

# **Cedar County Integrated Roadside Vegetation Management Plan**

**February 2017**

## **Preface**

### **Update/Version**

Update No. 3 of the Cedar County IRVM Plan

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## **Executive Program Elements**

### **A. Goals**

Goal 1: Establish and maintain a self-sustaining and visually intriguing plant community within the county right-of-way that provides for public safety, controls weeds, reduces erosion, preserves and/or increases biodiversity, improves infiltration, maintains drainage patterns, provides habitat, and provides a reduction in long term maintenance costs.

#### Objectives:

- Promote, establish, and manage native plant materials whenever possible
- Survey and maintain an updated inventory of the vegetative community and plant species found within the county right-of-way
- Determine and implement the best IRVM practices for maintaining the right-of-way for public safety and an economically and environmentally sustainable plant community
- Continually evaluate and monitor the effectiveness of implemented IRVM techniques
- Work with adjacent landowners, city government officials, and community groups to implement IRVM principles and roadside beautification projects
- Adopt and implement emerging trends in planning and management of roadsides

Goal 2: Network with other organizations to provide an efficient and cost effective program for the residents of Cedar County

#### Objectives:

- Coordinate roadside management activities with the State IRVM Coordinator and Iowa DOT Living Roadways Trust Fund Coordinator
- Coordinate roadside management activities with the Tallgrass Prairie Center at the University of Northern Iowa
- Work with officials representing local conservation organizations to establish support for the IRVM program

Goal 3: Implement Chapter 317 of the Code of Iowa, Iowa's Noxious Weed Law, using principles adopted by the IRVM program

#### Objectives:

- Work with the Cedar County IRVM Steering Committee to determine and implement a species-specific approach to manage and control noxious weeds
- Work with private landowners and business managers in a courteous and friendly manner to implement IRVM practices in controlling noxious weeds
- Maintain written records and submit reports as required by the Noxious Weed Law

Goal 4: Work towards a roadside spraying program that promotes the reduction and potential elimination of herbicide use whenever possible

#### Objectives:

- Favor equipment and best management practices for weed and brush control that maximize efficiency and effectiveness of herbicide applications
- Constantly scrutinize those species of brush and weeds that need to be controlled with herbicides and those that do not, as well as the effectiveness of the herbicides and control measures utilized
- Focus herbicide applications on those species of weeds, including State Listed Noxious Weeds, un-listed invasive species, and other species, that need to be controlled with herbicide on the basis of their current potential economic threat or hardship to agriculture, ecological threat to natural areas, as well as their potential threat to the establishment of a sustainable vegetative community in roadsides
- Ensure that any comprehensive spraying program for weeds and / or brush is currently, and will remain, economically and environmentally sustainable

### **B. Program History**

Integrated Roadside Vegetation Management was established in Cedar County prior to 2000. Rick Christianson served as Roadside Manager/Weed Commissioner for many years and retired in 2013. Michel Foulks was selected to serve and currently holds the position. Due to staff restrictions, the program has not experienced major growth.

### **C. IRVM Decision Making Process**

Disturbance and change in roadsides is inherent and unavoidable in many cases. New construction and drainage maintenance, along with utilities and other actions covered by Alteration of Right-of-Way Permits, are opportunities to re-establish a ground cover of diverse native plant communities as outlined in the Mission / Vision of IRVM in Cedar County. Current IRVM methodologies are utilized as instances arise, and those actions most consistent with the goals and concepts of roadside vegetation management in this plan are considered first priority.

### **D. Executive Summary**

The Cedar County IRVM Program recognizes that it is in the general public welfare of Cedar County and a prudent use of county roadsides that the vegetation of Cedar County's roadsides be preserved, planted and maintained to be safe, visually intriguing, ecologically integrated, and useful for many purposes. The Cedar County Secondary Roads Department provides an annual roadside vegetation management program which is designed to promote the following:

- Maintenance of a safe travel environment by providing adequate line of sight at intersections, minimizing snow drifting, and removing potentially dangerous trees and other obstructions.
- Serve a variety of public purposes including drainage, erosion control, wildlife habitat, recreational uses, noxious weed control, scenic qualities, utility easements, and sustenance of water quality.

- Emphasize the establishment of adaptable and long lived vegetation, often native species, matched to the unique environment found in and adjacent to the roadside.
- Be based on a systematic assessment of the conditions existing in roadsides, preservation of valuable vegetation and habitats in the area, and the adoption of a comprehensive plan and strategies for long-term, cost effective maintenance of roadsides.
- Build upon a public education program allowing input from adjacent landowners and the general public.

**E. Area Map** (Attached, Appendix B)

**F. Program Type**

The Cedar County IRVM program is housed and administered through the Cedar Co. Secondary Roads Department.

## **Jurisdictional Recognition and Approval**

**A. Management**

The Roadside Manager works under the County Engineer, the Assistant Engineer, and in daily coordination with the Maintenance Superintendent in the following context:

County Engineer: Makes decisions on where major construction takes place (re-grades, re-surfacing, bridge replacements, etc.), which, by default determines where the larger native seeding projects are carried out. Involvement in the permitting process (Stormwater, Wetland Mitigation, Entrances, Alteration or ROW, No Spray Requests). Makes final decisions on all contracted services and annual budget. In direct communication with Roadside Manager on special projects and day to day work priorities.

Assistant Engineer: Completes project layout and produces construction plans (which include seeding plans). Involved in all permitting processes and designs wetland mitigation sites along with Stormwater Prevention Plans (which are generally managed by the Roadside Manager upon installation). Has input of budget requests. In direct communication with Roadside Manager on special projects and day to day work priorities.

Maintenance Superintendent: Delegates daily workload to maintenance employees, approves entrance permits, decides scheduling and location of ROW maintenance projects (ditch cleanouts, crossroad pipes, entrances, etc.). Provides Roadside Manager with detailed location information for all maintenance work, which determines seeding locations. Provides Roadside Manager with laborers as needed. Has input on budget requests. In direct communication with Roadside Manager/Weed Commissioner on special projects and daily work priorities.

Roadside Manager/Weed Commissioner: Administers the Roadside Program. Seeds all bare soil in a timely manner, decides what types of seed to utilize and when it should be planted, what types of soil prep work are needed, utilization of additional erosion control measures, and management of native vegetation after establishment (burning, spraying, etc.). Administers roadside spraying program. Determines what areas of the county are treated, what types of herbicides to be utilized, what types of vegetation those herbicides are utilized to control. Conducts Public Education work as opportunities arise. Provides input on budget requests. In direct communication with the Engineer, Assistant Engineer, and Maintenance Superintendent on special projects and daily work priorities.

## **B. Board of Supervisors**

The Cedar County Board of Supervisors formally approves the budget, hiring personnel, and formal submitted reports that are required by law.

## **C. Iowa Code and Administrative Rules-State Laws and Regulations**

Section 314.22 Integrated Roadside Vegetation Management

Section 314.17 Mowing Law – No mowing before July 15<sup>th</sup>

Section 317.11 Weeds on Roads – Harvesting of Grass

Section 318.3 Obstructions in ROW / Destruction of plants placed in ROW / Crops in ROW

Chapter 317 Iowa Weed Law – Noxious Weeds and Enforcement Procedures

## **D. Local Laws and Regulations**

Local Laws, Regulations, and Policies pertaining to IRVM in Cedar County reflect that of the Iowa Code (see Iowa Code and Administrative Rules), as well as any other State and Federal Regulations that are specific to management activities that occur within the jurisdiction of the Cedar County Secondary Roads System. These include but are not limited to:

Iowa Code Chapter 314.22 – IRVM. Iowa Code Chapter 317 – loosely governs county noxious weed spraying program and Weed Commission actions.

No Spray Requests – allows landowners to opt out of roadside spraying adjacent to their property in the form of a request (not a permit or agreement).

## **E. Permits**

Permits and Requests are obtained at the County Engineers Office. Individuals request work to be performed or inform staff of an issue of concern and the appropriate permit or request is retrieved. After the permit or request is completed with the necessary information and fees are collected, the permit or request is issued to the individual and a copy is filed with the county.

Various permits and requests are: Alteration of ROW Permit, Entrance Permit, No Spray Request

## **Program Organizational Structure**

## **A. Staff Organization Chart**

County Engineer  
Assistant Engineer  
Maintenance Superintendent  
Roadside Manager-Weed Commissioner/Maintenance Personnel

The County Engineer works with, and through, the Assistant Engineer and Maintenance Superintendent on delegation of workload. The Roadside Manager typically manages the seeding, spraying, and erosion control as time, availability of equipment and labor, and weather allow. Through daily communication and prioritization, all Secondary Roads Department staff are subject to department work duties as needed, given the seasonality, diversity, and unpredictability of the department workload.

## **B. Staffing Needs**

The IRVM Program needs to have maintenance and / or seasonal staff able and available for roadside herbicide applications, seeding and erosion control work duties, GIS applications, and other duties related to roadside management.

**Herbicide Applications:** Approximately 950 miles of ROW are covered in the spraying program annually (500 mi noxious weeds / 500 miles brush) by the Roadside Manager. When overlapped with seeding projects and any other special projects demanding time, the workload exceeds what can reasonably be accomplished by the Roadside Manager. It is much more efficient and comprehensive to have a qualified individual to delegate some of the herbicide application to. A Category 6 Applicators License is required for this responsibility.

**Seeding and Erosion Control:** Hydro seeding is the preferred method of seeding. Occasionally drilling or broadcast seeding may be delegated to maintenance staff. Staff availability varies during the summer months for truck drivers, operators, etc. since they also have to complete other various road maintenance tasks.

**GIS / GPS / Mapping / Record Keeping:** Time availability and expertise are the largest hurdles for the county to develop a coherent, comprehensive GPS-based records system.

**Public Involvement:** Although Cedar County does not currently have a public involvement committee in place, they will work towards its creation in the future.

## **Inventory and Analysis**

### **A. Natural Resources**

Native vegetation, soil, and water are all considered natural resources in the scope of IRVM in Cedar County. On a broader scale, the Cedar County Secondary Roads system traverses other resources such as surface waters and wetlands, natural areas and plant preserves, sensitive areas with a high occurrence of native remnant species, wildlife, historically significant areas, and areas with above-average scenic qualities.

## **B. Tools**

Mapping – records for seeding projects

GPS Aerial Photos – acreage of highlighting planted areas

Paper Records – equipment maintenance logs

## **C. Vegetation**

Formal and informal inventory of the composition and quality of roadside vegetation is a constant process. All planted and remnant native non-woody vegetation is of interest when making roadside management decisions. A formal inventory is one that represents an objective and reputable survey of the roadsides in Cedar County that gives an unbiased and quantitative measure of the status of native vegetative cover in the right-of-way. Such inventories should be conducted periodically, such as every 5 years. Informal inventory is accomplished by the roadside manager through observations while conducting management duties in and along the roadside. An informal inventory can also be accomplished by following up on information obtained from the public, as well as other county employees that make observations. In both cases, use of GPS equipment should be utilized for documentation purposes.

## **D. Equipment**

Hydro-seeder –model Bowie Imperial 1500 gal (1966) – This unit is in poor shape due to its age and excessive use. It is kept functional, but it is reaching the end of its useful life.

Truax Drill (1996) – This unit is in good working order

John Deere 6400 Tractor (1993) – This unit is in good working order, but is a higher hour unit.

John Deere 7200 Tractor with 50in. Tiger Boom Mower (1994) – This unit is really showing its age and use, with over 12,000 hours it takes a lot of maintenance to keep functional.

New Holland C238 Skid Steer with brush mower (2016) – New

Vermeer 1000 Chipper (2014) – New

Turf Line 200 gal. portable sprayer with pump and gun(1987) – In good working order

Ford LN8000 Spray (1986) with John Beam Royal Pump(1989) – The truck and the spray unit are both due for replacement. They are showing age, along with a lot of maintenance to keep in working order.

