

TITLE II – TRANSPORTATION

CHAPTER 10

ROAD CLASSIFICATION / AREA SERVICE SYSTEM

10.01	Purpose	10.06	Area Service System B Road Established
10.02	Definitions		By Resolution
10.03	Powers of the Board	10.07	Maintenance Policy
10.04	Authority to Establish	10.08	Exemption From Liability
10.05	Notice of Hearing		

10.01 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.

10.02 DEFINITIONS. For use in this chapter, certain terms or words used herein are 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 roads shall not mean what is construed in the normal sense as a driveway or a private lane to a farm building or dwelling.

10.03 POWERS OF THE BOARD. All jurisdiction and control over Area Service System B roads as provided by this chapter shall rest with the Board of Supervisors.

10.04 AUTHORITY TO ESTABLISH. The Board is empowered under authority of Chapter 309.57 of the Code of Iowa to classify secondary roads on the Area Service System to provide for a reduced level of maintenance of roads so designated. The Board shall, by resolution, declare its intention to establish an Area Service System B road in the County after consultation with the County Engineer.

10.05 NOTICE OF HEARING. The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the termination of the Area Service System B road as set out in the resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

10.06 AREA SERVICE SYSTEM B ROAD ESTABLISHED BY RESOLUTION. On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by an affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence and if the Board finds that the proposed Area Service System B road is practicable, it may establish it by proper resolution.

10.07 MAINTENANCE POLICY. Only the minimum effort, expense and attention will be provided to keep Area Service System B roads open to traffic. Bridges may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance on Area Service System B roads will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice removal will not be performed on a regular basis. Sanding and salting will not be performed on a regular basis.
3. Signing. Except for load limit, posting for bridges signing shall not be continued or provided. All Area Service System B roads shall be identified with a sign at all points of access to warn the public of the lower level of maintenance.
4. Weeds, Brush and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained on a regular basis.
5. Structures. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure will be for the traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service System B roads on a regular basis.

7. Shoulders. Shoulders will not be maintained.
1. Crown. A crown will not be maintained.
2. Repairs. There will be no road repairs on a regular basis.
3. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
4. Inspections. Regular inspections will not be conducted.

10.08 EXEMPTION FROM LIABILITY. As provided in Chapter 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 System B, if the road has been maintained as provided in Section 10.07 of this chapter.

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CHAPTER 11

POLICIES AND LEVEL OF SERVICE IN CLEARANCE OF SNOW

11.01	Purpose	11.04	Limitation of Service
11.02	Level of Service	11.05	Emergency Conditions
11.03	Sequence of Service	11.06	Private Drives
		1.07	Dumping of Snow

11.01 PURPOSE. The purpose of this chapter is to establish the County’s policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, pursuant to the provisions of Section 309.67 of the Code of Iowa. This policy and level of service are to be implemented with the amount of money budgeted for the service and as contained in the county’s secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors.

11.02 LEVEL OF SERVICE. Clearance of snow or ice and maintenance of the secondary road system during the winter months are primarily for the benefit of the local residents of the County. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in a compacted condition. These conditions may be continuous or they may be more concentrated on hills, in valleys, curves and/or intersections. The County’s existing snow removal equipment will be utilized for this purpose. All clearance of snow and ice, sanding, salting and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service. The entire width of that portion of the road improved for travel shall be placed on or in the adjacent shoulder, ditch or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist’s sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The line of sight, sight distance or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulder by others.

Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions. In respect to roads that have only one lane open, further extreme watchfulness and caution should be exercised by the motorists, and their speed should not exceed 10 miles per hour. During these conditions no additional warning or regulatory signs will be placed that warn of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

11.03 SEQUENCE OF SERVICE. In the implementation of snow and ice removal and other maintenance of the County's secondary road system during the winter months, the County Engineer shall select the actual sequence of roads to be cleared as provided for in this section and shall determine when drifting, wind velocity, icy conditions, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved routes be accomplished prior to the clearance of gravel and dirt roads. The County Engineer's professional judgment shall prevail unless it is clearly erroneous.

1. Paved Routes.
  - A. The initial effort will be to get all routes open to one-lane traffic as soon as possible.
  - B. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
  - C. The truck mounted snowplows and spreaders will not normally be in operation between the hours of 6:00 p.m. and 5:30 a.m. The trucks may be called off the road if snow or blowing snow reduces visibility to hazardous working conditions, in the professional judgment of the Engineer.
  - D. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of gravel roads may be delayed.

- E. It is not the policy of the County to provide a “dry” pavement condition. After roads have been plowed as provided in this section, intersections, hills and curves may have placed on them sand, salt or other abrasive. These intersections, hills and curves will not be resanded, resalted or have other abrasives placed on them between snowstorms. This sequence of service shall be performed only between the hours of 5:30 a.m. and 6:00 p.m. each day, exclusive of Saturday, Sundays and legal holidays observed by County employees.

2. Unpaved Roads.
  - A. The initial effort will be to get all routes opened to one-lane traffic as soon as possible after a storm has passed.
  - B. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
  - C. Motor graders and/or truck plows will not normally be in operation between the hours of 6:00 p.m. and 5:30 p.m. Gravel roads may not be plowed if the wind is causing continual drifting.
  - D. Snow may not be removed from roads designated as Level B.

