

CODE
OF
ORDINANCE

CHAPTER 12
AREA SERVICE SYSTEM LEVEL C ROAD CLASSIFICATION

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12.01 PURPOSE. The purpose of the ordinance is to classify certain roads on the area service system in the county as Area Service System Level "C" roads so as to provide for a reduced level of maintenance effort and restricted access, pursuant to Iowa Code Section 309.57 as amended by House File 419 (1996). The reduced level of maintenance effort shall be the same as provided for Area Service System Level "B" roads (Adams County Ordinance-Chapter 14).

12.02 DEFINITIONS. For use in this ordinance, certain terms or words used herein shall be defined as follows:

- A. "Board" shall mean the Board of Supervisors of Adams County.
- B. "County" shall mean Adams County.
- C. "County Engineer" shall mean the County Engineer of Adams County.

12.03 HOW ESTABLISHED.

A. RESOLUTION: Roads may only be classified as Area Service System Level "C" by resolution of the Board. The resolution shall specify the persons who will have access rights to the road. The resolution shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service System Level "C" road, a notice of the proposed action, including the location of the Area Service System Level "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

in Iowa Code Section 331.305 as may be amended hereafter.

C. **BOARD ACTION:** At the meeting, the Board shall receive oral or written objections from any resident or property owner of the county.

12.04 **ACCESS.** Access to any Area Service System Level "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.

12.05 **SIGNS.** Area Service System Level "C" roads shall have signs conforming to the Iowa State Sign Manual installed and maintained by the County at all access points to Area Service System Level "C" roads from other public roads, to warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads and to warn the public that access is limited.

12.06 **TRESPASS.** Entering an Area Service System Level "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 Section 716.7 of the Code of Iowa as may be amended hereafter.

12.07 **RECLASSIFICATION.** A road with an Area Service System Level "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 60 days of receipt of the petition.

12.08 **POWERS OF THE BOARD.** All jurisdiction and control over Area Service System Level "C" roads shall rest with the Board, pursuant to the Iowa Code Section 309.67 as may be amended hereafter.

12.09 **EXEMPTION FROM LIABILITY.** As provided in Iowa Code Section 309.57 (as may be amended hereafter), 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 Level "C", if the road has been maintained to the level of maintenance effort herein described.

12.10 **REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

12.11 **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.