

TITLE II – TRANSPORTATION

CHAPTER 22

AREA SERVICE SYSTEM LEVEL C ROAD CLASSIFICATION

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22.01 - TITLE

An Ordinance Establishing the Area Service System C Road Classification in Madison County, Iowa. Be it enacted by the Board of Supervisors of Madison County, Iowa:

22.02 – PURPOSE

The purpose of this ordinance is to classify certain roads on the area service system in Madison County to provide for a reduced level of maintenance, and restricted access, pursuant to Iowa Code Section 309.57. (1997).

22.03 - DEFINITIONS

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

1. "Board" shall mean the Board of Supervisors of Madison County.
2. "Engineer" shall mean the County Engineer of Madison County.

22.04 – POWER OF THE BOARD

All jurisdiction and control over Area Service C roads as provided by this ordinance shall rest the Board of Supervisors.

22.05 – AUTHORITY TO ESTABLISH

The Board is empowered under authority of Iowa Code Section 309.57 (1997) to classify secondary roads on the Area Service System C to provide for a reduced level of maintenance and restricted access on roads so designated.

22.06 – AREA SERVICE SYSTEM C DESIGNATION

The Board, upon petition signed by all landowners adjoining the road and after consultation with the Engineer, shall by resolution, establish the location of the road(s) classified as Area Service System C roads.

22.07 – MAINTENANCE POLICY

Only minimal effort, expense and attention will be provided to Area Service System C roads. Bridges on Area Service System C roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load of limitation. For the various maintenance activities, the level of maintenance on Area Service System C 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.
3. Signing - Except for load limit postings for structures, signing will not be provided. All Area Service System C roads shall be identified with a sign at all points of access to inform and warn the public of the lower level of maintenance and restricted access.
4. Weeds and Brush - Mowing or spraying of weeds, cutting or spraying of brush and removal of trees will not be performed.
5. Structures - Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, bridges and culverts may not be replaced, and if replaced, the replacement structure will be appropriate for the traffic thereon.
6. Road Surfacing - No surfacing material will be applied.
7. Shoulders - Shoulders will not be maintained.
8. Crown - A crown will not be maintained.
9. Repairs - Repairs will not be performed on a regular basis.
10. Width - A uniform width of roadway will not be maintained.
11. Inspections - Inspections will not be performed on a regular basis.

22.08 – ACCESS

Access to an Area Service C road shall be restricted by means of a gate. The gate shall be purchased, installed and maintained by the adjoining landowners. If not so maintained, Madison County may remove the gate. Persons with access right to the road shall be:

1. The owner, lessee, or person in lawful possession of any adjoining land.
2. The agent or employee of the owner, lessee or person in lawful possession of any adjoining land.
3. Any peace officer.
4. Any magistrate.
5. Any public employee whose duty it is to supervise the use or perform maintenance of the road.
6. Any agent or employee of any utility located upon the road.

22.09 – 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 or up to 30 days in jail.

22.10 – 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.

22.11 – EXEMPTION FROM LIABILITY

As provided in Iowa Code Section 309.57 (1997), 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 as a result of the maintenance of a road which is classified as Area Service System C, if the road has been maintained as provided in Section 6 of this ordinance.

22.12 - REPEALER

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

12.13 - 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.

22.14 - EFFECTIVE DATE

1. Ordinance II-22 shall be in effect upon publication in a newspaper of general circulation in the County following final approval.

A. Date of final approval of Ordinance II-22: April 14, 1998