11.04 LIMITATION OF SERVICE. The Policy and level of service provided for in this chapter shall not include the performance of the following services:

1. Sanding, salting or placing of other abrasives upon the roadways that are slick, slippery and dangerous due to the formation of frost.
2. Sanding, salting or placing other abrasives upon paved roadways due to freezing rain that occurs outside the County's usual working hours of 5:30 a.m. to 6:00 p.m.
3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions or that the road surface is slick or slippery , or what the advised speed should be.

11.05 EMERGENCY CONDITIONS. The sequence of service may be suspended during "emergency" conditions. An "emergency" condition is considered as one where a loss of life is probable, where a serious injury has occurred or where extensive loss of property is imminent. These conditions may be verified through a physician's office,

sheriff's office or local fire department. The authority to declare an "emergency" rests with the County Engineer. The County will respond to all "emergency" conditions, either during or after a snowstorm. The provisions of this chapter shall be further suspended in the event the Governor, by proclamation, implements the State Disaster Plan, or the Chairperson of the board of Supervisors, by proclamation, implements the County Disaster Plan. If such occurs, the County personnel and the equipment shall be immediately subject to the direction of the governor or the Chairperson of the Board of Supervisors.

11.06 PRIVATE DRIVES. The County will not remove snow from private drives, including snow that may be deposited in driveways during normal snow removal operations. Snow from private drives shall not be placed on the roadway or shoulders.

11.07 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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CHAPTER 12

SNOW ROUTES / PARKING PROHIBITED

- |       |                        |       |  |
|-------|------------------------|-------|--|
| 12.01 | Snow Route Restriction | 12.05 | Removal and Impoundment of Illegally Parked Vehicles |
| 12.02 | Locations Designated   | 12.06 | Right of Owner to Redeem Vehicle                     |
| 12.03 | Erection of Signs      | 12.07 | Failure of Owner to Claim Impounded Vehicle          |
| 12.04 | Penalty                |       |  |

12.01 SNOW ROUTE RESTRICTIONS. Standing or parking of vehicles on a street or streets designated “NO PARKING DURING SNOW REMOVAL” is prohibited at any time when the County Engineer declares this chapter in effect or the accumulation of snow from the most recent snowfall measures one inch or more, as measured by the National Weather Service in Des Moines or any professional weather service and before snow removal operations have resulted in the removal or clearance of snow from such streets.

12.02 LOCATIONS DESIGNATED. On the streets or portions of streets listed below in this section, it is unlawful, when official signs indicating “NO PARKING DURING SNOW REMOVAL” have been erected on all streets leading into the following listed subdivisions, to operate, park or stand a motor vehicle, contrary to Section 12.01.

Greenfield Plaza Subdivision

1. Crestview Drive
2. Warren Drive
3. Ridgeview Drive
4. Suncrest Drive
5. Pilmer Drive
  1. Dema Drive
  2. Villa Drive
  3. Plaza Lane
  4. Leisure Lane
  5. Lista Lane
  6. Palomino Parkway
  7. Gepke Parkway
  8. Marlou Parkway
  9. Greenfield Parkway
  10. Clover Hill Drive

Hills of Coventry Subdivision

16. Crestview Drive
17. Warren Drive
18. Ridgeview Drive
19. New Castle Drive
20. Coventry Boulevard

Mauro’s Acres Subdivision

21. Ranchel Drive

12.03 ERECTION OF SIGNS. The County Engineer shall place and maintain signs indicating “NO PARKING DURING SNOW REMOVAL” at all entrances to the subdivisions as listed in Section 12.02. These signs shall conform to the specifications set forth in the Iowa Department of Transportation Manual on Uniform Traffic Control Devices or be approved by the Iowa Department of Transportation Traffic Engineer.

12.04 PENALTY. The registered owner of any motor vehicle parked or standing contrary to the provisions of this chapter shall be punished by a fine of twenty-five dollars (\$25.00). Each day of any violation of the provisions of this chapter shall constitute a separate offense.

12.05 REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES. The County Sheriff’s Department or its authorized agency may remove and impound vehicles when stopped or parked in violation of this chapter and, in so doing, may employ such means as reasonably necessary. All such impounded vehicles shall be stored at a location designated by the County.

12.06 RIGHT OF OWNER TO REDEEM VEHICLE. Within thirty-one (31) days after impoundment of any vehicle under the preceding section, the owner thereof may obtain a release from the County Sheriff’s Patrol headquarters, Warren County Courthouse, Indianola, Iowa, whereupon the vehicle shall be released by the designated garage or towing service which has possession of the vehicle, to the owner or the owner’s authorized representative upon presentation of the release and upon payment of the towing and storage fees.

12.07 FAILURE OF OWNER TO CLAIM IMPOUNDED VEHICLE. If an impounded vehicle is not claimed by the owner within thirty-one (31) days after impoundment, such unclaimed vehicle shall be placed in the status of an abandoned vehicle as provided by State law.

