

CHAPTER 17A

AREA SERVICE ROAD CLASS “C” ORDINANCE

Ordinance #: 18-10-2006

Repealer: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 either the ordinance as a whole or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

Passed and approved: October 25, 2006

Effective Date: November 1, 2006

Amendments and Resolutions: N/A

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AREA SERVICE ROAD CLASS "C" ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE CLASSIFICATION OF LINN COUNTY AREA SERVICE SYSTEM ROADS AS CLASS "C"

17A.1 PURPOSE.

The purpose of this ordinance is to adopt provisions for the classification of Class "C" area service system roads in accordance with Section 309.57, of the Code of Iowa.

17A.2 DEFINITIONS.

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

1. "Applicant" - Includes a person, persons, company, corporation or governmental entity in lawful possession of property adjacent to the Linn County Secondary Road and desirous of classifying said road as a Class "C" area service road.
2. "Access" - Refers to access to the Class "C" road from any other public or private road.
3. "Board of Supervisors" - Refers to the Linn County Board of Supervisors.
4. "County" - Refers to Linn County, Iowa
5. "Road" or "Roadway" - Refers to a road in the Linn County Secondary Road System, Area Service System.

17A.3 POWERS OF THE BOARD OF SUPERVISORS

The Board of Supervisors, after consultation with the County Engineer, and for the purposes of specifying levels of maintenance effort and access, may classify an area service system road, Class "C." Area service "C" classification roads may have restricted access and a minimal level of maintenance as specified by the Board of Supervisors by resolution after consultation with the County Engineer.

17A.4 COUNTY ENGINEER TO ADMINISTER

The County Engineer may make such rules and regulations, not inconsistent with this ordinance, as are necessary to carry out the administration of the ordinance.

17A.5 AUTHORITY TO CLASSIFY.

The Board of Supervisors is empowered to classify the area service system road as Class "C" under Code of Iowa, Section 309.57.

17A.6 ACCESS RESPONSIBILITY.

Appropriate signs, conforming with the Iowa State Sign Manual, shall be installed by the County at all access points to area service "C" classification roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads. In addition, area service "C" classification roads shall adequately warn the public that access is limited.

17A.7 METHOD OF CLASSIFICATION.

Roads may be classified as area service "C" by any method authorized by the Iowa Code. If classification is done by resolution, said resolution shall specify the level of maintenance effort and the persons who will have access rights to said road.

17A.8 ACCESS LIMITED.

The County shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or agent or employee of any owner, lessee, or person in lawful possession of any adjoining land, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road. Access to the road shall be restricted by means of a gate or other suitable barrier.

17A.9 COUNTY INFRACTION.

Notwithstanding Iowa Code Section 716.7 (4), entering or remaining upon an area service "C" Classification 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.

17A.10 RECLASSIFICATION.

A road with an area service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board of Supervisors. The petition shall be signed by one or more adjoining landowners. The Board of Supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition.

17A.11 LIABILITY.

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, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as area service "C" if the road has been maintained to the level required for roads classified as area service "C."

17A.12 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.

17A.13 EFFECTIVE DATE.

This ordinance shall come into effect on November 1, 2006.