

TITLE IV

STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

<u>Subject</u>	<u>Chapter</u>
Secondary Road Right-of-way	4.1
Uniform Rural Address	4.2
Snow Policy	4.3
Snow Removal Regulation	4.4
Utility Line Installation	4.5
Area Service System B Road Classification	4.6
Area Service System C Road Classification	4.7
Animal Safety	4.8

ORDINANCE NO. 4.1

AN ORDINANCE TO PROTECT AND REGULATE SECONDARY ROAD RIGHT-OF-WAY

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

SECTION 1. Purpose. The purpose of this ordinance is to restrict Franklin County land owners or their tenants adjoining secondary road right-of ways from farming, fencing, or otherwise abusing such right-of-way, which will damage the road and its shoulders, cause hazardous obstructions, create potential liability to Franklin County, and unjustly enrich these owners at the expense of the County.

SECTION 2. Definitions. For use in this ordinance terms or words used herein shall be interpreted or defined as follows:

1. "Obstruction" shall mean anything that is placed in a secondary road right-of-way by persons other than persons authorized to do so by the Franklin County Board of Supervisors. It includes but is not limited to property such as fences, growing crops, rocks, trash, corn cobs, piles of brush, abandoned vehicles or machinery, billboards, advertising signs or devices, open ditches, and water breaks, tile and tile outlets, grazing of animals, and includes the cultivation of the right-of-way.
2. "Board" shall mean the Franklin County Board of Supervisors or its designee.
3. "Engineer" shall mean the Franklin County Engineer or his designee.
4. "Attorney" shall mean the Franklin County Attorney or his assistant.

All other terms shall be interpreted and construed in accordance with the provisions of Chapter 4, Code of Iowa, 2013, and generally as an implementation of or in harmony with Chapter 318, Code of Iowa, 2013

SECTION 3. Violations Generally / Penalty.

1. The creation by any person of an obstruction in Franklin County is declared a public nuisance and is prohibited.
2. A person shall not excavate, fill, or make any physical change within the right-of-way of a secondary road without obtaining a permit from the Board. Any work performed under the permit shall be performed in conformity with the specifications prescribed by the Board, including the posting of bond. If the excavation, fill, or physical change within the right-of-way does not conform to the specifications that accompany the permit, the permittee shall be reasonably notified by the Board or Engineer to make such conforming changes. If after

twenty (20) days the changes have not been made, the Board or Engineer may make the necessary changes and immediately send a statement of the cost to the permittee. If within ten (10) days after sending the statement the cost is not paid, the Board through the Attorney may institute proceedings in District Court to collect the cost of correction.

3. The Engineer and utility companies are exempt from the provisions of this section.
4. Any person who violates the provisions of this section for a twenty-four (24) hour period shall, upon conviction, be fined \$750 for the first offense, \$1000 for the second and subsequent offences. Each twenty-four (24) hour period is a separate and distinct violation.

SECTION 4. Administration. It shall be the duty of the Engineer to identify obstructions within the County. Upon such identification, he shall attempt to persuade the person responsible for the obstruction to remove it. If such an attempt is unsuccessful, the Engineer shall proceed under Section 5 of this ordinance. The Engineer may request the assistance of other Departments, Agencies and Offices of County Government in the investigation and enforcement of this Ordinance.

SECTION 5. Abatement Costs.

1. If the Engineer deems an obstruction to constitute an immediate and dangerous hazard, he may without notice or liability in damages, cause the obstruction to be removed and the costs of removal to be assessed against:
 - a. The owner of any billboard, advertising sign or device so removed.
 - b. The vehicle or machinery owner in the case of abandoned vehicles or machinery.
 - c. The abutting property in the case of fences and other obstructions placed by the owner of, or tenant on, said property.
 - d. The owner or person responsible for placement of all other obstructions.
2. If the Engineer does not deem an obstruction to be such a hazard, he may, without liability after forty-eight (48) hours notice to the person who would be assessed for County costs of removing the obstruction, this notice being served in the manner in which an original notice is served or in writing by certified mail, cause the obstruction to be removed and the costs of removal to be assessed in the same manner as specified in Subsection 1 of this Section. Notice shall be reasonably calculated to apprise the recipient of the impending action and liability.

