

DELAWARE COUNTY ORDINANCE #17
AREA SERVICE ''C'' ROAD ORDINANCE

**Title: An Ordinance Establishing the Area Service ''C''
Road 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 the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access, 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 ''C'' roads shall not require standards maintenance equal to farm to market or area service system A roads. 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.***

2. ***''Board'' shall mean the Board of Supervisors of Delaware County, Iowa.***

3. ***''County'' shall mean Delaware County, Iowa.***

4. ***''Engineer'' shall mean the County Engineer of Delaware County, Iowa.***

Section 3: How Established:

A. **RESOLUTION: *Roads may only be classified as area service "C" by ordinance or resolution.*** ~~Roads may only be classified as Area Service ''C'' by resolution of the Board upon petition signed by all of the landowners adjoining the road. The **ordinance or** resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The **county** resolution shall only allow access to the road to the owner, lessee, or person in~~

lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service 'C' road, a notice of the proposed action, including the location of the Area Service 'C' road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published *by law*.

C. BOARD ACTION: At the meeting, the Board shall receive oral or written comments from any resident or property owner of the county. After all comments have been received and considered, the Board, at that meeting or date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

Section 4: Access:

Access to any Area Service 'C' road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased, installed, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

Section 5: Signs:

Area Service 'C' roads shall have signs conforming to the Iowa Signing Manual. The signs shall be installed and maintained by the County at all access points to Area Service "C" roads from other public roads to warn the public that they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Section 6: Trespass:

Entering an Area Service 'C' road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a \$100.00 fine and/or up to 30 days in jail.

Section 7: Reclassification

A road with an Area Service 'C' classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

Section 8: Powers of the Board

All jurisdiction and control over Area Service 'C' roads shall rest with the Board, pursuant to the Iowa Code Section 309.57

Section 9: Exemption from Liability

As provided in 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 'C', if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10: Repealer:

All ordinances of 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 this 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: _____