

AREA SERVICE “B” ROAD MAINTENANCE ORDINANCE

Clarke County Ordinance No. 40

TITLE. An ordinance establishing the Area Service System B Road Classification in Clarke County, Iowa.

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

Section 1. PURPOSE

The purpose of this ordinance is to classify certain roads on the Areas Service System in Clarke 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 maintenance equal to farm to market, or Area Service System A roads. All dirt or earthen roads are presumed and shall be classified as Area Service System B roads unless otherwise noted. Area Service System B 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 Clarke County.
3. “Engineer” shall mean the County Engineer of Clarke County.
4. “County” shall mean Clarke County.

Section 3. POWERS OF THE BOARD

All jurisdiction and control over Area Service System B roads as provided by this ordinance shall rest with the Board of Supervisors of Clarke County.

Section 4. AUTHORITY TO ESTABLISH

The Board of Supervisors of Clarke County is empowered under authority of Iowa Code Section 309.57, to classify secondary roads on the Area Service System to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to

establish an Area Service System B Road in Clarke County after consultation with the County Engineer.

Section 5. **NOTICE AND 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 termini of the Areas 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.

Section 6. **HEARING-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 affidavit of due publication and posting of the notice of hearing, the Boards 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.

Section 7. **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 Level 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 will not be removed, nor will the road surface be sanded or salted on a regular basis.
3. Signing. Except for load limit posting for bridges, signing shall not be continued or provided. ALL AREA SERVICE LEVEL B ROADS SHALL BE IDENTIFIED WITH A SIGN AT ALL POINTS OF ACCESS TO WARN THE PUBLIC OF THE LOWER LEVEL OF MAINTENANCE. Clarke County will phase in Area Service Level B warning signs within 3 years of this ordinance going into effect.
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.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement of the structure will be determined based on traffic pattern and priority of the county, including but not limited to availability of funds.
6. Road Surfacing. There will be no surfacing applied to Area Service System B Roads on a regular basis.

7. Shoulders. Shoulders will not be maintained on a regular basis.
8. Crown. A crown will not be maintained on a regular basis.
9. Repairs. There will be no road repair on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspection. Regular inspections will not be conducted.

Section 8. **EXEMPTION FROM LIABILITY**

As provided in said 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 System B, if the road has been maintained as provided in Section 7 of this ordinance.

Section 9. **REPEALER**

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

Section 10. **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 11. **WHEN EFFECTIVE**

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

The Clarke County Board of Supervisors took the following action:

Public Hearing and First Consideration: May 5, 2025

Second Consideration: May 19, 2025

Third Consideration: Waived

Passed and approved this 19th day of May, 2025

Randy Dunbar
Randy Dunbar
Chairperson
Clarke County Board of Supervisors

Jessica Graves
Jessica Graves
Clarke County Auditor

July 31, 2025

Publication Date