

Mills County Code, Title 1, Section E

Entrance Ordinance

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MILLS COUNTY ENTRANCE and DRIVEWAY ORDINANCE No. 96-1 Board Action

An Ordinance providing for the regulation of entrances and driveways connected to Mills County's Secondary Roads.

WHEREAS, Mills County, a political subdivision of the State of Iowa, has jurisdiction over the Secondary Road system in said County, and,

WHEREAS, the County is responsible to provide for safe, economic, and efficient transportation on said roads, and,

WHEREAS, location, design, construction, and maintenance of entrances along the roads materially affects safety, land use, and road maintenance,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

Section 1 - ADOPTION OF NEW ORDINANCE:

That there is hereby approved and adopted a new County Ordinance entitled, "Entrance and Driveway Regulations", the same of which is attached hereto, constituting Chapters E, Section .010 through .090 of the Mills County Code.

Section 2 - SUPERSEDES CONFLICTING REGULATIONS:

That in case of conflict between the provisions of this Ordinance and those set forth in other, prior enacted Ordinances, Resolutions, and Policies, the requirements of this Ordinance shall govern.

Section 3 - AMENDMENT OF MILLS COUNTY CODE:

The Mills County Code of regulations is hereby amended by adding thereto this "Entrance and Driveway Regulations Ordinance", to be codified as Title I, Chapter E.

Section 4 - SEVERABILITY:

That should any section of this Ordinance be declared, by a Court of competent jurisdiction, to be invalid, their decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared invalid.

Section 4 - EFFECTIVE DATE:

That this Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

First Reading : July 29, 1996

Second Reading : August 1, 1996

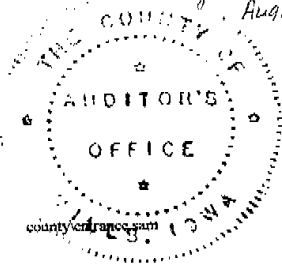
Third Reading : August 8, 1996

Publication : August 14, 1996
August 15, 1996

Approved: [Signature]
Chair - Board of Supervisors Date 8-8-96

Attest: [Signature]
Mills County Auditor Date 8-8-96

04188



FILED Aug 14, 1996 2:20 P.M.
RECORDED Misc BK 219 PG 676-707
MILLS COUNTY RECORDER
ROBERTA DASHNER [Signature]
or DEPUTY

FEE \$ Special
RMF \$ County Business

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**Mills County Entrance and Driveway Ordinance
Title 1, Chapter E.
Mills County Code**

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E.010 - Policy

It is the policy of Mills County to permit convenient access to private land via entrances connected to its public roads, subject to the regulations set forth within this ordinance to protect motorist safety, assure low cost road maintenance, and maintain drainage.

E.020 - Definitions

This section defines words and terms used within the body of the Ordinance.

Crown

The grading of an entrance with its centerline higher than the shoulders, so that water will drain off.

Engineer

The Mills County Engineer

Foreslope

The slope extending down from the shoulder edge-line of a road or entrance down into the ditch.

Micro-paving

Placement of asphalt or bituminous paving less than three inches thick

Rural Residence Subdivision

Any rural subdivision platted with lots smaller than two acres.

Seal Coat

A road and entrance surfacing constructed by embedding a cover aggregate in a bituminous material.

Sight Distance

The distance from a driver's eye to an obstruction in the road.

Toe-of-slope

The point or line where a slope ends and flat grade begins.

E.030 Entrance Permit Application and Approval

Mills County regulates the placement of entrances along the public roads under its jurisdiction and each entrance must have a County permit. All entrances built prior to the effective date of this ordinance may continue in use and shall be considered to have valid permits.

All parcels of land existing prior to September 1, 1996 will be guaranteed at least one entrance, per Section E.045.

E.031 Permit required to install entrance

A person or business desiring to install a new entrance shall file an application therefor with the County Engineer, identifying the road and location where it is proposed. The Engineer shall cause a detailed review of the proposed entrance site to determine if it will comply with the Location requirements of Section E.040 and afford construction meeting the specifications of Section E.050.

