

ORDINANCE NO. 111

AREA SERVICE "C" ROAD MAINTENANCE ORDINANCE

Black Hawk County Ordinance No. 111

Title: An Ordinance Establishing the Area Service "C" 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 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" 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 "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 Black Hawk County.
3. "Engineer" shall mean the County Engineer of Black Hawk County.
4. "County" shall mean Black Hawk County.

Section 3. HOW ESTABLISHED

- A. RESOLUTION: Roads may only be classified as Area Service "C" by resolution of the Board. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road.
- B. NOTICE OF ACTION: Before the Board may take action 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 proposed to take action on the petition, shall be published as provided 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.

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 and installed by the County, 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 Per 761 Iowa Administrative Code (IAC) Chapter 130. The signs shall be installed and maintained by the County at all access points to the Area Service "C" roads from other public roads to warn the public that access is limited.

Section 6. TREPASS

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 as defined in Iowa Code Section 716.7.

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

In 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, provisions or part thereof not adjudged invalid or unconstitutional.

Section 12. WHEN EFFECTIVE

This ordinance shall be 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 August 4, 2010 at 12:23 p.m.
and recorded in Fee Book 2011-00002284

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.