

RESOLUTION 24-20

Ordinance #2020-1, An Ordinance Authorizing the Operation of All-Terrain Vehicles and Off-Road Utility Vehicles in the Unincorporated Areas of Floyd County, Iowa (2nd Reading)

Whereas, on May 26, 2020, the Floyd County Board of Supervisors (Board) approved Res #22-20 to allow All-Terrain Vehicles (ATV) and Off-Road Utility Vehicles (UTV) on roads of the unincorporated areas of Floyd County (Ordinance) following a public hearing and first reading of said proposed new Ordinance;

Whereas, at the regular Board meeting on June 1, 2020, the Board held its second reading of said proposed Ordinance;

Therefore, upon the Floyd County Board of Supervisor's second reading of the proposed Ordinance #2020-1, An Ordinance Authorizing the Operation of All-Terrain Vehicles and Off-Road Utility Vehicles in the Unincorporated Areas of Floyd County, Iowa, the following actions were taken:

Supervisor Kamm motioned and Supervisor Tjaden seconded to:
(Check all that apply.)

- Approve the second reading of proposed Ordinance #2020-1, An Ordinance Authorizing the Operation of All-Terrain Vehicles and Off-Road Utility Vehicles in the Unincorporated Areas of Floyd County, Iowa.
- Set the date for the third reading and of said Ordinance for _____.
- Waive the third reading of said Ordinance.
- Approve the final reading said Ordinance.
- Disapprove said Ordinance.

Vote taken resulted as follows:

Ayes – Kamm, Tjaden, Schwickerath

Nays – _____

Absent – _____

PASSED, ADOPTED AND APPROVED this 1st day of June, 2020.

ATTEST:

Gloria A. Carr
Gloria A. Carr, Auditor

FLOYD COUNTY BOARD OF SUPERVISORS

Roy Schwickerath
Roy Schwickerath, Chair

Proof of Publication

STATE OF IOWA
Floyd County.

I, Christopher Hall, Owner/Publisher, of the CHARLES CITY PRESS, in said county, do hereby state that I certify under penalty of perjury and pursuant to the laws of the State of Iowa that a notice, which is a true copy, has been printed and published each week for 1 consecutive weeks in the regular daily issues of said paper commencing with the issue of

Tuesday June 16 on the 16 day of June A.D., 2020 and ending with the issue of June 16, 2020.

Christopher Hall
Owner/Publisher

Acknowledgement and charges for above services \$93.63

Subscribed and sworn to before me this 16 day of June A.D., 2020

Cole

Notary Public in and for the State of Iowa



Chaska Co. Press

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increase of \$1,000 to annual salary following completion of verification from the Iowa Department of Workforce Development. Updates on the Board's agenda for the week of June 15, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of June 22, 2020 are available on the Board's website at www.floydcountyiowa.gov.

Updates on the Board's agenda for the week of June 29, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of July 6, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of July 13, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of July 20, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of July 27, 2020 are available on the Board's website at www.floydcountyiowa.gov.

The Board's agenda for the week of June 15, 2020 includes: Updates on the Board's agenda for the week of June 15, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of June 22, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of June 29, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of July 6, 2020 are available on the Board's website at www.floydcountyiowa.gov.

Updates on the Board's agenda for the week of July 13, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of July 20, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of July 27, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of August 3, 2020 are available on the Board's website at www.floydcountyiowa.gov.

Updates on the Board's agenda for the week of August 10, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of August 17, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of August 24, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of August 31, 2020 are available on the Board's website at www.floydcountyiowa.gov.

Updates on the Board's agenda for the week of September 7, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of September 14, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of September 21, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of September 28, 2020 are available on the Board's website at www.floydcountyiowa.gov.

Updates on the Board's agenda for the week of October 5, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of October 12, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of October 19, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of October 26, 2020 are available on the Board's website at www.floydcountyiowa.gov.

Updates on the Board's agenda for the week of November 2, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of November 9, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of November 16, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of November 23, 2020 are available on the Board's website at www.floydcountyiowa.gov.

Updates on the Board's agenda for the week of November 30, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of December 7, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of December 14, 2020 are available on the Board's website at www.floydcountyiowa.gov. Updates on the Board's agenda for the week of December 21, 2020 are available on the Board's website at www.floydcountyiowa.gov.

Proof of Publication

STATE OF IOWA
Floyd County,

I, Christopher Hall, Owner/Publisher, of the CHARLES CITY PRESS, in said county, do hereby state that I certify under penalty of perjury and pursuant to the laws of the State of Iowa that a notice, which is a true copy, has been printed and published each week for 1 consecutive weeks in the regular daily issues of said paper commencing with the issue of Friday on the 5 day of June A.D., 2020 and ending with the issue of, June 5, 2020.