Chaps and safety helmets for all personnel

Stihl Chainsaw 034AV (1986) – All chainsaws and weed eaters are in good working order. Some of the older ones will need to be updated in the near future.

Stihl Chainsaw 034 (1988)

Stihl Chainsaw 024 (1989)

Stihl Chainsaw 021 (1993)

Stihl Chainsaw 021 (1993)

Stihl Weedeater FS130 (2015)

Stihl Weedeater FS130 (2015)

**EQUIPMENT NEEDED:**

New equipment purchases will be necessary as the Cedar County IRVM program continues to experience growth. Below are examples of new equipment purchases that would be needed to expand the program in the future.

- Modernized Spray Equipment
- Seeding Equipment
- Mowing Equipment
- Additional Tractors
- Skid Loader equipped with a Fecon Head
- UTV vehicle
- Laptop/Tablet
- Chainsaws
- Weedeaters
- New Storage Facility

## **Program Operations**

### **E. Annual Operations**

January – March: Removal of trees and brush, IRVM office and correspondence work as needed, training, other duties as assigned, Wetland Mitigation Reports

March – April: Prescribed burning, Weed Commissioner Conference, LRTF Grants, inventory and order materials begin spring seeding, begin bare ground spraying, Storm water Inspections, other duties as assigned

April – October: Seeding, erosion control for projects, spraying (broadleaves), spraying (brush), bare ground spraying, mowing 1<sup>st</sup> and 2<sup>nd</sup> year plantings, equipment maintenance, Storm water Inspections, Mitigation Monitoring, Wetland Determinations, other duties as assigned

October – December: Removal of trees and brush, basal spraying, fall/dormant seeding, bare ground touch-up, equipment maintenance, mitigation monitoring, reports, material inventory, other duties as assigned

### **F. Work Area Types**

Rural:

Rural adjacent agriculture – Native seed mixes

Rural adjacent non-agricultural – Native seed mixes

Rural adjacent homestead – Cool season grasses

Urban:

None under the Secondary Roads jurisdiction

### **C. Vegetation Types for Specific Uses**

Non-Residential ROW – native tallgrass prairie – Areas where long term establishment and persistence of tallgrass prairie is deemed feasible by the Roadside Manager

### **G. Special Projects**

Typically conducted by the secondary road department. Secondary roads staff install erosion control mats where needed and develop brush control plans.

### **H. Annual Calendar of Activities**

See Section A of Program Operations.

## **Methods**

## **A. Vegetation Establishment**

Site preparation:

Site prep is conducted with excavation equipment by secondary roads staff.

Seed mixes and rates:

|                       |             |                          |             |
|-----------------------|-------------|--------------------------|-------------|
| Big bluestem          | 1.5 lbs/ac  | Purple coneflower        | 1.6 oz./ ac |
| Sideoats gramma       | 2 lbs/ac    | Rattlesnake master       | 2.4 oz./ ac |
| Canada wild rye       | 2.5 lbs/ac  | Ox-eye sunflower         | 4 oz./ ac   |
| Little bluestem       | 2 lbs/ac    | Roundheaded bushclover   | 1 oz./ ac   |
| Indiangrass           | 1.5 lbs/ac  | Wild bergamot            | 0.6 oz./ ac |
| Partridge pea         | 8 oz./ ac   | Foxglove penstemon       | 0.5 oz./ ac |
| Leadplant             | 0.5 oz./ ac | Large flowered penstemon | 0.5 oz./ ac |
| Butterfly milkweed    | 0.8 oz./ ac | Prairie blazingstar      | 0.8 oz./ ac |
| Swamp milkweed        | 1 oz./ ac   | Yellow coneflower        | 4 oz./ ac   |
| New England aster     | 0.3 oz./ ac | Blackeyed susan          | 3 oz./ ac   |
| Canada milkvetch      | 0.8 oz./ ac | Compass plant            | 0.5 oz./ ac |
| White wild indigo     | 0.5 oz./ ac | Stiff goldenrod          | 0.3 oz./ ac |
| Purple prairie clover | 4 oz./ ac   | Ohio spiderwort          | 0.8 oz./ ac |
| Showy tick trefoil    | 0.5 oz./ ac | Hoary vervain            | 0.5 oz./ ac |
| Goldenrod             | 0.8 oz./ ac | Rough dropseed           | 16 oz./ ac  |

The species and amounts are both subject to change with the statewide TAP seed purchase annually.

Seeding Techniques:

Seeding is conducted in according to the guidelines is the IRVM tech manual using a hydro seeder with seed and mulch or a Truax drill.

Erosion and sediment control:

Hydro mulch

Silt fence on projects as needed

Straw waddles as needed

Rock Checks as needed

## **B. Vegetation Establishment Maintenance:**

First and second year mowing of annual weeds on new projects

Permanent seed (native)

Prescribed burning

Selective spot spraying

#### Planting Evaluation and Documentation:

Documentation is completed at the end of each year in the form of a map showing the areas that were seeded. This also includes the seed utilized and the date that it was seeded.

#### Mowing:

Mowing within 10 feet of the shoulder occurs 2-3 times per year on paved roads and at least once per year on gravel roads. Brush mowing occurs as time allows. Shoulder mowing and spot brush mowing are conducted by maintenance employees stationed in 10 maintenance districts. Maintenance mowing of new seeding projects is conducted by the roadside manager as needed in the first and second growing seasons.

#### Chemical Control for Noxious Weeds, Invasive Species, and Bare Ground:

Products and rates used for chemical control of all target species are at the discretion of the Roadside Manager. The types of herbicides utilized and the manner in which they are applied must be consistent with the goals and objectives of the IRVM Program.

**Noxious weeds:** The goal of applying chemical control of State Listed Noxious Weeds is performed on at least half of the county roads system annually. Chemical control of Noxious Weeds is confined to those species that need to be controlled with herbicide on the basis of their current potential economic threat or hardship to agriculture, as well as their potential threat to the establishment of a sustainable vegetative community in roadsides

**Invasive Species:** Chemical control of invasive species is considered on a case by case basis and is confined to those species that need to be controlled with herbicide on the basis of their current potential economic threat or hardship to agriculture, ecological threat to natural areas, as well as their potential threat to the establishment of a sustainable vegetative community in roadsides.

**Bare ground:** Maintenance of bare ground by chemical means is confined to areas between the guardrail and the travelled portion of the road, directly in front of guardrail, maintenance district outshed parking lots where equipment and materials are stored, and administrative facilities where total vegetation control is desired.

#### Tree and Brush Control:

Tree and brush control (non-herbicidal) is conducted on all portions of the right-of-way as time and resource availability allow. All woody vegetation growing within the right-of-way is subject to removal at the time of tree and brush removal operations unless otherwise directed by the Engineer. All stumps are to be cut flush to the ground and treated with herbicide labeled for that application, or as needed. Mowed brush (cut stubble) that is cut at a height, and is of a diameter, that does not represent a hazard to motorized vehicles is to be treated with a herbicide labeled for that application on the same day of mowing or cutting. Tree limbs that encroach on the travelled portion of the road are to be cut or otherwise removed by road maintenance personnel as the need arises and as time allows.

Potentially hazardous trees, including but not limited to dead or partially dead trees, fallen or partially fallen trees, and storm damaged trees, or any tree or tree limb representing an immediate obstruction or sight impairment are reported by road maintenance personnel. Considering the high degree of variability in determining the degree of immediate danger in these instances, timing and priority of removal is decided on a case by case basis by the Engineer, Road Superintendent, or Roadside Manager.

## **Material Procurement**

### **A. Sourcing**

Seed, herbicide, erosion control materials, mulch, and any other materials necessary to perform IRVM functions are purchased as needed at fair market value through reliable vendors. Prices for seed, herbicide, and mulch are reviewed annually by the roadside manager, vendors are contacted, and pricing made available. Materials are then purchased based on the criteria set by the department.

### **B. Material Handling and Storage**

The seed and mulch is stored in a small shed usually from May until it is utilized in the fall. Herbicides are stored in a dry storage shed.

## **APPENDICES**

### **A. Job Description**

#### **DEFINITION**

The Roadside Manager is an employee of the Cedar County Secondary Road Department whose responsibilities are to address the provisions of Section 314.22 of the Code of Iowa, the Integrated Roadside Vegetation Management (IRVM) Law, and Section 317, the Noxious Weed Law. The Manager shall administer, develop, plan, and conduct a program of vegetative habitat management that seeks to control unwanted vegetation and promote desirable vegetation on Cedar County rights-of-way and public drainage ditches, and perform related duties as required by the Cedar County Engineer.

#### **DUTIES AND RESPONSIBILITIES**

The Roadside Manager and IRVM staff shall coordinate their activities with the Cedar County Engineer and Secondary Road Department. The Manager's responsibilities shall include, but are not be limited to, the following:

Control of noxious weeds in rights-of-way and public drainage ditches, particularly those species identified by the Cedar County IRVM Committee.

Planting and maintenance of native and introduced grass/forb communities in newly graded, cleaned out, or otherwise disturbed sites on county rights-of-way.

Development of a program of public information and education to promote public understanding of IRVM, and wise land use that contributes to the goals of the IRVM program.

Inventorying and documenting plant communities and trends along county rights-of-way.

Managing those areas of native vegetation identified by the inventory process to improve their diversity and promote their continued health.

Remove all trees and brush causing safety concerns along county roadways.

All Weed Commissioner duties and responsibilities.

Other duties required for the Cedar County Secondary Road Department as assigned by the Cedar County Engineer or Cedar County Maintenance Superintendent.

## **REQUIREMENTS**

The Roadside Manager/Weed Commissioner shall:

Maintain a valid pesticide applicator's license in Category 6, Right-of-Way, and Category 1A, Agriculture; or be able to obtain within 60 days.

Attend annual IRVM roadside conference

Maintain a valid Iowa Class A Commercial Driver's License, or able to obtain within 60 days

Assume ongoing in-service training within budget limitations

Maintain all necessary records and MSDS files on chemicals utilized

Submit and keep on file annual reports to the Iowa Department of Agriculture pertaining to the application of herbicides

Oversee maintenance and record keeping on all equipment and vehicles assigned to the IRVM program.

## **NECESSARY KNOWLEDGE AND SKILLS**

Knowledge of principles of land use and the environmental, social, and economic problems that affect it

Ability to plan work, think conceptually, analyze data, observe and evaluate, and make sound decisions and recommendations

Ability to work well with the public and private sector

Ability to communicate effectively both verbally and in writing

Ability to utilize a computer for word processing, data management, and Geographical Information Systems