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CHAPTER 13

UNIFORM RURAL ADDRESS SYSTEM

13.01	Definitions	13.06	Emergency 911 House Numbers
13.02	Establishment by Resolution	13.07	New Structures
13.03	Extent of Systems	13.08	Maintenance of System
13.04	Implementation of System	13.09	Special Account: Use of Account
13.05	Street Signs		

13.01 DEFINITIONS

For use in this chapter, the following terms or words are interpreted or defined as follows:

1. “Subdivision” means the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.
2. “Building” means a roofed and/or walled structure built for permanent use.
3. “Base Map” means the map used by the agency coordinating the uniformed rural address system in the County. Such a map shall indicate all addresses in the county subject to the provisions of this chapter.
4. “Engineer” means the Warren County Engineer.
5. “Zoning Director” means the Warren County Zoning Director.
6. “E911 Director” means the Warren County E911 Director.
7. “The Board” means the Warren County E911 Joint Service Board.

13.02 ESTABLISHMENT

The E911 Joint Service Board shall establish the type of uniform rural address system to be used in the county.

13.03 EXTENT OF SYSTEM.

The uniform rural address system shall extend over the entire unincorporated areas of the County, except for those areas already using the system of a nearby-incorporated area. Unincorporated areas using an address system not attached to an incorporated area shall be subject to the provisions of this chapter. Any incorporated area, upon presentation of a written request from the governing body of such city to the Board, may also be included in the uniform rural address system.

13.04 IMPLEMENTATION OF SYSTEM.

The Board shall direct the E911 Director to:

1. Verify the accuracy of the base map that shall be used in the assignment of addresses.
2. Make all necessary corrections and updates to that map
3. Assign addresses in accordance with the system selected by the board. Assignments in street names and residential addresses will be in accordance with the system selected by the Board.
4. Purchase sign assembly materials.
5. Develop, print and distribute rural reference maps for rural emergency providers, dispatchers, all county offices, emergency vehicles, the U.S. Post Office and the general public.
6. Notify post offices, rural emergency providers, dispatchers, emergency vehicles, all county offices, and all providers and offices located in adjacent counties whereby such districts overlap into the county of the effective date of the system and address assignments.
7. Send notification to residents of addresses assigned. Such notification shall state:
  - A. The date the address will take effect.
8. Distribute the markers.  
Distribute the emergency 911 house numbers.

13.05 STREET SIGNS. The Engineer shall supervise the installation of road identification markers at each road intersection in the county whereby the provisions of this chapter apply.

13.06 EMERGENCY 911 HOUSE NUMBERS. The Board shall cause to have installed, signs for every person owning, controlling, occupying or using any house, store, storeroom or building situated on premises fronting on such premises indicating the assigned number. The provisions of this chapter shall not apply to accessory building but may apply to such building located on a separate unit of frontage if requested by the owner or proprietor.

13.07 NEW STRUCTURES

Every person erecting a building as set forth under the provision of Section 13.06 of this chapter, must apply, in writing for an E911 house number assignment. The Warren County Zoning Director or his/her designee will start all applications for 911 addresses. New addresses will be assigned only to the owner of said property and only after the appropriate highway department has approved the safety of the proposed driveway location. After the E911 administration office has received the appropriate approvals, an address will be assigned, by the E911 Administration office, within seven (7) working days.

13.08 MAINTENANCE OF SYSTEM

The E911 Director shall be responsible for the continued maintenance of the uniform rural address system in the county. These duties shall include assignment of all new street names, all new addresses, providing markers for new addresses, installing replacement markers, updating maps, issuing new maps as necessary, but not more than on an annual basis to the agencies and persons provided for in Section 13.04(5), making periodic checks of the rural areas of the county to insure that the provisions of this chapter are being complied with, and any other duties necessary to insure the continued maintenance of the uniform rural address system of the county. In conjunction with the Warren County Engineer, replace street markers as needed. A fee for persons needing replacement emergency 911 house markers shall pay replacement cost of said markers, to the Board.



13.09 SPECIAL ACCOUNT; USE OF ACCOUNT

All fees and other moneys available or paid to the Board under the provision of this chapter shall be placed in E911 service fund in accordance with Iowa Code Chapter 34. This fund shall be available to the Board of Supervisors by appropriation and shall be expended for the administration and enforcement of this chapter and for any other expenses incurred by the County directly or indirectly due to the provisions set forth in this chapter. Any unencumbered and any unexpended balance of this account remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of this chapter until expended in accordance with Iowa Code Chapter 34.

E911 service fund in accordance to Iowa Code Chapter 34. This fund shall be available to the E911 Joint Service Board and shall be expended for the administration and enforcement of this chapter and for any other expenses incurred by the county directly or indirectly due to the provisions set forth in this chapter. All expenditures must be made in accordance to Iowa Code Chapter 34. Any unencumbered and any unexpended balance of this account remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of this chapter until expended in accordance to Iowa Code chapter 34.

