

## ORDINANCE #53

### Regulations Regarding Off-Highway Vehicles

- 01 Purpose
- 02 Definitions
- 03 Operation on roadways
- 04 Restrictions
- 05 Exempt vehicles
- 06 Penalties
- 07 Age Restriction/Requirements
- 08 Saving Clause
- 09 Repealer

#### SECTION 01 PURPOSE.

The purpose of this ordinance is to designate that portion of county secondary roads designated by the Osceola County Board of Supervisors upon which off-highway vehicles may be operated.

#### SECTION 02 DEFINITIONS.

1. "All-terrain Vehicle" means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,000 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" 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 that is of bucket or bench design, not intended or designed to be straddled by the operator, and a steering wheel or control levers for control.
3. "Off-Highway Vehicle (OHV)" – Means any all-terrain vehicle(s), off-road motorcycle(s), or off-road utility vehicle(s), whether collectively or individually.
4. "Roadway" means that portion of a county road improved, designed, or ordinarily used for vehicular travel.
5. "Operate" means to ride in, on (other than as a passenger), use, or otherwise control the operation of an OHV in any manner, whether or not the OHV is moving, or the engine is running.
6. "Operator" means any person who operates or is in actual physical control of an OHV.

The aforementioned definitions are intended to mirror the definitions set forth in Chapter 321I of the Iowa Code (2019); Section 321I.1 thereof is hereby incorporated by reference. Accordingly, pursuant to Section 331.302(5) of the Iowa Code (2019), if section 321I.1 is hereinafter amended, the aforementioned definitions shall likewise be deemed to have been incorporated by automatically amended without the necessity of a formal amendment being approved by the Osceola County Board of Supervisors.

#### SECTION 03 OPERATION ON ROADWAYS.

An Off-Highway Vehicle, which is properly registered according to this Ordinance, may be operated on the Osceola County, Iowa, secondary roadways pursuant to the conditions of this resolution, and other applicable law.

#### SECTION 04 RESTRICTIONS

1. A person shall not drive or operate an Off-Highway Vehicle:
  - a. At a rate of speed not greater than the posted or accepted speed limit, or greater than reasonable or proper under all existing circumstances, including, but not limited to, weather, road conditions, and traffic.

- 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 alcohol, narcotics, or illicit 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 500 feet ahead. Determinations of whether or not conditions provide sufficient lighting under this subsection shall be made according to the standards set forth in Iowa Code 321.384.
  - e. In any planting, field, or nursery in a manner which damages or destroys growing stock, or the property of another.
  - 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 crossings of public roads or any other 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 OHVs on ice.
  - h. Upon an operating railroad right-of-way, an OHV 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 a law enforcement officer or railroad 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 on an Off-Highway Vehicle with a firearm in the person's possession **unless** it is unloaded **and** enclosed in a carrying case, **or** carried pursuant to, **and** according to, all laws concerning a valid permit to carry weapons. Said permit to carry weapons shall be kept on the physical person or in the possession of the operator and shall be displayed to law enforcement officers upon a valid request. However, a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle.
  3. a. A person shall not operate an Off-Highway Vehicle with more persons on the vehicle than it was designated to carry, according to manufacturer's original specifications.  
b. Paragraph "a" does not apply to a person who operates an Off-Highway Vehicle as part of a farm operation as defined in Iowa Code Section 352.2.
  4. A person shall not operate an Off-Highway Vehicle on a designated riding area or designated trail unless the riding area or trail is signed by the department as open to OHV operation
  5. A person shall not operate a vehicle other than an Off-Highway Vehicle on a designated riding trail unless the riding area or trail is signed by the department as open to such other use.
  6. A person shall not operate an Off-Highway Vehicle unless the operator has an Iowa driver's license (or equivalent operator's license issued by another state or territory of the United States), the vehicle is duly registered, and the operator has proof of insurance, as required by Iowa Code for regular motor vehicles.

**SECTION 05 EXEMPT VEHICLES.**

Registration shall not be required for Off-Highway Vehicles used exclusively as farm implements or for agricultural purposes pursuant to Iowa Code 321I.9 (Government/Farm) Iowa Code 321.234A (Incidental Agricultural and other use).

