

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 7/16/25 Weekly Agenda Date: 7/22/25

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Tina Bertrand, County Treasurer

WORDING FOR AGENDA ITEM:

Information and discussion regarding ATV ordinance

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☐

Give Direction ☐

Other: Informational ☒

Attachments ☒

EXECUTIVE SUMMARY:

Changes to Iowa code 321I - All Terrain Vehicles changes warrants a review of the county ordinance.

BACKGROUND:

Iowa code 321I changed to expand ATV operation on public roads. These changes impact the current Woodbury County Ordinance. The current law does not specifically prohibit a county fee, however, HF 257 does and will likely pass in the next session. Other sections of the ordinance should be reviewed for alignment with the changes to the code.

FINANCIAL IMPACT:

If there is a change in ordinance or if the county attorney believes the current legislation is sufficient to eliminate the county's ability to charge a fee for a county ATV permit, the revenue impact is a loss of \$6,500. All other changes to the ordinance are a no cost impact.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☒

RECOMMENDATION:

Update ordinance to align with Iowa code 321I.

ACTION REQUIRED / PROPOSED MOTION:



DRIVING YOUR ATV OR UTV/ORV ON IOWA PUBLIC ROADS AND STREETS

Know the Law. Ride Responsibly.

How to Drive on Public Roads

- Do not exceed 35 MPH.
- Driver must be age 18 or older with a valid driver's license.
- Do not drive while impaired or with open alcohol container.
- Headlight(s) must be on at all times.

What is Required for the Vehicle

Slow-Moving Vehicle Sign



Reflective sign with an orange triangle and dark red border that **must be displayed on rear of vehicle for ag or personal use.**

(Iowa Code 321.383)

- Proof of insurance.
- Registered with Iowa DNR and sticker displayed on rear of vehicle.
- Out-of-state vehicle must have an Iowa DNR nonresident user permit sticker.
- Functioning required equipment, including but not limited to: horn, mirrors, headlight(s), tail lights, and brake lights.
- Display slow-moving vehicle sign.

When and Where You Can Ride

- Operation allowed day or night.
- Roadway use allowed (except interstates and four-lane roads).
- Use state two-lane or county highways only on the most direct, accessible route to: an ATV/UTV/ORV park or trail, the nearest county road, an authorized city street, or your residence.
- Crossing multi-lane highways allowed only at intersections from authorized roads.

ATVs/UTVs and Iowa Law

ATVs/UTVs are regulated for use on roadways by Iowa code sections 321I and 321.234A.

Always refer to the most current version of the Iowa Code for legal guidance.



[321I](#)



[321.234A](#)

ATV vs. UTV/ORV: Key Differences

ATV

(All-Terrain Vehicle)



Handlebars

1-2 riders
straddle seat

3,4, or 6 wheels

UTV/ORV

(Utility Task Vehicle)
(Off-Road Utility Vehicle)



Steering wheel

2-6 riders sit
inside bench or
bucket seat

4 or 6 wheels

Exemptions for Ag Use on Public Roads

(Implements of Husbandry)

- No DNR registration required.
- No license needed if within 2 miles of farm. Class C license required if beyond 2 miles.
- Operation allowed only between sunrise and sunset.

Prioritize Your Safety



Wear a helmet.



Use a safety harness, if available.



Drive sober.

IOWA CODE REFERENCES

I. Non-Ag Operation Requirements

A. General Requirements:

- **Driver's License:** Valid license required – (Iowa Code 321.234A(2))
- **Insurance:** Valid liability insurance – (321.234A(2))
- **Minimum Age:** 18 years old – (321.234A(2))
- **Registration Decal:** Shall be affixed on rear of vehicle – (IA Admin Code 571-46.7; 321.234A(4))
- **Required Equipment:** As specified in Iowa Code Chapter 321 – (321.234A(3))

B. Lighting and Safety Equipment:

- **Headlamp(s):** Must be illuminated at all times – (321.384, 321.386)
- **Horn:** Required – (321.432)
- **Mirror:** Required – (321.437)
- **Rear Lamp:** Required – (321.387)
- **Signal Lamps:** Required – (321.404)
- **Slow-Moving Vehicle Sign:** Displayed on rear – (321.383(2))
- **Windows:** Frontside windows and windshield shall not be excessively dark – (321.438)

C. Operational Guidelines:

- **Direct Crossing:** Allowed on highways not part of the interstate – (321.234A(f); 321.10)
- **Paved County Secondary Roads:** Permitted if authorized by county or for direct access – (321.234A(f); 321.10(2-4))
- **Road Use - State Highways:** Only on undivided, two-lane roads for direct access – (321.234A(f); 321.10(2-4))
- **Road Use - City Streets:** Permitted if authorized by city or for direct access – (321.234A(f); (321.10(5))
- **Road Use - Unpaved County Roads:** Operation allowed – (321.234A(f); 321.10(2-4))
- **Speed Limit:** Must not exceed 35 MPH – (321.234A(2))

