

**YAVAPAI COUNTY BOARD OF SUPERVISORS  
ORDINANCE NO. 2020-4**

**MAINTENANCE, CONSTRUCTION, AND MISCELLANEOUS  
PROVISIONS FOR COUNTY ROADWAYS**

**GENERAL PROVISIONS**

**1. PURPOSE**

The intent of this ordinance is to establish a uniform County Road System including acquisition, construction and maintenance for all public roadways under the jurisdiction of the Yavapai County Board of Supervisors.

**2. POLICY**

No road fund labor, equipment or material shall be used on roads that have not been approved for maintenance. The County Road System will be listed on the official County Road Inventory, which will be maintained by the County Engineer and shall be on file with all affected departments. No resources, including labor, equipment and material, other than for routine maintenance, will be used for right-of-way acquisition, road upgrade or other projects unless pre-approved by the Board of Supervisors as being part of an approved road project.

**3. DEFINITIONS**

- A. **APPROVED FOR MAINTENANCE:** Roadways which have been included in the road inventory as eligible for maintenance.
- B. **COUNTY ROAD SYSTEM:** Roads that have been included in the road inventory.
- C. **ESTABLISHED COUNTY HIGHWAY/ROAD:** Establishment is the formal process that occurs by the Board of Supervisors for the purpose of construction or improvement of a public road per Arizona Revised Statutes (A.R.S.) §§ 28-6701, 28-6702, and 28-6703. Upon establishment, County funds may be expended for the improvement of the public road. Establishment is a statutory requirement prior to expending County funds for the improvement or construction of a public road.
- D. **PUBLIC ROADWAYS:** The entire width of property held for any road under the exclusive control of the Yavapai County Board of Supervisors, whether held by deed, easement, dedication or other claim of right, including bridges.
- E. **ROUTINE MAINTENANCE:** The process of patching asphalt, blading, and shaping shoulders, blading dirt roads, placing plating material (under 1000 cubic yards), mowing weeds, cleaning ditches, sweeping road surfaces, placing traffic control devices, and other similar type activities.

**4. ROAD INVENTORY**

The County Engineer shall prepare and maintain an official road inventory, which lists all roads in

the County Road System, identifies the roads approved for maintenance, and the level and priority of maintenance. The official road inventory shall be reviewed and updated each year.

## **5. HIGHWAY/ROAD CLASSIFICATION:**

CLASS I: Roads that have been constructed to prevailing County standards, have accepted rights-of-way, and are maintained by Yavapai County.

CLASS II: Roads that have been formally established as County highways/roads by the Board of Supervisors.

CLASS III: Roads that have been maintained by Yavapai County prior to June 13, 1990 and may or may not have recorded rights-of-way. Upon recommendation of the County Engineer, the Board of Supervisors may designate these roads as primitive. The County may discontinue maintenance of primitive roads at any time.

CLASS IV: Roads crossing lands controlled by or owned by other governmental agencies. These roads may be maintained in accordance with an Intergovernmental Agreement, Memorandum of Understanding or other appropriate formal document approved by the Board of Supervisors.

CLASS V: Roads that have not been maintained in any manner but are public roads.

## **6. RIGHT-OF-WAY ACQUISITION**

County resources may be used to obtain title for right-of-way necessary for approved projects. No construction shall commence prior to right-of-way acquisition. All right-of-way projects must be approved by the Board of Supervisors.

## **PUBLIC ROAD MAINTENANCE**

### **1. MAINTENANCE**

The County is allowed by State law (A.R.S. § 28-6705) to maintain the roads that meet Class I, Class II, Class III and Class IV. Maintenance of unpaved roads includes grading and limited application of rock products to preserve the status quo, but shall not include the use of cement. Use of petroleum products may be approved by the County Engineer pursuant to the requirements of A.R.S. § 28-6705(C). Paved roads may be seal coated and patched, but may not be overlaid or re-constructed unless established as County highways.

### **2. CRITERIA FOR PRIORITY ROAD MAINTENANCE**

The County intends to maintain public roads that were built to the prevailing County standards, or that have sufficient documentation indicating they were formally approved for maintenance. These roads will have priority for maintenance over all other roads in the County Road System. This priority will be recommended by the County Engineer and approved by the Board of Supervisors.

### **3. MAINTENANCE STANDARD FOR UNPAVED ROADS**

Grading frequency and general maintenance of unpaved roads shall be determined by the County Engineer.

### **4. GRAVEL SURFACING**

Gravel surfacing may be placed on roads approved for maintenance to improve the drivability, safety conditions and to reduce long term maintenance costs as directed by the County Engineer, that involves the use of less than 1000 cubic yards of material. Work that requires more than 1000 cubic yards must be approved by the Board of Supervisors.

### **5. DRAINAGE**

Roadway pipe culverts may be placed within roads approved for maintenance to facilitate drainage, improve drainage conditions and reduce hazards. The type, size and location shall be approved by the County Engineer in cooperation with the Flood Control District.

