

Poweshiek County Ordinance # 21
AREA SERVICE "B" ROAD MAINTENANCE ORDINANCE

Title. An ordinance establishing the Area Service System 'B' Road Classification in Poweshiek County, Iowa.

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

Section 1. PURPOSE

The purpose of this ordinance is to classify certain roads on the area service system in Poweshiek County to provide for a reduced level of maintenance.

Section 2. DEFINITIONS

For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
 - a. Area Service System 'A' roads shall be maintained in conformance with applicable state statutes.
 - b. Area Service System 'B' roads shall not require standard maintenance equal to farm-to-market, or area service system 'A' roads. Area Service System 'B' roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.
 - c. Area Service System 'C' roads shall not require standard maintenance equal to farm-to-market, or area service system 'A' roads, and access is limited. Area Service System 'C' roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling. Area Service System 'C' roads are addressed by a separate Poweshiek County Ordinance.
2. "Board" shall mean the Board of Supervisors of Poweshiek County.
3. "Engineer" shall mean the County Engineer of Poweshiek County.
4. "County" shall mean Poweshiek County.

Section 3. POWERS OF THE BOARD

All jurisdiction and control over Area Service System 'B' roads as provided by this ordinance shall rest with the Board of Supervisors of Poweshiek County.

Section 4. AUTHORITY TO ESTABLISH

The Board of Supervisors of Poweshiek County is empowered under authority of Iowa Code Section 309.57 to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution,

declare its intention to establish an Area Service System 'B' road in Poweshiek County after consultation with the County Engineer.

Section 5. EXISTING AREA SERVICE SYSTEM 'B' ROADS

There are several roads in Poweshiek County that are currently recognized as Area Service System 'B' roads. These roads include those adopted by Resolution Number 307 on April 22, 1982, and other roads that have been classified as Area Service System 'B' roads by resolution or other means. Roads currently recognized as 'B' classification shall maintain their 'B' classification. Those roads recognized as 'B' roads are set forth in Exhibit A of this resolution and are hereby adopted as a complete list of 'B' roads in Poweshiek County as of the effective date of this ordinance.

Section 6. HOW ESTABLISHED

Roads in addition to those listed in Section 5 may be classified as Area Service 'B' by resolution of the Board. The County Engineer must make a request to the Board to reclassify a road to Area Service 'B'. Before the Board may take action on a request to establish an Area Service 'B' road, a hearing must be held.

Section 7. NOTICE AND HEARING

The Board shall fix a time and place for the hearing and cause notice to be published as provided by law. The notice shall set forth the proposed termini of the Area Service System 'B' road, and shall state that all persons interested may appear and be heard at such hearing. During the hearing the Board shall receive oral or written comments from any resident or property owner of the County.

Section 8. AREA SERVICE SYSTEM 'B' ROAD ESTABLISHED BY RESOLUTION

After all comments have been received and considered at the hearing and after consultation with the County Engineer, the Board may take action to reclassify the proposed road to Area Service 'B' by proper resolution. Said action may take place on the same day as the hearing or at a later specified date.

Section 9. MAINTENANCE POLICY

Only the minimum effort, expense and attention will be provided to keep Area Service System 'B' roads open to traffic. Bridges may not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitation. For the various maintenance activities, the minimum maintenance on Area Service System 'B' roads will be as follows, unless explicitly stated in the resolution establishing a particular road as Area Service 'B':

1. Blading – Blading or dragging will not be performed on a regular basis.

2. Snow and Ice Removal – Snow and ice will not be removed, nor will the road surface be sanded or salted on a regular basis.
3. Signing – Signing will generally be limited to load limit posting for bridges. Stop signs may be placed where the road intersects other roads. All Area System 'B' roads shall be identified with a sign at all points of public access to warn the public of the lower level of maintenance.
4. Weeds, Brush and Trees – Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distance will not be maintained.
5. Structures – Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6. Road Surfacing – There will be no surfacing materials applied to Area Service System 'B' roads on a regular basis.
7. Shoulders – Shoulders will not be maintained on a regular basis.
8. Crown – A crown will not be maintained on a regular basis.
9. Repairs – There will be no road repair on a regular basis.
10. Uniform width – Uniform width for the traveled portion of the road will not be maintained.
11. Inspections – Regular inspections will not be conducted

Section 10. RETENTION OF AREA SERVICE 'B' STATUS

Road segments established as Area Service 'B' shall retain said status unless changed by an appropriate policy established by the Poweshiek County Board of Supervisors. In the event a road is changed from Area Service 'B' to another status, the policy governing the change will be followed and the changed road segment will be removed from the list of Area Service 'B' roads.

Section 11. EXEMPTION FROM LIABILITY

As provided in said Iowa Code Section 309.57, the County and officers, agents and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service System 'B', if the road has been maintained as provided in Section 9 of this ordinance.

Section 12. REPEALER

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

Section 13. 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 14. WHEN EFFECTIVE

This ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved on this 24th day of April, 2014.

Trevor E. White
Trevor White, Board Chair

Attest: Diana Dawley
Diana Dawley, Poweshiek County Auditor

Lamoyne Gaard
Lamoyne Gaard, Vice Chair

Larry Wilson
Larry Wilson, Board Member

File No. 0668
BK 0946 PG: 0382
Recorded: 04/25/2014 at 02:50 PM
Fee Amt: \$0.00 Auditor:
Revenue Tax: \$0.00 Stamp# 0
Poweshiek County Iowa
Dianna Longhenry, Recorder