TITLE II – TRANSPORTATION

CHAPTER 14

SIDEWALK CONSTRUCTION, RECONSTRUCTION AND REPAIR

- |       |                        |       |  |
|-------|------------------------|-------|--|
| 14.01 | Permanent Sidewalks    | 14.06 | Responsibility for Maintenance               |
| 14.02 | Special Assessment     | 14.07 | Failure to Maintain                          |
| 14.03 | Permission Required    | 14.08 | Condemnation                                 |
| 14.04 | Construction Standards | 14.09 | Conducting Rain Water Onto Sidewalks         |
| 14.05 | Grades and Location    | 14.10 | Removal of Snow, Ice and Other Accumulations |

14.01 PERMANENT SIDEWALKS. The Board of Supervisors may, by resolution, order the construction of permanent sidewalks parallel to any street in a rural subdivision in the County, following receipt of a petition of the majority of adjoining property owners requesting same or at the request of the home owner’s association, if said association is composed of elected representatives from residents of the subdivision. The board shall regulate the grade of the sidewalk and may order assessment of the cost thereof assessed against the property in front of which the sidewalk may be constructed in proportion to the special benefits conferred upon the property thereby, with the amount of the assessment certified by the County Auditor.

14.02 SPECIAL ASSESSMENT. If the owner of any property along or across which said improvement is ordered pursuant to this chapter shall fail or neglect to have the sidewalk constructed and finished within a reasonable time limit fixed by the resolution, the Board may cause the sidewalk to be constructed, by contract to the lowest responsible bidder. The cost thereof shall be assessed and collected as a special assessment on the property of the adjoining landowner.

14.03 PERMISSION REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained permission from the County engineer and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the County for such work. Any person securing permission as required above shall agree to hold the County free from all liability for damages on account of injuries received by anyone through the negligence of such person or such person’s agents or employees in making the sidewalk improvements, or by reason of such person’s failure to properly guard the premises.

14.04 CONSTRUCTION STANDARDS. The Board shall have on file in the office of the Auditor full and complete plans and specifications for the construction of sidewalks. All sidewalks, whether constructed by the owners of the adjoining property, or by contract, shall be constructed under the supervision and inspection of the County Engineer and shall be in strict compliance with the plans and specifications as approved by the Board and on file in the office of the Auditor.

14.05 GRADES AND LOCATION. The County Engineer shall check the sidewalk grades prior to the placement of any concrete. All sidewalks in residential areas shall be located one (1) foot outside the lot line, toward the street, and the finished grade of the sidewalk shall be six (6) inches above the curb of the street parallel to the sidewalk.

14.06 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

14.07 FAILURE TO MAINTAIN. If the abutting property owner does not maintain or repair defective sidewalks as required and action is brought against the County for personal injuries alleged to have been caused by its negligence, the County may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of alleged facts from which the cause arose, that the County believes that the person notified is liable to it for any judgment rendered against the County, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the county against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to liability of the County to the plaintiff in the first named action, and as to the amount of the damage or injury. The County may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the County in the suit.

14.08 CONDEMNATION. The Board may by resolution condemn any sidewalk now or hereafter existing or order a sidewalk replaced or repaired with the same remedies available as for the initial construction of a sidewalk under the terms of this chapter in a rural subdivision, which sidewalk is constructed or repaired contrary to the provisions of this chapter or is dangerous or unsafe.

14.09 CONDUCTING RAIN WATER ONTO SIDEWALKS. It is unlawful to cause or permit any water spout, trough or gutter to discharge or conduct water upon the surface of any sidewalk, but all such water shall be conducted in accordance with plans and specifications of the Board or County Engineer.

14.10 REMOVAL OF SNOW, ICE AND OTHER ACCUMULATIONS. It shall be the responsibility of the abutting property owners to promptly remove snow, ice and accumulations from the sidewalks. In the event that snow, ice or accumulations are permitted to remain on the sidewalks for more than a reasonable length of time, then the County shall have power to have the sidewalks cleared and to assess the actual cost thereof against the property.

TITLE II – TRANSPORTATION

CHAPTER 15

**AREA SERVICE “C” ROAD CLASSIFICATION**

<b>15.01 Purpose</b>	<b>15.07 Reclassification</b>
<b>15.02 Definitions</b>	<b>15.08 Powers of the Board</b>
<b>15.03 How Established</b>	<b>15.09 Exemption From Liability</b>
<b>15.04 Access</b>	<b>15.10 Repealer</b>
<b>15.05 Signs</b>	<b>15.11 Severability Clause</b>
<b>15.06 Trespass</b>	<b>15.12 When Effective</b>

Title: A Chapter Establishing the Area Service “C” Road Classification in Warren County, Iowa.

15.01 PURPOSE. The purpose of this chapter 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 as amended by House File 419 (1996).

15.02 DEFINITIONS. For use in this chapter, certain terms or words used herein shall be defined as follows:

- A. Board: shall mean the Board of Supervisors of Warren County.
- B. County: shall mean Warren County.
- C. County Engineer: shall mean the County Engineer of Warren County.

15.03 HOW ESTABLISHED.

A. RESOLUTION: Roads may only be classified as Area Service “C” by resolution of the Board upon petition signed by all landowners adjoining the road. 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, 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.

B. 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 public hearing at which the Board proposes to take action on the petition, shall be published as provided in Iowa Code Section 331.305 (1999).

C. BOARD ACTION: At the public hearing, 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 public hearing or a date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

15.04 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 initial gate only shall be purchased and installed by the County, and thereafter maintained, purchased and installed by the adjoining landowners. If not so maintained, the County may remove the gate.

