

CARROLL COUNTY, IOWA, ORDINANCE #22

1. PURPOSE. The purpose of this ordinance is to allow trains to block Hawthorne Avenue in Templeton for periods of time longer than otherwise permitted by Iowa Code Section 327G.32.
2. PUBLIC CONVENIENCE FINDING. The Board of Supervisors hereby finds that the temporary blocking of Hawthorne Avenue in Templeton will serve the public convenience by promoting commerce with the West Central Coop of Templeton, and thereby promoting agriculture in general within Carroll County. The Board of Supervisors finds that this stated purpose outweighs the temporary inconvenience to road traffic on Hawthorne Avenue.
3. CONDITIONS AND LIMITATIONS. The following conditions and limitations are imposed to balance the commercial value of the temporary road blockage against the temporary inconvenience to traffic:
  - A. Temporary blocking of the road for loading of trains shall be limited to the least possible time necessary to load the train and in no event shall Hawthorne Avenue be blocked by parked trains for this purpose longer than 48 hours.
  - B. West Central Coop shall contact the Carroll County Engineer not less than 48 hours prior to any proposed train blockage of Hawthorne Avenue of greater than 10 minutes duration.
  - C. West Central Coop shall be responsible for the purchase, placement and maintenance of all traffic control devices necessary for the proper control of road traffic during such temporary train blockages of Hawthorne Avenue. Traffic control devices and their placement shall comply with the current "Manual on Uniform Traffic Control Devices" and the Iowa Department of Transportation's "Standard Road Plan for Signing Temporary Road Closures."
  - D. West Central Coop shall reopen Hawthorne Avenue to road traffic promptly when train loading has been completed.
4. INDEMNIFICATION. West Central Coop, its insurers and reinsurers, if any, shall completely indemnify and hold Carroll County harmless from any and all loss, damages, claims or suits that may arise by reason of the temporary blockage of Hawthorne Avenue for train loading purposes and shall provide Carroll County upon request with proof of adequate insurance coverage for such loss, damages, claims or suits. Indemnification shall include any attorney fees and costs incurred by Carroll County in defense and investigation of any such loss, damages, claims or suits.
5. PENALTY. Any person or firm violating the provisions of this ordinance shall be penalized as provided in Chapter 327G, Code of Iowa.

CARROLL COUNTY, IOWA  
ORDINANCE NO. 22

AN ORDINANCE of the County of Carroll, Iowa, allowing trains to block a certain road crossing under Iowa Code Section 327G.32.

Section 1. The Ordinances of the County of Carroll, Iowa, are amended by adding this ordinance entitled An Ordinance Allowing Trains to Block Hawthorne Avenue in Templeton, which is hereby adopted in the form attached hereto.

Section 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

FIRST READING July 19, 2004

PASSED AND APPROVED Danzer moved and Trobak seconded. ROLL CALL VOTE: Del McDermott, aye; Bock, aye; Danzer, aye; Meiners, abstain; Trobak, aye.

s/Del McDermott, Chairman  
Attest: Paul S. Fricke, Auditor

SECOND READING July 26, 2004

PASSED AND APPROVED Danzer moved and McDermott seconded. ROLL CALL VOTE: Del McDermott, aye; Bock, aye; Danzer, aye; Meiners, abstain; Trobak, aye.

s/Del McDermott, Chairman  
Attest: Paul S. Fricke, Auditor

THIRD READING WAIVED

S/Del McDermott, Chairman  
Attest: Paul S. Fricke, Auditor

Published in a legal newspaper: Carroll Daily Times Herald, Coon Rapids  
Attest: Paul S. Fricke, Auditor