

HANCOCK COUNTY SECONDARY ROAD DEPARTMENT
POLICY AND PROCEDURE MEMORANDUM

SUBJECT: Hancock County Policy for Ditch Cleaning

UPDATED: 07/11/2022

I. **GENERAL:**

The County Engineer and the County Board of Supervisors deem roadway drainage as essential work necessary to maintain the County's Secondary Road System. Ditch cleaning work is a priority for the Hancock County Secondary Road Department and will be completed within the limits of the county budget. The county will not spend funds more than its budget unless additional funds are dispensed by the Hancock County Board of Supervisors.

II. **SCOPE:**

The purpose of this policy is to establish the way the county will perform ditch cleaning and tile installation work. This policy will set forth the way the county will implement ditch cleaning projects, the way ditch cleaning can be requested, use of the excavated material, complaint handling, and public relations. The program will also address roadside improvements such as ditch fills for landscaping to allow mowing of ditches, prevention of farming within the right-of-way (ROW), and processing of requests for house and tile drain outlets.

III. **GENERAL GUIDELINES:**

Each year priority sites will be selected by the County Engineer and staff for participation in a priority ditch cleaning program. Projects that directly reduce road base saturation, surface erosion, and reduce roadway frost heave are given the highest priority. Requests where landowners are attempting to stem soil erosion are given additional consideration and a higher priority for ditch cleaning than other property owner requests where soil erosion is not being addressed and the road ditch is being filled in due to soil erosion from adjacent landowners.

Additional ditch cleaning work will still be done based on the needs of the Hancock County Secondary Road Department outside of this program. Ditch cleaning work may also be completed as the site aligns with the needs of the county for road/bridge and driveway construction.

- A. **Requests for work:** Requests for participation in the county ditch cleaning program may come from Secondary Road staff, County Board of Supervisors, property owners, tenants, and soil conservation staff. The sites will all be reviewed by the County Engineer and Secondary Road staff and prioritized by the County Engineer. The determination by the Engineer and staff of the priority for ditch cleaning will be final.

B. **Project site selection:** Sites will be selected and placed on the priority list for ditch cleaning as follows:

1. Drainage problems on site are causing road problems adjacent to the filled ditch. The plugged or filled ditch may be failing to drain resulting in water ponding adjacent to the road base. This moisture may contribute to frost boils and soft spots developing in the road during the spring thaw or other rainy periods. Due to road safety concerns, these sites are priority.
2. Drainage problems on site are damaging tile or adjacent waterways of downstream landowners.
3. Drainage problems on site are causing ponding, damaging waterways, or tile on upstream landowners.
4. Ditch cleaning requests by property owners which are not contributing to drainage problems on the road. This includes for the purpose of acquiring fill material or lowering the ditch flowline for a proposed tile outlet. This work is typically performed at the expense of the property owner.

C. **Private Contractors:** Property owners may hire private contractors to perform ditch cleaning work on ditches adjacent to their property. The property owner must first obtain a work in the ROW permit from the Hancock County Secondary Road Department prior to completing any work. The limits of excavation shall be set in the permit and the work will be inspected during ditch cleaning operations. Any nonconforming work shall be repaired at the property owner's expense. The property owner and the contractor shall be responsible for all costs associated with completing the work, Iowa One Call notifications, traffic control, utility damage, disposal of the material, and any costs associated with repair of the road surface and appurtenances.

PRIORITY USES OF EXCAVATED MATERIAL: Soil removed from ditches during ditch cleaning will be used to best meet the needs of Hancock County. One of the goals of this program is to retain soil on the original property and work with property owners to avoid and prevent erosion. Excavated material will be used for the best interest of the county as determined by the County Engineer and Secondary Road staff. Consideration for use of the excavated material will be as follows:

1. **Hancock County Secondary Road needs:** First priority for use of soil excavated from the ditches will be for Secondary Road Department use for driveway construction and widening, road grade building, and other construction and road related purposes. Requests for excavated soil by all others will only be considered after Secondary Road needs are met.
2. **Adjacent landowner use:** Second priority for use of material excavated from ditches will be to return the material to the adjacent property from which the excavated soil originated. The material will be deposited at a location easily accessible to Secondary Road equipment. Responsibility for placing the material in its final location and any finishing necessary will be to the property owner or tenant. Property owners may use the material to construct driveways and field entrances. County crews will deposit the material only, they will not shape and/or construct the driveway without the direction of the County Engineer and/or an approved driveway permit.
3. **Other property owners or tenants requesting soil:** After Secondary Road needs and those of the originating property owner are satisfied, other parties requesting excavated soil will have the material hauled to them by county road crews. Priority shall be given to persons requesting material who are willing to pay for hauling costs. Second priority shall be persons requesting material with the minimum haul from the ditch cleaning site. In other words, a person one mile away will get material before someone three miles away from the project site. The county will haul material to the closest disposal site until such time as the nearest site receives all the excavated soil they want and only then move

to other sites. Unless the Secondary Road staff determines it to be the most efficient, no consideration will be given to giving equal shares of soil to parties requesting material. The prime consideration will be assuring the efficiency and speed of the ditch cleaning operation.

COMPLAINTS BY LANDOWNERS REGARDING UPSTREAM SOIL EROSION: Complaints of upstream soil loss and deposition on downstream property by private property owners will be directed to the Hancock County Soil and Water Conservation District (SWCD). The county shall, if soil deposition is excessive within the county ROW, file official written complaint with the Hancock County SWCD on its own behalf. The site will be reviewed by the County Engineer and, at their option, the Board of Supervisors, prior to filing of an official complaint with the Hancock County SWCD. The complaint will be filed by the County Engineer and County Board of Supervisor's Chair on behalf of Hancock County following resolution of the Board to so file.

