

LOCAL ORDINANCE #44
MITCHELL COUNTY ROAD PROTECTION ORDINANCE

SECTION 1 - PURPOSE:

The purpose of this ordinance is to protect Mitchell County hard surfaced roads, including but not limited to concrete and blacktop roads, from damage caused by a tractor, vehicle or implement equipped with steel or metal tires equipped with cleats, ice picks, studs, spikes, chains or other projections of any kind or steel or metal wheels equipped with cleats, ice picks, studs, spikes, chains or other projections of any kind.

SECTION 2 - AUTHORITY:

This local ordinance is enacted pursuant to the provisions of Iowa Code §321.442.

SECTION 3 - TITLE:

The title of this ordinance shall be the "Mitchell County Road Protection Ordinance."

SECTION 4 - RESTRICTIONS:

No person shall drive over the hard surfaced roadways, including but not limited to concrete and blacktop roads, of Mitchell County, or any political subdivision thereof, a tractor or vehicle equipped with steel or metal tires equipped with cleats, ice picks, studs, spikes, chains or other projections of any kind and cause damage to said road or steel or metal wheels equipped with cleats, ice picks, studs, spikes, chains or other projections of any kind and cause damage to said road. No person shall tow or in any way pull another tractor, vehicle or implement over the hard surfaced roads, including but not limited to concrete and blacktop roads, of Mitchell County, or any political subdivision thereof, which towed or pulled tractor, vehicle or implement has steel or metal tires equipped with cleats, ice picks, studs, spikes, chains or other projections of any kind and cause damage to said road or steel or metal wheels equipped with cleats, ice picks, studs, spikes, chains, or other projections of any kind and cause damage to said road.

SECTION 5 - ENFORCEMENT:

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

SECTION 6 - COMPLAINT:

Any person who observes a tractor, vehicle or implement in violation of this ordinance may file a complaint with the Mitchell County Engineer's Office or the Mitchell County Sheriff's Office specifying the nature of the violation, the date thereof, a description of the tractor, vehicle or implement and the name and residence, if known, of the owner of the tractor, vehicle or implement. 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 Engineer's Office, 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:

Any person convicted of violating this ordinance shall be subject to a maximum fine in the amount of \$1,000.00 or 30 days in jail, or both. In addition, any violation of this penalty shall be a County infraction which is punishable by a civil penalty equal to the amount necessary to repair the damage to the road.

Minimum fine for a first offense is \$250.00. For a second offense, the minimum fine is \$500.00. For a third offense, the minimum fine is \$1,000.00.

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 operation a tractor, vehicle or implement equipped with steel or metal tires equipped with cleats, ice picks, studs, spikes, chains or other projections of any kind or steel or metal wheels equipped with cleats, ice picks, studs, spikes, chains or other projections of any kind on hard surfaced roads, including but not limited to concrete and blacktop roads.

Mitchell County Ordinance No. 41 is repealed after the passage, adoption and publication as provided by law of this ordinance.

SECTION 11 - IOWA CODE §321:

Iowa Code §321.442 shall continue to remain in full force and effect and no provision of that Code Section shall be deemed to have been eliminated by this ordinance.

SECTION 12 - EFFECTIVE DATE:

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

Adopted by the Board of Supervisors on this 10th day of August, 2010.

MITCHELL COUNTY BOARD OF SUPERVISORS

By: Stanley R. Walk Chair
Stanley R. Walk, Chairperson, Board of Supervisors

ATTEST:

Lowell Tesch
Lowell Tesch, County Auditor