;

**WHEREAS**, the operation of said vehicles would be regulated under Iowa Code Chapters 321I, 321.20B, 321A.21, and other applicable provisions of Iowa law;

**NOW, THEREFORE**, be it resolved by the County Board of Supervisors of Monona County, Iowa, that the following regulations are hereby adopted regarding operation of Off-Road Utility Vehicles on county highways within Monona County:

- .01 Purpose
- .02 Definitions
- .03 Operation and Roadways
- .04 Restrictions
- .05 Identification Stickers
- .06 Exempt Vehicles
- .07 Penalties

**Section .01, Purpose:** The purpose of this Resolution is to designate that portion of county highways upon which Off-Road Utility Vehicles may be operated during a specified period, to specify said period, and to establish regulations regarding such operation.

**Section .02, Definitions:**

- (1) "Off-Road Utility Vehicle", as defined in Iowa Code Section 321I.1, 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 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

- (2) “Unpaved Roadway”, means a roadway as defined in Iowa Code Section 321I.1, which is a gravel or level B service road, or other road which is not paved by blacktop, asphalt, cement, brick, or other solid material.

**Section .03, Operation on Roadways:** A registered Off-Road Utility Vehicle may be operated on any unpaved roadway in Monona County, Iowa. Such operation limited to unpaved roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation, and such operation further limited to the hours from official sunrise to official sunset of the same day, as established by the National Weather Service.

**Section .04, Unlawful Operations:**

- (1) A person shall not drive or operate an Off-Road Utility Vehicle:
- a. At a rate of speed in excess of thirty-five miles per hour, nor greater than reasonable or proper under all existing circumstances.
  - 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 vehicles at a distance of five hundred feet ahead.
  - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
  - f. On any public land, ice, or snow, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.
  - g. 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 crossing of public roads or any other ford 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 all-terrain vehicles on ice.
  - h. Upon an operating railroad right-of-way. An Off-Road Utility Vehicle may be driven directly across a railroad right-of-way only at an 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 law enforcement officers or employee's duties or to an 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 or ride in an Off-Road Utility Vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case.
- (3) A person shall not operate an Off-Road Utility Vehicle:
  - a. With more persons on the vehicle than it was designated to carry.
  - b. Paragraph "a" does not apply to a person who operates an Off-Road Utility Vehicle as part of a farm operation as defined in Iowa Code Section 352.2.
- (4) A person shall not operate an Off-Road Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to Off-Road Utility Vehicle operation.
- (5) A person shall not operate a vehicle other than an Off-Road Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to such other use.
- (6) A person shall not operate an Off-Road Utility Vehicle unless the operator is 18 years of age or older and has a valid driver's license; unless the vehicle is duly registered; and unless the operator has proof of insurance complying with that required of the operator of a motor vehicle pursuant to applicable Iowa Statutes, Rules, and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.

**Section .05, Identification Stickers:** Individuals who operate an Off-Road Utility Vehicle on the roadways of Monona County must obtain an identification sticker from the office of the Monona County Recorder. The following conditions apply:

- (1) The owner of each Off-Road Utility Vehicle shall be required to provide proof of ownership including but not limited to bill of sale, registration, and other documentation as may be accepted by the Recorder.
- (2) Each applicant for an identification sticker must provide proof that the vehicle is properly registered pursuant to Iowa Code Section 321I.3 and DNR regulations.
- (3) Each applicant for an identification sticker must provide a valid driver's license and proof of insurance.
- (4) Each applicant for an identification plate must pay a fee in the amount of \$50.00.
- (5) Identification Stickers shall be affixed to the right-rear portion of all Off-Road Utility Vehicles in such a manner as to be clearly visible from a distance of at least one hundred feet.
- (6) Bona-fide Dealers of Off-Road Utility Vehicles may make application for Dealer Identification Sticker(s) pursuant to the following conditions:
  - a. Each applicant for Dealer Identification Sticker(s) must be authorized by the Iowa DNR as a Dealer of Off-Road Utility Vehicles.

- b. Each applicant for Dealer Identification Sticker(s) must pay a fee in the amount of \$50.00 for each sticker requested. There is no limitation on the number of stickers which may be issued to any one particular Dealer.
- c. Each applicant for Dealer Identification Sticker(s) must present proof of valid liability insurance applicable to persons operating said Dealer's Off-Road Utility Vehicles for purposes of demonstration, and such insurance must comply with that required of the operator of a motor vehicle pursuant to applicable Iowa Statutes, Rules, and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.
- d. Dealer Identification Sticker(s) shall be transferable from one Off-Road Utility Vehicle to another for the purpose of vehicle demonstration, and shall be utilized for the purpose of vehicle demonstration only. In addition to any other penalties set forth elsewhere in this Resolution, violation of this subsection may result in the revocation of all Dealer Identification Sticker(s) issued to the violating Dealer.

**Section .06, Exempt Vehicles:** Registration shall not be required for vehicles exempted under Iowa Code Section 321I.9 (3).

**Section .07, Penalties:** Violation of this Ordinance shall constitute a SIMPLE MISDEMEANOR punishable by a minimum fine of \$65.00, a maximum fine of \$625.00, plus applicable surcharges and court costs, and/or up to thirty (30) days in jail.

**Section .08, Effective Date:** This ordinance shall become effective on July 11, 2017.

The above and foregoing ordinance was adopted by the Board of Supervisors of Monona County, Iowa, this 11th day of July, 2017, and the vote thereon being as follows:

Monona County Board of Supervisors

/s/ Mike Collison

Michael Collison - Chairman

/s/ Tammy Bramley

/s/ Tom Brouillette

ATTEST:

/s/ Peggy A Rolph

Peggy A. Rolph,  
Monona County Auditor