

ORDINANCE NO. 6

TITLE: AN ORDINANCE ESTABLISHING THE "AREA SERVICE SYSTEM B
ROAD CLASSIFICATION" IN WINNEBAGO COUNTY, IOWA.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WINNEBAGO
COUNTY, IOWA:

SECTION I. PURPOSE

THE PURPOSE OF THIS ORDINANCE IS TO ESTABLISH PROCEDURES
OF ESTABLISHMENT AND MAINTENANCE STANDARDS FOR A PORTION
OF THE AREA SERVICE ROAD SYSTEM OF WINNEBAGO COUNTY AS
"LEVEL B" AS PROVIDED BY CHAPTER 309 CODE OF IOWA 1989.

SECTION II. DEFINITIONS

FOR USE IN THIS ORDINANCE, CERTAIN WORDS, TERMS AND
PHRASES SHALL MEAN THE FOLLOWING:

1. "AREA SERVICE SYSTEM" INCLUDES THOSE ROADS IN
WINNEBAGO COUNTY, OUTSIDE CITIES AND TOWNS AND NOT
OTHERWISE CLASSIFIED PURSUANT TO CHAPTER 306 CODE
OF IOWA 1989.
 - (A) AREA SERVICE SYSTEM A: SHALL MEAN THOSE
ROADS CLASSIFIED UNDER CHAPTER 306, CODE OF
IOWA 1989 AS "AREA SERVICE" AND NOT
CLASSIFIED AS AREA SERVICE B AS HEREIN AFTER
PROVIDED.
 - (B) AREA SERVICE SYSTEM B: SHALL MEAN THOSE
ROADS IN THE AREA SERVICE SYSTEM DESIGNATED
BY RESOLUTION OF THE BOARD OF SUPERVISORS OF
WINNEBAGO COUNTY, IOWA. ROADS IN THIS
CLASSIFICATION WILL NOT REQUIRE THE SAME
DEGREE OF MAINTENANCE AS IS PRESCRIBED FOR
OTHER PUBLIC ROADS.
2. "BOARD" SHALL MEAN THE BOARD OF SUPERVISORS OF
WINNEBAGO COUNTY, IOWA.
3. "ENGINEER" SHALL MEAN THE COUNTY ENGINEER OF
WINNEBAGO COUNTY, IOWA.

SECTION III. POWERS OF THE BOARD

THE BOARD SHALL HAVE FULL JURISDICTION AND CONTROL OF
THE AREA SERVICE B SYSTEM.

SECTION IV. AUTHORITY TO ESTABLISH

THE BOARD IS EMPOWERED TO ESTABLISH AN AREA SERVICE
LEVEL B ROAD SYSTEM BY SECTION 309.57 CODE OF IOWA, 1989
AFTER CONSULTATION WITH THE ENGINEER. SUCH ROADS SHALL

BE DESIGNATED BY RESOLUTION OF THE BOARD AT A REGULARLY SCHEDULED BOARD MEETING AND THE SYSTEM MAY BE ALTERED FROM TIME TO TIME BY THE BOARD IN THE SAME MANNER.

SECTION V. MAINTENANCE POLICY

ONLY THE MINIMUM EFFORT, EXPENSE AND ATTENTION WILL BE PROVIDED TO KEEP AREA SERVICE LEVEL B ROADS OPEN TO TRAFFIC. BRIDGES MAY NOT BE CAPABLE OF CARRYING LEGAL LOADS, BUT WILL BE POSTED AS APPROPRIATE TO ADVISE OF ANY LOAD LIMITATIONS. FOR THE VARIOUS MAINTENANCE ACTIVITIES, THE MINIMUM FOR AREA SERVICE LEVEL B SHALL BE:

1. BLADING: BLADING WILL BE PERFORMED ON A MINIMAL BASIS; FIVE TIMES PER YEAR MAXIMUM.
2. SNOW AND ICE REMOVAL: SNOW AND ICE WILL NOT BE REMOVED OR TREATED.
3. SIGNING: EXCEPT FOR BRIDGE LOAD LIMIT POSTINGS, SIGNS WILL NOT BE MAINTAINED OR REPLACED. AREA SERVICE "LEVEL B" ROADS SHALL BE IDENTIFIED WITH PROPER SIGNS AT ALL POINTS OF ACCESS FROM OTHER PUBLIC ROADS TO WARN THE PUBLIC OF SUCH DESIGNATION.
4. THE ROAD WILL NOT BE RECONSTRUCTED.
5. CONTROL OF WEEDS, BRUSH AND TREES: NO MOWING, SPRAYING OR CUTTING OF VEGETATION WILL BE PROVIDED. SIGHT DISTANCES MAY BE RESTRICTED.
6. STRUCTURES: BRIDGES AND CULVERTS WILL NOT BE MAINTAINED. UPON FAILURE OR LOSS, THE BRIDGE OR CULVERT WILL BE REPAIRED OR REPLACED. REPLACEMENT FACILITIES WILL NOT EXCEED THOSE APPROPRIATE FOR THE TRAFFIC THEREON.
7. SURFACING: THE ROAD WILL NOT RECEIVE ANY GRAVEL OR ROCK APPLICATIONS ON A REGULAR BASIS, HOWEVER WINNEBAGO COUNTY WILL NOT ALLOW THE ROAD TO REVERT BACK TO A DIRT OR MUD ROAD.
8. SHOULDERS: NO SHOULDER MAINTENANCE WILL BE PERFORMED.
9. CROWN: CROWNS WILL NOT BE MAINTAINED.
10. MAINTENANCE AND REPAIR: THERE WILL BE NO REGULAR MAINTENANCE OR REPAIR PERFORMED.
11. WIDTH: TRAVELED WAY WILL NOT BE MAINTAINED TO A UNIFORM WIDTH.

12. INSPECTIONS: THERE WILL BE NO REGULAR INSPECTION CONDUCTED.
13. WAIVER: NOTHING HEREIN SHALL PRECLUDE THE PERFORMANCE OF SPECIFIC FUNCTIONS ON AN AREA "LEVEL B" ROAD TO FACILITATE MORE EXPEDITIOUS OR ECONOMICAL MAINTENANCE OF ROADS OTHERWISE CLASSIFIED.

SECTION VI. EXEMPTION FROM LIABILITY

PURSUANT TO SECTION 309.57 CODE OF IOWA 1989, "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 OR CONTENTS OF ANY VEHICLE OR EQUIPMENT, WHICH OCCURS PROXIMATELY AS A RESULT OF THE MAINTENANCE OF A ROAD WHICH IS CLASSIFIED AS AREA SERVICE B, IF THE ROAD HAS BEEN MAINTAINED TO THE LEVEL REQUIRED FOR ROADS CLASSIFIED AS AREA SERVICE B.

SECTION VII. 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.

Winnebago County Ordinance No. 6 was considered for the first reading and passed by unanimous vote of the Winnebago County Board of Supervisors on Tuesday, September 19, 1989 and Winnebago County Ordinance No. 6 is hereby approved and adopted upon second and final reading by unanimous vote of the Winnebago County Board of Supervisors this 26th day of September, 1989.

WINNEBAGO COUNTY BOARD OF SUPERVISORS

Alanzo Johnson

Alanzo Johnson, Chairman

Robert Langfeld

Robert Langfeld, Member

Gordon Anderson

Gordon Anderson, Member

ATTEST: *Robert D. Paulson*

Robert D. Paulson
Winnebago County Auditor