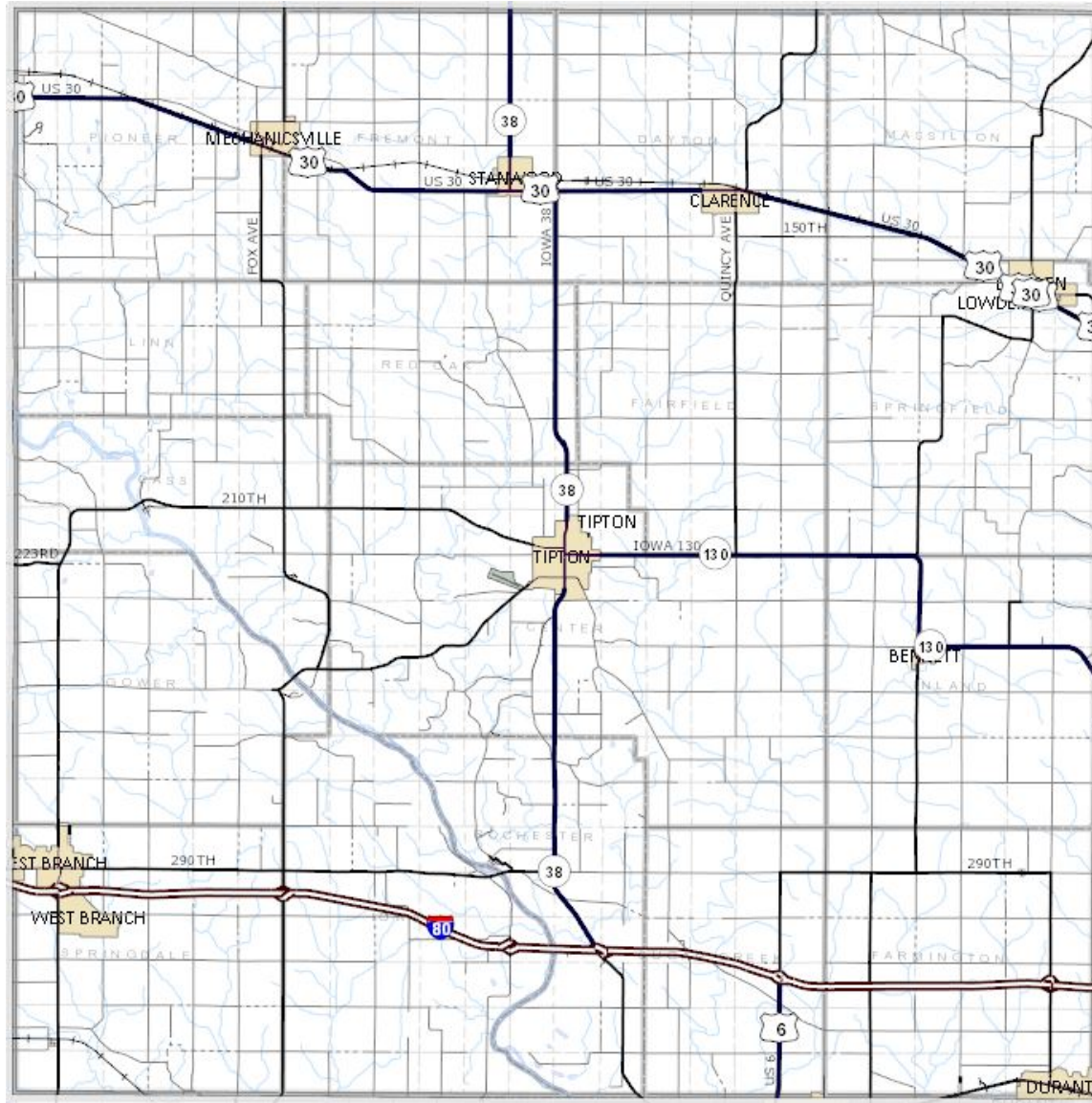
Ability to identify native and introduced plant species, including weeds

Familiarity with traditional and new sustainable agricultural methods

Ability to supervise support staff assigned duties that carry out the program

Ability to operate and maintain power equipment

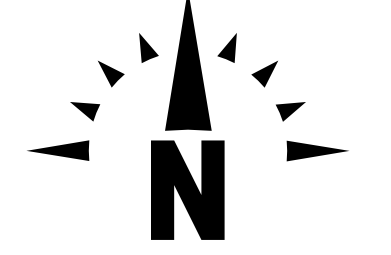
## B. Area Map – Cedar County



# CEDAR COUNTY IOWA

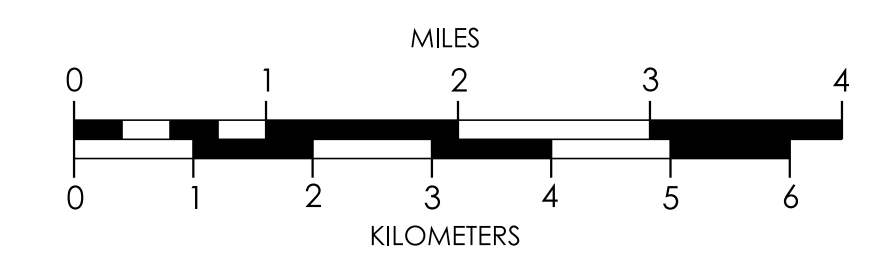


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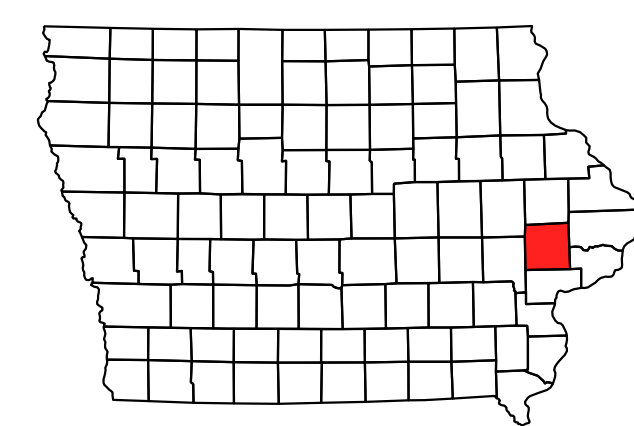
In Cooperation With  
**United States  
Department of Transportation**

JANUARY 1, 2016



## LEGEND

- INTERSTATE HIGHWAY
- PRIMARY HIGHWAY-DIVIDED
- PRIMARY HIGHWAY
- PORTLAND CEMENT CONCRETE ROAD
- ASPHALT ROAD
- BITUMINOUS ROAD
- GRAVEL ROAD
- EARTHEN ROAD
- INTERSTATE HIGHWAY
- UNITED STATES HIGHWAY
- STATE HIGHWAY
- COUNTY HIGHWAY
- RAILROAD
- PIPELINE
- AIRPORT
- HYDROLOGY
- BRIDGE
- STATE BOUNDARY
- COUNTY BOUNDARY
- CORPORATE BOUNDARY
- TOWNSHIP LINE
- SECTION LINE
- ROAD NAMES
- UNINCORPORATED PLACE
- STATE PARKS
- STATE INSTITUTIONS
- FEDERAL LAND



### C. Integrated Roadside Management Resolution

WHEREAS, State legislation has been enacted providing for integrated roadside vegetation management for state primary highways under the jurisdiction of the Iowa Department of Transportation, and

WHEREAS, State legislation allows counties to adopt plans consistent with the State's plan as defined in Section 314.22 Subsection 1, of the Code of Iowa, and

WHEREAS, it is declared to be in the general public welfare of Iowa and a highway purpose for the vegetation of Iowa's roadsides to be preserved, planted, and maintained to be safe, visually interesting, ecologically integrated, and useful for many purposes. The Cedar County Secondary Road Department in cooperation with the Cedar County Conservation Board shall provide an integrated roadside vegetation management plan and program which shall be designed to accomplish all of the following:

- Maintain a safe travel environment.
- Serve a variety of public purposes including erosion control, wildlife habitat, climate control, scenic qualities, weed control, utility easements, recreation uses, and sustenance of water quality.
- Be based on a systematic assessment of conditions existing in roadsides, preservation of valuable vegetation and habitats in the area, and the adoption of a comprehensive plan and strategies for cost-effective maintenance and vegetation planting.
- Emphasize the establishment of adaptable and long-lived vegetation, often native species, matched to the unique environment found in and adjacent to the roadside.
- Incorporate integrated management practices for the long-term control of damaging insect populations, weeds, and invader plant species.
- Build upon a public education program allowing input from adjacent landowners and the general public.
- Accelerate efforts toward increasing and expanding the effectiveness of plantings to reduce wind-induced and water-induced soil erosion and to increase deposition of snow in desired locations.
- Incorporate integrated roadside vegetation management with other state agency planning and program activities including the recreation trails program, scenic highways, open space, and tourism development efforts.

NOW THEREFORE BE IT RESOLVED by the Cedar County Board of Supervisors, meeting in regular session, that Integrated Roadside Vegetation Management program be hereby adopted for and on behalf of the people of Cedar County, and herewith direct the Cedar County Secondary Road Department in cooperation with the Cedar County Conservation Board to administer said program under the authority of the Cedar County Board of Supervisors.

Passed and Approved this 4 day of April, 2017.

  
Dawn Smith, Chairperson, Board of Supervisors

Attest: Cari Gritton by Joleen Carpenter  
Cari Gritton, County Auditor Deputy

**D. Permits**

**CEDAR COUNTY SECONDARY ROAD DEPARTMENT**

**PERMIT & AGREEMENT TO PERFORM WORK**

**WITHIN CEDAR COUNTY RIGHT OF WAY**

Cedar County, State of Iowa, and \_\_\_\_\_ (hereinafter referred to as applicant, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Cedar County hereby consents to and grants permission to the applicant, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

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2. In consideration of Cedar County granting said permission and consent, the applicant, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent applicants and shall save Cedar County and the Cedar County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

B. The applicant, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed.

C. The applicant shall hold Cedar County and the Cedar County Secondary Road Department, its employees and agents harmless and shall reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof.

D. Traffic protection shall be in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

E. In placing the drainage structure no natural drainage course will be altered or blocked.

F. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer.

G. The traveled portion of the roadway shall not be damaged or disturbed.

H. The applicant, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

I. The applicant, organization or authorized representative assumes all liability and agrees to reimburse Cedar County for any damage to the roadway or ditch caused by placement of this structure.

J. Cedar County will not assume any of the cost of the construction of the said structure nor will Cedar County assume any future costs for maintenance or replacement of said structure.

K. If in the best interest of Cedar County, the said structure may be removed by the County, or may caused to be removed, without any obligation by Cedar County to pay damages or cost of replacement.

L. Applicant, organization or authorized representative will reseed and mulch the disturbed areas. Cedar County will furnish necessary seed. Applicant, organization or authorized representative will be responsible for mulch and labor.

M. APPLICANT, ORGANIZATION OR AUTHORIZED REPRESENTATIVE HEREBY EXPRESSLY AGREES TO INDEMNIFY, DEFEND AND HOLD CEDAR COUNTY, ITS OFFICIALS, ITS EMPLOYEES, AND ITS AGENTS, FREE AND HARMLESS FROM AND AGAINST ALL LOSS, LIABILITY, EXPENSE, CLAIMS, COSTS, SUITS AND DAMAGES INCLUDING ATTORNEY'S FEES, ARISING OUT OF WORK PERFORMED OR ACTIONS TAKEN BY THE APPLICANT, ORGANIZATION OR AUTHORIZED REPRESENTATIVES PURSUANT TO THIS PERMIT.

N. *APPLICANT SHALL PROVIDE CEDAR COUNTY WITH A CERTIFICATE OF INSURANCE SHOWING COVERAGE WITH A MINIMUM LIMIT OF \$1,000,000 PER OCCURRENCE FOR GENERAL LIABILITY AND IOWA STATUTORY MINIMUM REQUIREMENT ON AUTO LIABILITY.*

O. NOT CONFORMING OR ACQUIRING A PERMIT IS A VIOLATION OF SECTION 318.8 2011 CODE OF IOWA.

P. This permit is subject to any laws now in effect or any laws which may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies.

Q. This permit is subject to all the rules and regulations of Cedar County and the Cedar County Secondary Road Department to revocation by the Department at any time and at no cost to the Department, when in the judgement of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

R. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Cedar County Secondary Road Department for any materials removed from the highway right of way described as follows:

\_\_\_\_\_ N/A \_\_\_\_\_

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3. All work done by applicant, organization or authorized representative pursuant to this agreement shall be completed prior to the \_\_\_\_\_ day of \_\_\_\_\_.

Entered into this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Cedar County Engineer

CEDAR COUNTY SECONDARY ROAD DEPARTMENT

ENTRANCE AND DRIVEWAY PERMIT

I, \_\_\_\_\_, being the owner or agent for the owner, of a parcel of property, request permission to construct an entrance from my property to provide access with the adjacent County Road. The entrance is to be located as follows:

TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_ SECTION \_\_\_\_\_ ROAD NAME \_\_\_\_\_

CIVIL TOWNSHIP \_\_\_\_\_ SIDE OF ROAD - N S E W

DATE OF APPLICATION \_\_\_\_\_

In signing and accepting this Entrance Permit I agree to install and maintain the entrance according to County specifications. I agree the County reserves the right to perform any necessary maintenance on the entrance as determined by the County.