If any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents violates, disobeys, omits or neglects the provisions of this ordinance three (3) or more times in a three (3) year period they shall be deemed a Chronic Offender. Chronic Offenders shall be issued a citation when the county becomes aware of a violation. A notice shall not be required in the case of Chronic Offenders.

In case of a violation of any provision of this ordinance, the proper authorities of the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent or abate the illegal act.

3. Upon removal of the obstruction, the Engineer may immediately send a statement of the cost of removal to the person assessed. If within ten (10) days after sending the statement, the cost is not paid, the Engineer through the Attorney may institute proceedings to collect the cost of removal.

SECTION 6. Attorney Authority. Upon request of the Board, the Attorney may bring action to enjoin or abate an obstruction, to collect damages caused by an obstruction, including the costs of removal, and to pursue any other appropriate remedy, including criminal prosecution under Section 2, Subsection 4 of this ordinance or Chapter 716, Code of Iowa, 2013.

SECTION 7. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. 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.

ORDINANCE NO. 4.2

AN ORDINANCE ESTABLISHING A UNIFORM RURAL ADDRESS SYSTEM

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

SECTION 1. Purpose. This ordinance mandates the use of a Uniform Rural Address System for residents of Franklin County in order to promote the convenience, safety, and general welfare of those residents and provides for a penalty.

SECTION 2. Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Person" shall mean any individual, firm corporation, unincorporated association, or other entity.
2. "Subdivision" shall mean the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.
3. "Building" shall mean a roofed and/or walled structure built for permanent use.
4. "Base map" shall mean the map used by the agency coordinating the Uniform Rural Address System in Franklin County. Such a map shall indicate all addresses in Franklin County subject to the provisions of this ordinance.
5. "Engineer" shall mean the Franklin County Engineer.
6. "Public Safety Answering Point (PSAP) Coordinator" shall mean the person employed (or) appointed by the Franklin County E911 Board.

SECTION 3. Establishment by Ordinance. The Board shall, by ordinance, establish the street and avenue type of Uniform Rural Address System to be used in Franklin County.

SECTION 4. Extent of System. The Uniform Rural Address System shall extend over the entire unincorporated areas of Franklin County except for those areas already using the system of a nearby incorporated area. 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.

SECTION 5. Implementation of System. The Board shall direct the PSAP Coordinator 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.
4. Purchase sign assembly materials which meet Iowa Department of Transportation specifications.
5. Develop, print, and make available rural reference maps.
6. Notify post offices, rural emergency providers, dispatchers, emergency vehicles, and County offices, located in adjacent counties whereby such districts overlap into Franklin County of the effective date of the system and the address assignments.
7. Notify all residents affected by this mandatory system, by publication and posting, of the following:
 - a. How to use the system.
 - b. That road markers have been placed.
 - c. That permanent address markers have been placed indicating the assigned house number.
 - d. That maintenance of the system is required and where replacement markers can be obtained and how to place them.
 - e. How to obtain address markers for new structures.
 - f. There is a penalty for refusing to use the system and for removing, damaging, defacing, altering, or destroying the address markers.
8. Distribute the markers.

SECTION 6. Road Markers. The PSAP Coordinator shall supervise the installation of road identification markers at each road intersection in Franklin County whereby the provisions of this ordinance apply. Such markers shall be in place on or before the date the system takes effect.

SECTION 7. House Numbers. Franklin County will provide for every person owning, controlling, occupying, or using any house, store, storeroom, or building situated on premises fronting any public way as provided in Section 4, a permanent marker on such premises indicating the assigned number. Any house number existing at the time the provisions of this ordinance take effect and that is different than the newly assigned number shall be removed at the time the new number is installed.

The permanent marker with the house number affixed shall be placed to the right of the driveway

on the right-of-way line as you face the property from the road.

