

CHAPTER 31
AREA SERVICE SYSTEM C ROADS

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31.01 PURPOSE. The purpose of this chapter is to classify certain roads on the area service system in the County as Area Serviced C Roads so as to provide for the reduced level of maintenance effort and restricted access, pursuant to Section 309.57 of the Code of Iowa, as amended.

31.02 HOW ESTABLISHED.

1. Request. A request may be filed with the Board of Supervisors. The request shall list the road that is being requested for classification as an Area Service Class C Road. The request shall also list the limits of the proposed classification.
2. Resolution. Roads may only be classified as Area Service C by ordinance or resolution of the Board of Supervisors. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The County 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 is to supervise the use or perform maintenance of the road.
3. Notice of Action. Before the Board of Supervisors may take action on a request 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 of Supervisors proposes to take action on the request, shall be provided in Section 331.305 of the Code of Iowa.
4. Board of Supervisors Action. At the meeting, the Board of Supervisors shall receive oral or written objections from any resident or property owner of the County. After all objections have been received and considered, the Board of Supervisors, at that meeting or a date to which it is adjourned, may take action on the request after consultation with the County Engineer.

31.03 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.

1. The only persons who will have access rights to the roads shall be:
 - A. The owner, lessee, or person in lawful possession of any adjoining land,
 - B. The agent or employee of the owner, lessee, or person in lawful possession of any adjoining land,
 - C. Any peace officer,
 - D. Any magistrate,
 - E. Any public employee whose duty it is to supervise the use or perform maintenance of the road,
 - F. Any agent or employee of any utility located upon the road.

31.04 SIGNS. Area Service C Roads shall have signs conforming to the Iowa Signing Manual 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 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. (IAC, Ch. 30)

31.05 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 punishable by a \$100.00 fine.

31.06 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. 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.

31.07 POWERS OF THE BOARD. All jurisdiction and control over Area Service C Roads shall rest with the Board, pursuant to Section 309.67 of the Code of Iowa.

31.08 EXEMPTION FROM LIABILITY. As provided in Section 309.57 of the Code of Iowa, 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 proximately as a result of the maintenance of the road which is classified as Area Service C, if the road has been maintained to the level of maintenance effort described in establishing the resolution.

31.09 MAINTENANCE POLICY. The minimal level of maintenance 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 on a regular basis, nor will the road surface be sanded or salted.
3. Signing. Except for load limit posting for bridges, signing shall not be continued or provided. All Area Service Level C Roads shall be identified with a sign at all points of access to warn the public of the lower level of maintenance.
4. Weeds, Brush, and Trees. Mowing or spraying weeds, cutting brush, and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss structures may not be replaced.
6. Road Surfacing. There will be no surfacing materials applied to Area Service System C Roads on a regular basis.
7. Shoulders. Shoulders will not be maintained on a regular basis.
8. Crown. A crown will not be maintained on a regular basis.
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 inspections will not be conducted