Drainage swales may be placed across roadways and may be marked and signed. The type, location and size of all drainage swales shall be approved by the County Engineer.

### **6. DISCONTINUANCE OF ROAD MAINTENANCE**

The Board of Supervisors has the right to discontinue or reduce maintenance on any County maintained road as recommended by the County Engineer and approved by the Board of Supervisors.

The County shall not maintain any road that is not formally approved for maintenance by the Board of Supervisors.

### **7. ROAD SAFETY**

The County Engineer shall determine whether a road is safe for County equipment operators to do routine maintenance. The County Engineer shall recommend to the Board of Supervisors the removal of a road from the approved for maintenance status if it is unsafe for County equipment operators to do routine maintenance.

### **8. ADDITION OF NEW ROADS FOR MAINTENANCE**

New roads may be added to the official road inventory if established and constructed to current County standards, recommended for approval by the County Engineer and approved for maintenance by the Board of Supervisors.

### **9. SNOWPLOWING**

Snowplowing on all County roads shall be done in accordance with the following priority:

- |                    |                    |
|--------------------|--------------------|
| A. Arterial        | B. Major Collector |
| C. Minor Collector | D. Residential     |

## **10. CHIP SEAL MAINTENANCE**

Chip sealing, as a maintenance activity, may be applied to previously asphalted roads. Priority shall be given to roads where a lack of chip seal will result in severe deterioration of the road surface or upon the recommendation of the County Engineer. A pavement management system and a chip seal rotation program shall be utilized to assist in determining maintenance priority.

## **PUBLIC ROAD CONSTRUCTION**

### **1. NEW ROAD CONSTRUCTION**

All new public roads shall be constructed as required by the most current version of the Yavapai County Roadway Design Standards. Waivers may be requested for certain requirements provided that they are approved by both the County Engineer and the Board of Supervisors.

All engineering and roadwork will be reviewed on a regular basis to determine the most cost-efficient method of providing the services (i.e. in-house; outside contracts).

### **2. UPGRADES AND IMPROVEMENTS TO EXISTING ROADS**

The Board of Supervisors may upgrade an existing public road provided the road is an established County Highway. The following procedures may be used to upgrade or improve roads:

**County Projects:** Road projects shall be recommended by the County Engineer and approved by the Board of Supervisors. The County Engineer shall include reasons why the upgrade is needed. Funding and other resources shall be taken into consideration when determining project priority.

**Improvement Districts:** An improvement district may be formed through the formal road improvement district process to improve roads. The County may, but is not required, to participate cooperatively in these districts with money, engineering, material, equipment or labor if the road is established as a County highway. The Board of Supervisors shall determine the type and extent of all participation.

### **3. PETITIONS FOR ESTABLISHMENTS**

Establishment of a road as a County Highway shall be in accordance with Arizona Revised Statutes §§ 28- 6701, 28-6702, and 28-6703.

No road shall be established unless it is on the approved five-year capital road plan.

### **4. DOUBLE CHIP SEAL**

Placement of a bituminous penetration and double chip seal on any existing County unpaved road shall be based upon recommendation by the County Engineer and approval by the Board of Supervisors. These projects shall have the proper base and drainage as determined by the County Engineer. To qualify, the road must be an established County highway.

## **5. ASPHALTIC CONCRETE (OVERLAYS)**

Hot mix or cold mix overlays may be placed on County roads that are established County highways.

All overlays shall be approved by the County Engineer prior to placement. Location, mix design and depth shall be determined by the County Engineer.

## **6. PROJECT SCHEDULE LIST**

The County Engineer will prepare a yearly list of major road projects (projects that are not routine maintenance), and submit the list to the Yavapai County Board of Supervisors for approval during the annual budget preparation and no later than May 1 of each year.

## **MISCELLANEOUS PROVISIONS**

### **1. ARIZONA 811**

Arizona 811 shall be notified prior to any road excavation or placement of signposts.

### **2. CATTLE GUARDS**

Cattle guards may be placed on County roads if approved by the County Engineer and the Board of Supervisors pursuant to A.R.S. §28-6710. Cattle guards shall be a standard metal type or other approved material with appropriate openings under the structure. Upon installation and construction of a cattleguard on a County road, the County shall maintain and repair the cattleguard.

### **3. EMERGENCIES**

The County Engineer may authorize emergency repairs to roads and drainage structures approved for maintenance when there is unanticipated damage by storm or other events. The County Engineer will regularly report all major emergency repair costs to the Yavapai County Board of Supervisors.

### **4. FENCING**

The County has no legal obligation to fence rights-of-way. Requests for fencing of roadways will be considered on an individual county needs basis as recommended by the County Engineer and approved by the Board of Supervisors.

### **5. PUBLIC ROADS CROSSING FEDERAL LANDS**

All work on roads through Federal lands shall conform to Federal regulations and any approved Memorandum of Understanding with Federal authorities.