The provisions of this ordinance shall not apply to accessory buildings, but may apply to such buildings located on a separate unit of frontage if requested by the owner or proprietor and approved.

SECTION 8. Maintenance of Uniform Rural Address System. The PSAP Coordinator shall be responsible for the enforcement and maintenance of the Uniform Rural Address System in Franklin County. These duties shall include assignment of all new addresses, providing markers for new addresses, providing replacement markers, replacing street markers as needed and in conjunction with the County Engineer, updating maps, making available new maps on an annual basis, making periodic checks of the rural areas of Franklin County to insure that the provisions of this ordinance are being complied with, and any other duties necessary to insure the continued maintenance of the Uniform Rural Address System of Franklin County.

A fee for said replacement markers, covering the cost of said markers, shall be paid to Franklin County by the property owner or proprietor.

SECTION 9. New Structures. Every person erecting a building as set forth under the provisions of Section 7 of this ordinance, but after the date the Uniform Rural Address System becomes effective, shall, within seven (7) days of commencement of construction, notify the PSAP Coordinator who shall within fourteen (14) days assign a number to such structure. The provisions of Section 5 and Section 7 shall be applicable to any person subject to the provisions of this section.

SECTION 10. Penalty. Refusal to use the Uniform Rural Address System, or the removal, damaging, defacing, alteration, or destruction of the Uniform Rural Address marker which indicates a premises assigned number or the removal, damaging, alteration, or destruction of a Rural Address System marker intentionally by one who has no right to do such act may be punished by fine of not more than one hundred dollars (\$100.00) or by imprisonment of not more than thirty (30) days. In addition, any violation of this section shall be a County infraction which is punishable by a civil penalty of not more than one hundred dollars (\$100.00) for each violation, or, if the infraction is a repeat offense, a civil penalty not exceeding two hundred dollars (\$200.00) for each repeat offense.

SECTION 11. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 12. 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.

ORDINANCE NO. 4.3

AN ORDINANCE TO ESTABLISH THE POLICY AND LEVEL OF SERVICE IN RESPECT TO CLEARANCE OF SNOW OR ICE AND MAINTENANCE OF SECONDARY ROADS IN FRANKLIN COUNTY DURING THE WINTER MONTHS

SECTION 1. Purpose. The purpose of this ordinance is to establish Franklin 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, specifically defined as November through April, as provided in Section 668.10 Code of Iowa, 2013, and pursuant to the provisions of Section 309.67, Code of Iowa. This policy and level of service are to be implemented within the amount of money budgeted for this service, and as contained in Franklin County's secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors. The clearance of roads at any cost, under any circumstances, day or night, is not the County's policy.

SECTION 2. Level of Service. Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the local residents of Franklin 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. On occasion County personnel may be rendered unavailable due to the requirements of the Omnibus Transportation Employee Testing Act of 1991. Except for "emergencies" as determined by the County Engineer's professional judgment, or his/her designee acting in his/her absence, on a case by case basis, all clearance of snow or ice, sanding, 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 may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway 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 the right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The lines 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 shoulders 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 twenty-five (25) miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed ten (10) miles per hour. During these conditions no additional warning or regulatory signs will be placed warning of impaired sight distances, visibility at inter-sections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

SECTION 3. 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 of this Ordinance, and shall determine when drifting, wind velocity, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance or paved routes be accomplished prior to the clearance of gravel and dirt roads. The County Engineer's professional judgment, or his/her designee's, shall prevail, unless it is clearly erroneous.

1. Paved Routes

- a. The initial effort will be to get all routes open to two-lane traffic as soon as possible and/or practicable. During initial snow removal operations, paved roads may only have one lane plowed for a period of time.
- b. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
- c. The truck mounted snow plows and spreaders will not normally be in operation between the hours of 4:00 p.m. to 7:30 a.m. The trucks may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the County Engineer or his delegated representative.
- d. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of gravel road may be delayed.
- e. It is not the policy of the County to provide a "dry" pavement condition.
- f. After roads have been plowed as provided in this Section, intersections, hills, and curves may, but not necessarily have placed on them, sand, salt or other abrasive. These intersections, hills, valleys, and curves may not be re-sanded, re-salted, nor have other abrasives replaced on them between snowstorms.
- g. There is no time limit after a snow storm or ice event in which any of the above sequence of clearing should take place.