SIGNATURE OF APPLICANT: \_\_\_\_\_

OWNER: \_\_\_\_\_

MAILING ADDRESS FOR APPROVED PERMIT: \_\_\_\_\_

PHONE: (\_\_\_\_) \_\_\_\_\_ TIME TO CALL \_\_\_\_\_

CHECK TYPE: RESIDENTIAL \_\_\_\_\_ FIELD ACCESS \_\_\_\_\_ COMMERCIAL \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

FIELD INSPECTION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ INSPECTED BY: \_\_\_\_\_ SIGHT DISTANCE: \_\_\_\_\_

DIAMETER: \_\_\_\_\_ PIPE LENGTH: \_\_\_\_\_ DRY FILL \_\_\_\_\_

COST OF CULVERT \$ \_\_\_\_\_ BAND(S) \$ \_\_\_\_\_

\*\*\*All culverts must be paid in full before they leave county yard\*\*\*

COMMENTS: \_\_\_\_\_

APPLICATION APPROVAL BY: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

INSTALLATION DATE: \_\_\_\_\_ BY \_\_\_\_\_

FINAL INSPECTION DATE \_\_\_\_\_ BY \_\_\_\_\_

NOT CONFORMING OR ACQUIRING A PERMIT IS A VIOLATION OF SECTION 318.8 2009 CODE OF IOWA. PERMIT IS VALID FOR ONE YEAR FROM ISSUANCE.

THE APPLICANT MUST MAKE AN APPOINTMENT WITH THE ENGINEER'S OFFICE AT (563) 886-6102 DURING NORMAL BUSINESS HOURS TO REVIEW THE SITE.

## ENTRANCE CONSTRUCTION REQUIREMENTS

1. After the Entrance Permit application is made, the applicant shall make an appointment with the Maintenance Superintendent to investigate the location. The County shall then make a report as to the size and length of culvert required, if any, and any unfavorable safety aspects of the location. Applicant and/or property owner is reminded to take all necessary safety measures needed to protect the traveling public during construction of entrance, driveway or subdivision street. Applicant and/or property owner also assumes all liability of any damage to county road caused by construction of said entrance.
2. The applicant and/or property owner can then proceed to construct the entrance in accordance with the minimum requirements.
3. All culverts placed must be of new material and handled in a manner so as not to damage them during placement. Culverts must be placed so that the inside lap joint is downstream, that is, pointed in the direction that the water shall flow.
4. A uniform bed must be prepared before the culvert is put in place. Earth shall be placed around and over the culvert in approximately six inch (6") lifts, and each lift shall be well compacted. If this is not done, most likely settlement shall occur and cause holes to develop in the entrance, which shall trap water after rains and cause soft and muddy areas. Culverts must be at the toe of the backslope.
5. Driveways are to be constructed with proper entrance slopes. Driveways along paved road sections are to be constructed with 8:1 entrance slopes tapered to 6:1 slopes over the driveway culvert, 10:1 slopes on dry fills. Driveways along rock road sections are to be placed at a 3:1 entrance slope. The flatter slopes along paved road sections are mandated to enhance highway safety in areas of higher speeds and volumes of traffic.
6. The minimum top width for a driveway or field entrance shall be 20 feet. The maximum top width for a single residential driveway or field entrance shall be no greater than 40 feet. The top width for subdivision streets shall meet the requirements of the subdivision ordinance based on the type of road section selected by the developer.
7. The entrance shall be shaped with a crown and must not allow water from the property to drain onto the roadway. This may require small ditches on both sides of the entrance driveway for a short distance back onto the property, to control the water.
8. When the earth cover is placed and the entrance is completed and BEFORE any rock is placed, call the Engineer's Office or the County Shop for the final inspection which shall be made during the following work day. Then the applicant and/or property owner shall be notified of acceptance or any modification to be made. If further work is required, call the Engineer's Office again after it has been completed, for another inspection. If the entrance or road intersection is to be paved, inspection of the driveway and acceptance must be given prior to paving or surfacing.
9. Applicant and/or property owner shall be responsible for placement of rock on driveway or field entrance from shoulder edge to the right of way line. Entrances on unpaved roads need not be surfaced with crushed rock unless the applicant and/or property owner desires. Paved road accesses must be rocked to help prevent excess dirt from being drug onto paved surfaces. The county shall provide and maintain rock surfaces only as far as the shoulder width of the road. "UNDER NO CIRCUMSTANCES SHALL ROCK BE REMOVED OFF COUNTY ROADS".
10. If the landowner desires to pave the driveway surface with either portland cement concrete (PCC) or asphalt cement concrete surfacing (ACC), the work can only be undertaken by permit from the engineer's office. The county assumes no responsibility for the paved surface. If the surface needs to be removed to allow maintenance or repair of the driveway or its drainage structure, the county shall **NOT** replace the paved surface.

**Note:** For accesses requiring culverts, corrugated metal, reinforced concrete pipe, or plastic pipe may be utilized. Corrugated metal pipe must be 14 gauge minimum on all sizes up to and including 48". Culverts above 48" are to be 12 gauge. Concrete pipe shall be of adequate section for the amount of fill above them. If plastic pipe is utilized, Cedar County at no time shall accept maintenance responsibilities for the entrance. Plastic pipe shall meet AASHTO M 294 dual wall requirements.

| DOTProjectNumber | Applicant    | Award        | FiscalYear | Description             | Type   |
|------------------|--------------|--------------|------------|-------------------------|--------|
| 90-16-LRTF-701   | Cedar County | \$ 10,000.00 | 1997       | Equipment - Truax drill | County |
| 90-16-LRTF-801   | Cedar County | \$ 4,500.00  | 1998       | Inventory               | County |

|  |              |
|--|--------------|
| Total LRTF Funding Awarded FY1990 - FY2017 | \$ 14,500.00 |
|--|--------------|

**314.22 INTEGRATED ROADSIDE VEGETATION MANAGEMENT.**

1. *Objectives.* It is declared to be in the general public welfare of Iowa and a highway purpose for the vegetation of Iowa's roadsides to be preserved, planted, and maintained to be safe, visually interesting, ecologically integrated, and useful for many purposes. The state department of transportation shall provide an integrated roadside vegetation management plan and program which shall be designed to accomplish all of the following:
  - a. Maintain a safe travel environment.
  - b. Serve a variety of public purposes including erosion control, wildlife habitat, climate control, scenic qualities, weed control, utility easements, recreation uses, and sustenance of water quality.
  - c. Be based on a systematic assessment of conditions existing in roadsides, preservation of valuable vegetation and habitats in the area, and the adoption of a comprehensive plan and strategies for cost-effective maintenance and vegetation planting.
  - d. Emphasize the establishment of adaptable and long-lived vegetation, often native species, matched to the unique environment found in and adjacent to the roadside.
  - e. Incorporate integrated management practices for the long-term control of damaging insect populations, weeds, and invader plant species.
  - f. Build upon a public education program allowing input from adjacent landowners and the general public.
  - g. Accelerate efforts toward increasing and expanding the effectiveness of plantings to reduce wind-induced and water-induced soil erosion and to increase deposition of snow in desired locations.
  - h. Incorporate integrated roadside vegetation management with other state agency planning and program activities including the recreation trails program, scenic highways, open space, and tourism development efforts. Agencies should annually report their progress in this area to the general assembly.
2. *Counties may adopt plans.* A county may adopt an integrated roadside vegetation management plan consistent with the integrated roadside vegetation management plan adopted by the department under subsection 1.
3. *Integrated roadside vegetation management technical advisory committee.*
  - a. The director of the department shall appoint members to an integrated roadside vegetation management technical advisory committee which is created to provide advice on the development and implementation of a statewide integrated roadside vegetation management plan and program and related projects.

The department

shall report annually in January to the general assembly regarding its activities and those of the committee. Activities of the committee may include, but are not limited to, providing advice and assistance in the following areas:
    - (1) Research efforts.
    - (2) Demonstration projects.
    - (3) Education and orientation efforts for property owners, public officials, and the general public.
    - (4) Activities of the integrated roadside vegetation management coordinator for integrated roadside vegetation management.

(5) Reviewing applications for funding assistance. (6) Securing funding for research and demonstrations. (7) Determining needs for revising the state weed law and other applicable Code sections. (8) Liaison with the Iowa state association of counties, the Iowa league of cities, and other organizations for integrated roadside vegetation management purposes.

b. The director may appoint any number of persons to the committee but, at a minimum, the committee shall consist of all of the following:

(1) One member representing the utility industry. (2) One member from the Iowa academy of sciences. (3) One member representing county government. (4) One member representing city government. (5) Two members representing the private sector including community interest groups. (6) One member representing soil conservation interests. (7) One member representing the department of natural resources.

(8) One member representing county conservation boards. Members of the committee shall serve without compensation, but may be reimbursed for allowable expenses from the living roadway trust fund created under section 314.21.

No more than a simple majority of the members of the committee shall be of the same gender as provided in section 69.16A. The director of the department shall appoint the chair of the committee and shall establish a minimum schedule of meetings for the committee.

4. *Integrated roadside vegetation management coordinator.* The integrated roadside vegetation management coordinator shall administer the department's integrated roadside vegetation management plan and program. The department may create the position of integrated roadside vegetation management coordinator within the department or may contract for the services of the coordinator. The

duties of the coordinator include, but are not limited to, the following:

a. Conducting education and awareness programs.  
b. Providing technical advice to the department and the department of natural resources, counties, and cities.  
c. Conducting demonstration projects.  
d. Coordinating inventory and implementation activities.  
e. Providing assistance to local community-based groups for undertaking community entryway projects.  
f. Being a clearinghouse for information from Iowa projects as well as from other states.  
g. Periodically distributing information related to integrated roadside vegetation management.  
h. General coordination of research efforts.  
i. Other duties assigned by the director of transportation.

5. *Education programs.* The department shall develop educational programs and provide educational materials for the general public, landowners, governmental employees, and board members as part of its program for integrated roadside vegetation management. The educational program shall provide all of the following:

a. The development of public service announcements and television programs about the importance of roadside vegetation in Iowa.

b. The expansion of existing training sessions and educational curriculum materials for county weed commissioners, government contract sprayers, maintenance staff, and others to include coverage of integrated roadside management topics such as

basic plant species identification, vegetation preservation, vegetation inventory techniques, vegetation management and planning procedures, planting techniques, maintenance, communication, and public relations. County and municipal engineers, public works staffs, planning and zoning representatives, parks and habitat managers, and others should be encouraged to participate.

c. The conducting of statewide and regional conferences and seminars about integrated roadside vegetation management, community entryways, scenic values of land adjoining roadsides, and other topics relating to roadside vegetation.

d. The preparation, display, and distribution of a variety of public relations material, in order to better inform and educate the traveling public on roadside vegetation management activities. The public relations material shall inform motorists of a variety of roadside vegetation issues including all of the following:

- (1) Benefits of various types of roadside vegetation.
- (2) Long-term results expected from planting and maintenance practices.
- (3) Purposes for short-term disturbances in the roadside landscapes.
- (4) Interesting aspects of the Iowa landscape and individual landscape regions.

(5) Other aspects relating to wildlife and soil erosion. e.

Preparation and distribution of educational material designed to inform adjoining property owners, farm operators, and others of the importance of roadside vegetation and their responsibilities of proper stewardship of that vegetation resource.

