

ORDINANCE NO. 5

TITLE: An ordinance establishing the Area Service System B road classification in Benton County, Iowa.

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

SECTION 1. Purpose. The purpose of this ordinance, is to classify certain roads on the Area Service System in Benton County to provide for a reduced level of maintenance.

SECTION 2. Definitions. For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those 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 B" roads shall not require standards of maintenance equal to trunk, trunk collector, 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 a private lane to a farm building or dwelling.
2. "Board" shall mean the Board of Supervisors of Benton County.
3. "Engineer" shall mean the County Engineer of Benton 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 Benton County.

SECTION 4. Authority to Establish. The Board of Supervisors of Benton County is empowered under authority of Chapter 309, 1981 Code of Iowa, as amended by Acts of the 69th General Assembly, 1981 Regular Session, House File 786, to classify secondary roads on the Area Service 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 roads in Benton County after consultation with the County Engineer.

SECTION 5. Notice of 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 B Road Established by

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 to 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. Only the minimum effort, expense, and attention will be provided to keep Area Service System 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 System 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 on the dirt roads nor will the road surface be sanded or salted.
3. SIGNING - Except for load limit, posting for bridges, and low water crossing signs, 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, TREES, & ALIGNMENT (Vertical & Horizontal) - 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 structures will be appropriate for the traffic thereon.
6. UNIFORM WIDTH - Uniform width for the traveled portion of the road will not be maintained.

SECTION 8. Exemption from Liability. As provided in House File 786, Acts of the 69th General Assembly, 1981 Session, 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 the 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 invalvid or unconstitutional.

SECTION 11. When effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this 29th day of November, 1983.

E. Lewis J. Smith
Chairman, Benton County
Board of Supervisors

Russell S. Wyckoff

Harry J. Horak

ATTEST: Lawrence E. Rippel
Benton County Auditor

First Reading: 11-15-83
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