**SECTION 06 PENALTIES.**

Violation of this Resolution constitutes a Simple Misdemeanor, punishable by a fine of at least \$65.00 and no more than \$625.00 and/or up to 30 days in jail.

**SECTION 07 AGE RESTRICTIONS/REQUIREMENTS**

A person under the age of 18 shall not operate an Off-Highway Vehicle on County roads unless said person has taken, **and** passed, an Iowa Department of Natural Resources (IDNR) approved ATV/UTV/OHV Education course **and** carries on their person **or** on board the OHV a valid safety certificate as proof that an IDNR approved ATV/UHV/OHV safety course was successfully completed.

**SECTION 8 SAVING CLAUSE**

If any section, provision, or part of this Ordinance is adjudged invalid, unconstitutional, or unenforceable, such adjudication shall not affect the validity of this Ordinance, as a whole, or any section, part, or provision which has not been adjudged invalid, unconstitutional, or otherwise unenforceable.

**SECTION 9 REPEALER**

Any and all sections, sub-sections, sub-paragraphs, and other parts of the ordinances of Osceola County, Iowa, in conflict with this Ordinance, whether in whole or in part, are hereby repealed, to the extent that they conflict with this Ordinance.

PASSED AND ADOPTED on this 10<sup>th</sup> day of September, 2019 and effective upon publication.

---

Chairperson, Board of Supervisors

---

County Auditor

<b>COUNTY NAME:</b> Osceola	<b>NOTICE OF PUBLIC HEARING</b> <b>AMENDMENT OF CURRENT COUNTY BUDGET</b>	<b>CO NO:</b> 72
--------------------------------	--	---------------------

The County Board of Supervisors will conduct a public hearing on the proposed amendment to the current County budget as follows:

<b>Meeting Date:</b> September 24, 2019	<b>Meeting Time:</b> 9:00 am	<b>Meeting Location:</b> Courthouse-Board Room
--	---------------------------------	---

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of, the proposed amendment. An approved budget amendment is required in order to permit increases in any class of expenditures as last certified or last amended.

County Telephone No.: 712-754-2241	For Fiscal Year Ending: 6/30/2020
------------------------------------	-----------------------------------

Iowa Department of Management Form 653 A-R Sheet 1 of 2 (Publish) (revised 05/01/14)	Total Budget as Certified or Last Amended	Proposed Current Amendment	Total Budget After Current Amendment
<b>REVENUES &amp; OTHER FINANCING SOURCES</b>			
Taxes Levied on Property	1 4,805,563		4,805,563
Less: Uncollected Delinquent Taxes - Levy Year	2 246		246
Less: Credits to Taxpayers	3 258,007		258,007
Net Current Property Taxes	4 4,547,310	0	4,547,310
Delinquent Property Tax Revenue	5 637		637
Penalties, Interest & Costs on Taxes	6 10,000		10,000
Other County Taxes/TIF Tax Revenues	7 460,461		460,461
Intergovernmental	8 3,196,993	209,000	3,405,993
Licenses & Permits	9 29,400		29,400
Charges for Service	10 320,240		320,240
Use of Money & Property	11 130,019		130,019
Miscellaneous	12 49,620	5,270	54,890
<b>Subtotal Revenues</b>	13 8,744,680	214,270	8,958,950
Other Financing Sources:			
General Long-Term Debt Proceeds	14	750,000	750,000
Operating Transfers In	15 1,379,106		1,379,106
Proceeds of Fixed Asset Sales	16		0
<b>Total Revenues &amp; Other Sources</b>	17 10,123,786	964,270	11,088,056
<b>EXPENDITURES &amp; OTHER FINANCING USES</b>			
Operating:			
Public Safety & Legal Services	18 1,770,750		1,770,750
Physical Health & Social Services	19 251,109		251,109
Mental Health, ID & DD	20 90,960		90,960
County Environment & Education	21 1,655,784	1,254,305	2,910,089
Roads & Transportation	22 5,141,032		5,141,032
Government Services to Residents	23 322,053		322,053
Administration	24 1,321,208	10,500	1,331,708
Nonprogram Current	25 157,814		157,814
Debt Service	26 1,323,525		1,323,525
Capital Projects	27 61,000		61,000
<b>Subtotal Expenditures</b>	28 12,095,235	1,264,805	13,360,040
Other Financing Uses:			
Operating Transfers Out	29 1,379,106		1,379,106
Refunded Debt/Payments to Escrow	30		0
<b>Total Expenditures &amp; Other Uses</b>	31 13,474,341	1,264,805	14,739,146
<b>Excess of Revenues &amp; Other Sources over (under) Expenditures &amp; Other Uses</b>	32 (3,350,555)	(300,535)	(3,651,090)
Beginning Fund Balance - July 1,	33 7,605,127		7,605,127
Increase (Decrease) in Reserves (GAAP Budgeting)	34		0
Fund Balance - Nonspendable	35		0
Fund Balance - Restricted	36 2,975,228		2,975,228
Fund Balance - Committed	37		0
Fund Balance - Assigned	38		0
Fund Balance - Unassigned	39 1,279,344	(300,535)	978,809
<b>Total Ending Fund Balance - June 30,</b>	40 4,254,572	(300,535)	3,954,037