6. *Research and demonstration projects.* The department, as part of its plan to provide integrated roadside vegetation management, shall conduct research and feasibility studies including demonstration projects of different kinds at a variety of locations around the state. The research and feasibility studies may be conducted in, but are not limited to, any of the following areas:

a. Cost effectiveness or comparison of planting, establishing and maintaining alternative or warm-season, native grass and forb roadside vegetation and traditional cool-season nonnative vegetation.

b. Identification of the relationship that roadsides and roadside vegetation have to maintaining water quality, through drainage wells, sediment and pollutant collection and filtration, and other means.

c. Impacts of burning as an alternative vegetation management tool on all categories of roads.

d. Techniques for more quickly establishing erosion control and permanent vegetative cover on recently disturbed ground as well as interplanting native species in existing vegetative cover.

e. Effectiveness of techniques for reduced or selected use of herbicides to control weeds.

f. Identification of cross section and slope steepness design standards which provide for motorist safety as well as for improved establishment, maintenance, and replacement of different types of vegetation.

g. Identification of a uniform inventory and assessment technique which could be used by many counties in establishing integrated roadside management programs.

h. Equipment innovations for seeding and harvesting grasses in difficult terrain settings, roadway ditches, and fore-slopes and back-slopes.

i. Identification of the perceptions of motorists and landowners to various types of roadside vegetation and configuration

of plantings.

j. Market or economic feasibility studies for native seed, forb, and woody plant production and propagation.

k. Impacts of vegetation modifications on increasing or decreasing wildlife populations in rural and urban areas.

l. Effects of vegetation on the number and location of wildlife road-kills in rural and urban areas.

m. Costs to the public for improper off-site resource management adjacent to roadsides.

n. Advantages, disadvantages, and techniques of establishing pedestrian access adjacent to highways and their impacts on vegetation management.

o. Identification of alternative techniques for snow catchment on farmland adjacent to roadsides.

7. *Gateways program.* The department shall develop a gateways program to provide meaningful visual impacts including major new plantings at the important highway entry points to the state and its communities. Substantial and distinctive plantings shall also be designed and installed at these points.

Creative and artistic design solutions shall be sought for these improvements. Communications about these projects shall be provided to local groups in order to build community involvement, support, and understanding of their importance. Consideration shall be given to a requirement that gateways projects produce a local match or contribution toward the overall project cost.

8. *Vegetation inventories and strategies.*

a. The department shall coordinate and compile integrated roadside vegetation inventories, classification systems, plans, and implementation strategies for roadsides. Areas of increased program

and project emphasis may include, but are not limited to, all of the following:

(1) Additional development and funding of state gateways projects.

(2) Accelerated replacement of dead and unhealthy plants with native and hardy trees and shrubs.

(3) Special interest plantings at selected highly visible locations along primary and interstate highways. (4) Pilot and demonstration projects.

(5) Additional snow and erosion control plantings.

(6) Welcome center and rest area plantings with native and aesthetically interesting species to create mini-arboretums around the state.

b. The department shall coordinate and compile a reconnaissance of lands to develop an inventory of sites having the potential of being harvested for native grass, forb, and woody plant material seed and growing stock. Highway right-of-ways, parks and recreation areas, converted railroad right-of-ways, state board of regents' property, lands owned by counties, and other types of public property shall be surveyed and documented for seed source potential. Sites volunteered by private organizations may also be included in the inventory.

Inventory information shall be made available to state agencies' staffs, county engineers, county conservation board directors, and others.

#### **Section History: Recent Form**

89 Acts, ch 246, §6; 95 Acts, ch 3, §2

Referred to in § 314.13, 314.21, 317.11

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## CHAPTER 317 WEEDS

### 317.1 DEFINITIONS.

#### 317.1A NOXIOUS WEEDS.

#### 317.2 STATE BOTANIST.

#### 317.3 WEED COMMISSIONER-- STANDARDS FOR NOXIOUS WEED CONTROL.

#### 317.4 DIRECTION AND CONTROL.

#### 317.5 WEEDS IN ABANDONED CEMETERIES.

#### 317.6 ENTERING LAND TO DESTROY WEEDS-- NOTICE.

#### 317.7 REPORT TO BOARD.

#### 317.8 DUTY OF SECRETARY OF AGRICULTURE OR SECRETARY'S DESIGNEE.

#### 317.9 DUTY OF BOARD TO ENFORCE.

#### 317.10 DUTY OF OWNER OR TENANT.

#### 317.11 WEEDS ON ROADS --HARVESTING OF GRASS.

#### 317.12 WEEDS ON RAILROAD OR PUBLIC LANDS AND GRAVEL PITS.

#### 317.13 PROGRAM OF CONTROL.

#### 317.14 NOTICE OF PROGRAM.

#### 317.15 LOSS OR DAMAGE TO CROPS.

#### 317.16 FAILURE TO COMPLY.

#### 317.17 ADDITIONAL NOXIOUS WEEDS.

#### 317.18 ORDER FOR WEED CONTROL ON ROADS.

#### 317.19 ROAD CLEARING APPROPRIATION.

#### 317.20 EQUIPMENT AND MATERIALS --USE ON PRIVATE PROPERTY.

#### 317.21 COST OF WEED DESTRUCTION.

#### 317.22 DUTY OF HIGHWAY MAINTENANCE PERSONNEL.

#### 317.23 DUTY OF COUNTY ATTORNEY.

#### 317.24 PUNISHMENT OF OFFICER.

#### 317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIFE PROHIBITED-- EXCEPTIONS.

#### 317.26 ALTERNATIVE REMEDIATION PRACTICES.

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### **317.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires, "*book*", "*list*", "*record*", or "*schedule*" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

### **Section History: Recent Form**

2000 Acts, ch 1148, §1

### **317.1A NOXIOUS WEEDS.**

The following weeds are hereby declared to be noxious and shall be divided into two classes, namely:

1. Primary noxious weeds, which shall include quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium lanceolatum*),

European morning glory or field bindweed (*Convolvulus arvensis*), horse nettle (*Solanum carolinense*), leafy spurge (*Euphorbia esula*), perennial pepper-grass (*Lepidium draba*), Russian knapweed (*Centaurea repens*), buckthorn (*Rhamnus*, not to include *Rhamnus frangula*), and all other species of thistles belonging in genera of *Cirsium* and *Carduus*.

2. Secondary noxious weeds, which shall include butterprint (*Abutilon theophrasti*) annual, cocklebur (*Xanthium commune*) annual, wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) biennial, buckhorn (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial, poison hemlock (*Conium maculatum*), multiflora rose (*Rosa multiflora*), wild sunflower (wild strain of *Helianthus annuus* L.) annual, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*) annual. The multiflora rose (*Rosa multiflora*) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose board of supervisors has by resolution declared it not to be a noxious weed. Shattercane (*Sorghum bicolor*) shall not be considered a secondary noxious weed when cultivated or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

#### **Section History: Early Form**

[513, § 1565-b; C24, 27, 31, 35, § 4818; C39, § 4829.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.1]

#### **Section History: Recent Form**

85 Acts, ch 171, §1; 2000 Acts, ch 1154, §20  
C2001, §317.1A See also §  
199.1

#### **317.2 STATE BOTANIST.**

The secretary of agriculture shall appoint as state botanist the head of the botany and plant pathology section of the Iowa agricultural experiment station whose duty shall be to co-operate in developing a constructive weed eradication program.

#### **Section History: Early Form**

[C39, § 4829.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.2]

#### **317.3 WEED COMMISSIONER -- STANDARDS FOR NOXIOUS WEED CONTROL.**

The board of supervisors of each county may annually appoint a county weed commissioner who may be a person otherwise employed by the county and who passes minimum standards established by the department of agriculture and land stewardship for noxious weed identification and the recognized methods for noxious weed control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term at the discretion of the board of supervisors unless the commissioner is

removed from office as provided for by law. The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship. The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment. The board of supervisors shall fix the compensation of the county weed commissioner and deputies. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses. At the discretion of the board of supervisors, the weed commissioner shall attend a seminar or school conducted or approved by the department of agriculture and land stewardship relating to the identification, control, and elimination of noxious weeds. The board of supervisors shall prescribe the time of year the weed commissioner shall perform the powers and duties of county weed commissioner under this chapter which may be during that time of year when noxious weeds can effectively be killed. Compensation shall be for the period of actual work only although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day or month and the rate of pay for the employment time.

#### **Section History: Early Form**

[813, § 1565-c, -d, -f; C24, 27, § 4817; C31, 35, § 4817, 4817-d1; C39, § 4829.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.3]

#### **Section History: Recent Form**

83 Acts, ch 123, § 119, 209; 85 Acts, ch 160, §1; 94 Acts, ch 1173, §14  
Referred to in § 331.321

#### **317.4 DIRECTION AND CONTROL.**

As used in this chapter, "*commissioner*" means the county weed commissioner or the commissioner's deputy within each county. Each commissioner, subject to direction and control by the county board of supervisors, shall supervise the control and destruction of all noxious weeds in the county, including those growing within the limits of cities, within the confines of abandoned cemeteries, and along streets and highways unless otherwise provided. A commissioner shall notify the department of public safety of the location of marijuana plants found growing on public or private property. A commissioner may enter upon any land in the county at any time for the performance of the commissioner's duties, and shall hire the labor and equipment necessary subject to the approval of the board of supervisors.

#### **Section History: Early Form**

[813, § 1565-c, -d, -f; C24, 27, 31, 35, § 4817; C39, § 4829.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, 881, § 317.4; 81 Acts, ch 117, § 1047]

#### Section History: Recent Form

83 Acts, ch 123, § 120, 209; 90 Acts, ch 1179, § 2

#### **317.5 WEEDS IN ABANDONED CEMETERIES.**

The commissioner shall control the weeds growing in abandoned cemeteries in the county as needed. Spraying for control of weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

#### Section History: Early Form

[C58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.5]

#### Section History: Recent Form

89 Acts, ch 246, §7

#### **317.6 ENTERING LAND TO DESTROY WEEDS --NOTICE.**

If there is a substantial failure by the owner or person in possession or control of any land to comply with any order of destruction pursuant to the provisions of this chapter, the county weed commissioner, including the weed commissioner's deputies, or employees acting under the weed commissioner's direction may enter upon any land within the commissioner's county for the purpose of destroying noxious weeds.

The entry may be made without the consent of the landowner or person in possession or control of the land. However, the actual work of destruction shall not be commenced until five days after the landowner and the person in possession or control of the land have been notified. The notice shall state the facts relating to failure of compliance with the county program of weed destruction order or orders made by the board of supervisors.

The notice shall be delivered by personal service on the owner and persons in possession and control of the land. The personal service may be served by the weed commissioner or any person designated in writing by the weed commissioner. However, in lieu of personal service, the weed commissioner may provide that the notice be delivered by certified mail. A copy of the notice shall be filed in the office of the county auditor. The last known address of the owner or person in possession or control of the land may be ascertained, if necessary, from the last tax list in the county treasurer's office. Where any person owning land within the county has filed a written instrument in the office of the county auditor designating the name and address of its agent, the notice may be delivered to that agent. In computing time for notice, it shall be from the date of service as evidenced on the return of service. If delivery is made by certified mail, it shall be from the date of mailing.

#### Section History: Early Form

[S13, § 1565-c, -d, -f; C24, § 4817; C27, 31, 35, § 4817, 4823-bl; C39, § **4829.05, 4829.06**; C46, § 317.5, 317.6; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.6]

#### Section History: Recent Form

2005 Acts, ch 39, §1  
Referred to in § 317.16

### **317.7 REPORT TO BOARD.**

Each weed commissioner shall for the territory under the commissioner's jurisdiction on or before the first day of November of each year make a written report to the board of supervisors. Said report shall state:

1. The name and location of all primary noxious weeds, and any new weed which appears to be a serious pest.
2. A detailed statement of the treatment used, and future plans, for eradication of weeds on each infested tract on which the commissioner has attempted to exterminate weeds, together with the costs and results obtained.
3. A summary of the weed situation within the jurisdiction, together with suggestions and recommendations which may be proper and useful, a copy of which shall be forwarded to the state secretary of agriculture.

