

FAYETTE COUNTY ORDINANCE #38

AREA SERVICE C ROAD MAINTENANCE

An Ordinance Establishing the Area Service C 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 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: 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 C Roads: Restricted access roads that do 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.
4. Board: The Board of Supervisors of Fayette County.
5. Engineer: The County Engineer of Fayette County.
6. County: Fayette County.

SECTION 3. How It Was Established:

A. RESOLUTION: Roads may only be classified as Area Service C by resolution of the Board upon petition signed by all landowners adjoining the road. 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 on a petition 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 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.

After all comments have been received and considered, the Board, at that meeting or date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

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 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 they are entering a section of road which has a lesser level of maintenance effort than other public roads, and 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 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 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. Repealer: All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 11. 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 12. 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 C ROAD MAINTENANCE ORDINANCE # 13. All roads classified as Area Service C Roads currently, retain their classification under this updated ordinance.

Passed and approved this 28th 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

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