

ORDINANCE NO. 110

AREA SERVICE "B" ROAD MAINTENANCE ORDINANCE

Black Hawk County Ordinance No. 110

TITLE: An ordinance establishing the Area Service System B Road Classification in Black Hawk County, Iowa.

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

Section 1. PURPOSE

The purpose of this ordinance is to classify certain roads on the area service system in Black Hawk 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" include 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 Black Hawk County.
3. "Engineer" shall mean the County Engineer of Black Hawk County.
4. "County" shall mean Black Hawk 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 Black Hawk County.

Section 4. AUTHORITY TO ESTABLISH

The Board of Supervisors of Black Hawk 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 Black Hawk County after consultation with the County Engineer.

Section 5. NOTICE AND HEARING

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 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 any and all relevant evidence, and if the Board finds that the proposed Area Service System B Roads 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 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. Except for load limit posting for bridges, signing shall not be continued or provided. ALL AREA SERVICE LEVEL B ROADS SHALL BE IDENTIFIED WITH A SIGN AT ALL POINTS OF ACCESS TO WARN THE PUBLIC OF THE LOWER LEVEL OF MAINTENANCE.
4. Woods, 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.
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 8. 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 9. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 10. 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 11. WHEN EFFECTIVE

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

PASSED AND ADOPTED by the Black Hawk County Board of Supervisors this 13th day of July, 2010 and the 3rd of August, 2010.

CERTIFICATION

The Black Hawk County Auditor shall certify to the adoption of this Ordinance

VOTING FOR PASSAGE:

Craig White, Chair

Frank Magsamen

Scott Jordan

Thomas Little

John Miller

ATTEST: Grant Veeder, County Auditor

Publication Date: August 6, 2010
in The Courier

BLACK HAWK COUNTY, IOWA:ss
Filed for record Aug 4, 2010 at 12:23 p.m.
and recorded in Fee Book 2011-00002283

SYNOPSIS

The proposed Ordinance establishes and classifies certain roads on the area service system in Black Hawk County to provide for a reduced level of maintenance, the Board of Supervisors is empowered under authority of Iowa Code §309.57 to provide for a reduced level on maintenance on roads so designated.