### **6. PRIMITIVE ROADS**

Primitive roads may be designated by the Board of Supervisors pursuant to A.R.S. §28-6706, through a recommendation from the County Engineer. Signs denoting a primitive road will be placed at locations approved by the County Engineer.

## **7. REQUEST FOR SERVICE**

Requests for service shall be properly documented and shall be prioritized for investigation and action. The party initiating the request shall be informed of the status of the request. If the service request cannot be performed, the requesting party shall promptly be provided with an explanation as to why the request cannot be performed.

## **8. ROAD MILE MARKERS**

Road mile markers may be placed on public roads if recommended by the County Engineer.

## **9. ROADWAY STRIPING**

Roadway striping may be applied to main public roads and to other public roads where a special need has been demonstrated. All striping shall be approved by the County Engineer. Permanent striping will not be applied to any road which is scheduled to receive a resurfacing within three months. Roads to be resurfaced may be temporarily striped for safety.

## **10. TRAFFIC CONTROL DEVICES**

Installation of all new and replacement regulatory, warning and street signs within the right-of-way shall meet the intent of the version of the Manual on Uniform Traffic Control Devices currently used by the County. The County Engineer will be responsible for interpretation and enforcement.

Special information or direction signs may be permitted, provided they are approved by the County Engineer. The initial cost of the sign (material and installation) will be paid by the party requesting the sign. The County may assume the maintenance cost. Temporary signage shall comply with existing State Statutes and the current edition of the Yavapai County Planning and Zoning Ordinance.

All requests for special, permanent type signs shall be reviewed by the County Engineer and approved by the Board of Supervisors. A right of way encroachment permit is required to include a requirement for liability insurance from the requestor for the life of the sign which names Yavapai County as an additional insured. The Insurance shall be in the amount of \$1,000,000. The permittee shall immediately notify the County if the insurance lapses or terminates. Upon lapse or termination of the insurance, the sign shall be immediately be removed by the permittee.

All requests for No Parking Signs and/or No Parking Zones will require a recommendation by the County Engineer. The County Engineer's review may include input from other affected agencies. All such requests must be approved by the Yavapai County Board of Supervisors.

The County Engineer may recommend placement of signs marking the beginning and/or end of County road maintenance.

## **11. BICYCLE SIGN PROVISION**

The Public Works Department will review requests for bicycle signage on right of ways/roadways under County jurisdiction provided the following elements apply:

1. The approved signs are restricted to Bicycle Sign W11-1 and the Share the Road Sign W16-1P, and must be used together in accordance with Section 2C.60 and Section 2C.49 of the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
2. Sign materials and placement complies with all standards and regulations outlined in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
3. Said Bicycle Sign placement is restricted only to regionally significant or major collector roads/right of ways recommended by the County Engineer and approved by the Board of Supervisors.
4. Sign requests will be reviewed by the Public Works Department on an individual case by case basis with approval authority at the sole discretion of the County Engineer.
5. The Yavapai County Engineer reserves the right to rescind the approval for placed signs and authorize the relocation or complete removal of the signs for public safety.

## **12. SPECIAL PAVEMENT MARKING**

Requests for special pavement markings will be reviewed and require approval by the County Engineer.

## **13. TREES**

Trees within public right of way/roadway may be removed by the County if the trees are structurally compromised, in poor health, create a hazard or potential hazard to the traveling public, interfere with road maintenance or for other reasons approved by the County Engineer.

## **14. NON-ROAD RELATED ACTIVITIES**

The Public Works Department can expend funds, labor, equipment and material on activities not related to public roads provided each activity has been authorized in writing by the County Engineer, approved by the Board of Supervisors, and provided all costs are funded from an approved non-road fund source. Road Funds cannot be used for non-road activities which are not related to public roads.

## **15. VARIANCES**

Requests for variances may be submitted to the County Engineer who shall review all requests and make recommendations to the Board of Supervisors who will make the final determination.

## **16. WATER FOR CONSTRUCTION AND MAINTENANCE**

Water used for maintenance and construction shall be obtained from approved and authorized sources.

**PENALTY**

Any employee who violates this ordinance is subject to disciplinary action up to and including termination of employment.

**REPEALER**

This Ordinance repeals Ordinance 2013-1 and any portion of any resolution, rule or regulation conflicting with this Ordinance.

**EFFECTIVE DATE**

This Ordinance shall be effective on January 15<sup>th</sup>, 2021.

PASSED AND ADOPTED BY THE YAVAPAI COUNTY BOARD OF SUPERVISORS this 16<sup>th</sup> day of December, 2020.

/s/ Craig L. Brown  
Craig L. Brown, Chairman  
Yavapai County Board of Supervisors

ATTEST:

/s/ Kim Kapin  
Kim Kapin, Clerk of the Board  
Yavapai County Board of Supervisors

APPROVED AS TO FORM:

/s/ Martin Brennan  
Martin Brennan, Deputy County Attorney