

STEELE COUNTY RIGHT OF WAY OBSTRUCTION ORDINANCE

Purpose

1 This Ordinance refers to instances where farm or commercial activities from an owner, renter or contractor of land or property adjacent or near a county roadway that is maintained with public funds, deposits mud or other debris upon the roadway.

2 The objective is to minimize or remove deposits from the roadway that may constitute a road safety hazard for roadway users. In particular, mud is considered to be a danger to users of the roadway because it may lead to accidents and can cause deterioration of roadway surface and gravel conditions that require maintenance, repair or the addition of gravel. This can be accelerated in adverse weather.

General Provisions

3 Pursuant to this Ordinance, owners, renters, or contractors are responsible for the following:

- a. Make efforts possible to prevent mud or other debris from being deposited on the roadways.
- b. Proper use of an advanced warning sign such as "Mud on Roadway" or "Slippery Road" signs to inform the traveling public of the hazards. Making sure signs are positioned to give maximum visibility and advanced warning to the hazard. Signs are not available to purchase or rent from the highway department. These signs and warning flashers can be purchased through companies.
- c. Cleaning of the roadway as often as necessary to not create such hazards during these operations, and at the completion of the operation.
- d. When asked by any law enforcement agency or by any highway department supervisor to clean the roadway, the roadway shall then be cleaned as soon as possible but no later than two hours after being notified.
- e. Labor, equipment and material costs associated with replacing any gravel in order to ensure the safety of all county residents and to restore the roadway to pre-harvest conditions. This will be done at the discretion of the Steele County Highway Department and billed to the owner, renter, or contractor.

Administration/Enforcement

4 If the owner, renter or contractor fails to follow the above provisions, the Steele County Highway Department will remove such obstructions from the roadway and restore the roadway to its pre-damaged/obstructed condition, and the costs for removal and/or the replacement of any gravel or other material, if necessary shall be billed to the landowner, renter or contractor responsible for the obstruction. Absent the owner, renter or contractor requesting a hearing as set for below, if the bill remains unpaid for two consecutive months, the bill will be certified to the County Auditor and shall be charged against the land and shall become part of the taxes to be levied against the land for the ensuing year and shall be collected in the same manner as other real estate taxes are collected.

5 The owner, renter or contractor may request a hearing before the Steele County Commission concerning the actions/measures taken by Steele County in accordance and or pursuant to this Ordinance. Any decision by the Steele County Commission may be appealed to the District Court as provided for and or pursuant to North Dakota law.

6 Enabling statutes: N.D.C.C. §§ 24-06-28 & 24-06-29

7 Repeal of existing Ordinance provisions: This Ordinance repeals the Obstruction of Right of Way provisions contained within the 2017 Steele County Right of Way Ordinance.

Approved:



Ted Johnson, Chairman

Steele County Board of Commissioners

Attest:



Emily Wigen - Steele County Auditor

First Reading: March 3, 2020

Second Reading: *April 4, 2020*

Publication Dates:

March 6, 2020
March 13, 2020