

**CHAPTER 7.10
DRIVING ON LEVEES**

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7.10.010 **APPLICATION FOR PROVISIONS:** The provisions of this Chapter shall apply only to those portions of the following levee and/or drainage district located within the unincorporated territory of Pottawattamie County, Iowa.

7.10.020 **DEFINITIONS:** For the purpose of this Chapter, the following terms and words are hereby defined:

.01 **LEVEE:** Levee shall be construed to include, in addition to its ordinary and accepted meaning, embankments, revetments, retards, or any other approved system of construction which may be deemed necessary to adequately protect the banks of any river or stream from washing, cutting, or erosion.

.02 **MOTOR VEHICLE:** Motor vehicle means every vehicle which is self-propelled, and includes, but is not limited to, automobiles, motorcycles, motorized bicycles or mopeds, trucks, truck tractors, and farm tractors.

.03 **PUBLICLY OWNED PROPERTY:** Publicly owned property means any property owned by any city, county, or state government, the federal government, or any drainage district located wholly or partially within Pottawattamie County, Iowa.

7.10.030 It shall be unlawful for any person to operate or park a motor vehicle upon any levee, dike, or bank of, or upon any publicly owned property lying between the levees, dikes, or banks of, adjacent rivers, creeks, or water courses, situated in any levee and/or drainage district specified in Section 7.10.010.

Provided, however, that a government agency or public utility may operate and park motor vehicles upon such property while engaged in the official business of such entity; and further provided, that persons authorized by reasons of their agricultural or other ownership interest or their designee may use various designated crossings provided for the limited purpose of ingress and egress so long as no damage is caused to the levee, any fences or gates. (*Ordinance #83-1/February 24, 1983*)

7.10.040 **PRESUMPTION:** In the event that a motor vehicle is found parked on either a levee or publicly owned property where the operation and parking of such vehicle is prohibited pursuant to the foregoing provisions of Section 7.10.030, a presumption shall arise that the motor vehicle was parked at the location with the consent of the owner thereof.

7.10.050 **PENALTIES:** That any person who violates any of the provisions of this Chapter, shall, upon conviction, be deemed guilty of a simple misdemeanor and shall be fined not more than one hundred (100) dollars or imprisoned for not more than thirty (30) days for each offense. (*Ordinance #83-1/February 24, 1983*)