

Ordinance for Establishing an Area Service “B” Road System

ADAIR COUNTY ORDINANCE # _____

AREA SERVICE “B” ROAD MAINTENANCE ORDINANCE

Title: An Ordinance Establishing the Area Service “B” Road Classification in Adair County, Iowa.

Be It Enacted by the Board of Supervisors, Adair County, Iowa:

Section 1. **PURPOSE**

The purpose of this ordinance is to classify certain roads on the area service system in Adair 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” include those public roads outside of municipalities otherwise classified.
 - a. “Area Service System “A” roads shall be maintained in conformance with applicable state statues.
 - b. “Area Service System “B” roads shall not require standards 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.
2. “Board” shall mean the Board of Supervisors of Adair County.
3. “Engineer” shall mean the County Engineer of Adair County.
4. “County” shall mean Adair County.

Section 3. POWERS OF THE BOARD

All jurisdiction and control over Area Service “B” roads as provided by this ordinance shall rest with the Board of Supervisors of Adair County.

Section 4. AUTHORITY TO ESTABLISH

The Board of Supervisors of Adair 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 resolution, declare its intention to establish an Area Service System “B” Road in Adair 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 provided by law. The notice shall set forth the termini of the Area Service System “B” Road as set out in the Resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

**Section 6. HEARING-AREA SERVICE SYSTEM BOARD ESTABLISHED
RESOLUTION**

On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, 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 by proper Resolution.

Section 7. MAINTENANCE POLICY

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 Iowa Code 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 "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.

DATED THIS _____ DAY OF _____, 2006.

John VanVleet
Chairperson, Adair County Board of Supervisors

ATTEST:

Jenice K. Wallace
Adair County Auditor

First Hearing _____
2nd Hearing _____
3rd Hearing _____

