

CHAPTER 11

AREA SERVICE SYSTEM C ROAD CLASSIFICATION

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11.01 PURPOSE. The purpose of this chapter is to classify certain roads on the Area Service System in the County to provide for a reduced level of maintenance.

11.02 HOW ESTABLISHED.

1. Resolution. Roads may only be classified as Area Service C by resolution of the Board. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The resolution shall only allow access to the road to the owner, to the lessee or person in lawful possession of any adjoining land, to 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 it is to supervise the use or perform maintenance of the road.
2. Notice of Action. Before the Board may take action on a petition 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 proposes to take action on the petition, shall be published as provided in Section 331.305 of the Code of Iowa.
3. Board Action. At the meeting, the Board 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, at that meeting or a date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

11.03 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 replacement is necessary it will be the responsibility of the landowner. If not so maintained, the County may remove the gate.

11.04 SIGNS. Area Service C roads shall have signs conforming to the Iowa State Sign Manual installed and maintained by the County at all access points to Area Service C roads from other public roads to warn the public 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.

11.05 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 as defined in Section 716.7 of the Code of Iowa.

11.06 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 sixty (60) days of receipt of the petition.

11.07 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.

11.08 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 a road which is classified as Area Service C, if the road has been maintained to the level of maintenance effort described in the establishing resolution.