

ORDINANCE NO. _____

**AN ORDINANCE FOR OPENING RESIDENTIAL PLATTED AND
SUBDIVISION STREETS**

PROPOSED ORDINANCE AMENDMENT

Be it enacted by the Winneshiek County Board of Supervisors, Winneshiek County, Iowa:

Section 820.1. **STREET CLASSES.**

Platted subdivision streets in Winneshiek County shall be divided into three different classifications as follows:

CLASS I: Those streets in subdivisions platted and recorded prior to the adoption of requirements for the acceptance of subdivision streets by the Board on January 6, 1970 and revised October 10, 1977.

CLASS II: Those streets in subdivisions platted and recorded after January 6, 1970 and prior to the enactment of County zoning ordinance on October 3, 1994. A copy of said requirements shall be attached herein to this ordinance.

CLASS III: Those streets in subdivisions platted, recorded and approved by Zoning and the Board after the enactment of the county zoning ordinance (October 1994).

In the event that portions or additions of a subdivision fall under different or multiple classes of streets, as listed above, the highest numbered applicable class shall apply to all streets in the subdivision and its subsequent additions.

Section 820.2. **REQUIREMENTS.**

All streets, regardless of class, shall meet the following requirements:

a) The design for the street shall be prepared by a licensed Professional Civil Engineer in the State of Iowa (design engineer). The cost of the design and improvements will be the responsibility of the persons requesting the improvement.

b) Materials incorporated into the street including crossroad culverts, driveway culverts and storm sewer pipe, water lines, structural steel, etc. shall be new and as specified by the design engineer. Pavements may use recycled materials.

c) All improvements shall be approved by the Winneshiek County Engineer (Engineer) prior to construction. The design engineer shall inspect the construction in accordance to accepted inspection practices and IDOT requirements.

d) All subdivisions and streets shall be in compliance with any and all requirements set forth by the County, State or Federal regulations, rules or permitting. Copies of all required permits shall be on file with the Engineer's office or the Zoning office before construction begins.

e) Completed streets shall be certified to the Engineer by the design engineer in writing.

Said letter shall contain the seal of the design engineer certifying that the streets have been built to the design requirements.

CLASS I STREETS

Platted streets in this class open to traffic and maintained by the county on the date this ordinance is adopted shall remain under the jurisdiction of the County until such time that they are vacated by the county. Platted streets not vacated prior to the date this ordinance is adopted and have NOT been opened and/or been maintained by the County shall remain under the jurisdiction of the County. The County shall have no obligation to improve, alter or maintain any Class I street that has not been opened or maintained. Class I streets shall be built to the most current SUDAS standards.

CLASS II STREETS

Platted streets in this class open to traffic and maintained by the county on the date this ordinance is adopted shall remain under the jurisdiction of the County. Unopened Class II streets shall be built to the most current SUDAS requirements. However, the Board may elect to allow unopened Class II streets to be built to the requirements established by the Board on January 6, 1970 and revised October 10, 1977, upon written request or to the highest standard of the existing streets in the same subdivision.

CLASS III STREETS

Platted streets in this class shall be built to the most current SUDAS requirements.

TWO MILE LIMIT OF INCORPORATED CITIES

All Subdivisions within the two mile limit of any incorporated city shall be required to be reviewed by said city if said city has accepted subdivision street requirements. In the event a discrepancy between requirements of the county zoning and the city zoning arises, the more restrictive shall govern.

SPECIAL DESIGN ISSUES

In the event an issue arises relating to street design in a subdivision is not addressed by any regulations but is deemed to be an issue by the Engineer, the Engineer may require special design requirements, and the design engineer and developer shall meet those requirements.

ACCEPTANCE INTO COUNTY SYSTEM

Class I, II and III streets shall be accepted into the County system, if and only if:

- (1) The design is approved by the Engineer and approved by the Board of Supervisors prior to the street being built;
- (2) upon completion, the road is certified by the design engineer and found to be in compliance with the approved design requirements of said street. The County shall not be responsible for any costs associated with the street improvement prior to its completion and acceptance into the system.

(3) Minimum requirements for Class II and III streets to be accepted into the County road system shall include, but not be limited to: thirty-six feet back-to-back of curb, 10% maximum grade and/or cul-de-sac with an eighty foot radius.

(4) Class II and Class III streets shall not be accepted into the County road system unless the real property in the affected subdivision is subject to an irrevocable covenant that requires:

a. All property owners in the subdivision to petition to establish a secondary road assessment district pursuant to Iowa Code Chapter 311 (2009) at such time as the Winneshiek County Engineer determines that any street in the subdivision is in need of paving, resurfacing or other necessary reconstruction.

b. All of the owners of the real property in the affected subdivision will also agree to participate in and assist in the proceedings to establish a secondary road assessment district in any way necessary.

c. The petition for an assessment district will provide for special assessments at 100% of the cost of the project; and,

d. In the event the then owners of the subdivision do not comply with the restrictive covenant to establish an assessment district, the Board of Supervisors may proceed to vacate the subject street from the County road system.

Section 820.3. **DESIGN STANDARDS.**

Design standards for subdivisions that do not include streets offered to the County for inclusion in the County road system shall be based on the most current SUDAS requirements. If other requirements exist (i.e. city, County, DNR, FWHA, etc.) that are applicable to the design, the most restrictive requirements shall prevail.

The County shall reserve the right to review and change any street requirements at any time to ensure that the requirements meet the accepted engineering practices.

Section 820.4. **APPLICABILITY.** Notwithstanding the foregoing provisions of this Ordinance, the following streets that may be accepted into the County system, if and only if, the design is approved by the Engineer and the Board of Supervisors prior to the street being built and, upon completion, the road is certified by the design engineer and shown to be in compliance with the approved design requirements of said street:

- a. Those portions of Austin Road, Logan Road and Ollendieck Road in the Plantation Country View Subdivision that have not previously been accepted into the County road system and described as follows: Ollendieck Road, from the intersection of Austin Road to the intersection of Logan Road inclusive of the intersections; Logan Road, from the intersection of Ollendieck Road to the intersection of Austin Road inclusive of the intersections; Austin Road, from the intersection of Ollendieck Road to the intersection of Logan Road inclusive of the intersections
- b. Those portions of Pebble Beach Road, Magnolia Road, and Sawgrass Road in the Woodland Acres Estates Subdivision that have not previously been accepted into the County road system.

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

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.

EFFECTIVE DATE. This ordinance shall be effective _____.

PASSED AND ADOPTED this ____ day of _____, 2010.

**WINNESHIEK COUNTY BOARD
OF SUPERVISORS**

Dean Darling
Chairman

Attest:

Benjamin D. Steines
Winneshiek County Auditor

C:\Data-Holly\1CA\ORDINANC\Sub street ord_2010.doc