

Colleen Pearce, Cerro Gordo County Recorder



Aud

Prepared by: Mary Kelly, Cerro Gordo County Engineer, 2716 S. Federal Avenue, Mason City, Iowa  
Return to: Becky Kirchgatter, Deputy Auditor, 220 N Washington Avenue, Mason City, Iowa

## **CERRO GORDO COUNTY ORDINANCE NO. 59**

**TITLE.** An Ordinance Establishing the Area Service System Road Classifications and the Policy for the Construction and Reconstruction of Roads in Cerro Gordo County, Iowa.

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

### **SECTION 1. PURPOSE.**

The purpose of this ordinance is to classify certain roads on the area service system in Cerro Gordo County to provide for a reduced level of maintenance, and restricted access, pursuant to Iowa Code Chapter 309, and specifically Section 309.57. This ordinance also establishes policy for the construction and reconstruction of roads and bridges and other roadway and drainage features associated with road and bridge construction.

### **SECTION 2. DEFINITIONS.**

For use in this ordinance, certain words, terms and phrases shall mean that following:

1. "Area Service System" and "area service roads" include those roads in Cerro Gordo County, outside cities and towns and not otherwise classified pursuant to Chapter 306, Code of Iowa.
2. "Area Service System A" roads are those roads classified under Iowa Code Chapter 306 as "Area Service" and not classified as Area Service System B nor Area Service System C. Area Service System A roads shall be maintained in conformance with applicable State statutes.
3. "Area Service System B" roads are area service roads with a reduced level of maintenance from Farm to Market or Area Service System A roads, except Area Service System C roads.
4. "Area Service System C" roads are area service roads with a reduced level of maintenance from Farm to Market or Area Service System A or B roads, and have restricted access.

The level of service shall be based on traffic counts, pavement type, roadway geometrics and other data used in accepted engineering design as established by the County Engineer, Iowa Department of Transportation, and the Federal Highway Administration.

### **SECTION 3. DESIGN CRITERIA.**

In implementation, this policy shall set the minimum design standards that Cerro Gordo County will follow in the construction or reconstruction of roads and bridges. These criteria shall be based on accepted engineering practices and standards established by the Iowa Department of Transportation and the Federal Highway Administration.

The County Engineer shall assure the minimum design standards established herein are adhered to in a uniform manner unless, in his or her professional judgment, a deviation from standards is warranted. Minimum design standards are not subject to discretionary enforcement. Any deviations must be documented as unreasonable and or impossible to implement by the County Engineer and/or the County Board of Supervisors.

The construction and reconstruction of roadways and bridges on the Area Service System A must conform to current design standards based on the Guidelines in the Instructional Memorandum IM 3.210 and the American Association of State Highway and Streets (AASHTO) *A Policy on Geometric Design of Highways and Streets, 2011* (Green Book).

#### **PAVED ROUTES:**

1. Newly designed rural pavement shall be constructed to a minimum of 22' wide with granular shoulders. Design guidelines and engineering judgement shall be used to determine if a wider pavement shall be used.
2. Newly designed urban pavements shall be designed to meet generally accepted engineering practices.
3. Foreslopes shall be 3:1 or flatter.
4. Bridges on paved routes shall be built with a minimum width of 30'. Wider structures will be installed when there are issues relating to oversized vehicles, pedestrian facilities, biking usage, or other issues where additional width is warranted.
5. New and replacement culverts under paved roads shall be concrete.
6. Design for drainage structures will be governed by generally accepted hydraulic design standards.

#### **UNPAVED ROADS:**

1. New construction or reconstruction of a gravel road shall have a minimum 26' finished top, including shoulders.
2. Repair of a gravel road shall be to the previous width prior to damage.
3. Foreslopes shall be 2:1 or flatter.
4. Bridges will normally be a minimum width of 24' on gravel roads. Dead end roads may be narrower at the discretion of the County Engineer.

5. Culverts may be metal or concrete.
6. Design for drainage structures will be governed by generally accepted hydraulic design standards.

#### **SECTION 4. AUTHORITY TO ESTABLISH.**

The Board is empowered under authority of Iowa Code Section 309.57 to classify secondary roads on the Area Service System in the County as Area Service System B roads so as to provide for a reduced level of maintenance effort on roads so designated or as Area Service System C roads so as to provide for a reduced level of maintenance effort and restricted access on roads so designated.

The Board, after consultation with the Engineer, shall by resolution, establish the location of the road(s) classified as the Area Service System B road and the system may be altered from time to time.

The Board, upon petition signed by all landowners adjoining the road and after consultation with the Engineer, shall by resolution, establish the location of the road(s) classified as an Area Service System C road.

Before the Board may take action to establish an Area Service System B or C road, a notice of the proposed action, including the location of the Area Service System B or C road and the time and place of the hearing at which the Board proposes to take action shall be published as provided in Iowa Code Section 331.305.

At the hearing, the Board shall receive oral or written objections for or against the reclassification from any resident or property owner of the County. After all objections have been received and considered, the Board, at that meeting or on a date to which it is adjourned, may by resolution establish the proposed Area Service System B or C road.