II. Ag Operation Exemptions

A. License Requirement Exemption:

- **Not required if used for farm purposes** – (321.176)
(Note: Cannot operate if license is suspended, barred, or revoked.)
- **2-mile limitation for ag operations** – (IA Admin Code 761-605.3; 321.176)

B. Operation Hours:

- **Only between sunrise and sunset** – (321.234A(1))

C. Registration Exemption:

- **Not required if used as an implement of husbandry** – (321.234A)

D. Speed Limit:

- **Must not exceed 35 MPH** – (321.234A(2))

WOODBURY COUNTY, IOWA

ORDINANCE # _____

An Ordinance permitting the operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Woodbury County, Iowa

WHEREAS, the Board of Supervisors has evaluated the traffic conditions on all County roadways/highways and has determined that all-terrain vehicles and 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 the county, and;

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

NOW, therefore be it resolved by the Board of Supervisors that the following regulations are hereby adopted regarding operation of all-terrain vehicles and off-road utility vehicles on county roadways within Woodbury County, Iowa:

Section 1: Purpose

To designate the county roadways upon which all-terrain vehicles and off-road utility vehicles may operate and to establish regulations regarding such operation.

Section 2: Definitions

1. All-Terrain Vehicle 321I.1(1)(a): means a motorized vehicle with not less than three and not more than six non-highway tires that is limited by engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred 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 321I.1(17)(a): means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks 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. Off-road utility vehicles include Type 1, Type 2 & Type 3 vehicles.
3. Roadways 321I.1: means that portion of the highway improved, designed or ordinarily used for vehicular travel. Roadway does not include the ditch.

Section 3: Operation on Roadways

A vehicle properly registered with the Iowa DNR, pursuant to Iowa Code section 321I.3, and with proper Woodbury County identification, pursuant to Section 5 of this ordinance, may be operated on any roadway in Woodbury County, Iowa pursuant to the restrictions in this ordinance and those restrictions imposed by Iowa Code. All-Terrain Vehicles and Off-Road Vehicles shall not be operated on dirt or earth surface roads or other Class B roads when wet conditions exist that would cause damage to the roadway or would cause the vehicle to get stuck. They are prohibited from Class C Roads. Operation under this

ordinance is only permitted on the county roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation. Operation is not permitted at any time on Interstate 29 and state highways.

Section 4: Unlawful Operation

A person shall not operate an All-Terrain Vehicle or Off-Road Utility Vehicle on county roadways under any of the following conditions:

1. At a rate of speed greater than the posted speed limit.
2. In a careless, reckless or negligent manner.
3. Without a lighted headlight or taillight.
4. In any tree nursery or planting in a manner which damages or destroys growing stock.
5. On private or public land prohibiting such operation.
6. In any park, wildlife area, preserve, refuge or game management area. Changed by 321I.10.3?
7. Any portion of a meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Iowa DNR and which is covered by water. Does not apply to designated riding areas and designated riding trails.
8. Upon an operating railroad right-of-way. May be driven directly across a railroad right-of-way only at established crossings.
9. With more persons on the vehicle than it was designed to carry.
10. While under the influence of intoxicating liquor or narcotics or drugs.
11. Without a valid driver's license and proof of insurance.
12. Under the age of 18.

Section 5: Identification Requirements

Individuals who operate an All-Terrain Vehicle or Off-Road Utility Vehicle on the roadways of the county must obtain an identification sticker from the office of Woodbury County Treasurer. The following conditions apply:

1. For each vehicle, the owner must provide proof of ownership, current registration with the Iowa DNR and proof of liability insurance.
2. Pay an annual registration fee in the amount of \$25.00.
3. Stickers must be affixed to the right-rear portion of the vehicle such that it is clearly visible.
4. Stickers are non-transferable.
5. Out of state vehicles are also required to be registered with Iowa DNR.

Section 6: Exempt Vehicles and Operators

This ordinance does not apply to any vehicles operated pursuant to Iowa Code section 321I.9 (government and farm implements) or Iowa Code section 321.234A (agricultural purposes, government, public utilities, licensed engineers and licensed surveyors).

Section 7: Penalties

Violation of this ordinance shall constitute a simple misdemeanor punishable by a minimum fine of \$65.00 and a maximum fine of \$625.00, plus applicable surcharges and court costs.

Section 8: Effective Date

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

Passed and approved this _____ day of __ ____, 2019.

Woodbury County Board of Supervisors

Keith Radig, Chairman

ATTEST:

Patrick Gill, Woodbury County Auditor

First Reading: _____

Second Reading: _____

Approved: _____

Published: _____