

AREA SERVICE "C" ROAD MAINTENANCE ORDINANCE

Woodbury County Ordinance No. 18

TITLE. An ordinance establishing the Area Service System "C" Road Classification in Woodbury County, Iowa.

Be it Enacted by the Board of Supervisors, Woodbury County, Iowa:

Section 1. PURPOSE

The purpose of this ordinance is to classify certain roads on the area service system in Woodbury County as Area Service System "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 System "A" roads shall be maintained in conformance with applicable state statutes.
 - b. Area Service System "C" roads shall 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.
2. "Board" shall mean the Board of Supervisors of Woodbury County.
3. "Engineer" shall mean the County Engineer of Woodbury County.
4. "County" shall mean Woodbury County.

Section 3. HOW ESTABLISHED

- A. **RESOLUTION:** Roads may only be classified as Area Service System "C" Roads by resolution of the Board. 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 to establish an Area Service System "C" Road, a notice of the proposed action, including the location of the Area Service System "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 after consultation with the County Engineer.

Section 4. ACCESS

Access to any Area Service System "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 System "C" Roads shall have signs conforming to the Iowa Signing Manual per 761 Iowa Administrative Code (IAC) Chapter 130. The signs shall be installed and maintained by the County at all access points to the Area Service System "C" Road from other public roads to warn the public that access is limited.

Section 6. TRESPASS

Entering an Area Service System "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 System "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 sixty (60) days of receipt of the petition.

Section 8. POWERS OF THE BOARD

All jurisdiction and control over Area Service System "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 approximately as a result of the maintenance of a road which is classified as Area Service System "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10. REPEALER

All ordinances or 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.

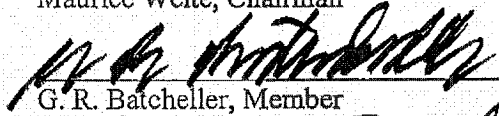
This Ordinance passed and approved by the Woodbury County Board of Supervisors this 29th day of June, 2004.

First Hearing: May 18, 2004
Second Hearing: June 1, 2004
Third Hearing: June 29, 2004

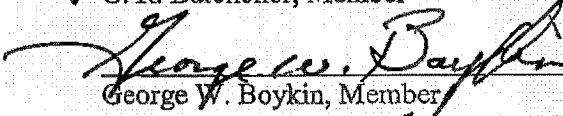
Woodbury County Board of Supervisors



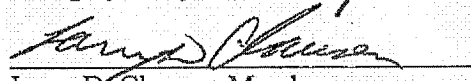
Maurice Welte, Chairman



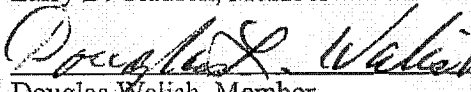
G. R. Batcheller, Member



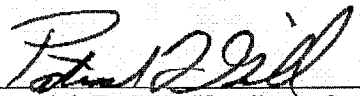
George W. Boykin, Member



Larry D. Clausen, Member



Douglas Walsh, Member

Attest: 

Patrick F. Gill, Woodbury County Auditor

PROOF OF PUBLICATION

STATE OF IOWA
COUNTY OF WOODBURY,

WOODBURY COUNTY ORDINANCE ESTABLISHING AREA SERVICE "C" ROAD CLASSIFICATION

On June 29, 2004, the Woodbury County Board of Supervisors approved the third and final reading of the "Area Service "C" Road Maintenance Ordinance. The following description is only a summary of the ordinance. The full text of this ordinance is open to inspection Monday through Friday, between the hours of 8:00 a.m. - 4:30 p.m., at the Board Administration office of the Woodbury County Board of Supervisors, Room 104 of the Woodbury County Courthouse, 620 Douglas St., Sioux City, Iowa 51101.

The purpose of this ordinance is to classify certain secondary roads on the area service system in Woodbury County to provide for a reduced level of maintenance and establish jurisdiction and control over Area Service System roads with the Woodbury County Board of Supervisors.

The ordinance defines "Area Service System" as including those public roads outside of municipalities not otherwise classified.

The ordinance provides that roads designated as Area Service System "A" roads shall be maintained in conformance with applicable state statutes.

The ordinance provides that roads designated by the Board of Supervisors as Area Service System "C" roads shall not require standard maintenance equal to that of a state or area service system "A" roads.

The ordinance provides that after notice and public hearing, the Board of Supervisors by resolution may classify a road as an Area Service System "C" Road. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road.

The ordinance also provides that access to any Area Service System "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.

The ordinance also provides that Area Service System "C" Roads have signs installed and maintained by the County at all access points to the Area Service System "C" Road from other public roads to warn the public that access is limited.

The ordinance also provides that entering an Area Service System "C" Road without justification after being notified or requested to obtain 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.

The ordinance also provides that a road with an Area Service System "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 sixty (60) days of receipt of the petition.

The ordinance also provides that the County and its Officers, Agents, or Employees 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 an Area Service System "C" road, if the road has been maintained to the level of maintenance effort described in the establishing resolution.

This ordinance shall take effect upon official publication of this summary.
Published in the Sioux City Journal July 19, 2004.
Legal #5466

The undersigned, of said County, being duly sworn, on oath states that the undersigned is an employee of THE SIOUX CITY JOURNAL, printed and published by Sioux City Newspapers, Inc., at Sioux City, in said County and Issued daily and Sunday and that the annexed printed notice Road Classification Service "C" was regularly published in said newspaper for one consecutive Mon issues, the first publication thereof being on the 19 day of July, 2004.

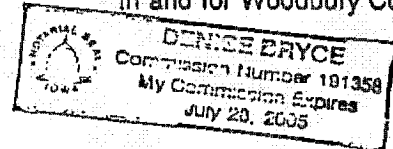
Carolyn Pederson

Carolyn Pederson

Subscribed and sworn to before me at Sioux City, in said County, this 26 day of July, 2004.

Denise Dryce

Notary Public
in and for Woodbury County.



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