

PROCEEDINGS OF THE BOARD OF SUPERVISORS
February 26, 2019

The Board of Supervisors of Cerro Gordo County, Iowa, met in regular session pursuant to adjournment. Present: Chairman Chris Watts, Vice Chairman Tim Latham, Supervisor Casey Callanan (present by phone) and various members of the public.

Chairman Watts convened the meeting at 10:00 a.m.

Latham moved with Callanan seconding, to **approve the minutes from the February 19, 2019 regular session, and today's agenda.** Motion passed unanimously.

Latham moved with Callanan seconding, to **approve the plans and sign coversheet for Paving Project FM-C017 (157)-55-17 on S56 from 190th Street to Franklin County Line.** Motion passed unanimously.

Latham moved with Callanan seconding, to **approve claims.** Motion passed unanimously.

Callanan moved with Latham seconding, to **approve the payroll warrant register for the week ending February 16, 2019.** Motion passed unanimously.

Latham moved with Watts seconding, to **approve a payroll change for Keith Cerwinske, Louis Halder, Josh Lockwood and Don O'Tool in the amount of \$59,887.76/annually, effective on March 4, 2019.** Motion passed unanimously.

Chairman Watts opened the public portion of the hearing on Proposed Ordinance 64 – An Ordinance Authorizing the Operation of All-Terrain Vehicles & Off-Road Utility Vehicles in the unincorporated areas of Cerro Gordo County.

Latham moved with Callanan seconding, to **close the public portion of the hearing on Proposed Ordinance 64 – An Ordinance Authorizing the Operation of All-Terrain Vehicles & Off-Road Utility Vehicles in the unincorporated areas of Cerro Gordo County.** Motion passed unanimously.

Callanan moved with Latham seconding, to **approve the Third & Final Consideration of Proposed Ordinance 64 – An Ordinance Authorizing the Operation of All-Terrain Vehicles & Off-Road Utility Vehicles in the unincorporated areas of Cerro Gordo County.**

CERRO GORDO COUNTY ORDINANCE NO. 64-AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN THE UNINCORPORATED AREAS OF CERRO GORDO COUNTY, IOWA. WHEREAS, this ordinance designates the streets and portion of roadways where All-terrain Vehicles and Off-road Utility Vehicles may operate; and; WHEREAS, Iowa Code Chapter 3211 authorizes Cerro Gordo County to evaluate and designate roadways for operation which does not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic; and ;Whereas, registered All-terrain Vehicles and Off-road Utility Vehicles when operated with lights and by insured and licensed drivers do not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic. NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Cerro Gordo, Iowa. NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Cerro Gordo, Iowa.

SECTION 1. DEFINITIONS. The definitions of terms used in this ordinance are:

- 1) All-terrain Vehicle (ATV) means as defined by Iowa Code §3211.1.
- 2) Off-road Utility Vehicle (UTV) means as defined by Iowa Code §3211.1.
- 3) Roadway means that portion of a public street, right of way or highway improved, designed, or ordinarily used for vehicular travel.

SECTION 2. LAWFUL OPERATION. An All-terrain Vehicle or Off-road Utility Vehicle may be operated on Roadways (except State highways) in the unincorporated areas of Cerro Gordo County except in violation of the restrictions in this ordinance and those imposed by the Iowa Code.

SECTION 3. UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle under any of the following conditions:

- 1) In violation of any provision of Iowa Code §3211.4.
- 2) In a careless manner such that it creates or causes unnecessary tire squealing, skidding or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.
- 3) In a manner which causes the road surface material on the roadway to be disrupted or moved in any fashion such as to cause the road surface to have ruts, cause standing water or in any fashion require additional maintenance or grading so as to restore the regular crown or shape.
- 4) Without a lighted white light to the front and lighted red light to the rear, both of which shall be installed and operated in accordance with industry standards and practices for the vehicle.
- 5) Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Ch. 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of insurance on board. An owner or driver cited for a violation, who produces to the clerk of court prior to the date of the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.
- 6) On any Grade level C Roadway or dirt road.
- 7) On any Grade level B Roadway, except the portion thereof designed, or ordinarily used for vehicular travel is permitted.
- 8) On any street where, official signs are placed in accordance with the Uniform Sign Manual restricting operation.
- 9) On any land under the control of the Cerro Gordo County Conservation Board.
- 10) Shall not operate any ATV or UTV at a speed above thirty-five (35) miles per hour.
- 11) Shall not operate any ATV or UTV on any hard surface Roadway with a speed limit of fifty-five (55) miles per hour.

SECTION 4. REGISTRATION REQUIREMENTS. An All-terrain Vehicle or Off-road Utility Vehicle operated on a roadway shall be registered pursuant to the Iowa Code.

- 1) Those registered in Iowa shall display the current registration decal and shall carry the certificate on board.
- 2) Those registered in another state shall display the current indicia of registration and shall carry the certificate on board in compliance with the other state law.
- 3) All operators under this ordinance shall be sixteen years of age or older and have a valid driver's license.
- 4) All operators born after the year 1995 shall have successfully completed the ATV/UTV course through the Iowa DNR and carry proof of completion while operating the ATV or UTV.

SECTION 5. EXEMPT VEHICLES & OPERATORS. This Ordinance does not apply to any exemption under the Iowa Code for All-terrain Vehicles and Off-road Utility Vehicles operated pursuant to Iowa Code §3211.9 (government and farm implements) or Iowa Code §321.234A (incidental to and use for agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code §§352.2, 3211.14(3)(b)(farm operations).

SECTION 6. PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine only as provided by the Iowa Code plus the applicable court surcharge and costs.

SECTION 7. JURISDICTION. The provisions of this Ordinance shall apply throughout the unincorporated areas of Cerro Gordo County, Iowa.

SECTION 8. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged 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 10. EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First Consideration: February 5, 2019
Second Consideration: February 12, 2019
Third & Final Consideration: February 26, 2019
Motion passed unanimously by roll call vote.

Latham moved with Callanan seconding, to adjourn at 10:09 a.m.

Various tabulations, reports, correspondence and other documents that were presented at today's meeting are placed on file with the supplemental minutes.

Chairman Chris D. Watts
Board of Supervisors

ATTEST:

Becky Kirchgatter, Deputy County Auditor
Cerro Gordo County