15.05 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.

15.06 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 (1999).

15.07 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.

15.08 POWERS OF THE BOARD. All jurisdiction and control over Area Service “C” roads shall rest with the Board, pursuant to the Iowa Code Section 309.67 (1999).

15.09 EXEMPTION FROM LIABILITY.

As provided in Iowa Code Section 309.57 (1999), 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.

15.10 REPEALER. All chapters or parts of chapters in conflict with the provisions of this chapter are hereby repealed.

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

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

TITLE II – TRANSPORTATION

CHAPTER 15

AREA SERVICE “C” ROAD CLASSIFICATION

15.01 Purpose	15.07 Reclassification
15.02 Definitions	15.08 Powers of the Board
15.03 How Established	15.09 Exemption From Liability
15.04 Access	15.10 Repealer
15.05 Signs	15.11 Severability Clause
15.06 Trespass	15.12 When Effective

Title: A Chapter Establishing the Area Service “C” Road Classification in Warren County, Iowa.

15.01 PURPOSE. The purpose of this chapter 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 as amended by House File 419 (1996).

15.02 DEFINITIONS. For use in this chapter, certain terms or words used herein shall be defined as follows:

- A. Board: shall mean the Board of Supervisors of Warren County.
- B. County: shall mean Warren County.
- C. County Engineer: shall mean the County Engineer of Warren County.

15.03 HOW ESTABLISHED.

A. RESOLUTION: Roads may only be classified as Area Service “C” by resolution of the Board upon petition signed by all landowners adjoining the road. 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, 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.

B. 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 public hearing at which the Board proposes to take action on the petition, shall be published as provided in Iowa Code Section 331.305 (1999).

C. BOARD ACTION: At the public hearing, 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 public hearing or a date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

15.04 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 initial gate only shall be purchased and installed by the County, and thereafter maintained, purchased and installed by the adjoining landowners. If not so maintained, the County may remove the gate.

15.05 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.

15.06 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 (1999).

15.07 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.

15.08 POWERS OF THE BOARD. All jurisdiction and control over Area Service “C” roads shall rest with the Board, pursuant to the Iowa Code Section 309.67 (1999).

15.09 EXEMPTION FROM LIABILITY.

As provided in Iowa Code Section 309.57 (1999), 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.

15.10 REPEALER. All chapters or parts of chapters in conflict with the provisions of this chapter are hereby repealed.

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

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

CHAPTER 17

UNAUTHORIZED USE OF SECONDARY ROAD RIGHT-OF-WAY

- 17.01 Purpose
- 17.02 Definitions
- 17.03 Offenses and Penalties
- 17.04 Authorization Process
- 17.05 Abatement Cost
- 17.06 Enforcement
- 17.07 Repealer

17.01 PURPOSE.

The purpose of this chapter is to discourage the unauthorized use of Warren County Secondary Road right-of-way.

The unauthorized uses include, but are not limited to the following: the cultivation and growing of crops on the county right-of-way, the improper placing of fences or ditches on the county right-of-way, the alteration of ditches, water breaks and drainage tiles on the county right of way, the placement of trash, junk, rocks, corncobs, brush, abandoned vehicles or machinery and other items on the county right-of-way, and the placement of billboards, signs, hazardous mailbox supports, and advertising devices on the county right-of-way.

The unauthorized use of secondary road right-of-way can, among other things, undermine attempts to control drainage and flood water, diminish snow storage capacity and hinder snow removal, damage or shorten the life expectancy of the roadway, or create hazardous obstructions in the roadway.

The unauthorized use of secondary road right-of-way therefore endangers the health, safety, and welfare of the citizens of Warren County.

17.02 DEFINITIONS.

“County Secondary Roadway Right-of-Way” means the entire width, distance and portion of any property that the County has the right to use, whether by easement or fee, for roadway purposes. “County Secondary Roadway Right-of-Way” includes the traveled portion of the roadway, the shoulders and the ditches and embankments, including both fore slopes and back slopes, attached to any county secondary roads that are used for roadway purposes. Width of these properties varies and have been removed from taxation due to their public usage.

“Unauthorized Use of the County Secondary Roadway Right-of-Way” means any use of the county secondary roadway right-of-way that is not pre-authorized in writing by the

Warren County Engineer and that occurs after the effective date of this ordinance. It includes, but is not limited to the following: excavating, filling or making any physical changes to any part of the county secondary roadway right-of-way; the cultivation and growing of crops on the county right-of-way, the destruction of plants placed in the county right-of-way, the placing of fences or ditches on the county right-of-way, the alteration of ditches, water breaks and drainage tiles on the county right-of-way, the placement of trash, junk, rocks, corn cobs, brush, vehicles, machinery or other items on or in the county right-of-way, and the placement of billboards, signs, hazardous mailbox supports, and advertising devices on the county right-of-way.

“Unauthorized Use of the County Secondary Roadway Right-of-Way” does not include the mowing or harvesting of grasses in the county right-of-way so long as the mowing or harvesting of grasses does not destroy or adversely affect the grasses or other plants in the county right-of-way or is not in violation of an integrated roadside vegetation management plan promulgated pursuant to Section 314.22(2) of the Code of Iowa.

