

IOWA COUNTY ORDINANCE NO. 35

TITLE: AN ORDINANCE ESTABLISHING CATTLE GUARD PROCEDURE

Be it enacted by the Board of Supervisors of Iowa County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to establish Iowa County's policy for the installation, construction, reconstruction, maintenance, and liability of Cattle Guards placed on Iowa County roads.

SECTION 2. Permit. Any cattle guard installed in county road right-of-way must comply with Iowa Code 314.30 and shall not be installed until the cattle guard permit has been obtained from the Iowa County Secondary Road Department.

SECTION 3. Design Criteria. This policy sets the design standards that shall be followed for the installation, construction, reconstruction, maintenance and liability of cattle guards.

The Iowa County Engineer shall assure the minimum design standards established herein are adhered to in a uniform manner unless, in his or her professional judgment, a deviation from standards is warranted. Minimum design standards not subject to discretionary enforcement. Any deviation must be documented as unreasonable or impossible to implement by the Iowa County Engineer and/or the Iowa County Board of Supervisors.

SECTION 4. Installation & Construction.

A. Permit

1. A cattle guard shall not be installed until the signed permit has been obtained and signed by the Iowa County Engineer and the person wishing to install the cattle guard.

B. Construction

1. The entire cost of installation of the cattle guard is to be paid for by the person who installed the cattle guard.
2. The roadway shall be closed for no more than 15 working days to allow for cattle guard construction. A closure longer than 15 days shall be subject to liquidated damages.
3. During construction, access must be maintained to the dead end segment of the road.
4. The cattle guard shall be built in accordance with "Iowa County Cattle Guard Standard Plans". Drawings can be found in Section 10 "Drawings".

SECTION 5. Cleaning a Cattle Guard.

A. The person who installed the cattle guard is responsible for periodically cleaning the space within the cattle guard from all sand, dirt, silt, and other debris.

B. Cleaning of the cattle guard must be completed within one working day. The person performing the work shall notify the Iowa County Engineer of their intentions before starting to work.

C. The person performing the work is responsible for Road Closed signs that comply with MUTCD standards and a \$1,000,000 certificate of liability insurance naming Iowa County as a loss payee.

D. The person who installed the cattle guard may request that the County clean the cattle guard; however, that person shall pay the cost of the cleaning prior to the work being performed.

SECTION 6. Repairing a Cattle Guard

A. It is the responsibility of the person who installed the cattle guard to do routine inspections of the cattle guard.

B. The person who installed the cattle guard is responsible for all costs associated with repairs. Any person performing repairs shall notify the Iowa County Engineer of their intention to do so before starting work.

C. Any person who performs work on a cattle guard in the County road right-of-way without an agreement with the County, or fails to provide notification for needed repairs to the cattle guard may be subject to the cattle guard being removed.

SECTION 7. Replacing a Cattle Guard

A. In the event that any cattle guard located within any County road right-of-way is deemed by the County Engineer to be beyond repair, the cattle guard shall be replaced.

B. The person who installed the cattle guard is responsible for all costs associated with removal and replacement.

SECTION 8. Removing a Cattle Guard

A. If the person who installed the cattle guard fails to provide proof of liability coverage by July 1st of each year, the cattle guard shall be removed and the site will revert back to a “normal” roadway.

B. The Iowa County Secondary Road Department will perform the work associated with reverting the road back to a “normal” roadway. The person who installed the cattle guard is responsible for all costs associated with removal and reversion back to a “normal” roadway.

SECTION 9. Definitions. The term “person who installed the cattle guard” shall include and mean the landowner who installed the cattle guard or a successor landowner to the property.

SECTION 10. Drawings. The Iowa County Cattle Guard Standard Plans are attached hereto and must be adhered to in every detail in the installation of a cattle guard in the Iowa County road right-of-way.

SECTION 11. Jurisdiction. The provisions of this ordinance shall apply throughout Iowa County, Iowa, except for the incorporated cities and towns of Iowa County, Iowa.

SECTION 12. Severability. If any provision of this ordinance is declared null, ineffective or unconstitutional, the other provisions shall remain in full force and effect.

SECTION 13. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as provided by law.

EFFECTIVE DATE: December 30, 2020