Explanation of changes:

Wages(General Basic Fund, Service Area 6-Dept. 99 \$4,500)  
FICA/IPERS(General Supplemental Fund, Service Area 6 - Dept. 99 \$770)  
Economic Development Allocation Fund Correction( To General Basic Fund, Service Area 6 - Dept.99  
\$45,925 from Rural Basic Fund, Service Area 6 - Dept. 99 -\$45,925)  
Tyler Avenue Paving Project(CFE Fund, Service Area 6 - Dept. 99 \$1,249,035)  
Equipment(General Basic Fund, Service Area 9- Dept 52 \$8,750)  
GASB 45 Audit(General Basic Fund, Service Area 9 - Dept. 99 \$1,750)

**Resolution#7-19/20  
Budget Amendment**

WHEREAS, the Osceola County Board of Supervisors held a public hearing for a budget amendment, as provided by law;

WHEREAS, objections, if any, were received and considered, after which the Board decided to proceed;

WHEREAS, the Osceola County Board of Supervisors has complied with the requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Osceola County Board of Supervisors hereby adopts a budget amendment as proposed and published in the Ocheyedan Press-Melvin News and Osceola County Gazette-Tribune. Budget amendment as follows:

	<b>Total Budget as Certified Or Last Amended</b>	<b>Adopted Current Amendment</b>	<b>Total Budget After Current Amendment</b>
<b>Expenditures</b>			
Service Area 06	1,655,784	1,254,305	2,910,089
Dept. 99(Non-Departmental) - Wages/FICA/IPERS/Economic Development Allocation Fund Correction/ Tyler Avenue Paving Project			
Service Area 09	1,321,208	10,500	1,331,708
Dept. 52(Data Processing) – Equipment; Dept. 99(Non-Departmental) – GASB 45 Audit			

Roll call vote: Aye - \_\_\_\_\_

Nay - \_\_\_\_\_

Resolution#7-19/20 is approved and adopted this 24<sup>h</sup> day of September, 2019.

\_\_\_\_\_  
Jayson VandeHoef  
Chairman, Board of Supervisors

\_\_\_\_\_  
Rochelle Van Tilburg  
Auditor

**RESOLUTION NO. 08-19/20**  
**IDENTIFYING COUNTY OPERATING FUNDS**

WHEREAS, on August 25, 1992, the Osceola County Board of Supervisors, in compliance with Iowa Code Chapter 12B, adopted a County Investment Policy, and

WHEREAS, Section 7 of said policy provides, in part, that operating funds be identified and distinguished from all other funds available for investment, and

WHEREAS, the following projected figures represent the best available criteria to identify funds available for investment of 397 days or longer:

07-01-2019 Beginning Balance	\$ 4,543,470
125% of Budgeted Revenues for Fiscal Year ending 06-30-2020	+ 12,049,052
125% of Budgeted Expenditures for Fiscal Year ending 06-30-2020	<u>- 15,674,602</u>
Funds Available for Investment with maturities over 397 days	\$ 917,920

NOW, THEREFORE, BE IT RESOLVED by the Osceola County Board of Supervisors that \$917,920 is hereby identified and available for investment of 397 days or longer by the Osceola County Treasurer.

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

PASSED and approved this 24th day of September, 2019.

\_\_\_\_\_  
Jayson VandeHoef, Chairman  
Osceola County Board of Supervisors