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. If in the opinion of the County Engineer or his/her designee, it would be better to open the roads to two-

way traffic because of weather conditions, this may be done as the initial effort. Routes not inhabited or of insufficient traffic in the professional judgment of the County Engineer or his/her delegated representative may not be opened until other routes are fully opened to two way traffic with snow pushed back to the edge of the road. These routes will be opened during normal working hours, as time permits.

- b. After the initial effort is completed, 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 4:00 p.m. to 7:30 a.m. The motor graders and/or truck plows may be called off the road if snow and blowing reduces visibility to hazardous conditions, in the professional judgment of the Engineer or his/her delegated representative. Granular roads may not be plowed if the wind is causing continual drifting.
- d. Snow will not normally be removed from roads designated as Level B, Level C, or unpaved routes posted to have no snow removal.

3. Private Drives

The County will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in private drives. Snow from private drives shall not be placed on the roadway or shoulders.

4. Mailbox Replacement

Franklin County will assume no liability for mailboxes and fences damaged because of snow removal unless such action can be determined to be malicious. Franklin County will not replace mailboxes damaged or knocked down by the force of snow thrown from the plow.

There is no time limit after a snowstorm or ice event in which any of the above sequence of clearance, on paved or unpaved roads, shall take place.

SECTION 4. Limitation on Service. Notwithstanding anything else stated in this ordinance, the policy and level of service provided for in this ordinance shall not include the following, and the following services shall not be performed:

- 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 Franklin County's usual working hours.
3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, that road surfaces may be slick or slippery, or what the advised speed should be.
4. Sanding, salting or placing abrasives upon any road, except for paved roads. If in the opinion of the County Engineer or his/her designee, an "emergency" exists and ice has built up on hills and intersections on the granular system that slope down to another road so as to become dangerous, abrasive material may be applied at these locations as crew and equipment availability allows and only as a last resort. This condition will not, under any circumstances, take a higher priority than placing of abrasive material on the paved road system and will only be done after the paved roads are cleared of ice and snow. Abrasive material will also only be placed after other mechanical means have been tried and failed, such as scraping with motor graders.
5. Removing of sand, salt or other abrasives.

SECTION 5. Emergency. Service or the level or sequence of service may be suspended during "emergency" conditions. An "emergency" condition shall be 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 should be verified through the 911 dispatcher or Sheriff's office. Franklin County may respond to all "emergency" conditions, either during or after a snowstorm. Any person who makes a false report of an "emergency" to an officer, official or employee of Franklin County, or who causes a false report to be so made, shall, upon conviction, be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment of not more than thirty (30) days in the County Jail.

Service or the level or sequence of service 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 Franklin County Disaster Plan. If such occurs, Franklin County personnel and equipment shall be immediately subject to the direction of the Governor or the Chairperson of the Board of Supervisors.

SECTION 6. Repealer. All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 7. 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.

ORDINANCE NO. 4.4

AN ORDINANCE PROHIBITING VEHICLE PARKING ON PUBLIC RIGHT-OF-WAY DURING SNOW REMOVAL

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

SECTION 1. Purpose. This ordinance prohibits vehicle parking on streets and roads in Franklin County during snow removal operations and provides a penalty.

SECTION 2. Snowfall Defined. Whenever snowfall on the streets or roads of Franklin County, Iowa, has accumulated it shall be unlawful for any person to park, abandon, or leave unoccupied or unattended, any vehicle on the streets or roads in Franklin County, Iowa, until such streets and roads have been completely plowed.

