

ORDINANCE NO. RC2000-1

CLASS "C" ROADS

Title: An Ordinance establishing the Area Service "C" Road Classification in Ringgold County, Iowa.

Section 1. PURPOSE

The purpose of this ordinance is to allow for the classification of certain roads on the area service system in the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access pursuant to Iowa Code Section 309.57.

Section 2. DEFINITIONS

For use in this ordinance, certain terms or words used herein shall be defined as follows:

- A. Board, shall mean the Board of Supervisors of Ringgold County.
- B. County, shall mean Ringgold County.
- C. County Engineer, shall mean the County Engineer of Ringgold County.

Section 3. HOW ESTABLISHED

1. RESOLUTION: Roads may only be classified as Area Service "C" by resolution of the Board upon petition signed by all landowners adjoining the road to be classified. 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 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 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 Iowa Code Section 331.305.
3. BOARD ACTION: At the meeting, the Board shall receive oral or written comments and objections from any resident or property owner of the County.

After all positive argument and 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.

Section 4. 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, installed, and maintained by the adjoining landowners. Installation of the gate shall be done by methods approved by the County.

Section 5. SIGNS

Area Service "C" roads shall have signs conforming to the Iowa Signing Manual Per 761 Iowa Administrative Code (IAC) Chapter 130. The signs shall be 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.

Section 6. TRESPASS

Entering an Area Service "C" road without specific authority as provided herein and notified or requested to abstain from entering or to remove or vacate the road by person lawfully allowed access shall constitute a trespass as defined in Section 716.7 of the Code of Iowa.

Section 7. 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.

Section 8. POWERS OF THE BOARD

All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to the Iowa Code Section 309.57.

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 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.

Section 10. REPEALER

All 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 effect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 12. WHEN EFFECTIVE

The ordinance shall be in effect after its final passage, approval and publication as provided by law.