Christopher J. Hall
Owner/Publisher

Acknowledgement and charges for above services
\$ 44.72

Subscribed and sworn to before me this 5 day of June A.D., 2020

CRW

Notary Public in and for the State of Iowa



Legal Notice • Legal Notice

FLOYD COUNTY ORDINANCE NO. 2020-1
AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN THE UNINCORPORATED AREAS OF FLOYD 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 321I authorizes Floyd 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.

THEREFORE, it is ordained by the Board of Supervisors of Floyd County, Iowa as follows:

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

1) All-terrain Vehicle (ATV) means as defined by Iowa Code §321I.1

2) Off-road Utility Vehicle (UTV) means as defined by Iowa Code §321I.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 Floyd 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 §321I.14.

2) In a manner which causes the road surface material on the roadway to be disrupted or moved in any fashion such as to require additional maintenance or grading so as to restore the regular crown or shape.

3) 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!

4) On any land under the control of

the Floyd County Conservation Board.
5) Shall not operate any ATV or UTV at a speed above thirty-five (35) miles per hour.

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

1) All operators under this ordinance shall be sixteen years of age or older and have a valid driver's license.

2) All operators under the age of eighteen shall obtain an education certificate pursuant to Iowa Code §321I.26.

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 §321I.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 §3352.2, 321I.14(3)(b) (farm operations).

SECTION 6. PENALTIES. Violation of this Ordinance shall be a county infraction punishable by a civil penalty of not more than seven hundred and fifty dollars (\$750), or if there has been a prior conviction for a violation of this Ordinance, then by a civil penalty not to exceed one thousand dollars (\$1,000).

SECTION 7. JURISDICTION. The provisions of this Ordinance shall apply throughout the unincorporated areas of Floyd 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.

PASSED AND APPROVED this 1st day of June, 2020

FLOYD COUNTY BOARD OF SUPERVISORS

Roy Schwickerath, Chairman
Douglas A. Kamm
Linda Tjaden
Attest: Gloria A. Carr, Auditor

No. 20137
06/05/20



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STATE OF IOWA

FLOYD COUNTY

Floyd County Board of Supervisors

Floyd County Board of Supervisors Meeting
June 1, 2020, 9:00 a.m.
UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the Assembly Room of the Floyd County Courthouse with the following in attendance: Supv Roy Schwickerath, Supv Linda Tjaden (by phone) and Supv Doug Kamm. Due to the COV-19 pandemic, in-person access to this meeting was limited to 10 people in the Assembly Room and a conference call-in option was made available to any interested parties.

Kamm/Tjaden moved to approve the agenda as presented. Motion carried 5-0.

Public comment: none

Updates on various boards/commissions/activities since the last meeting: Supv Kamm had an Area Development Corp meeting and Airport Authority meetings. Supv Tjaden attended Veteran Affairs interviews and meeting. Supv Schwickerath attended a Department Head meeting and County Social Services meeting.

The Board discussed Land Group, LLC's request for tax exemption and reviewed NIACOG's draft "A Plan for Floyd County, Iowa Urban Revitalization Area" plan document. Discussion included follow up questions with NIACOG re: to sections 3 and 4 of the draft requiring an easement for the landlocked property the parcel zoned as "commercial" needing to be rezoned to "industrial" and requirements for public hearings for urban revitalization areas and ordinance. Tjaden/Kamm moved to set a public hearing for the Floyd County. URS for July 14 at 9:15 a.m. Motion carried 5-0. The ordinance will be published and recorded as required.

Tim Spear, Veteran Affairs Commissioner, updated the Board on the process for hiring a director for the Veteran Affairs position and a letter requesting compensation. Kamm/Tjaden moved to approve the compensation at \$88,000 per year plus a 3% increase after a successful

6-month performance review and an increase of \$1,000 in annual salary following completion of certification from Iowa Department of Veteran Affairs and approve Todd Schriever as the new Executive Director. Motion carried 5-0.

Update on law enforcement center/courthouse project: Brian Shindler, Samuels Group Site Superintendent, mentioned the walls and roof panels will be set and the crane removed by the end of the week, the plumbers will meet with Sweeper to plan installation of plumbing fixtures underground in the right spot for the jail cells, steel anchor connections are moving along so metal decking can get set and floors poured, the color of oak for panels is being considered.