#### **Section History: Early Form**

[S13, § 1565-c, -d, -f; C24, 27, 31, 35, § 4817; C39, §  
**4829.07** ; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §  
317.7]

### **317.8 DUTY OF SECRETARY OF AGRICULTURE OR SECRETARY'S DESIGNEE.**

The secretary of agriculture or the secretary's designee is vested with the following duties, powers and responsibilities:

1. The secretary or the secretary's designee shall serve as state weed commissioner, and shall co-operate with all boards of supervisors and weed commissioners, and shall furnish blank forms for reports made by the supervisors and commissioners.
2. The secretary or the secretary's designee may, upon recommendation of the state botanist, temporarily declare noxious any new weed appearing in the state which possesses the characteristics of a serious pest.
3. The secretary or the secretary's designee shall aid the supervisors in the interpretation of the weed law, and make suggestions to promote extermination of noxious weeds.
4. The secretary or the secretary's designee shall aid the supervisors in enforcement of the weed law as it applies to all state lands, state parks and primary roads, and may impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the state agency in control of land fails to comply with an order for destruction of weeds made pursuant to this chapter.

#### **Section History: Early Form**

[S13, § 1565-c, -d, -f; C24, 27, 31, 35, § 4817; C39, §  
**4829.08** ; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §  
317.8]

#### **Section History: Recent Form**

85 Acts, ch 171, §2; 87 Acts, ch 115, §48

**317.9 DUTY OF BOARD TO ENFORCE.**

The responsibility for the enforcement of the provisions of this chapter shall be vested in the board of supervisors as to all farm lands, railroad lands, abandoned cemeteries, state lands and state parks, primary and secondary roads; roads, streets and other lands within cities unless otherwise provided.

**Section History: Early Form**

[813, § 1565-c, -d, -f; C24, 27, 31, 35, § 4817; C39, § **4829.09**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.9]

**317.10 DUTY OF OWNER OR TENANT.**

Each owner and each person in the possession or control of any lands shall cut, burn, or otherwise destroy, in whatever manner may be prescribed by the board of supervisors, all noxious weeds thereon as defined in this chapter at such times in each year and in such manner as shall be prescribed in the program of weed destruction

order or orders made by the board of supervisors, and shall keep said lands free from such growth of any other weeds, as shall render the streets or highways adjoining said land unsafe for public travel.

**Section History: Early Form**

[SS15, § 1565-a; C24, 27, 31, 35, § 4819; C39, § **4829.10**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.10]

**317.11 WEEDS ON ROADS-- HARVESTING OF GRASS.**

The county boards of supervisors and the state department of transportation shall control noxious weeds growing on the roads under their jurisdiction. Spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the noxious weeds.

Nothing under this chapter shall prevent the landowner from harvesting, in proper season, the grass grown on the road along the landowner's land except for vegetation maintained for highway purposes as part of an integrated roadside vegetation management plan which is consistent with the objectives in section 314.22.

**Section History: Early Form**

[813, § 1565-c, -d, -f; 8815, § 1565-a; C24, 27, 31, 35, § 4817, 4819; C39, § **4829.11**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.11]

**Section History: Recent Form**

89 Acts, ch 246, §8

**317.12 WEEDS ON RAILROAD OR PUBLIC LANDS AND GRAVEL PITS.**

All noxious weeds on railroad lands, public lands and within incorporated cities shall be treated in such manner, approved by the

board of supervisors, as shall prevent seed production and either destroy or prevent the spread of noxious weeds to adjoining lands. Gravel pits infested with noxious weeds shall not be used as sources of gravel for public highways without previous treatment approved by board of supervisors.

#### **Section History: Early Form**

[S13, § 1565-c, -d, -f; SS15, § 1565-a; C24, 27, 31, 35, § 4817, 4819; C39, § **4829.12**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.12]

#### **317.13 PROGRAM OF CONTROL.**

The board of supervisors of each county may each year, upon recommendation of the county weed commissioner by resolution prescribe and order a program of weed control for purposes of complying with all sections of this chapter. The county board of supervisors of each county may also by adopting an integrated roadside vegetation management plan prescribe and order a program of weed control for purposes of complying with all sections of this chapter. The program for weed control ordered or adopted by the county board of supervisors shall provide that spraying for control of weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This paragraph applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan.

#### **Section History: Early Form**

[S13, § 1565-c, -d; C24, 27, 31, 35, § 4821; C39, § **4829.13**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.13]

#### **Section History: Recent Form**

85 Acts, ch 171, §3; 89 Acts, ch 246, §9; 90 Acts, ch 1267, § 36  
Referred to in§ 317.14

#### **317.14 NOTICE OF PROGRAM.**

Notice of any order made pursuant to section 317.13 shall be given by one publication in the official newspapers of the county and shall be directed to all property owners.

Said notice shall state:

1. The time for destruction.
2. The manner of destruction, if other than cutting above the surface of the ground.
3. That unless said order is complied with the weed commissioner shall cause said weeds to be destroyed and the cost thereof will be taxed against the real estate on which the noxious weeds are destroyed.

#### **Section History: Early Form**

[S13, § 1565-c, -d; C24, 27, 31, 35, § 4822; C39, § 4829.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.14]

#### **317.15 LOSS OR DAMAGE TO CROPS.**

The loss or damage to crops or property incurred by reason of such destruction shall be borne by the titleholder of said real estate, unless said real estate shall be sold under contract whereby possession has been delivered to the purchaser, in which event such purchaser shall bear such loss or damage, excepting where a contract has been entered into providing a different adjustment for such loss or damage.

#### **Section History: Early Form**

[S13, § 1565-c, -d; C24, 27, 31, 35, § 4822; C39, § 4829.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.15)

#### **317.16 FAILURE TO COMPLY.**

1. In case of a substantial failure to comply by the date prescribed in any order of destruction of weeds made pursuant to this chapter, the weed commissioner may do any of the following:

a. Enter upon the land as provided in section 317.6 and provide for the destruction of the weeds as provided in section 317.6.

b. Impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the owner or person in possession or control of the land fails to comply. If a penalty is imposed and the owner or person in possession or control of the land fails to comply, the weed commissioner shall cause the weeds to be destroyed.

2. If the weed commissioner enters the land and causes the weeds to be destroyed, the actual cost and expense of cutting, burning, or otherwise destroying the weeds, along with the cost of providing notice and special meetings or proceedings, if any, shall be paid by the county and, together with the additional assessment to apply toward costs of supervision and administration, be recovered by an assessment against the tract of real estate on which the weeds were growing, as provided in section 317.21. Any fine imposed under this section shall be recovered by a similar assessment.

#### **Section History: Early Form**

[S13, § 1565-c, -d; C24, 27, 31, 35, § 4823; C39, § 4829.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.16]

#### **Section History: Recent Form**

83 Acts, ch 123, § 121, 209; 85 Acts, ch 171, §4; 2005 Acts, ch 39, §2  
Referred to in § 317.21

#### **317.17 ADDITIONAL NOXIOUS WEEDS.**

The board of supervisors shall order the weed commissioner, or commissioners, to destroy or cause to be destroyed any new weeds

declared to be noxious by the secretary of agriculture, the cost of which shall be borne by the county.

**Section History: Early Form**

[C39, § 4829.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.17]

**317.18 ORDER FOR WEED CONTROL ON ROADS.**

The board of supervisors may order all noxious weeds, within the right-of-way of all roads under county jurisdiction to be cut, burned, or otherwise controlled to prevent seed production, either upon its own motion or upon receipt of written notice requesting the action from any residents of the township in which the roads are

located, or any person regularly using the roads. The order shall be consistent with the county integrated roadside vegetation management plan, if the county has adopted such a plan, and the order shall define the roads along which noxious weeds are required to be cut, burned, or otherwise controlled and shall require the weeds to be cut, burned, or otherwise controlled within fifteen days after the publication of the order in the official newspapers of the county or as prescribed in the county's integrated roadside vegetation management plan.

The order shall provide that spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

**Section History: Early Form**

[C39, § 4829.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.18]

**Section History: Recent Form**

83 Acts, ch 123, § 122, 209; 85 Acts, ch 171, §5; 89 Acts, ch 246, §10; 98 Acts, ch 1075, §14

**317.19 ROAD CLEARING APPROPRIATION.**

The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise controlling weeds or brush within the right-of-way of roads under county jurisdiction in time to prevent reseeding or in a manner consistent with the county's

roadside vegetation management plan, if the county has adopted such a plan. The moneys appropriated shall not be spent on spraying for control of weeds except in those circumstances when it is not practical to mow or otherwise control the weeds.

The board of supervisors *may* purchase or hire necessary equipment or contract with the adjoining landowner to carry out this section.

**Section History: Recent Form**

83 Acts, ch 123, § 123, 209; 84 Acts, ch 1219, § 20; 85 Acts, ch 171, §6; 89 Acts, ch 246, §11; 98 Acts, ch 1075, §15

**317.20            EQUIPMENT AND            ERIALS -- USE ON PRIVATE  
PROPERTY.**

The board of supervisors may appropriate moneys for the purpose of purchasing weed eradicating equipment and materials to carry out the duties of the commissioner for use on all lands in the county, public or private, and for the payment of the necessary expenses and compensation of the commissioner, and the commissioner's deputies, if any. When equipment or materials so purchased are used on private property within the corporate limits of cities by the commissioner, the cost of materials used and an amount to be fixed by the board of supervisors for the use of the equipment shall be returned by the county treasurer upon the collection of the special assessment taxed against the property. In the certification to the county treasurer by the county auditor this apportionment shall be designated along with the special tax assessed under section 317.21. The equipment and its use are subject to the authorization and direction of the county board of supervisors.

**Section History: Recent Form**

83 Acts, ch 123, § 124, 209  
Referred to in § 331.559

**317.21            COST OF WEED DESTRUCTION.**

When the commissioner destroys any weeds under the authority of section 317.16, after failure of the landowner responsible to destroy such weeds pursuant to the order of the board of supervisors, the cost of the destruction shall be assessed against the land and collected from the landowner responsible in the following manner:

1. Annually, after the weed commissioner has completed the program of destruction of weeds by reason of noncompliance by persons responsible for the destruction, the board of supervisors shall determine as to each tract of real estate the actual cost of labor

and materials used by the commissioner in cutting, burning, or otherwise destroying the weeds, the cost of serving notice, and of special meetings or proceedings, if any. To the total of all sums expended, the board shall add an amount equal to twenty-five percent of that total to compensate for the cost of supervision and administration and assess the resulting sum against the tract of real estate by a special tax, which shall be certified to the county auditor and county treasurer by the clerk of the board of supervisors, and shall be placed upon the tax books, and collected, with interest after delinquent, in the same manner as other unpaid taxes. The tax shall be due on March 1 after assessment, and shall be delinquent from April 1 after due. However, when the last day of March is a Saturday or Sunday, such amount shall be delinquent from the second business day of April. When collected, the moneys shall be paid into the fund from which the costs were originally paid.

2. Before making any such assessment, the board of supervisors shall prepare a plat or schedule showing the several lots, tracts of land or parcels of ground to be assessed which shall be in accord with the assessor's records and the amount proposed to be assessed against each of the same for destroying or controlling weeds during the fiscal year.

3. Such board shall thereupon fix a time for the hearing on such proposed assessments, which time shall not be later than December 15 of the year, and at least twenty days prior to the time thus fixed for such hearing shall give notice thereof to all concerned that such

plat or schedule is on file, and that the amounts as shown therein will be assessed against the several lots, tracts of land or parcels of ground described in said plat or schedule at the time fixed for such hearing, unless objection is made thereto.

Notice of such hearing shall be given by one publication in official county newspapers in the county in which the property to be assessed is situated; or by posting a copy of such notice on the premises affected and by mailing a copy by certified mail to the last known address of the person owning or controlling said premises. At such time and place the owner of said premises or anyone liable to pay such assessment, may appear with the same rights given by law before boards of review, in reference to assessments for general taxation.

#### **Section History: Early Form**

[313, § 1565-c, -d; C24, 27, § 4824, 4825; C31, 35, § 4824, 4825, 4825-c1, -c2; C39, § **4829.19**; C46, § 317.20; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.21)

#### **Section History: Recent Form**

85 Acts, ch 171, § 7; 92 Acts, ch 1016, § 4; 98 Acts, ch 1107, §7;  
2005 Acts, ch 34, §2, 26  
Referred to in § 317.16, 317.20, 331.502, 331.559

#### **317.22 DUTY OF HIGHWAY MAINTENANCE PERSONNEL.**

All officers directly responsible for the care of public highways shall make a complaint to the weed commissioners or board of supervisors, if it appears that the provisions of this chapter may not be complied with in time to prevent the blooming and maturity of noxious weeds or the unlawful growth of weeds or marijuana, whether in the streets or highways for which they are responsible or upon lands adjacent to the same.

