

ADAIR COUNTY ORDINANCE NO. 14

Establishing the Area Service System B Road Classification in Adair County, Iowa and providing a Penalty.

SECTION 1. Purpose. The purpose of this ordinance is to classify certain roads on the area service system in Adair County to provide for a reduced level of maintenance as an alternative to road vacation.

SECTION 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

- A. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
 - 1. "Area Service System A" roads shall be maintained in conformance with applicable state statutes.
 - 2. "Area Service System B" means those roads which provide secondary access to farmsteads, and which provide access to land by roads designed for use by farm vehicles and vehicles that service farms. Area Service System B roads shall not require standards of maintenance equal to trunk, trunk collector, or area service system A roads. Area Service System B roads shall not mean what is construed in normal sense as a driveway or a private lane to a farm building or dwelling.
- B. "Board" shall mean the Board of Supervisors of Adair County.
- C. "Engineer" shall mean the County Engineer of Adair County.
- D. "Owner" shall mean any person, firm, partnership or corporation whose property abuts a local access road or a proposed local access road.

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 Adair County.

SECTION 4. Authority to Establish. The Board of Supervisors of Adair County is empowered under authority of 1997 Iowa Code Section 309.57, as amended, to classify secondary roads on the area service system to provide for a reduced level of maintenance on roads so designated. The Board shall by resolution declare its intention to establish any Area Service System B road in Adair County after consultation with the Engineer.

SECTION 5. Engineer's Report. Whenever directed by the Board to report upon the establishment of an Area Service System B road the Engineer shall make an examination of the road and if necessary a survey thereof. After examination, if the Engineer

deems the road to be impracticable, he shall so report to the Board. Whenever he considers any road as proposed or modified as impracticable, he shall report thereon in writing to the Board giving his opinion:

- A. As to the advisability of the Area Service System B designation,
- B. As to the proper terminal points, general course and length,
- C. As to the proper width of right-of-way,
- D. Any such other facts as he may deem of importance to be considered by the Board.

SECTION 6. Duties of the Engineer. The Engineer shall examine and certify to the Board all estimates and all bills for labor, materials, provisions, and supplies with respect to Area Service System B roads, prepare standards of construction of roads and bridges, and perform such other duties as may be required by order of the Board. He shall have supervision, under the direction of the Board, of establishing, laying out, constructing, altering, improving, repairing and maintaining all Area Service System B roads in Adair County.

SECTION 7. Notice of Hearing on Report. The Board shall fix a time and place for hearing the report of the Engineer 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 upon the report and recommendation of the Engineer either to proceed or not to proceed with establishing the Area Service System B road.

SECTION 8. Hearing-Area Service System 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 the report and any and all evidence relative thereto, and if the Board finds that the proposed Area Service System B road is practicable, it may establish it by proper resolution.

SECTION 9. Maintenance Standards. 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 loads but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance on Area Service System B roads will be as follows:

- A. Blading - Blading or dragging will not be performed on a regular basis.

- B. Snow and Ice Removal - Snow and ice will not be removed nor will the road surface be sanded or salted on a regular basis.
- C. Signing - Except for load limit, posting for bridges signing shall not be continued or provided. All Area Service System B roads shall be identified with a sign at all points of access to warn the public of the lower level of maintenance. Each warning sign installation shall consist of two (2) signs, each with a black legend and border on a yellow background. The top sign shall be a 30" x 30" diamond shape with the message: CAUTION MINIMUM MAINTENANCE ROAD. The bottom sign shall be on an 18" x 36" rectangular shape with the message: LEVEL B SERVICE ENTER AT YOUR OWN RISK. Speed limit signs as required by Section 10 of this ordinance shall also be posted at the termini. In the case of T-intersections, sharp curves and other conditions that the engineer determines to be dangerous, additional posting shall be ordered.
- D. Weeds, Brush and Trees - Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained.
- E. 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.
- F. Road Surfacing - There will be no surfacing materials applied to area surface system B roads on a regular basis.
- G. Shoulders - Shoulders will not be maintained on a regular basis.
- H. Crown - A crown will not be maintained on a regular basis.
- I. Repairs - There will be no road repairs on a regular basis.
- J. Uniform Width - Uniform width for the traveled portion of the road will not be maintained.
- K. Inspections - Regular inspections will not be conducted.

SECTION 10. Speed Controls. The maximum speed limit on each Area Service System B road shall be established by the Board in accordance with Section 321.285, Code of Iowa. Posting of the

speed limit shall be in accordance with section 9, subsection C, of this ordinance.

SECTION 11. Approaches. The Board may adopt reasonable rules for the construction of approaches which, when complied with, shall entitle a person to build or construct an approach from any abutting property to any Area Service System B road. The rules may include provisions for the construction of culverts and for such other drainage facilities, as the Board deems necessary. The construction of approaches, culverts, fills, or such other drainage facilities as may be required, shall be under the supervision of the Engineer. Adair County Resolution 95-17 establishing a policy for the design and construction of driveways, and any subsequent amendments thereto, shall apply.

SECTION 12. Exemption from Liability. As provided in said Iowa Code Section 309.57, as amended, 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 an Area Service System B road, if the road has been maintained as provided in Section 9 of this ordinance.

SECTION 13. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 14. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 15. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Adair County Board of Supervisors the 15th day of July, 1998, and approved this 15th day of July, 1998.

Richard Reis
Richard Reis, Chairman

ATTEST:

Jenice Wallace
Jenice Wallace, Auditor