

ORDINANCE #70
(Replaces Ordinance # 43)

TITLE: An ordinance establishing the policy and level of service in respect to clearance of snow or ice and maintenance of this county's secondary roads during the winter months.

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

SECTION 1 -- PURPOSE. The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow and ice and maintenance of its secondary road system during the winter months, pursuant to the provisions of Section 668.10(2), Code of Iowa. Except for "Emergency" conditions, defined in Section 5, as determined by the County Engineer's professional judgment, this policy and level of service are to be implemented within the amount of money budgeted for this service, as contained in this County's secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors. Clearing the roads at any cost is not the County's policy.

SECTION 2 -- LEVEL OF SERVICE. Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the local residents of this County. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in a compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, and/or intersections. The County's existing snow removal equipment and personnel will be utilized for this purpose. On occasion County personnel may be unavailable due to the Omnibus Transportation Employee Testing Act of 1991. Except for emergencies as determined by the County Engineer's professional judgment, all clearance of snow and ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The line of sight, sight distance, or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulder by others. Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed 10 miles per hour. During these conditions no additional warning or regulatory signs will be placed that warn of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

SECTION 3 -- SEQUENCE OF SERVICE. In the implementation of snow and ice removal and other maintenance of the county's secondary road system during the winter months, the County Engineer shall select the actual sequence of roads to be cleared as provided for in this Section of this Ordinance, and shall determine when drifting, wind velocity, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved routes be accomplished prior to the clearance of rock and dirt roads.

PAVED ROUTES

1. The initial effort will be to get all routes open to two-lane traffic as soon as possible.
2. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
3. The truck mounted snow plows and spreaders will not normally be in operation between the hours of 5:00 PM and 5:00 AM. The trucks may be called off the road if snow and/or blowing snow reduce visibility to hazardous working conditions, in the professional judgment of the County Engineer or the County Engineer's delegated representative.

4. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of rock roads may be delayed.
5. It is not the policy of the county to provide a “dry” pavement condition.

UNPAVED ROADS

1. The initial effort will be to get all routes opened to one-lane traffic as soon as possible after a storm has passed.
2. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
3. Motor graders and/or truck plows will not normally be in operation between the hours of 5:00 PM and 5:00 AM. Rock roads may not be plowed if the wind is causing continual drifting.
4. Snow may not be removed from roads designated at Level B.

PRIVATE DRIVES

The County will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in private drives. Snow from private drives shall not be placed on the roadway or shoulders.

MAILBOX REPLACEMENT

The County will repair mailboxes that the county personnel damage in the course of its operation. The mailbox repair will be secondary to the snow removal operation and will be done, as personnel are available.

There is no time limit after a snowstorm in which any of the above sequence of clearance, on paved or unpaved roads, shall take place.

SECTION 4 -- LIMITATION OF SERVICE. The policy and level of service provided for in this Ordinance shall not include the performance of the following services:

- A. Sanding, salting, or placing of other abrasives upon the roadway that are slick, slippery, and dangerous due to the formation of frost.
- B. Sanding, salting, or placing other abrasive upon paved roadways due to freezing precipitation that occurs outside the county’s usual working hours.
- C. Sanding, salting or placing abrasives upon any unpaved roads. If in the opinion of the County Engineer ice has built up on hills and intersections on the rock system that slope up or down to another road so as to become dangerous, abrasives may be applied to these locations. This will only be done after other mechanical means, such as scraping with motor graders, have been tried and are unsuccessful.
- D. Removing of sand, salt or other abrasives.
- E. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

SECTION 5 -- EMERGENCY CONDITIONS.

- A. The County Engineer may suspend the level of service or sequence of service during “Emergency” conditions. An “Emergency” condition shall be considered as one where a loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. An “Emergency” condition reported by the public shall be verified through the 911 dispatcher or Sheriff’s Office, or his/her physician.
- B. The provisions of the Ordinance shall be further suspended in the event the Governor, by proclamation, implements the State disaster plan, or the County Emergency Management Director, by proclamation, implements the County disaster plan. If such occurs, the County personnel and equipment shall be immediately subject to the direction of the Governor or the County Emergency Management Director.
- C. When any ice storm or blizzard creates conditions that vehicles are abandoned on county roads, such that snow and ice maintenance operations are halted and unable to clear the roadway under circumstances that an “Emergency” defined in Subsection A exists, the Board of Supervisors may declare an Emergency

authorizing county maintenance or private towing company vehicles to clear the roadway sufficient to continue snow and ice maintenance operations.

SECTION 6 -- REPEALER. All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Ordinance #43 in Chapter 1, Streets, Roads, Public Ways & Transportation, of the Benton County Code of Ordinances is repealed in its entirety upon the effective date of this ordinance.

SECTION 7 -- 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 8 -- WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

SECTION 9 -- BENTON COUNTY CODE OF ORDINANCES. Chapter 1, Streets, Roads, Public Ways & Transportation, of the Benton County Code of Ordinances is amended to add Ordinance #70 and remove Ordinance #43.

Passed and adopted by the Benton County Board of Supervisors on this 10th day of December, 2013.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST: _____
Jill Marlow, Auditor

December 10, 2013 – Approved 1st Consideration of Ordinance #70, Waived 2nd & 3rd Considerations
December 10, 2013 – Adopted Ordinance #70
December 13, 2013, December 17, 2013, & December 18, 2013 – Published Ordinance #70

I, Jill Marlow, do hereby certify the above to be a true and correct copy of Ordinance #70 and the dates of consideration and publication are correct.

Jill Marlow, Benton County Auditor