“Unauthorized Use of the County Secondary Roadway Right-of-Way” does not include driving on the traveled portion of the roadway or parking a vehicle on the shoulder of the roadway for less than two (2) hours or parking a disabled vehicle on the shoulder of the roadway for less than twenty-four (24) hours.

“Unauthorized Use of County Secondary Roadway Right-of-Way” does not include the actions of the Warren County Engineer or any agency of Warren County or the State of Iowa.

“Any person(s) responsible” shall include any person who personally does any act, which constitutes the Unauthorized Use of the County Secondary Roadway Right-of-Way.

“Any person(s) responsible” shall include any person who authorizes or contracts with another to do any act, which leads to the Unauthorized Use of the County Secondary Roadway Right-of-Way. It is not a defense to this chapter that a person contracted with another person or entity and that the contractor did the act, which constituted the Unauthorized Use of the County Secondary Roadway Right-of-Way”. A person contracting with another shall have an ongoing duty not to permit the contractor to do work which involves the Unauthorized Use of the County Secondary Roadway Right-of-Way and to oversee the work done in order to ensure that it does not involve the Unauthorized Use of the County Secondary Roadway Right-of-Way.

Evidence that work done on or to benefit a piece of property involved in the Unauthorized Use of the County Secondary Roadway Right-of-Way shall be prima facie evidence that the owner and/or lessee of that property did authorize or permit the Unauthorized Use of the County Secondary Roadway Right-of-Way.

A landlord and tenant shall both be in violation of this chapter if the Unauthorized Use of the County Secondary Roadway Right-of-Way was done with the knowledge, consent, approval or encouragement of the landlord. It shall be an “Affirmative Defense” to an action under this chapter if the Unauthorized Use of the County Secondary Roadway Right-of-Way was done solely by the authority of the tenant without any knowledge, approval, consent or encouragement by the landlord. A tenant has an independent duty not to violate this chapter. It is not a Defense under this chapter for the tenant that the Unauthorized Use of the County Secondary Roadway Right-of-Way was done with the knowledge, approval, consent or encouragement of the landlord unless the tenant played no part, directly or indirectly, in the action constituting the Unauthorized Use of the County Secondary Roadway Right-of-Way.

#### 17.03 OFFENSES AND PENALTIES.

The Unauthorized Use of the County secondary Roadway Right-of-Way in Warren County is hereby declared a public nuisance and is prohibited.

The Unauthorized Use of the County Secondary Roadway Right-of-Way shall be a County Infraction as defined in Section 331.302(15) of the Code of Iowa.

Pursuant to Section 331.302(15) of the Code of Iowa, the penalty for the Unauthorized Use of the County Secondary Roadway Right-of-Way in Warren County shall be a civil penalty of two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for a repeat offense. A violation of this chapter is not punishable by imprisonment.

The Warren County Attorney may ask that the Court waive any portion of the civil penalty that he/she deems appropriate.

Each twenty-four (24) hour period following the removal deadline specified in Section V.6.b that a person is in violation of this chapter is a separate and distinct offense.

Action under this chapter does not prevent or preclude any other civil or criminal action or remedy that may be applicable. In addition to the civil penalty for a violation of this chapter, any other remedies authorized under Section 331.307(9) may be utilized including but not limited to abatement/correction and assessment of costs.

#### 17.04 AUTHORIZATION PROCESS.

No action shall be a violation of this chapter if done with the written pre-authorization of the Warren County Engineer. Written pre-authorization shall be in the form of a permit, which shall be issued at no charge. The Warren County Engineer may set forth conditions, limitations and/or specifications in the permit and may require the posting of a bond.

A permitted under this section may, when appropriate, seek a modification of the permit. The granting of the modification shall be at the discretion of the Warren County Engineer.

A violation of the conditions, limitations and/or specifications in the permit shall be considered the Unauthorized Use of the County Secondary Roadway Right-of-Way and a violation of this chapter.

Upon the violation of the conditions, limitations and/or specifications of a permit, the Warren County Engineer may, at his or her sole discretion:

- a. Modify the permit.
- b. Give the permitted notice of the violation and an opportunity, as set out in the notice, to cure the violation by a specified removal deadline.
- c. Take steps to cure the violation and to assess the costs of the cure to the permitted.
- d. Refer the matter to the Warren County Attorney for legal action.
- e. Take other appropriate action.

The Warren County Board of Supervisors may, at its sole discretion, by majority vote, waive any violation of this chapter that has not been referred to the Warren County Attorney for legal action.

#### 17.05 ABATEMENT COST.

Any person(s) responsible for the Unauthorized Use of the County Secondary Roadway Right-of-Way shall be strictly liable and responsible for the abatement and the costs of the abatement of the Unauthorized Use of the County Secondary Roadway Right-of-Way and for any damage(s) caused by the Unauthorized Use of the County Secondary Roadway Right-of-Way. The county's costs for abatement or correction of the violation may be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. [See Iowa Code §331.307(9)(e)].

