

ORDINANCE 12-11-17-01
AREA SERVICE SYSTEM "B" ROAD MAINTENANCE ORDINANCE
AN ORDINANCE ESTABLISHING THE AREA SERVICE SYSTEM "B" ROAD
CLASSIFICATION AND MAINTENANCE POLICIES IN JOHNSON COUNTY,
IOWA

BE IT ORDAINED BY THE JOHNSON COUNTY BOARD OF SUPERVISORS:

SECTION 1. Purpose: The purpose of this Ordinance is to classify certain roads as Level "B" on the Area Service System in Johnson County to provide for a reduced level of maintenance.

Additionally, this Ordinance provides for re-instatement of Level B Roads to Level A maintenance. Typically, a Level B Road has minimal traffic and often serves only as field access. However, given changing land use, it may become necessary to upgrade the roadway and restore full service thereby requiring reclassification as a "Area Service System 'A' Road".

SECTION 2. Definitions: For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Area Service System: Those public roads outside of municipalities not otherwise classified on the Secondary Road System.

Area Service System "A" Roads: Roads that are maintained in conformance with applicable state statutes. Such roads may also be referred to herein as "Level A Roads".

Area Service System "B" Roads: Roads that do not require standards of maintenance equal to Area Service System A roads. Area Service System B roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling. Such roads may also be referred to herein as "Level B Roads".

Board: The Board of Supervisors of Johnson County.

Engineer: The County Engineer of Johnson County.

County: Johnson 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 Johnson County.

SECTION 4. Authority to Establish: The Board is empowered under authority of Iowa Code Section 309.57 (as may be amended hereafter) to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board may, upon consultation with the Engineer, declare its intention to establish a road as an Area Service System "B" Road in Johnson County, and/or declare its intention to re-establish an Area Service System "B" Road in Johnson County, or portion thereof, to an Area Service System "A" Road. Accordingly:

1. The Board may, on its own motion, or upon recommendation of the Engineer, determine to establish a roadway or roadways, or portion thereof, as a Level B Road(s).

the road improvements being satisfactorily made to bring the road up to Area Service System A standards, the Board will reclassify the road.

SECTION 5. Notice and Hearing: The Board shall fix a time and place for a hearing for classification of a road(s) or portion(s) thereof as an Area Service System "B" Road, or for re-establishment of an Area Service System "B" Road to an Area Service System "A" Road, and cause notice to be published as provided by law for a normal public meeting of the Board. The notice shall set forth the termini of the affected road or portion thereof, and shall state that all persons interested may appear and be heard at such hearing.

SECTION 6. Hearing - Road Classification Established by Board Motion: On the day fixed for the hearing or any day to which the hearing has been adjourned, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System "B" Road(s) is/are practicable, it may so establish it by resolution. In the case of a proposed re-establishment to an Area Service System "A" Road, if the Board finds that such re-establishment is practicable, as set forth in this Ordinance, it may so re-establish, or re-establish with certain conditions, by resolution.

SECTION 7. Level B Maintenance Policy: Only the minimum effort, expense, and attention will be provided to keep Area Service System "B" Roads open to traffic. Bridges might not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitations and/or closures. For the various maintenance activities, the minimum maintenance on Area Service System "B" Roads (i.e. 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 will not be continued or provided. NOTE: all Area Service System "B" Roads will be identified with a sign at all points of access from the Level A Road network 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, and might not be sufficient to allow vehicular passage. Adequate sight distances will not be maintained.
5. *Structures*: Bridges and culverts might not be maintained to carry legal loads. Upon failure or loss, the structure might not be replaced, or might be replaced with a structure appropriate for the traffic thereon. In addition, the section of roadway involved will be reviewed by the Board to determine if the section of roadway will be vacated.
6. *Road Surfacing*: Surfacing materials might not be applied to Area Service System "B" Roads.
7. *Shoulders*: Shoulders will not be maintained.
8. *Crown*: A crown might not be maintained.
9. *Repairs*: Road repairs might not be made on a regular or timely basis.
10. *Uniform Width*: Uniform width for the traveled portion of the road might not be maintained.
11. *Inspections*: Regular inspections will not be conducted.

road segment to be treated. Private haulers must maintain insurance policies in such amounts and lines of coverage as required in the rock surfacing permit.

2. Rock on Level B Roads without a Residential Domicile. For any Level B Road other than those serving a domicile as described in subsection 1, above, a landowner may apply for rock surfacing for all or part of a Level B Road that meets the conditions set forth below, and such application shall be reviewed and approved or denied by the Board of Supervisors in its sole discretion, upon consultation with the County Engineer. Any such Level B Roads for which a surfacing permit may be granted must meet the following minimum standards:
 - a. Minimum right-of-way width shall be determined by the Engineer in order to provide adequate drainage and/or meet appropriate design standards, but shall not be less than 66 feet. If right-of-way is less than the minimum width, the landowner(s) may donate the additional needed right-of-way to the County for widening the road and must remove any fencing remaining within the new right-of-way at no cost to the County. Rights-of-way less than 66 feet in width will not be approved for rock surfacing under this subsection 2.
 - b. All ditches must be of adequate size and grade to evacuate runoff from the road, right-of-way, and adjacent properties, without flowing over the road surface or ponding alongside the road to create locally soft areas. Adjacent landowners are to pay all costs for providing and/or restoring drainage to the roadway prior to surfacing. Culverts and bridges must be clear and not impede drainage. The judgment of the County Engineer on the adequacy of the right-of-way and roadbed will be final in this regard.
 - c. Minimum road top width is to be 22 feet. If road top is narrower than 22 feet, the adjacent landowner(s) will pay all costs necessary to widen the road top to accommodate the road surfacing.
 - d. All crossroad culverts and bridges must meet legal load and width requirements.

Upon approval of the road for initial surfacing by the Board of Supervisors under this subsection 2, or the approval of resurfacing by the County Engineer, the landowner may arrange to have the rock hauled in accordance with the rock surfacing permit. All costs of rock and hauling under this subsection 2 are the responsibility of the landowner.

3. Non-Liability for Rock Surface Repair or Maintenance. The County may, in the course of ditch maintenance, road surface maintenance, or otherwise, damage or cover the road surfacing placed by a landowner. The County shall not be liable for replacing any damaged or covered road surfacing material. Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads except as set forth in this Section 9 and will not accept these roads into the County Area Service System A unless upgraded in accordance with the procedure established by this Ordinance.