

**DELAWARE COUNTY ORDINANCE #2
AREA SERVICE 'B' ROAD ORDINANCE**

**Title: An Ordinance Establishing the Area Service System
"B" Classification in Delaware County, Iowa.**

Be It Enacted by the Board of Supervisors, Delaware County, Iowa

Section 1: Purpose:

The purpose of this ordinance is to classify certain roads on the area service system in Delaware County to provide for a reduced level of maintenance, pursuant to Iowa Code Section 309.57.

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 standards 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.
2. 'Board' shall mean the Board of Supervisors of Delaware County, Iowa.
3. 'Engineer' shall mean the County Engineer of Delaware County, Iowa.
4. 'County' shall mean Delaware County, Iowa.

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 Delaware County.

Section 4: Authority to Establish:

The Board of Supervisors of Delaware 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 Delaware County after consultation with the County Engineer.

Section 5: Notice of Hearing and Publication:

The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the termini of the Area Service System B Road as set out in the Resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

Section 6: Hearing-Area Service Systems "B" Road Established By Resolution:

On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System B Road is practicable, it may establish it by proper resolution.

Section 7: 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 limitations. For the various maintenance activities, the minimum maintenance on Area Service Level B Roads will be as follows:

- 1) Blading: Blading or dragging will not be performed on a regular basis.
- 2) Snow Removal: Snow will not be removed.
- 3) Signing: Except for bridge load limit postings, signing will not continue or be provided. NOTE: All Area Service Level B roads will be identified with a sign at all points of access to warn the public of the lower maintenance level.
- 4) Weeds & Brush: Mowing or spraying weeds and cutting brush will not be performed.
- 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
- 12) Park Roads: Level B roads serving county parks may be rocked and bladed on a more frequent basis during spring, summer and fall park use seasons as determined by the county engineer and county board of supervisors. Snow removal will not be done and park roads otherwise are maintained per the remaining terms of the ordinance.

Section 8: Rocking, Upgrade and Reclassification:

Adjacent landowners on Level B roads may request the road be rocked to the driveway of their property at their expense as stated below. Rock on Level B roads will only be hauled to properties with building or home sites. Rock may not be hauled to field entrances where no home or buildings are present. Rocking the road will not change the road's level of service for snow removal, signing, maintenance blading, etc. The landowner must apply to the county engineer's office for surfacing the Level B road prior to any rock being placed. The county will haul the rock and bill the cost of the haul and the rock to the landowner. Private haulers may not be used to haul rock to Level B roads.

Rock will be hauled to Level B roads in as timely a manner as the county labor schedule will allow. No schedule of time or time limit is promised or guaranteed by the request to place rock on a Level B road after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads and will not accept these roads into the County Level A rock road system. The County will haul additional rock which is paid for by the landowner in subsequent years under the terms of this policy.

Landowners wishing to upgrade a road from Level B to Level A service must consult with the County Engineer. The Engineer shall request a public hearing upon receiving a petition from 50% of the adjacent landowners to upgrade a Level B road. The Board of Supervisors, after hearing comments at the public hearing, will determine the feasibility, economic benefits, and cost sharing associated with upgrading the Level B road. The Board of Supervisors shall use the provisions of Iowa Code Chapter 311 to assist with special assessments, if necessary.

Section 9: 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 approximately 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 7 of this ordinance.

Section 10: Repealer

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

Section 11: 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 12: When Effective:

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

Passed and approved this ___ day of October, 2004.

Delaware County Board of Supervisors

Steven Koeneke, Chair

William Skinner, Supervisor

Shirley Helmrichs, Supervisor

ATTEST:

Sharon McCrabb, Delaware County Auditor

First Reading:_____

Second Reading:_____

Approved:_____

Published:_____