

Tama County Ordinance #1-2-2008D

AREA SERVICE 'C' ROAD MAINTENANCE ORDINANCE

Title: An Ordinance Establishing the Area Service 'C' Road Classification in Tama 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 'A' System" roads shall be maintained in conformance with applicable statutes of the State of Iowa.
 - b. "Area Service 'C' System" roads shall not require standard maintenance equal to farm-to-market or other Area Service 'A' roads. Area Service 'C' System 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 Tama County.
3. "Engineer" shall mean the County Engineer of Tama County.
4. "County" shall mean Tama County.

Section 3. HOW ESTABLISHED

1. Roads may only be classified as Area Service 'C' by resolution of the Board.
2. The County Engineer must make a request to the Board to reclassify a road to Area Service 'C'.

3. Before the Board may take action on a request 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 request, shall be published in the official news outlets of the Board, and in conformance with State law. Adjacent landowners will be sent notification by certified mail.
4. 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 and after consultation with the County Engineer, the Board may take action on the request at that meeting or at a later specified date.

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 and modify the classification of the road. The landowners must provide their own lock. Keys will be given to each of the landowners if the gate is locked, as well as to any maintenance personnel employed by the County, emergency and law enforcement personnel, and any other parties who have a verified interest in accessing the road. If landowners wish to allow other parties access to the road (e.g., renters, family members, etc.) they will be allowed to make duplicates of the key and distribute them to those parties.

Section 5. **SIGNS**

Area Service 'C' roads shall have signs conforming to the Iowa Signing Manual per Iowa Administrative Code Section 761.130. 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. **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 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 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 proximately 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. **LEVEL OF SERVICE**

Unless otherwise noted in the resolution establishing a specific Area Service 'C' road, the following is the level of effort that will be applied to an Area Service 'C' road.

1. Blading – Blading or dragging will not be performed on a regular basis, but may be done on request.
2. Snow and Ice Removal – Snow and ice will not be removed.
3. Signing – The only signing will be for weight restrictions on bridges and that signing required for Area Service 'C' roads, as per Section 5 of this ordinance.
4. Weeds, Brush and Trees – Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances may not be maintained.
5. Structures – Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement will be appropriate for the traffic thereon.
6. Road Surfacing – There will be no surfacing material applied to Area Service 'C' roads.
7. Shoulders – Shoulders will not be maintained.
8. Crown – A crown will not be maintained.

9. Repairs – Road repairs will not be done on a regular basis.
10. Uniform Width – Uniform width for the traveled portion of the road will not be maintained.
11. Inspections – Regular inspections of the road will not be conducted.

Section 12. **EXISTING AREA SERVICE 'C' ROADS**

Several roads were reclassified to Area Service 'C' under authority of Tama County Ordinance No. 32. It is assumed that the process to classify them as Area Service 'C' was correctly followed, but regardless those roads shall maintain their existing Area Service 'C' classification under this ordinance, and are listed generally as follows:

- Spring Creek 22/27 (Starting at the east ROW line of Highway T47, then east on 200th St. for about 1 mile to the west ROW line of E Ave.)
- Spring Creek 35/Carlton 2 (Starting at the east ROW line of E Ave., then east on 220th St. for about 1 mile to the west ROW line of F Ave.)
- Carlton 19/30 (Starting at the east ROW line of Abbott Ave., then east on 260th St. for about 1 mile to the west ROW line of B Ave.)
- Indian Village 6 (Starting about 150 north of the W ¼ corner of Section 6-83-16, then north to about 100' south of the NW corner of Section 6-83-16, for a distance of about 3,200')
- Indian Village 1/Toledo 6 and Indian Village 12/Toledo 7 (Starting at the north ROW line of 295th St., then north on G Ave. for about 1 mile to the south ROW line of 285th St.)
- Toledo 21 (Starting about 315 west of H Ave. on 315th St., then west on 315th St. to the terminus.)
- Otter Creek 19 (Starting about 1200' south of 320th St. or 475' south of the center of Section 19-83-14, then south on MM Ave. for about 2200' to the terminus)
- Salt Creek 6 (Starting 3,300' north of E66 or 1,155' north of the NW corner of the SE Quarter of the SE Quarter of Section 6-82-13 on T Ave., then north and east on T Ave. to the terminus.)
- Salt Creek 11/14 (Starting at the west ROW line of X Ave., then west on 360th St. to the terminus.)
- Salt Creek 24 (Starting 2,740' easterly of X Ave. on 370th St. or at the north ROW line of the Union Pacific RR, then south and east on 370th St. to the north ROW line of 380th St.)
- Richland 4 and 5 (Starting at the east ROW line of O Ave., then east on 340th St. for about 1 mile to the west ROW line of P Ave.)
- Columbia 20/29 and 21/28 (Starting ½ mile east of H Ave., then east on 380th St. for 1 mile to the west ROW line of H Ave.)

Section 13. **REPEALER**

This ordinance is intended to replace Tama County Ordinance Number IV.7. All ordinances or resolutions or parts or ordinances or resolutions 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 the 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 and approved on this 2nd day of January, 2008.

Larry Vest, Chair

Keith Sash, Member

Patrick Henry, Member

Attest: _____
Laura Kopsa, Auditor