

Trail County (08-2019)

Mud/Debris on Roadway Policy

This policy refers to instances where farm, commercial, or other activities from an owner, renter or contractor of land or property adjacent or near a county roadway that is maintained with public funds, places or causes to be placed mud, obstructions, or other traffic safety hazards upon a roadway.

The objective is to minimize or remove mud, obstructions, or other traffic safety hazards from the roadway that may constitute a road safety hazard for roadway users. In particular, but not exclusively, mud and ruts are considered to be a danger to users of the roadway because they may lead to accidents and or damage to roadways that require significant repair, or replacement of gravel. This can be accelerated in adverse weather.

Residents, owners, renters, farmers, or contractors (responsible party) are responsible for the following:

1. Make all efforts possible to prevent mud or other debris from being deposited on the roadways.
2. Proper use of an advanced warning sign such as "Mud on Roadway" or "Slippery Road" signs to inform the traveling public of the hazards. Ensure signs are positioned to give maximum visibility and advanced warning to the hazard. Signs are not available to purchase or rent from the highway department. These signs and warning flashers can be purchased through local sign companies or at beet piling stations.
3. Cleaning of the roadway as often as necessary to not create such hazards during these operations, and at the completion of the operation.
4. When asked by any law enforcement agency or by any highway department supervisor to clean the roadway, the roadway shall then be cleaned as soon as possible, but no later than two hours after being notified.
5. Labor, equipment and material costs associated with replacing any gravel in order to ensure the safety of all roadway/highway users and to restore the roadway to pre-harvest conditions. This will be done at the discretion of the Trail County Highway Department and billed to the owner, renter, or contractor. All costs for labor, equipment and material associated with the removal of the hazard, replacement of gravel, and restoration, shall be the responsibility of the person causing the hazard. The roadway shall be restored to pre-operation conditions. Restoration shall be done at the discretion of the Trail County Highway Department.

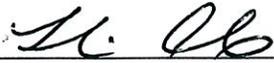
Failing to follow this policy as set by the Traill County Board of Commissioners, the Traill County Highway Department may cause the hazard to be removed and the cost of removing the hazard, and/or the replacement of any gravel or other material, if necessary, shall be billed to the responsible party. If the bill remains unpaid for two consecutive months, the bill shall be certified to the County Tax & Finance Director (Auditor), and all of the expenses shall be charged against the land and shall become a part of the taxes to be levied against the land for the ensuing year and shall be collected in the same manner as other real estate taxes are collected. Alternatively, or additionally, reports of violations may be forwarded to the Traill County State's Attorney office for civil prosecution to recover costs incurred by the County and or for damage to a roadway/highway.

This policy is enacted in accordance with North Dakota Century Code 24-06-28, 24-06-29 & 24-06-31, North Dakota Tort law, and adopted by the Traill County Commission on August 20, 2019.

Traill County

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Adopted at a regular meeting of the Board of Traill County Commissioners, Traill County, North Dakota, This 20 day of August, 2019, at Hillsboro, North Dakota.



Chairman, Traill County Board of Commissioners

Attest:



Traill County Auditor

