

ORDINANCE NO. 3

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE PUBLIC ROAD RIGHT-OF-WAY

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF O'BRIEN COUNTY, IOWA:

SECTION 1. Purpose. This ordinance prohibits the placing of snow on the public road right of way and prohibits the removal of gravel from and the obstruction and tillage of public road right of ways in O'Brien County in order to facilitate the care and maintenance of same and protect the public health and safety and provides a penalty for a violation of this ordinance.

SECTION 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows: "Public Road Right-Of-Way" shall mean the land area, the right to possession of which, is secured or reserved by the governmental authority for roadway purposes.

SECTION 3. Obstructions. No person shall erect any fence or other obstruction on any portion of a public road right of way in O'Brien County except for those fences forming boundaries between public right of ways and abutting properties.

SECTION 4. Debris, Trash and Garbage. No person shall deposit any debris, trash and/or garbage on any portion of a public road right of way in O'Brien County.

SECTION 5. Snow. No person shall deposit snow onto any portion of the public road right of way in O'Brien County, provided that no person shall be deemed to have violated this section unless such snow has been deposited on the traveled portion of the highway or piled in the road ditch to a level higher than the level of the traveled portion.

SECTION 6. Tillage. No person, except O'Brien County road workers, contractors with O'Brien County, or those granted permits, shall till or in any way disturb the soil on any portion of public road right of way in O'Brien County.

SECTION 7. Removal of Gravel. No person shall remove gravel or any surfacing materials from any portion of any public road right of way in O'Brien County unless authorized to do so by the O'Brien County Board of Supervisors or its designee(s).

SECTION 8. Grazing and Harvesting. The provisions of this ordinance shall not apply to persons using public road right of ways for grazing and harvesting of grasses and legumes so long as such activities do not disturb the topsoil on said public road right of ways.

SECTION 9. Penalty. Any person found in violation of this ordinance shall be guilty of a simple misdemeanor and punished by a fine of not more than \$100.00 or imprisonment in jail for not more than 30 days. Each day upon which a violation exists shall be deemed a separate offense.

SECTION 10. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 11. Effective Date. This ordinance shall be effect after its final passage, approval and publication as provided by law.

ATTEST: Cheryl Elgersma
County Auditor

Harrison C. Fisch
Chairman, Board of Supervisors

Passed by the Board of Supervisors the 15th day of August, 1988.