

Ordinance No. 99/73

Title: An Ordinance Establishing the Area Service System "B" Road Classification in Winneshiek County, Iowa.

BE IT ENACTED by the Board of Supervisors of Winneshiek County, Iowa:

Section 1. **PURPOSE.** The purpose of this Ordinance is to classify certain roads on the Area Service System in Winneshiek County to provide for a reduced level of maintenance.

Section 2. **DEFINITIONS.** For use in this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.

(A) Area Service System "A" roads shall be maintained in conformance with applicable state statutes.

(B) Area Service System "B" roads shall not require standards of maintenance equal to Trunk, Trunk Collector, or Area Service System "A" roads. Area Service System "B" road shall not mean what is construed in a normal sense as a driveway or a private lane to a farm building or dwelling.

2. "Board" shall mean the Board of Supervisors of Winneshiek County.

3. "Engineer" shall mean the County Engineer of Winneshiek County.

Section 3. **POWERS OF BOARD.** All jurisdiction and control over Area Service System "B" roads as provided by this Ordinance shall rest with the Board of Supervisors of Winneshiek County.

Section 4. **AUTHORITY TO ESTABLISH.** The Board of Supervisors of Winneshiek County is empowered under authority of Chapter 309 of the 1997 Code of Iowa, as amended to classify secondary roads on the Area Service System to provide for a reduced level of maintenance on roads so designated.

Section 5. **AREA SERVICE SYSTEM B DESIGNATION.** The Board, after consultation with the Engineer, shall give written notice to adjacent landowners when the Board is to consider designating any road as an Area Service "B" road; shall receive comment from any adjoining landowner; and shall by resolution establish the termini of the roads classified as Area Service System "B" roads.

Section 6. **MAINTENANCE POLICY.** Only the minimum effort, expense and attention will be provided to Area Service System "B" roads. The Board shall establish by Resolution the maintenance policies which describe the minimum maintenance activities for Area Service Level "B" System roads.

Section 7. **EXEMPTION OF LIABILITY.** As provided in Iowa Code § 309.57 (1997), 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 maintenance

of a road which is classified as Area Service System "B", if the road has been maintained as provided by the policies established under Section 6 of this Ordinance.

Section 8. **ADMINISTRATION.** The Engineer shall maintain an accurate record of all segments of roads classified by the Board as Area Service System "B" and shall cause the necessary signs to be erected at every public road access on those roads so classified as Area Service System "B".

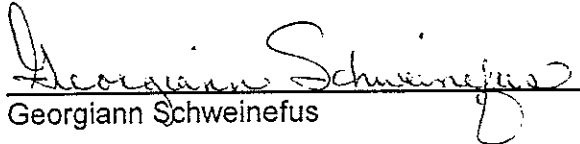
Section 9. **SEVERABILITY CLAUSE.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance, as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 10. **EFFECTIVE DATE.** This Ordinance shall be in effect upon publication in the County Newspaper following final approval.

Dated this 18 day of January, 1999.

  
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Les Askelson, Chairman  
Winneshie County Board of Supervisors

ATTEST:

  
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Georgiann Schweinefus

~~Reference Book 435 Page 114~~

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