#### **SECTION 5. AREA SERVICE SYSTEM B DESIGNATION.**

##### **MAINTENANCE POLICY.**

Only minimal effort, expense, and attention, will be provided to Area Service System B roads open to traffic. Bridges are not required to be maintained to carry legal loads but will be posted as appropriate to advise of any load of limitation. For the various maintenance activities, the level of maintenance on Area Service System B roads shall 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 postings for structures, signing will not be provided. All Area Service System B roads shall be identified with a sign at all points of access to inform and warn the public of the lower level of maintenance and restricted access.

4. Weeds and Brush – Mowing or spraying of weeds, cutting or spraying of brush, and removal of trees will not be performed. Sight distances may be restricted.
5. Structures – Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, bridges and culverts may not be replaced, and if replaced, the replacement structure will be appropriate for the traffic thereon.
6. Road Surfacing – No surfacing material will be applied.
7. Shoulders – Shoulders will not be maintained.
8. Crown – crowns will not be maintained.
9. Repairs – Repairs will not be performed on a regular basis.
10. Width – A uniform width of roadway will not be maintained.
11. Inspections – Inspections will not be performed on a regular basis.
12. Waiver – Nothing herein shall prohibit the performance of specific maintenance functions on an Area Service System B road to facilitate more expeditious or economical maintenance of roads otherwise classified.

## **SECTION 6. AREA SERVICE SYSTEM C DESIGNATION.**

### **MAINTENANCE POLICY.**

Only minimal effort, expense, and attention, will be provided to Area Service System C roads. Bridges on Area Service System C roads are not required to be maintained to carry legal loads but will be posted as appropriate to advise of any load of limitation. For the various maintenance activities, the level of maintenance on Area Service System C roads will be as defined by the maintenance of Area Service System B roads in this Ordinance.

### **ACCESS.**

Access to an Area Service System C road shall be restricted by means of a gate. The property owner shall be responsible for the purchase and installation of the gate. The property owner must also maintain the gate to specifications as set forth by the County Engineer, and, upon their failure to do so, the Engineer shall arrange for such installation or maintenance and charge the adjoining landowners on a pro rata basis. Persons with access right of the road shall be:

1. The owner, lessee, or person in lawful possession of any adjoining land.
2. The agent or employee of the owner, lessee, or person in lawful possession of any adjoining land.
3. Any peace officer.
4. Any magistrate.

5. Any public employee whose duty it is to supervise the use or perform maintenance of the road.
6. Any agent or employee of any utility located upon the road.

**TRESPASS.** Entering an Area Service System 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 punishable by a \$100.00 fine or up to 30 days in jail.

**SECTION 7. POWERS OF THE BOARD.** All jurisdiction and control of Area Service System B and C roads as provided by this ordinance shall rest with the Board of Supervisors.

**SECTION 8. RECLASSIFICATION.**

A road with an Area Service System B or C classification shall retain the classification until such time as:

1. The Board may, on its own motion, or upon recommendation of the Engineer, determine to re-establish an Area Service System B or C road or portion thereof as an Area Service System Level A road at the County's expense. Such determination may be made upon a finding that the proposed upgrade in service level is in the interest of the general public welfare.
2. A road with an Area Service System B or 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.

The resident(s), landowner(s), or tenant(s) requesting the Board to reclassify a segment of an Area Service System B or Area Service System C roadway shall be responsible for the actual costs of upgrading the road segment not to exceed 110% of the Engineer's estimate. Costs shall include bringing the road segment up to the Design Standards as defined in this ordinance and shall include but is not limited to signing, culverts, and drainage structures; aggregate surfacing, right-of-way, and grading to provide adequate drainage and grade.

After a public hearing as set forth in Section 4 of this Ordinance, the Board may approve or deny the reclassification of roadway.

**SECTION 9. EXEMPTION FROM LIABILITY.** As provided in Iowa Code Section 309.57, "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 its contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as Area Service B or C if the road has been maintained to the level required for roads classified as area service B or C" as provided in this ordinance.

**SECTION 10. REPEALER.**

This Ordinance hereby repeals and replaces Ordinance No. 7, An Ordinance Establishing the Area Service System B Road Classification in Cerro Gordo County, Iowa, adopted by the Board of Supervisors on December 15, 1987 and Ordinance No. 32, An Ordinance Establishing the Area Service System C Road Classification in Cerro Gordo County, Iowa adopted by the Board of Supervisors on August 22, 2000. Any other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 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.

**SECTION 12. EFFECTIVE DATE.**

This ordinance shall be in full force and effect from and after its publication, approval and passage as provided by law.

First Consideration: August 15, 2017

Second Consideration: Waived August 15, 2017

Third Consideration: Waived August 15, 2017

Passed, adopted and approved this 15th day of August, 2017.

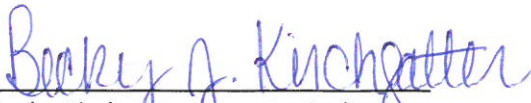
AYES: Watts, Callanan

NAYS: None

ABSENT-NOT VOTING: Latham

  
\_\_\_\_\_  
Casey M. Callanan, Chairman  
Cerro Gordo County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Becky Kirchgatter, Deputy Auditor  
Cerro Gordo County