SECTION 3. Vehicles Declared a Public Nuisance. Any vehicle parked or abandoned or left unoccupied or unattended in violation of Section 1 hereof, is hereby declared to be an obstruction to the public streets or roads and is a public nuisance.

SECTION 4. Removal of Vehicles Authorized. In the event that any vehicle is so parked or abandoned or left unoccupied or unattended in violation of Section 1 hereof, the County Sheriff is hereby authorized to remove or cause to be removed the said vehicle from the street or road and to have towed or otherwise remove the said vehicle to any public or private garage or parking area, until claimed by the owner thereof as hereinafter provided.

SECTION 5. Notice. Within twenty-four (24) hours after the removal of any vehicle as provided in Section 3 hereof, the County Sheriff shall notify in writing the owner of said vehicle as shown by the registration thereof the following facts:

1. A general description of the vehicle together with license number.
2. The time and reason for removal and place to which removed.
3. The charge for removal.

The said notice from the County Sheriff to the owner shall be addressed to the registered owner of the vehicle and deposited in the post office in Hampton, Iowa, within twenty-four (24) hours after such removal.

SECTION 6. Reclaiming Vehicle. Before any vehicle so removed and stored shall be reclaimed, the owner or other claimant shall satisfactorily identify himself and establish his right, title or interest in said vehicle and shall further pay all costs or charges in connection with the removal and storage of the vehicle and the notice thereof. It shall be unlawful for any person to reclaim the vehicle so removed and stored, without first paying all of said costs or charges.

SECTION 7. Penalty. The registered owner of any motor vehicle parked or standing to the provisions of this ordinance shall be guilty of a simple misdemeanor and shall receive a penalty of up to one hundred dollars (\$100.00) fine or up to thirty (30) days in jail plus incurred costs identified above. Each day of any violation of the provisions of the ordinance shall constitute a separate offense.

SECTION 8. Severability. 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 9. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

ORDINANCE NO. 4.5

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR UTILITY LINE INSTALLATION AND THE COLLECTION OF INSPECTION FEES AND TO PROVIDE PENALTIES FOR VIOLATIONS

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

SECTION 1. Purpose. The purpose of this ordinance is to adopt provisions for the inspection and regulation of utility line installations, including the issuance of permits and the collection of inspection fees, and to provide penalties for the violation of this ordinance in order to protect public safety, health and welfare.

SECTION 2. Definitions. For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. "Applicant" shall mean a person, persons, company, corporation, or governmental entity desirous of placing a utility line on or under the County's secondary road system.
2. "Board of Supervisors" shall mean the Franklin County Board of Supervisors.
3. "County" shall mean Franklin County, Iowa.
4. "Utility line" shall mean a telecommunications, electric, gas, water, or sewer line.

SECTION 3. Powers of the Board of Supervisors. An applicant shall not place a utility line on or under the secondary road system without a utility permit issued by the Board of Supervisors. Any applicant shall not place a utility line on or under the secondary road system which violates a utility permit issued by the Board of Supervisors. All jurisdiction and control over the issuance of a utility permit shall rest with the Board of Supervisors.

SECTION 4. County Engineer to Administer. The Franklin County Engineer may make such rules and regulations, not inconsistent with this ordinance, as are necessary to carry out the administration of this ordinance. The utility permit form, and all amendments thereto, shall be adopted by the Board of Supervisors by resolution.

SECTION 5. Authority to Establish. The Board of Supervisors is empowered to establish and acquire a utility permit under the authority of Iowa Code, 2013, Chapters 306, 318, 320, 331, 477, 478, 479, 479A and 480.

SECTION 6. County Infraction. Any person who violates the provisions of this section shall, upon conviction, be fined \$750 for the first offense, \$1000 for the second and subsequent offences. Each twenty-four (24) hour period is a separate and distinct violation.

SECTION 7. 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.

ORDINANCE NO. 4.6

AN ORDINANCE ESTABLISHING THE AREA SERVICE SYSTEM B ROAD CLASSIFICATION IN FRANKLIN COUNTY, IOWA

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

SECTION 1. Purpose. The purpose of this ordinance is to classify certain roads on the area service system in Franklin County to provide for a reduced level of maintenance, pursuant to Iowa Code, 2013, Section 309.57.

