

RESOLUTION # 2024-6
DUST CONTROL OF COUNTY ROADS

WHEREAS: The Board of Supervisors is empowered under authority of Section 309.67 and Section 321.369 of the Code of Iowa to establish policies and provide adequate funds to properly maintain the secondary road system, and

WHEREAS: the Board of Supervisors desire to establish a uniform policy for the use of chemicals or natural materials within the county for dust alleviation on county roads, and

NOW, THEREFORE BE IT RESOLVED by the Appanoose County Board of Supervisors that the following items establish a COUNTY POLICY for the use of approved chemicals, magnesium chloride, calcium chloride, or lignum sulfate for dust alleviation upon county roads throughout the County:

1. No waste oil or heavy oil may be used for dust control on county roads. Approved chemicals, magnesium chloride, calcium chloride or lignum sulfate may be used for dust alleviation provided material is tested and test report is filed with county. The use of waste oil for dust alleviation on roads is prohibited by rules of the US Environmental Protection Agency.
2. The landowner who applies dust alleviation materials understands and agrees that there are hazards along with benefits in the use of dust alleviation materials. Depositing, placing, or spilling of material on roads is prohibited as provided by section 321.460 Code of Iowa.
3. All potholes that form in the treated area may be filled by owner/applicant.
4. If potholes form in the treated area of the county roads and the landowner does not fill said potholes, the County will maintain the road and fill the holes during the normal maintenance (blading) of the road.
5. The County shall not be held responsible for retreatment of the road for dust alleviation should the road require maintenance that disturbs the treated area.
6. A signed permit between the landowner and County through the selected vendor, agreeing to the terms of the County Dust Control Policy and setting out the area/location for dust treatment on county roads, shall be on file with the vendor prior to any preparation or treatment being started. The permits are available through approved suppliers.
7. The dust-treated area will typically be disturbed beyond dust control effectiveness during October as a result of granular roads being prepared

for the winter snow and ice season. Any remaining dust control locations will be disturbed/maintained no later than October 31.

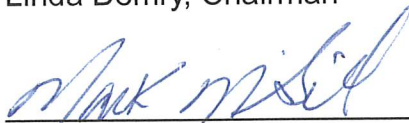
8. The owner/applicant shall take all reasonable precautions during dust control periods to protect and safeguard the lives and property of the traveling public and adjacent property owners, and shall save the county harmless of any damages or losses that may be sustained by the traveling public or adjacent property owners of such dust control operations.
9. All contractors working on county right-of-way must have a Certificate of Insurance on file with the County before doing any work on County Roads. The County is to be added to the contractor's General Liability and Automobile Liability Insurance as an additional insured.
10. Effective January 1, 2025, the owner/applicant shall be responsible for 50% of the cost of surfacing material added to the dust control area prior to treatment, said fee to be paid through the vendor with the application for dust control. The typical aggregate placement prior to dust control is 5.7 tons per 100 feet of treated area (equivalent to 300 tons per mile). The aggregate price shall be determined annually by the lowest cost offered to the County by an operational quarry within the County as of March 1 of the treatment year.

Should any of the above policy not be adhered to, the County will correct the roadway with the cost to be charged to property owner, termination of the Dust Control Permit, or refer the matter to the County Attorney for appropriate action.

Passed and approved this 20th day of February 2024.



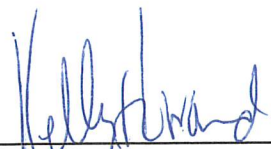
Linda Demry, Chairman



Mark McGill, Member



Jeff Kulmatycki, Member

ATTEST: 

Kelly Howard, County Auditor