

**WAYNE COUNTY
RESOLUTION 24-19
RESOLUTION TO SET POLICY ON DUST CONTROL**

Policy Number: 24-19

Effective: March 5, 2024

Last Reviewed/Updated: March 5, 2024

WHEREAS, Wayne County has the authority to govern the application requirements for dust control practices within the County Right-of-Way,

AND, it is recognized that inspection and administration are both actual costs and time expenditures that take away from critical work,

AND, it is recognized that the dust control policy should be reviewed and updated periodically,

NOW THEREFORE BE IT RESOLVED by the Wayne County Board of Supervisors that the following rules shall be set in place to govern dust control application within County Right-of-Way:

Introduction

Per Code of Iowa, "Jurisdiction and control over the secondary roads shall be vested in the County Board of Supervisors of the respective counties." This responsibility is delegated and managed for the Board by the County Engineer. Anyone who seeks to make physical changes within County Right-of-Way must obtain permission from the County Engineer's Office. This includes requests to apply dust control within County Right-of-Way.

Purpose

The attached form is an application to apply dust control products within Wayne County Right-of-Way. When completed and approved by the proper authority, the application becomes the permit required by Iowa Code to make physical changes within County Right-of-Way.

Policy Statement

By submitting an application, the applicant agrees to comply with all requirements detailed within this Policy. Compliance shall be determined at the sole discretion of the County Engineer or his/her designated representative, as deemed necessary to promote public health, safety, and general welfare.

Contractor Requirements

1. Pre-Approval – Any contractors who wish to apply dust control products within Wayne County Right-of-Way shall be approved to do so by the County Engineer or his/her designated representative.
2. Insurance – Prior to beginning work, contractors shall have a valid certificate of liability insurance, for an amount not less than \$1,000,000 per incident, and including Wayne County as an *Also Insured*, on file in the Wayne County Engineer's Office.
3. Materials – Contractors shall certify that all materials used for dust control are free and clear of toxic materials that may negatively impact the environment, the public, or

livestock. A listing of ingredients shall be submitted, prior to beginning work, stating the composition and percentage of each ingredient in the dust control product. Certification shall state that the mixture meets or exceeds applicable DNR and EPA regulations. The following materials are approved for use as dust control: Calcium Chloride, Magnesium Chloride, and Lignin Sulfonate (tree sap)

4. Typical Application – The typical application will be completed in May and again in August, weather permitting. Each location shall be clearly marked with plastic flags provided by the contractor, at no cost to the County. The flags shall be placed in the shoulder of the road, at the break of the slope, at all four corners of the application area.
5. The Contractor shall be responsible for accepting all permit applications, and all applicable fees, from their respective clients and submitting them to the County Engineer's Office.
6. The Contractor shall provide the Engineer's Office with a list of applicants, including a map showing application locations. A minimum of two weeks' notice shall be provided prior to the application of dust control products.
7. Any complaints regarding the performance of dust control products shall be directed to the contractor, not Wayne County.

Applicant Requirements

1. All persons desiring dust control services in Wayne County shall apply for a permit, through a pre-approved contractor before May 1st. Permit applications received on or after May 1st will be considered *late* and a fee of \$50 shall be collected by the County prior to the approval of the permit. The late fee may be waived, by the Engineer, for circumstances including, but not limited to, the following: change of residence, construction of a new residential dwelling, and medical related issues (a letter from the applicant's care provider will be required)
2. Permit application forms will be available from pre-approved contractors, the Wayne County Engineer's Office, or Wayne County's website. Applicants shall provide all information requested on the permit form. After completed, the form shall be submitted to the contractor, who will then forward the permit, with any applicable fees, to the Engineer's Office for review and approval.
3. A Wayne County resident may apply dust control themselves, adjacent to their place of residence. To do so, the resident shall obtain a Dust Control Permit and follow all policy and permit requirements.

Obligations of the Applicant

1. Flags, marking the limits of the dust control area (all four corners), shall remain in place for the entire duration of the permit. Motor grader operators will avoid disturbing these areas. The County will not be liable for blading through unpermitted and/or unmarked dust control areas.
2. The applicant shall be responsible for maintaining a suitable driving surface on the treated section of road. Failure to fill any potholes or washboards that develop, will result in the scarifying or blading of the affected area. This will be done without prior

notice to the applicant, in order to restore the treated section of road to a satisfactory driving surface.

3. The undersigned applicant(s) hereby covenant and agree to accept any and all liability in connection with any accident, which may result at the time of the application of the dust control or any accident which may occur at a future date as a result of the treated condition of the road. The undersigned hereby covenant and agree to indemnify Wayne County for any liability which may occur as a result of the treated condition of the road in consideration of Wayne County's permission to the undersigned to apply dust control products to the roadway.
4. This agreement and permit will become effective May 1st of the present year and will expire on October 1st of the present year.

Obligations of the County

1. It is the Wayne County Secondary Roads Department's responsibility to maintain the road system in Wayne County. If, at the sole discretion of the Engineer or his/her designated representative, the road has deteriorated to the point where its condition constitutes a hazard to traveling public, it will be corrected immediately with no compensation to the Applicant.
2. Beginning on October 1st, the County will begin preparing dust control areas for winter. Preparation may include scarifying, blading, or placing additional rock for surfacing.
3. The County will not place any ads reminding residents to sign up for dust control.
4. Sign up will not be completed in the Engineer's Office.

Fees

1. Application Fee – No fees will be collected for applications received prior to May 1st
2. Late Application Fee – \$50 (unless waived)

This policy shall supersede any prior resolutions, policies, ordinances, or rules on this topic.

VOTES:	AYE	NAY	ABSTAIN
Lange (Chair)	X		
Wilson	X		
Moore	X		

SIGNED: 
Chairman, Wayne County Board of Supervisors

ATTEST: 
Wayne County Auditor

Dust Control Permit Application

OFFICE OF THE
WAYNE COUNTY ENGINEER
100 N. Lafayette St.
Corydon, Iowa 50060

PERMIT NUMBER: _____

DATE: _____

TO THE APPLICANT: Please fill out and turn in this permit application and any applicable fees to the contractor who is applying your dust control. Your contractor will then forward this form to the Wayne County Secondary Road Department for review and approval.

Application:

Name of Applicant: _____
(Print)

Applicant Mailing Address:

(E911 Street Address) _____

(City) _____

Applicant Phone Number: _____
(Home) (Cell)

Location of Dust Control, if different from mailing address:

(E911 Street Address) _____

(City) _____

Length of application to be applied _____

Name of contractor providing service: _____

Number of applications: _____

I, applicant, have contracted with the above-mentioned contractor to apply a dust control product to a Wayne County road. I have read the Wayne County Dust Control Policy and I am aware that the County may, at any time deemed necessary, blade through this dust control area or add rock. I am also aware that in October my dust control area may be bladed and/or rocked in preparation for winter. I am aware that proper flags must be up and visible for the duration of this agreement.

Applicant Signature: _____

Date: _____

For Office Use Only

Checked and Approved by Wayne County (Initial):