#### **Section History: Early Form**

[313, § 1565-c, -e; C24, 27, 31, 35, § 4826; C39, § **4829.20**;  
C46, § 317.21; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.22)

#### **Section History: Recent Form**

90 Acts, ch 1179, §3

#### **317.23 DUTY OF COUNTY ATTORNEY.**

It shall be the duty of the county attorney upon complaint of any citizen that any officer charged with the enforcement of the provisions of this chapter has neglected or failed to perform the officer's duty, to enforce the performance of such duty.

#### **Section History: Early Form**

[C24, 27, 31, 35, § 4828; C39, § **4829.21**; C46, § 317.22; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.23]

Referred to in § 331.756(56)

#### **317.24 PUNISHMENT OF OFFICER.**

Any officer referred to in this chapter who neglects or fails to perform the duties incumbent upon the officer under the provisions of this chapter shall be guilty of a simple misdemeanor.

#### **Section History: Early Form**

[813, § 1565-i; C24, 27, 31, 35, § 4829; C39, § **4829.22**; C46, § 317.23; cso, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.24]

#### **317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIFE PROHIBITED -- EXCEPTIONS.**

A person shall not import, sell, offer for sale, or distribute teasel (*Dipsacus*) biennial, the multiflora rose (*Rosa multiflora*), purple loosestrife (*Lythrum salicaria*), purple loosestrife (*Lythrum virgatum*), or seeds of them in any form in this state. However, this section does not prohibit the sale, offer for sale, or distribution of the multiflora rose (*Rosa multiflora*) used for understock for either cultivated roses or ornamental shrubs in gardens. Any person violating the provisions of this section is subject to a fine of not exceeding one hundred dollars.

#### **Section History: Early Form**

[C75, 77, 79, 81, § 317.25]

#### **Section History: Recent Form**

89 Acts, ch 193, §1; 90 Acts, ch 1111, § 1; 91 Acts, ch 5, §1; 91 Acts, ch 258, §46; 2001 Acts, ch 91, §1; 2002 Acts, ch 1050, §31

#### **317.26 ALTERNATIVE REMEDIATION PRACTICES.**

The director of the department of natural resources, in cooperation with the secretary of agriculture and county conservation boards or the board of supervisors, shall develop and implement projects which utilize alternative practices in the remediation of noxious weeds and other vegetation within highway rights-of-way.

#### **Section History: Recent Form**

87 Acts, ch 225, §231

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## CHAPTER 318 OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY

### 318.1 DEFINITIONS.

### 318.2 PURPOSE.

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### 318.4 DUTY OF HIGHWAY AUTHORITIES.

### 318.5 REMOVAL AND COST.

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### 318.7 INJUNCTION TO RESTRAIN OBSTRUCTIONS.

### 318.8 PERMIT REQUIRED.

### 318.9 UTILITY STRUCTURES.

### 318.10 FENCES.

### 318.11 BILLBOARDS AND SIGNS.

### 318.12 ENFORCEMENT.

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#### **318.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the state department of transportation.
2. *"Highway authority"* means the county board of supervisors, in the case of secondary roads, and the department, in the case of primary roads.
3. *"Highway right-of-way"* means the total area of land, whether reserved by public ownership or easement, that is reserved for the operation and maintenance of a legally established public roadway. This area shall be deemed to consist of two portions, a central traveled way including the shoulders and that remainder on both sides of the road, between the outside shoulder edges and the outer boundaries of the right-of-way.
4. *"Obstruction"* means an obstacle in the highway right-of-way or an impediment or hindrance which impedes, opposes, or interferes with free passage along the highway right-of-way, not including utility structures installed in accordance with an approved permit.
5. *"Officer"* means any department employee, county employee, or elected county official.
6. *"Traveled portion of the right-of-way"* means that area of the highway right-of-way, not including the shoulders, on which vehicles normally travel.
7. *"Utility"* means all private, public, municipal, or cooperative owned systems for water, sewer, natural gas, electric, telegraph, telephone, transit, pipeline, heating plants, railroads, bridges, street lights, or traffic control signals.
8. *"Utility structures"* means the aboveground devices, required by a utility, including poles, lines, and wires, used for telephone, electric, natural gas, and other distribution or transmission purposes, and natural gas and electrical substations.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §1

### **318.2 PURPOSE.**

The purpose of this chapter is to enhance public safety for those traveling the public roads and allow economical maintenance of highway rights-of-way.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §2

### **318.3 OBSTRUCTIONS IN HIGHWAY RIGHT-OF-WAY.**

A person shall not place, or cause to be placed, an obstruction within any highway right-of-way. This prohibition includes, but is not limited to, the following actions:

1. The excavation, filling, or making of any physical changes to any part of the highway right-of-way, except as provided under section 318.8.
2. The cultivation or growing of crops within the highway right-of-way.
3. The destruction of plants placed within the highway right-of-way.
4. The placing of fences or ditches within the highway right-of-way.
5. The alteration of ditches, water breaks, or drainage tiles within the highway right-of-way.
6. The placement of trash, litter, debris, waste material, manure, rocks, crops or crop residue, brush, vehicles, machinery, or other items within the highway right-of-way.
7. The placement of billboards, signs, or advertising devices within the highway right-of-way.
8. The placement of any red reflector, or any object or other device which shall cause the effect of a red reflector on the highway right-of-way which is visible to passing motorists.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §3  
Referred to in § 318.6, 318.8  
See also §318.5, 318.10, and 318.11

### **318.4 DUTY OF HIGHWAY AUTHORITIES.**

The highway authority shall cause all obstructions in a highway right-of-way under its jurisdiction to be removed.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §4

### **318.5 REMOVAL AND COST.**

1. An obstruction in a highway right-of-way which constitutes an immediate and dangerous hazard shall, without notice or liability in damages, be removed by the highway authority.
2. An obstruction not constituting an immediate and dangerous hazard shall be removed by the highway authority without liability after forty-eight-hour notice served in the same manner in which an original notice is served, or in writing by certified mail, or in any

other manner reasonably calculated to apprise the person responsible for the obstruction that the obstruction will be removed at the person's expense. The highway authority shall assess the removal cost.

3. Upon removal of the obstruction, the highway authority may immediately send a statement of the cost to the person responsible for the obstruction. If within ten days after sending the statement the cost is not paid, the highway authority may institute legal proceedings to collect the cost of removal. The removal costs shall be assessed against the following persons, as applicable:

- a. The vehicle owner in the case of an abandoned vehicle.
  - b. The abutting property owner in the case of a fence, other than a right-of-way line fence, or other temporary obstruction placed within the highway right-of-way by the owner or tenant of the abutting property.
  - c. The owner or person responsible for placement of any other obstruction.
4. All removals shall be without liability on the part of any officer ordering or effecting such removal.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §5  
Referred to in § 68A.406, 318.9, 318.10  
Manner of service, R.C.P. 1.302--1.315

#### **318.6 PUBLIC NUISANCE.**

1. Any person who places, or causes to be placed, any obstruction in a highway right-of-way as prohibited under section 318.3 is deemed to have created a public nuisance punishable as provided in chapter 657.

2. If a person is found guilty of placing an obstruction within a highway right-of-way, the court may, in addition to any fine imposed, or judgment for damages or costs for which a separate execution may issue, order that the obstruction be abated or removed at the expense of the defendant. The costs for abatement or removal of the obstruction may be entered as a personal judgment against the defendant or assessed against the property where the obstruction occurred, or both.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §6

#### **318.7 INJUNCTION TO RESTRAIN OBSTRUCTIONS.**

A highway authority may maintain a suit in equity aided by injunction to restrain an obstruction in a highway right-of-way. In such actions, the highway authority may cause the legal boundary lines of the highway to be adjudicated provided all interested parties are impleaded.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §7

### **318.8 PERMIT REQUIRED.**

A person shall not excavate, fill, or make a physical change within a highway right-of-way without obtaining a permit from the applicable highway authority.

At the request of a permittee, a modification may be granted in the discretion of the highway authority.

Work performed under the permit shall be performed in conformity with the specifications prescribed by the highway authority.

If the work does not conform to permit specifications, the person shall be notified to make the conforming changes. If after twenty days the changes have not been made, the highway authority may make the necessary changes and immediately send a statement of the cost to the responsible person.

If within thirty days after sending the statement the cost is not paid, the highway authority may institute legal proceedings to collect the cost of correction.

A violation of the permit specifications shall be considered a violation of section 318.3.

A public utility subject to section 306A.3 is exempt from this section.

### **Section History: Recent Form**

2006 Acts, ch 1097, §8

Referred to in § 318.3

### **318.9 UTILITY STRUCTURES.**

1. a. A utility structure in a highway right-of-way used for telephone, electric, natural gas, or other distribution or transmission purposes shall be removed by the owner or operator of

the transmission lines upon written notice from the highway authority of not less than ninety days, to the owner and operator.

The notice shall, with reasonable certainty, specify the utility structure to be removed and shall be served in the same manner that original notices are required to be served.

If the owner or operator of the transmission line is unable to remove the utility structure within the required time due to circumstances beyond the control of the owner or operator, the owner or operator shall file a request with the highway authority for an extension of time to complete the work.

b. If the owner or operator of a transmission line needs authorization from the utilities board or other governmental authority to relocate a utility structure or to obtain a new private easement right for relocation of the utility structure, the owner or operator shall request an extension of time within which to remove the utility structure. The highway authority shall grant an extension of time for at least ninety days following the date authorization is granted or the easement right is obtained.

2. Upon written application, the highway authority shall locate the construction of new telephone, electric, or transmission lines or parts of lines, including natural gas pipeline, for the roads within the highway authority's jurisdiction, subject to the jurisdiction of the utilities board under chapters 476, 478, and 479, as follows:

a. The county engineer, or the board of supervisors if a county engineer is not available, shall locate the lines for secondary roads.

b. The department shall locate the lines for primary roads.

3. The department and the county engineer, or the board of supervisors if a county engineer is not available, may designate the location of a utility structure within a highway right-of-way.

A utility structure that is not properly located within the highway

right-of-way) shall be removed within a time prescribed to a designated location.  
If not so removed, the highway authority may  
remove the utility structure and recover costs as provided in section  
318.5.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §9  
Referred to in § 306.46  
Manner of service, R.C.P. 1.302--1.315

#### **318.10 FENCES.**

1. A fence which constitutes an immediate and dangerous hazard shall, without notice or liability in damages, be removed by the highway authority. In all other cases where a fence is an obstruction in a highway right-of-way, notice in writing of not less than thirty days shall be given to the owner, occupant, or agent of the land enclosed by the fence.
2. The notice shall, with reasonable certainty, specify the line to which the fences shall be removed and shall be served in the same manner that original notices are required to be served, or in writing by certified mail, or in any other manner reasonably calculated to apprise the person responsible for the fence.
3. The department and the county engineer, or the board of supervisors if a county engineer is not available, may designate the location of a fence within a highway right-of-way. A fence that is not properly located within the highway right-of-way shall be removed within a time prescribed to a designated location. If not so removed, the highway authority may remove the fences and recover costs as provided in section 318.5.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §10  
Manner of service. R.C.P. 1.302--1.315

#### **318.11 BILLBOARDS AND SIGNS.**

1. No billboard or advertising sign or device, except a sign or device authorized by law or approved by the highway authority, shall be placed or erected upon a highway right-of-way.
2. A billboard or advertising sign, whether on public or private property, that obstructs the view of any portion of a public highway or of a railway track making the use of the traveled portion of the right-of-way dangerous is a public nuisance and shall be abated. The person responsible for the erection and maintenance of the billboard or sign may be punished as provided in chapter 657.