DITCH FILLING FOR LANDSCAPING PURPOSES: Hancock County does not require or recommend that property owners mow the ROW area adjacent to their property. Landowners desiring to do so will not be prohibited from mowing the ROW unless the ROW area is a designated prairie planting area. If property owners desire to flatten a backslope to allow mowing, the property owner must request and obtain a work in the ROW permit from Hancock County Secondary Roads and have the site reviewed. The site will be reviewed by Secondary Road staff to see if the desired alteration can be permitted. The desired ditch filling project will not be permitted if the construction will restrict the natural flow of water or planned ditch drainage. The final work must meet all design standards for the road classification.

TILE OUTLETS: Placement of field tile outlets on the county ROW is not recommended. Property owners desiring to outlet field tiles into county ditches will first obtain a permit from Hancock County Secondary Roads. Prior to issuance of a permit, the County Engineer or Secondary Road staff will review the desired outlet location. Following issuance of the permit, the landowner may have the work completed. The County Engineer or Secondary Road staff shall be contacted at the completion of work to ensure that it was completed adequately and the ditch, backslope, and road embankment have not been damaged by the contractor's work. The contractor will restore and reseed all disturbed areas to avoid erosion damage. All future maintenance costs associated with tile outlet in the ROW shall be the responsibility of the property owner.

TILE OUTLET STRUCTURES IN COUNTY ROW: The county does not allow the construction of tile outlet structures (i.e., concrete boxes, metal weirs, or other permanent structures with tile outlets) in the county ROW. Existing tile outlet structures in the county ROW that need repair shall be repaired at the property owner's expense unless a written agreement is in place that assigns maintenance of the structure of the county.

Tile outlet structures that are not being maintained by the property owner will be scheduled for removal by the county. The county will notify the property owner in writing that the structure needs repair and a response by the property owner detailing a schedule for repair or replacement is required within 30 days of receipt of the notification letter. The county may remove existing tile outlet structures without notice, which are causing safety or drainage issues to the roadway. Property owners may request the county to remove existing structures. The cost to remove the structures will be borne by the county.

TILE CROSSINGS: Property owners desiring to have field tile cross county roads shall apply to Hancock County Secondary Roads for a permit and standards for installation. The county will pay the cost of the installation at a rate of 50% of crossing costs up to \$2,500.00 on an open trenched gravel road crossing, or up to \$15,000.00 on a bored crossing under a county highway. Additionally, Hancock County agrees

to pay \$350 per intake installed on each side of the road. Bills will be monitored for reasonableness and may be questioned if costs are found to be excessive. Reimbursement costs are subject to change and are reviewed by the County Engineer on an annual basis.

SEPTIC SYSTEM-NUISANCE COMPLAINTS & HOUSE DRAIN OUTLETS: If a septic system is noted in an area requiring ditch cleaning, and the septic system outlet is determined to be causing a health and safety hazard for personnel attempting to do ditch cleaning, the area will be bypassed for ditch cleaning, and the septic tank outlet will be turned over to the County Sanitarian's office for attention and upgrading.

House drain outlets into the road ROW are allowed if the drain only carries drainage around the foundation or carried by gutters and downspout and are isolated from any grey or black water source. Laundry machine drains, for instance, tied into a house drain would not be allowed and should be tied into a septic system conforming to standards of the County Sanitarian's office. If house drains are found and determined to be a nuisance, due to the outlet of soapy or suspect water, those drains will be turned over to the County Sanitarian's office for investigation and upgrading.

FARMING IN THE COUNTY ROW: Cultivating farm crops within the ROW leads to possible degradation of the ditch bottom and increased erosion. Farm crops within the ROW are not conducive to soil conservation or proper roadside drainage. Farming of the ROW will not be allowed and is not permitted under the county's permanent easement for road purposes. This is not intended to prevent haying of the roadside, which is expressly allowed by the Code of Iowa, but only prevent the cultivation of the ROW leading to the encroachment of and eventual loss of the county road ditch.

If it is observed that a property owner or their tenants plow and plant crops within the county ROW, the landowner will be sent notice by certified mail upon the observance of tilling of the ditch to cease planting in the ROW. The property owner will be asked to restore and reseed the backslope and ditch following the harvest of crops the following fall. The county will, at the request of the landowner, delineate the ROW line by placing ROW signs on the ROW line for the reference of the property owner.

If the ROW is planted again the year following the notice, the county will, without notice, mow the crop, restore the ditch and backslope to the outside of the ROW and bill the landowner for the cost of the restorative work. If the bill is not paid, the cost of restorative work will be pursued in small claims court.

In severe cases where crops create sight distance hazards at intersections, driveways, or other road locations, and in the professional judgement of the County Engineer that the crops create an immediate hazard to public safety, the crops may be mowed at the Engineer's discretion without notice or compensation to the property owner or tenant.

This policy may be revised as directed by the Hancock County Board of Supervisors.

Submitted and acceptance this 11 day of July, 2022.

Recommended:




Jeremy Purvis, P.E., Hancock County Engineer

Approved:



Jerry Tlach, Chair, Hancock County Board of Supervisors

Attest:



Michelle K. Eisenman, Hancock County Auditor