SECTION 2. Definitions. For use in this ordinance, certain terms and 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 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 private lane to a farm building or dwelling.
2. "Board of Supervisors" shall mean the Franklin County Board of Supervisors.
3. "County Engineer" shall mean the County Engineer of Franklin County, Iowa.

SECTION 3. Powers of the Board. All jurisdiction and control over Area System B Roads as provided by this ordinance shall rest with the Board of Supervisors.

SECTION 4. Authority to Establish. The Board of Supervisors is empowered under authority of Chapter 309.57 of the Code of Iowa, 2013, to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board of Supervisors shall, by resolution, declare its intention to establish an Area Service System B Road in Franklin County after consultation with the County Engineer.

SECTION 5. Notice and Hearing. The Board of Supervisors 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 Area Service System B Road as set out in the resolution of the Board of Supervisors, 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 Board of Supervisors shall consider any and all relevant evidence, and if the Board of Supervisors 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 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 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 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 may not be maintained.
5. Structures - Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate 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 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 may not be maintained.
11. Inspections - Regular inspections will not be conducted.

SECTION 8. Exemption from Liability. As provided in Chapter 309.57, Code of Iowa, 2013, the County and its officers, agents and employees 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 has been 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.

ORDINANCE NO. 4.7

AN ORDINANCE ESTABLISHING THE AREA SERVICE C ROAD CLASSIFICATION IN FRANKLIN COUNTY, IOWA

Be It Enacted by the Board of Supervisors of Franklin 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 Iowa Code, 2013, Section 309.57.

SECTION 2. Definitions. For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. "Board" shall mean the Board of Supervisor of Franklin County, Iowa.
2. "County" shall mean Franklin County, Iowa.
3. "County Engineer" shall mean the County Engineer of Franklin County, Iowa.

SECTION 3. How Established.

1. Resolution. Roads may only be classified as Area Service C by ordinance or resolution of the Board. 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.
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, 2013, Section 331.305.
3. Board Action. At the meeting, 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 meeting or a date to which it is adjourned, may take action on the ordinance or resolution 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 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.

SECTION 6. Trespass. Entering an Area Service C Road with 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, 2013.

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 sixty (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 Iowa Code, 2013, Section 309.67.

SECTION 9. Exemption from Liability. As provided in Iowa Code, 2013, Section 309.57, the County and its officers, agents and employees 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 has been classified as Area Service C, if the road has been maintained to the level of maintenance 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.

ORDINANCE NO. 4.8

**RESTRICTING RIDING AND LEADING ANIMALS ON SECONDARY ROADS
AFTER DARK**

SECTION 1. Purpose. Regulation of nighttime use of secondary roads by various animals.

SECTION 2. Animals Defined. For the purpose of this ordinance “animal” and “animals” means any equine, bovine or other animal used for riding or conveyance. This includes but is not limited to, horses, donkeys, mules, oxen, cattle, ostriches, etc.

SECTION 3. Restricted Actions. No person shall ride or lead an animal or to use any such animal to convey a wagon, carriage or other similar conveyance on the secondary roads under the jurisdiction of Franklin County between ½ hour before sunset and ½ hour after sunrise, unless such animal is both preceded and followed by a motorized vehicle with fully illumined lights within 50 feet in front of and 50 feet behind such animal.

SECTION 4. Penalty. The person riding or leading or using any such animal in violation of the provisions of this ordinance shall be guilty of a **simple misdemeanor** and shall receive a penalty of up to **one hundred dollars (\$100.00) fine** or up to **thirty (30) days in jail** plus incurred costs identified above. Each day on any violation of the provisions of the ordinance shall constitute a separate offense.

SECTION 5. Severability. 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 6. Repealer. All resolutions or parts of resolutions in conflict with the provisions of this ordinance are hereby repealed.

BE IT DULY ADOPTED this 30th day of July 2012