

## TITLE VIII

### CULTURE, EDUCATION AND RECREATION

<u>Subject</u>	<u>Chapter</u>
Conservation Board	8.1
Conservation-Rolling Prairie Trail Regulated Usage	8.2

## **ORDINANCE NO. 8.1**

### **AN ORDINANCE ESTABLISHING A COUNTY CONSERVATION BOARD**

Be It Enacted by the Board of Supervisors of Franklin County, Iowa:

**SECTION 1. Purpose.** The purpose of this ordinance is to establish a Franklin County Conservation Board and its organization.

**SECTION 2. Conservation Board - Organization - Terms.** The Board of Supervisors will appoint five (5) bona fide residents of the County to serve as the members of the Conservation Board.

The term of office is five (5) years so that on each succeeding year a new member shall be appointed to the Board. The Board of Supervisors must select the members of the Conservation Board from residents of the County who have demonstrated interest in conservation matters. The members are not entitled to compensation except that they may be paid for actual and necessary expenses incurred in performance of their official duties.

**SECTION 3. Board Members - Removed.** The Board of Supervisors may remove members of the Conservation Board for cause, but each removal must be by written order.

**SECTION 4. Annual Report.** The Board will annually submit a report to the County Board of Supervisors concerning its transactions and operations for the preceding year.

**SECTION 5. Conservation Board - Receivership.** Authority is vested in the Board of Supervisors to give the Conservation Board any County land or building not devoted to another inconsistent use if the Conservation Board requests the land or building for use as parks, recreation facilities, wildlife refuges or other similar uses.

Subject to certain restrictions, land may be taken by eminent domain for the purpose of carrying out plans for the acquisition of land advanced by the County Conservation Board and approved by the Iowa Department of Natural Resources (IDNR).

Also, the Board of Supervisors at its discretion, may make available to the Conservation Board County-owned equipment, County-employed operators, and County-owned materials. The Board of Supervisors may also be reimbursed to the credit of the proper fund from County Conservation funds for the actual expense of operation, such operators, etc., made available for the use of the County Conservation Board.

Upon request of the Board of Supervisors, the State Executive Council may deed lands under its jurisdiction to the County for park purposes. A majority recommendation of the Iowa Department of Natural Resources (IDNR) is required for approval of this action.

**SECTION 6. Funding.** In order to pay for the expenses incurred by the Conservation Board in the performance of its duties and the exercise of its powers, the Board of Supervisors may appropriate money from the County general fund. When the Conservation Board requests, the Board of Supervisors must establish a reserve for land acquisition and capital improvements only. Once money is put in this reserve, it can be used only for land acquisition and capital improvements.

**SECTION 7. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 8. 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.

**ORDINANCE #8.2**

**“AN ORDINANCE REGULATING THE USE OF THE ROLLING PRAIRIE TRAIL LOCATED IN RURAL FRANKLIN COUNTY, IOWA PROHIBITING THE OPERATION OF MOTOR VEHICLES, ALL-TERRIAN VEHICLES, AND SNOWMOBILES ON SAID TRAIL AND SPURS THEREOF, AND PROVIDING FOR PENALTIES FOR IMPROPER USE.”**

**BE IT ENACTED** by the Franklin County Board of Supervisors:

**SECTION I. PURPOSE:** The purpose of this ordinance is to protect the condition of the Rolling Prairie Trail and spurs located in rural Franklin County, Iowa and to regulate the operation of motor vehicles, all-terrain vehicles, and snowmobiles on said Rolling Prairie Trail and spurs, and provide for penalty for improper or illegal operation due to repair costs.

**SECTION II. DEFINITIONS:** The term motor vehicles is defined as provided in Iowa Code Chapter 321 as it now exists or is hereafter amended, the term all-terrain vehicles is defined as provided in Iowa Code Chapter 321G and the term snowmobile is defined in 321I as it now exists or is hereafter amended.

**SECTION III. LIMITATIONS ON OPERATION:** Motor vehicles, all-terrain vehicles, and snowmobiles are prohibited from operating on any section of the Rolling Prairie Trail or Spurs thereof located within the Rural Franklin County, Iowa except for segments clearly marked for operation of such vehicles.

**SECTION IV. EXCEPTIONS:** Any persons who are elder (defined as a person 60 years of age or older) or handicapped may operate on the Rolling Prairie Trail or spurs thereof within in Franklin County, Iowa an electric personal assistive mobility device as defined in Iowa Code Section 321.1(20B) or an electric assistive device defined in Iowa Code Section 216E.1(1) including but not limited to an electric wheelchair, electric scooter or three or four wheel electric vehicle used by handicapped persons.

**SECTION V. VIOLATION AND PENALTIES:** Any person who violates the Provisions of this Ordinance commits a simple misdemeanor and if charged as a simple misdemeanor upon conviction shall be subject to a scheduled fine of \$625.00 or such amount as the Code of Iowa permits as a maximum fine or simple misdemeanors. A violation of this Ordinance may be charged as a Municipal Infraction. The scheduled Penalty for a first violation shall be \$750.00, and the scheduled Penalty for a second or subsequent violation shall be \$1000.00

**SECTION VI. REPEALER:** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION VII. 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 VIII. EFFECTIVE DATE:** This ordinance shall be in effect after its final passage, approval and publication as provided by law.