



Replaced by
Ordinance #36/37
MAX 90 days

LOCAL ORDINANCE # 35
MITCHELL COUNTY ROAD PRESERVATION

SECTION 1 - PURPOSE:

The purpose of this ordinance is to protect Mitchell County granular surface secondary roads during the time period from February 1st to April 30th for vehicles weighing in excess of 50,000 pounds which cause damage to the roads by repetitive trips over said road.

Repetitive acts shall be defined as more than one trip in a closely related time period over the road by any truck(s), or other commercial vehicle(s), by the same person, individual, corporation, limited liability company or partnership.

Those persons in violation of this ordinance will be subject to a civil penalty which shall be equal to the cost of repairing the damages caused by violators of this act.

Mitchell County acknowledges that certain granular surface secondary roads are particularly vulnerable to damage by heavy vehicles during the spring months and therefore the county exercises its authority under Iowa Code §321.471 to impose a temporary embargo not to exceed 90 days and subject to the limitations as set out in this Code Section.

SECTION 2 - AUTHORITY:

This local ordinance is enacted pursuant to the provisions of Iowa Code §§321.236(8) and 321.471-321.475.

SECTION 3 - TITLE:

The title of this ordinance shall be "Mitchell County Road Preservation Act."

SECTION 4 - RESTRICTIONS:

It shall be unlawful for any owner(s) or operator(s) of any truck(s) or other commercial vehicle(s) whose weight is in excess of 50,000 pounds gross vehicle weight to travel on and cause damage by repetitive acts to granular surface secondary roads from February 1st to April 30th of any particular year. This Act does not apply to implements of husbandry as defined in Iowa Code §321.1.32, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, and fire apparatus and road maintenance equipment owned by, under lease to, or used in the performance of a contract with a State or local authority.

SECTION 5 - ENFORCEMENT:

This local ordinance may be enforced by the Mitchell County Sheriff's Office or any law enforcement officer in Mitchell County when acting pursuant to his duties.

SECTION 6 - COMPLAINT:

Any person who observes a truck or other commercial vehicle in violation of this ordinance may file a complaint with the Mitchell County Sheriff's Office specifying the nature of the violation, the date thereof, a description of the truck or other commercial vehicle and the name and residence, if known, of the owner of the truck or other commercial vehicle. Such complaint may serve as the basis for

enforcing the provisions of this ordinance. Any individual filing a false complaint under this ordinance shall be deemed to have committed a violation of Iowa Code §718.6.

SECTION 7 - APPEARANCE CITATION:

The Mitchell County Sheriff's Office or any law enforcement officer in Mitchell County upon investigation of a violation of this ordinance may issue and serve an appearance citation for such violation.

SECTION 8 - PENALTIES:

A penalty under this Section shall be limited to instances when a violator of this act causes actual damage to Mitchell County granular surface secondary roads by repetitive acts of truck(s), or other commercial vehicle(s) whose weight is in excess of 50,000 pounds gross vehicle weight. A civil penalty shall be issued in an amount equal to the amount necessary to repair the damaged road. However, in the event that it is determined that the cost to repair damages is less than \$1,000.00, then the person guilty of the violation shall not be required to pay the civil assessment.

SECTION 9 - SEPARABILITY:

Each separate provision of this ordinance shall be deemed independent of all other provisions herein; and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 10 - REPEALER:

This ordinance shall supersede all prior local laws, ordinances, rules and regulations relative to the control of trucks or other commercial vehicles within Mitchell County.

SECTION 11 - IOWA CODE §321:

Iowa Code §321 shall continue to remain in full force and effect and no provision of that Code Section shall be deemed to have been effected by this ordinance.

SECTION 12 - EFFECTIVE DATE:

This enactment shall be in full force and effect from and after its passage and adoption as provided by law.

Adopted by the Board of Supervisors on this 5th day of FEBRUARY, 2008.

MITCHELL COUNTY BOARD OF SUPERVISORS

By: Joel Voaklander
Joel Voaklander, Chairperson, Board of Supervisors

ATTEST:

Lowell Tesch

Lowell Tesch, County Auditor