

# FAYETTE COUNTY ORDINANCE #37

## AREA SERVICE B ROAD MAINTENANCE ORDINANCE

### AN ORDINANCE ESTABLISHING THE AREA SERVICE SYSTEM B ROAD CLASSIFICATION IN FAYETTE COUNTY, IOWA

#### BE IT ORDAINED BY THE FAYETTE COUNTY BOARD OF SUPERVISORS:

**SECTION 1. Purpose:** The purpose of this ordinance is to classify certain roads on the area service system in Fayette 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:** Those public roads outside of municipalities not otherwise classified on the Secondary Road System.
2. **Area Service System A Roads:** Roads that are maintained in conformance with applicable state statutes.
3. **Area Service System B Roads:** Roads that do not require standards of 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.
4. **Board:** The Board of Supervisors of Fayette County.
5. **Engineer:** The County Engineer of Fayette County.
6. **County:** Fayette 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 Fayette County.

**SECTION 4. Authority To Establish:** The Board of Supervisors of Fayette 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 its own motion, declare its intention to establish an Area Service System B Road in Fayette 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 part of the meeting agenda. The notice shall set forth the termini of the Area Service System B Road 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 Board Motion:** On the day fixed for the hearing or any day to which the hearing has been adjourned, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System B Road is practicable, it may establish it.

**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. **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.

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 proximately 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. This Ordinance replaces the existing AREA SERVICE B ROAD MAINTENANCE ORDINANCE # 3. All roads classified as Area Service B Roads currently, retain their classification under this updated ordinance.

Passed and approved this 28<sup>th</sup> day of NOV, 2016.

Fayette County Board of Supervisors

Jeanine Tellin

Jeanine Tellin – Chairperson

Darrel Dolf  
Darrel Dolf - Vice Chairperson

Vicki Rowland - Board Member

ATTEST:

Lori Moellers  
Lori Moellers - Fayette County Auditor

First Reading: 11/21/16

Second Reading: 11/28/16

Approved: 11/28/16

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