

SHELBY COUNTY ORDINANCE NO. 2005-5
AREA SERVICE “C” ROAD MAINTENANCE ORDINANCE
(TO REPLACE ORDINANCE NO. 1997-5)

Title: An Ordinance Establishing the Area Service “C” Road Classification in Shelby County, Iowa.

Be It Enacted by the Board of Supervisors, Shelby County, Iowa:

Section 1. **PURPOSE**

The purpose of this ordinance is to classify 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 interpreted or defined as follows:

1. “Area Service System” include 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 “C” roads shall not require standards maintenance equal to farm to market, or area service system A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.
2. “Board” shall mean the Board of Supervisors of Shelby County.
3. “Engineer” shall mean the County Engineer of Shelby County.
4. “County” shall mean Shelby County.

Section 3. **HOW ESTABLISHED**

- A. 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.
- B. NOTICE OF ACTION: Before the Board may take action 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 by law.

- C. **BOARD ACTION:** At the meeting, the Board shall receive oral or written comments from any resident or property owner of the county.

After all comments have been received and considered, the Board, at that meeting or date to which it is adjourned, may take action 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 and installed by the County, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

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 the Area Service “C” roads from other public roads to warn the public that access is limited.

Section 6. **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 Iowa Code Section [716.7](#).

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

Section 12. **WHEN EFFECTIVE**

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

Passed by the Board of Supervisors on this 17th day of May, 2005.

SHELBY COUNTY BOARD OF SUPERVISORS

ROGER SCHMITZ
Chairman

RICHARD FERRY

AUDITOR
LAVON CHRISTENSEN

ATTEST:

MARSHA J. CARTER
SHELBY COUNTY

STATE OF IOWA

SS:

COUNTY OF SHELBY

On this 19th day of April, 2005, before me, the undersigned, a notary public in and for said County and State, personally appeared Roger Schmitz, Richard Ferry, LaVon Christensen and Marsha J. Carter, to me personally known, who being by me duly sworn, did say that they are the Chairman and Members of the Board of Supervisors and Clerk to the Board of Supervisors and County Auditor respectively, for said County; that the seal affixed thereto is the seal of said County; that said instrument was signed and sealed on behalf of said County by authority of its Board of Supervisors and that said Roger Schmitz, Richard Ferry, LaVon Christensen and Marsha J. Carter as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said County by it and by them voluntarily executed.

Notary Public

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| 1 st Publication | _____ |
| 2 nd Publication | _____ |
| 3 rd Publication | _____ |
| 1 st Reading | _____ |
| 2 nd Reading | _____ |
| 3 rd Reading | _____ |
| Final Publication | _____ |