#### **Section History: Recent Form**

2006 Acts, ch 1097, §11  
Referred to in § 331.756(57)

#### **318.12 ENFORCEMENT.**

A highway authority shall enforce the provisions of this chapter by appropriate civil or criminal proceeding or by both such proceedings.

**468.126 REPAIRS AND IMPROVEMENTS.**

1. When any levee or drainage district has been established and the improvement constructed, the improvement shall be at all times under the supervision of the board of supervisors except as otherwise provided for control and management by a board of trustees and the board shall keep the improvement in repair as provided in this section.

a. The board at any time on its own motion, without notice, may order done whatever is necessary to restore or maintain a drainage or levee improvement in its original efficiency or capacity, and for that purpose may remove silt and debris, repair any damaged structures, remove weeds and other vegetable growth, and whatever else may be needed to restore or maintain such efficiency or capacity or to prolong its useful life.

b. The board may at anytime obtain an engineer's report regarding the most feasible means of repairing a drainage or levee improvement and the probable cost of making the repair. If the engineer advises, or the board otherwise concludes that permanent restoration of a damaged structure is not feasible at the time, the board may order temporary construction it deems necessary to the continued functioning of the improvement. If in maintaining and repairing tile lines the board finds from an engineer's report it is more economical to construct a new line than to repair the existing line, the new line may be considered to be a repair.

c. If the estimated cost of a repair exceeds twenty thousand dollars, or seventy-five percent of the original total cost of the district and subsequent improvements, whichever is the greater amount, the board shall set a date for a hearing on the matter of making the proposed repairs, and shall give notice as provided in sections 468.14 through 468.18. If a hearing is required and the estimated cost of the repair exceeds twenty-five thousand dollars, an engineer's report or a report from the soil and water conservation district conservationist shall be presented at the hearing. The requirement of a report may be waived by the board if a prior report on the repair exists and that report is less than ten years old. The board shall not divide proposed repairs into separate programs in order to have the requirements of this paragraph. notice and hearing

At the hearing the board shall hear objections to the feasibility of the proposed repairs, and following the hearing the board shall order that the repairs it deems desirable and feasible be made. Any interested party has the right of appeal from such orders in the manner provided in this subchapter, parts 1 through 5.

d. The right of remonstrance does not apply to repairs as defined in this section.

2. In the case of minor repairs, or in the eradication of brush and weeds along the open ditches, not in excess of twenty thousand dollars where the board finds that a saving to the district will result, the board may cause the repairs or eradication to be done by secondary road fund equipment, or weed fund equipment, and labor of the county and then reimburse the secondary road fund or the weed fund from the fund of the drainage district thus benefited.

3. When the board deems it necessary it may repair or reconstruct the outlet of any private tile line which empties into a drainage ditch of any district and assess the costs in each case against the land served by the private tile line.

4. For the purpose of this subsection, an "improvement" in a drainage or levee district in which any ditch, tile drain or other facility has previously been constructed is a project intended to

expand, enlarge or otherwise increase the capacity of any existing ditch, drain or other facility above that for which it was designed.

a. When the board determines that improvements are necessary or desirable, the board shall appoint an engineer to make surveys as seem appropriate to determine the nature and extent of the needed improvements, and to file a report showing what improvements are recommended and their estimated costs, which report may be amended before final action. If the estimated cost of the improvements does not exceed twenty thousand dollars, or twenty-five percent of the original cost of the district and subsequent improvements, whichever is the greater amount, the board may order the work done without notice. The board shall not divide proposed improvements into separate programs in order to avoid the limitation for making improvement without notice.

If the board deems it desirable to make improvements where the estimated cost exceeds the twenty thousand dollar or twenty-five percent limit, the board shall set a date for a hearing on the matter of constructing the proposed improvements and also on the matter of whether there shall be a reclassification of benefits for the cost of the proposed improvements and shall give notice as provided in sections 468.14 through 468.18. At the

hearing, the board shall hear objections to the feasibility of the proposed improvements and arguments for or against a reclassification presented by or for any taxpayer of the district. Following the

hearing, the board shall order that the improvements it deems desirable and feasible be made and shall also determine whether there should be a reclassification of benefits for the cost of improvements.

If it is determined that a reclassification of benefits should be made, the board shall proceed as provided in section 468.38.

In lieu of publishing the notice of a hearing as provided by this subsection, the board may mail a copy of the notice to each address where a landowner in the district resides by first class mail if the cost of mailing is less than publication of the notice. The mailing shall be made during the time the notice would otherwise be required to be published.

b. If the estimated cost of the improvements as defined in this subsection exceeds twenty-five thousand dollars, or the original cost of the district plus the cost of subsequent improvements in the district, whichever is the greater amount, a majority of the landowners, owning in the aggregate more than seventy percent of the total land in the district, may file a written remonstrance against the proposed improvements, at or before the time fixed for hearing on the proposed improvements, with the county auditor, or auditors in case the district extends into more than one county. If a

remonstrance is filed, the board shall discontinue and dismiss all further proceedings on the proposed improvements and charge the costs incurred to date for the proposed improvements to the district. Any interested

party may appeal from such orders in the manner provided in this subchapter, parts 1 through 5. However, this section does not affect the procedures of section 468.132 covering the common outlet.

5. Where under the laws in force prior to 1904 drainage ditches and levees were established and constructed without fixing at the time of establishment a definite boundary line for the body of land to be assessed for the cost thereof, the body of land which was last assessed to pay for the repair thereof shall also be considered as the established district for the purpose of this section.

6. The governing body of the district may, contract or conveyance, acquire, within or without the district, the necessary lands or easements for making repairs or improvements under this

section, including easements for borrow and easements for meander, and in addition thereto, the same may be obtained in the manner provided in the original establishment of the district, or by exercise of the power of eminent domain as provided for in chapter

68. If additional right-of-way is required for any repair or improvement under this section, the same may be acquired in the same manner as provided for the acquisition of right-of-way in the original establishment of a district, except that where notice and hearing are not otherwise required under this section notice as provided in this subchapter, parts 1 through 5, to owners, lienholder of record, and occupants of the land from which right-of-way is to be acquired shall suffice.

7. In existing districts where the stream has by erosion appropriated lands beyond its original right-of-way and it is more economical and feasible to acquire an easement for such erosion and meander than to undertake containment of the stream in its existing right-of-way, the board may, in the discharge of the duties enjoined upon it by this section, effect such acquisition as to the whole or part of the course. Right-of-way so taken shall be classed an improvement for the purpose of procedure under this section.

8. If the drainage records on file in the auditor's office for a particular district do not define specifically the land taken for right-of-way for drainage purposes, the board may at any time upon its own motion employ a land surveyor to make a survey; and report of the district and to actually define the right-of-way taken for drainage purposes. After the land surveyor has filed the survey and report with the board, the board shall fix a date for hearing on the report and shall serve notice of the hearing upon all landowners and lienholder of record and occupants of the lands traversed by the right-of-way in the manner and for the time required for service of original notices in the district court. At the hearing the board shall specifically define the land taken for the right-of-way. Once established, the right-of-way constitutes a permanent easement in favor of the drainage district for drainage purposes including the right of ingress and egress across adjoining land and the right of access for maintenance, repair, improvement and inspection. A person aggrieved by the action or failure to act of the board under this subsection may appeal only in compliance with sections 468.83 through 468.98.

#### **Section History: Early Form**

[S13, § 1989-a21; C24, 27, 31, 35, 39, § 7556, 7558--7561; C46, § 455.135, 455.137--455.140; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 455.135; 81 Acts, ch 150, § 1]

#### **Section History: Recent Form**

85 Acts, ch 163, §8, 9; 87 Acts, ch 23, §15; 87 Acts, ch 143, §1; 89 Acts, ch 126, § 2  
CS89, § 468.126  
94 Acts, ch 1051, §7, 8; 2004 Acts, ch 1051, §1--3; 2008 Acts, ch 1047, §1--4  
Referred to in § 461A.76, 468.41, 468.57, 468.119, 468.127, 468.131, 468.132, 468.201, 468.260, 468.359, 46C.396

#### **468.127 PAYMENT.**

The costs of the repair or improvements provided for in section

89 Acts, ch 126, § 2  
CS89, § 468.135

**468.136 LEVY UNDER ORIGINAL CLASSIFICATION.**

If the amount finally charged against a district does not exceed twenty-five percent of the original cost of the improvement in the district, the board shall proceed to levy the amount against all lands, highways, and railway rights of way and property within the district, in accordance with the original classification and apportionment. An assessment made under this section on any tract, parcel, or lot within the district which is computed at less than five dollars shall be fixed at the sum of five dollars.

**Section History: Early Form**

[C24, 27, 31, 35, 39, § 7567; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 455.146]

**Section History: Recent Form**

89 Acts, ch 126, § 2  
CS89, § 468.136  
94 Acts, ch 1051, §10

**468.137 LEVY UNDER RECLASSIFICATION.**

If the amount finally charged against a district exceeds twenty-five percent of the original cost of the improvement, the board may order a reclassification as provided for the original classification of a district and upon the final adoption of the new classification and apportionment shall proceed to levy that amount upon all lands, highways, and railway rights of way and property within the district, in accordance with the new classification and apportionment. An assessment made under this section on a tract, parcel, or lot within the district which is computed at less than five dollars shall be fixed at the sum of five dollars.

**Section History: Early Form**

[C24, 27, 31, 35, 39, § 7568; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 455.147]

**Section History: Recent Form**

85 Acts, ch 163, §10; 89 Acts, ch 126, § 2  
CS89, § 468.137  
94 Acts, ch 1051, §11

**468.138 REMOVAL OF OBSTRUCTIONS.**

The board shall cause to be removed from the ditches, drains, and laterals of any district an obstructions which interfere with the flow of the water, including trees, hedges, or shrubbery and the roots thereof, and may cause and tile drain so obstructed to be relaid in concrete or any other adequate protection, such work to be paid for from the drainage funds of the district.

**Section History: Early Form**

[C24, 27, 31, 35, 39, § 7569; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 455.148]

**Section History: Recent Form**

89 Acts, ch 126, § 2  
CS89, § 468.138

**468.139 TREES AND HEDGES.**

When it becomes necessary to destroy any trees or hedges outside the right of way of any ditch, lateral, or drain in order to prevent obstruction by the roots thereof, if the board and the owner of such trees or hedges cannot agree upon the damage for the destruction thereof, the board may proceed to acquire the right to destroy and remove such trees or hedges by the same proceedings provided for acquiring right of way for said drainage improvement in the first instance.

**Section History: Early  
Form**

[C24, 27, 31, 35, 39, § 7570; C46, 50, 54, 58, 62, 66, 71, 73,  
75, 77, 79, 81, §  
455.149]

**Section History: Recent  
Form**

89 Acts, ch 126, § 2  
CS89, § 468.139  
Condemnation procedure, chapter 68  
Similar provision, § 468.347

**468.140 OUTLET FOR LATERAL  
DRAINS SPECIFICATIONS.**

The owner of any premises assessed for the percent of the costs of location and construction of a ditch, drain, or watercourse as in this subchapter, parts 1 through 5, provided, shall have the right to use the same as an outlet for lateral drains from the premises shall make specifications covering the manner in which such lateral drains shall be connected with the main ditches or other laterals and be maintained, and the owner shall follow such specifications in making and maintaining any such connection.

**Section History: Early  
Form**

[S13, § 1989-a22; C24, 27, 31, 35, 39, § 7571; C46, 50, 54,  
58, 62, 66, 71, 73, 75, 77, 79, 81, § 455.150]

**Section History: Recent  
Form**

89 Acts, ch 126, § 2  
CS89, § 4f8.140

**468.141 SUBDISTRICTS IN INTERCOUNTY DISTRICTS.**

The board of supervisors of any county shall have jurisdiction to establish subdrainage districts of lands included within a district extending into two or more counties when the lands to compose such subdistricts lie wholly within such county, and to make improvements