The Board discussed COVID-19 related issues: The Board noted the benchmark to unlock the north door has been met and doors will be unlocked tomorrow morning. Bernie Solomon, IT Director, presented information to continue with video/voice conferencing meetings due to the current free WebEx access expiring. Discussion included levels of service available and comparisons of Zoom and Webex services. Schwickerath/Kamm moved to do the expanded version at \$17.98 per month of WebEx service for 1 year, with a 4-month free service. Motion carried 5-0.

Tjaden/Kamm moved to approve Res #82-20 Amendment to Ordinance #2011-2 Floyd County, Iowa, Zoning Ordinance: On May 26, 2020, the Board approved Res #81-20 following a public hearing and first reading of the amendments to Sections XVII and XXIV of said Ordinance; at the regular Board meeting on June 1, 2020, the Board held its second reading of said Ordinance; upon the Floyd County Board of Supervisor's second reading of the proposed amendments to 2011-02 Floyd County, Iowa, Zoning Ordinance the following actions were taken: Approve the second reading of the amendments to Sec-

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We, Jane Podgorniak/John Podgorniak, on oath depose and say that We are managers of the Nora Springs/Rockford Register, a weekly newspaper of general circulation, published at Rockford, Floyd County, Iowa; that the notice hereto attached was published in said paper on the 10th Day of June, 2020

John Podgorniak

Sworn to and subscribed in my presence by the said Jane Podgorniak /John Podgorniak,
10th
day of June, 2020

Jane Podgorniak
Notary Public

 JANE E. PODGORNIAK
Commission Number 708870
My Commission Exp. March 6, 2022

Proof of Publication

STATE OF IOWA

FLOYD COUNTY

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Floyd County ATV Ordinance

FLOYD COUNTY ORDINANCE NO. 2020-1

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN THE UNINCORPORATED AREAS OF FLOYD COUNTY, IOWA.

WHEREAS, this ordinance regulates the access and portion of roadways where All-terrain Vehicles and Off-road Utility Vehicles may operate; and

WHEREAS, Iowa Code Chapter 321I authorizes Floyd 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 licensed and licensed drivers do not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic;

THEREFORE, it is ordained by the Board of Supervisors of Floyd County, Iowa as follows:

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

1) All-terrain Vehicle (ATV) means as defined by Iowa Code §21.1.

2) Off-road Utility Vehicle (UTV) means as defined by Iowa Code §211.1.

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 Floyd County except in violation of the provisions in this ordinance

and those imposed by the Iowa Code.

SECTION 3. UNSAFE/ILLEGAL 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 provisions of Iowa Code §211.14.

2) In a manner which causes the road surface material on the roadway to be disrupted or moved in any fashion such as to require additional maintenance or grading or to restore the regular crown or shape.

3) 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.

4) On any land under the control of the Floyd County Conservation Board.

5) Shall not operate any ATV or UTV at a speed above thirty-five (35) miles per hour.

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

1) All operators under this ordinance shall be sixteen years of age or older and have a valid driver's license.

2) All operators under the age of eighteen shall obtain an education certificate pursuant to Iowa Code §211.20.

SECTION 5. EXEMPT VEHICLES & QUIETSUSU. This ordinance does not apply to any exception under the Iowa Code for All-terrain Vehicles and Off-road Utility Vehicles operated pursuant to Iowa Code §211.6 agreement and fees implemented by Iowa Code §211.23A (enacted by

and any the agricultural purposes, government, public utility, law enforcement and licensed personnel in Iowa Code §211.2, 211.14(2)(b) (Farm Implementations).

SECTION 6. PENALTIES. Violation of this Ordinance shall be a county infraction punishable by a civil penalty of not more than seven hundred and fifty dollars (\$750) or if there has been a prior conviction for a violation of this Ordinance, then by a civil penalty not to exceed one thousand dollars (\$1,000).

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

SECTION 8. REPEAL. All ordinances or resolutions 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.

1st reading: May 26, 2020

2nd reading: June 1, 2020

3rd reading: Waived PASSED AND APPROVED this 1st day of June, 2020.

FLOYD COUNTY BOARD OF SUPERVISORS

Joe Schickelboth, Chairman

Simon Glenn A. Carr, Auditor

Douglas A. Hanson, Clerk/Treasurer

We, Jane Podgorniak/John Podgorniak, on oath depose and say that We are managers of the Nora Springs/Rockford Register, a weekly newspaper of general circulation, published at Rockford, Floyd County, Iowa, that the notice hereto attached was published in said paper on the 10th Day of June, 2020


John Podgorniak

Sworn to and subscribed in my presence by the said Jane Podgorniak /John Podgorniak,

10th

day of June, 20 20

Jane E. Podgorniak
Notary Public

 **JANE E. PODGORNIAK**
Commission Number 708800
My Commission Exp. March 5, 2022