#### 17.06 ENFORCEMENT.

It shall be the duty of the Warren County Engineer to identify violations of this chapter. Upon the request of the Warren County Engineer, the Warren County Attorney shall take those steps that he/she deems appropriate to enforce this chapter.

#### 17.07 REPEALER.

All chapters or parts of chapters in conflict with the provisions of this chapter are hereby repealed. If any section, provision or part of this chapter is legislatively or judicially invalidated, those portions of the chapter not legislatively or judicially invalidated shall remain in effect.

This chapter is deemed of immediate importance and will take effect upon final publication.

TITLE II – TRANSPORTATION

CHAPTER 18

SPEED RESTRICTION ORDINANCE

18.01 Purpose	18.09 Special 35 MPH Speed Zones
18.02 Definitions	18.10 Special 40 MPH Speed Zones
18.03 Authority	18.11 Special 45 MPH Speed Zones
18.04 Special Speed Restrictions	18.12 Special 50 MPH Speed Zones
18.05 Special 15 MPH Speed Zones	18.13 Penalties
18.06 Special 20 MPH Speed Zones	18.14 Repealer
18.07 Special 25 MPH Speed Zones	18.15 Severability Clause
18.08 Special 30 MPH Speed Zones	18.16 When Effective

18.01 PURPOSE. This ordinance empowers the Board of Supervisors of Warren County, Iowa to establish speed restriction on secondary roads and the County Conservation Parkway road system within Warren County.

18.02 DEFINITIONS. For use in this ordinance certain terms or words used herein shall be interpreted or defined as follows:

1. “Secondary Road” means those roads under county jurisdiction.
2. “Board” means the Warren County, Iowa Board of Supervisors.
3. “County Conservation Parkways” means those parkways defined as county conservation parkways under Code of Iowa, Section 306.3.

18.03 AUTHORITY. Warren County Board recognizes that the Iowa Code sets speed limits on all roads and streets with respect to surfacing type and use. However, Iowa code Section 321.285(5) does provide for setting speed limits not listed in the Code.

18.04 SPECIAL SPEED RESTRICTIONS. The Board has determined on the basis of engineering and traffic investigations that the speed limits at the following secondary road locations are greater than is reasonable and proper under the conditions found to exist. The Board therefore determines and declares the reasonable and proper speed limit at the following secondary road locations, effective when appropriate signs giving notice of the speed limits are erected by the Board.

18.05 SPECIAL 15 MPH SPEED ZONES. A speed in excess of fifteen (15) miles per hour shall be unlawful on any of the following designated roads or parts thereof:  
None.

18.06 SPECIAL 20 MPH SPEED ZONES. A speed in excess of twenty (20) miles per hour shall be unlawful on any of the following designated roads or parts thereof:  
None.

18.07 SPECIAL 25 MPH SPEED ZONES. A speed in excess of twenty-five (25) miles per hour shall be unlawful on any of the following designated roads or parts thereof:

1. All of the roads bounded by Clover Hill Drive, County Line Road and Hwy 5, located in Section 3, T-77N, R-24W.
2. Wright Road/Coolidge Street on the southern city limits of Norwalk, from Hwy 28 east to the city limits of Norwalk.
3. On Kennedy Street from approximately the N1/4 Corner of Section 31-76-23, easterly to the Northeast Corner of said Section 31-76-23.
4. On Ranchel Drive, from Hwy R63 west to cul-de-sac.
5. County Line Road, Designated School Zones at McComb Middle School and Studebaker Elementary School when flashing.
6. All local streets in the village of Chruchville in the SE1/4, SE1/4, Section 8-7-25.
7. County Hwy R45 from the south corporation line of St. Marys to a point 1450 feet north of County Hwy G50.

18.08 SPECIAL 30 MPH SPEED ZONES. A speed in excess of thirty (30) miles per hour shall be unlawful on any of the following designated roads or parts thereof:

1. County Line Road, from SW 9<sup>th</sup> Street, west to a point 300' west of SW 11<sup>th</sup> Street.
2. Summerset Road, from 150 feet west of 138<sup>th</sup> Avenue to approximately 1000 feet east of 138<sup>th</sup> Avenue.
3. On NE 24<sup>th</sup> Avenue, in the Village of Beech, from near the NW Corner, SW1/4, NE1/4, Section 23-76-22, thence east approximately 0.5 mile, terminating near the NE Corner, SE1/4, NE1/4, of said Section 23.
4. From SE Corner, SW1/4, SW1/4, Section 15-74-23, west to Hwy 65, near the SW Corner, SE1/4, SE1/4, Section 16-74-23 (Liberty Center).
5. On 43<sup>rd</sup> Avenue, in the Village of Prole, from Hwy 26 south to Harding Street.

18.09 SPECIAL 35 MPH SPEED ZONES. A speed in excess of thirty-five (35) miles per hour shall be unlawful on any of the following designated roads or parts thereof:

1. Wright Road/Coolidge Avenue, from city limits of Norwalk east 300 feet.
2. On Hwy G76, from city limits of Lacona easterly approximately 533 feet.
3. On County Line Road, between SW 9<sup>th</sup> and SE 14<sup>th</sup> Streets except designated school zones when flashing.
4. On Hwy R45, from 1270 feet south of Adams Street, thence north to the Polk-Warren County Line, terminating near the NW Corner, Section 3-77-25.

