

COPY

ORDINANCE NO. 14

An Ordinance Amending Ordinance No. 1 – Establishing the Area Service System B Road Classification by repealing it in its entirety and enacting a substitute in lieu thereof

Be it enacted by the Board of Supervisors of Keokuk County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to classify certain roads on the Area Service System in Keokuk 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" shall mean 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 B" roads shall not require standards of maintenance equal to Area Service System A roads or what were previously referred to as trunk or truck collector 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 Keokuk County.
3. "Engineer" shall mean the County Engineer of Keokuk 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 Keokuk County.

SECTION 4. Authority to Establish. The Board of Supervisors of Keokuk County is empowered under authority of Chapter 309, 1997 Code of Iowa, 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 proposed resolution, declare its intention to establish an Area Service System B road in Keokuk 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 proposed resolution of the Board which may be written description or shown by a map, 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 or 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 B 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 Level 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 nor will the road surface be sanded or salted.
3. **Signing**- Except for load limit, posting for bridges signing may not be continued or provided. However, all Area Service System Level B roads shall be identified with a sign at all points of access to roads on the Class B system from other public roads to warn the public of the lower level of maintenance.
4. **Weeds, Brush and Trees**- Mowing or spraying weeds, cutting brush, and tree removal may not be performed. 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 structure will be appropriate for the traffic thereon.
6. **Road Surfacing**- There will be no surfacing materials applied to area surface system B roads.
7. **Shoulder**- Shoulders will not be maintained.
8. **Crown**- A crown will not be maintained.
9. **Repairs**- There will be no road repair on a regular basis.
10. **Uniform Width**- Uniform width for the traveled portion of the road will not be maintained.
11. **Inspections**- Regular inspection will not be conducted.
12. **Dust Control**- Dust control will not be provided.

SECTION 8. Exemption from Liability. As provided in Section 309.57 of the 1997 Code of Iowa, the County and officers, agents, and employees of the county are not liable for the injury to any person or 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 effect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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

Ayes: _____ Nays: _____
First Meeting Date: Richard Denny
March 30, 1998 Kenneth L. Weber
Bruce Johnson

Second Meeting Date: Richard Denny
April 6, 1998 Kenneth L. Weber
Bruce Johnson

Third Meeting Date: Richard Denny
April 13, 1998 Kenneth L. Weber
Bruce Johnson

Dated this 13 day of April, 1998:

Richard Denny
Richard Denny, Chairman
Keokuk County Board of Supervisors

ATTEST: Marilyn D. Wells
Marilyn D. Wells
Keokuk County Auditor