

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 5 AREA SERVICE SYSTEM “C” ROADS

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4-5-1 PURPOSE. The purpose of this Ordinance is to classify certain roads on the area service system in Clinton 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.

4-5-2 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 accordance with applicable state statutes.

b. “Area Service System C” roads shall not require standards of maintenance applicable to Farm-To-Market or “Area Service System A and B” roads. “Area Service System C” roads shall not mean what is construed in the normal sense driveways or private lanes to farm buildings or dwelling unless they are designated public roads on the county system as adopted by the Board of Supervisor.

2. “Board” shall mean the Board of Supervisors of Clinton County.

3. “Engineer” shall mean the County Engineer of Clinton County.

4-5-3 HOW ESTABLISHED

1. Resolution. Roads may only be classified as Area Service “C” 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. Requests by property owners abutting a road seeking Area Service “C” classification will be reviewed by the Board upon receipt of a signed petition including all abutting property owners of the road section of concern.

2. Notice of Action. Before the Board may take action 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 classification of the road, shall be published as provided by law.

3. 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 the meeting or date to which it is adjourned, may take action after consultation with the County Engineer.

4-5-4 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.

4-5-5 SIGNS. Area Service “C” roads shall have signs conforming to the Iowa Signing Manual Per 761 Iowa Administrative Code Chapter 130. The signs shall be 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 access is limited and that the road has limited maintenance.

4-5-6 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.

4-5-7 RECLASSIFICATION. A road with an Area Service “C” classification shall retain the classification until such a time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more of the adjoining landowners. The Board shall approve or deny the request for reclassification within sixty days of receipt of the petition.

4-5-8 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.

4-5-9 EXEMPTION FROM LIABILITY. As provided by Chapter 309.57, Code of Iowa, the County and officers, agents, and employees of the County are not liable for injury to any person or 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 as described in the establishing resolution.

(Ord. 2006-08, Passed July 31, 2006).