5. 155<sup>th</sup> Avenue, from Hwy 92, south to Johnson Street, thence east on Johnson Street to 160<sup>th</sup> Avenue.
6. On Hwy R63, from 0.4 mile north of Hwy 5 to the Polk-Warren County Line.
7. On Clover Hill Drive, from Hwy 5 north to County Line Road.
8. On Erbe Street from Hwy S23 to the west 0.4 mile.
9. On Fulton Street, from Hwy R57 to 73<sup>rd</sup> Avenue.
10. On Adams Street, from Hwy R45 to the east approximately 0.5 mile.
11. On 30<sup>th</sup> Avenue, from the north corporation line of Cumming to a point approximately 0.55 mile north of Hwy G14.
12. On Hwy G14, from the easterly city limits of Norwalk to Hwy R57.

**18.10 SPECIAL 40 MPH SPEED ZONES.** A speed in excess of forty (40) miles per hour shall be unlawful on any of the following designated roads or parts thereof:

1. On County Line Road, from SE 14<sup>th</sup> Street to Hwy 65/69.
2. On Dakota Street, from 113<sup>th</sup> Avenue, east to 120<sup>th</sup> Avenue.
3. On Carpenter Street, from 120<sup>th</sup> Avenue, east to Hwy 65/69.
4. On 113<sup>th</sup> Avenue, from Dakota Street north to 420 feet north of Cleveland Trail.
5. On Beardsley Street, from Hwy R63 east to 113<sup>th</sup> Avenue.
6. On Briggs Street, from 150<sup>th</sup> Avenue east to Hwy G16.
7. On 30<sup>th</sup> Avenue, from Harrison Street, south approximately 1600 feet.
8. On Hwy S23, from the north corporation line of the City of Milo, north 1000 feet.
9. On Summerset Road, from 0.4 mile east of Hwy 65/69 to 150' west of 138<sup>th</sup> Avenue and from approximately 1000 feet east of 138<sup>th</sup> Avenue to 143<sup>rd</sup> Avenue.
10. On 140<sup>th</sup> Avenue, from near NW Corner, SW1/4, SW1/4, Section 17-75-23, thence north 0.75 mile, terminating near the NW Corner of said Section 17.
11. On 140<sup>th</sup> Avenue, from McKinley Street, to 0.2 mile north of McGregor Street.
12. On McGregor Street, from 140<sup>th</sup> Avenue to Hwy 65/69.
13. On Hwy G76, from Hwy 69 to the west 0.30 mile.
14. On 150<sup>th</sup> Avenue/Fairfax Street, from Summerset Road to a point 1450 feet west of 155<sup>th</sup> Avenue.
15. On 50<sup>th</sup> Avenue, from Clarke Street to Dakota Street.
16. On Hwy G64, from Interstate 35 east 0.3 mile.

**18.11 SPECIAL 45 MPH SPEED ZONES.** A speed in excess of forty-five (45) miles per hour shall be unlawful on any of the following designated roads or parts thereof:

1. On Coolidge Street from 300 feet east of the city limits of Norwalk to Hwy R57.
2. On Hwy G76, from approximately 533 feet east of the easterly city limits of Lacona to approximately 651 feet east of the easterly city limits of Lacona in Section 22/27-74-22.

3. On Hwy R45 near the City of St. Marys:
  - a. Commencing at the intersection with Hwy G50, north a distance of 1450 feet.
  - b. Commencing approximately 300 feet north of St. James Street at the north corporation line of the City of St. Marys, thence north approximately 800 feet.
4. On Hwy R57, from the north corporation line of Norwalk to Beardsley Street and from 80<sup>th</sup> Avenue to 85<sup>th</sup> Avenue.
5. On Hwy R57, from Grimes Street north 0.2 mile.
6. On Hwy R63, from Hwy 5 north 0.4 mile.
7. On Hwy G76, from the west corporation line of Lacona to the west 725 feet.
8. On Hwy G76, near the City of New Virginia, from the south junction of Hwy R45 west 0.1 mile.
9. On 155<sup>th</sup> Avenue from Hwy 5 to the Polk County Line.
10. On Beardsley Street, from 50<sup>th</sup> Avenue to the west corporation line of Norwalk.

18.12 SPECIAL 50 MPH SPEED ZONES. A speed in excess of fifty (50) miles per hour shall be unlawful on any of the following designated roads or parts thereof:

1. Summerset Road
  - a. From Hwy 65/69 east 0.4 mile.
  - b. From 143<sup>rd</sup> Avenue to 150<sup>th</sup> Avenue.

18.13 PENALTIES. Any person found in violation of this ordinance shall be guilty of a simple misdemeanor and subject to a fine as set forth in the current State of Iowa compendium of scheduled violations and scheduled fines.

18.14 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

18.15 SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged unconstitutional or otherwise invalid, such adjudication shall not effect the validity of the ordinance as a whole or any section, provision, or part thereof not invalid or unconstitutional.

18.16 WHEN EFFECTIVE. This ordinance shall be effective after its final passage, approval, and publication as provided by law and erection of signs giving notice as provided by law.