If the site satisfies all criteria, the Engineer shall issue a permit and establish the culvert diameter and length, if needed. If the proposed entrance location fails to meet one or more Location or Design requirement, the Engineer may reject the application, explaining the reasons for such action and advising what changes would be necessary to secure approval, or grant a conditional permit.

E.032 Variance procedure

If a property owner desires to build an entrance at a location that fails to meet the criteria set forth in this ordinance or to appeal an application rejected by the Engineer, they may file a request for a variance. Such a request should identify the location of the proposed entrance and describe how full compliance with ordinance requirements constitutes a hardship. The variance application shall be filed with the County Engineer, who shall present it to the Board of Supervisors within 10 days after receipt. After consideration of the request and any other relevant information the Board will approve or deny the variance.

E.033 Permit time limit

An entrance permit shall become null and void if the entrance it pertains to has not been installed within ninety, (90), days following the date of issue.

E.040 - Entrance Location Regulations

To assure safe driving conditions and minimize adverse impacts on road maintenance, entrances shall be connected to public roads only at locations that comply with the following requirements:

E.041 Sight Distance

Entrances may be approved at any location where available sight distance equals or exceeds the desirable sight distance specified below, but shall not be approved at any location providing less than the minimum sight distance.

.10 Main line County Roads:

<u>Road Type</u>	<u>Desirable Sight distance</u>	<u>Minimum Sight distance</u>
PAVED	600 feet	500 feet
OILED	550 feet	450 feet
GRAVEL	500 feet	400 feet
DIRT	400 feet	300 feet

.20 Rural Residence Subdivisions

A minimum sight distance of 250 feet may be used for locating entrances along access roads internal to rural residence subdivisions, provided that the average expected speed on the roadway is less than 25 miles per hour.

.30 Sight distance measurement

Sight distance determinations shall be performed using the following assumptions: that the driver's eye is 42 inches, (3 ft.- 6 in.) above road surface, and the top of the object to be avoided is 51 inches, (4 ft. - 3 in.) above said surface.

E.042 Entrances prohibited adjacent to public road intersections

Entrances along PAVED or OILED roads must be offset at least 250 feet from intersecting roads on the same side. Along GRAVEL, DIRT, and Rural Subdivision roads, the offset shall be at least 150 feet. The offset distance shall be measured from center of entrance to center of intersection.

E.043 Offset from Drainage Structures

Entrances must be located at least 100 feet from the ends of bridges, and 50 feet from the ends of culverts having a diameter or span over 60 inches. Entrances may be located nearer to smaller culverts so long as they do not obstruct the flow of drainage into the culvert.

E.044 Minimum Separation between entrances

Same side entrances along a road shall be have sufficient separation that there can be a 15 foot section of open ditch between their toes-of-slopes. If the entrances must be closer then that, they shall be merged into a single, shared entrance.

A new entrance shall not be permitted between two previously built same-side entrances, nor between an existing same-side entrance and a side road, unless the distance between the prior installations exceeds 1000 feet along PAVED roads, 800 feet along OILED roads, or 600 feet along GRAVEL and DIRT roads. This spacing requirement applies to all County roads except access roads internal to rural residence subdivisions, which may have one entrance from each lot, regardless of separation.

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Additional entrances into an individual property shall not be approved if they would preclude another same-side parcel from having any access at all. Nor shall new entrances be permitted if they would increase the total number within any 500 foot section of frontage to more than three.

E.045 Access rights and requirements

All parcels of land created before September 1, 1996 are entitled to have one entrance, to be located at the safest possible location along the road on which they front. Parcels created thereafter must meet all requirements of paragraphs E.041 through E.044. Compliance may be achieved by use of joint entrances, or ingress/egress easements across other private property, or creation of a frontage road. Second or third entrances will be permitted only if they can be placed without violating Paragraph E.044.

E.046 Right of County to require relocation

The County may require that an entrance be relocated for any of the following reasons: a) to improve road safety, b) to eliminate road maintenance problems, and c) to facilitate reconstruction of the road. Costs of such relocation will be paid by the County.

E.050 - Entrance Design & Construction Requirements

This section specifies how driveways are to be laid out and built.

E.051 Entrance Embankment**.10 Width, Crown, and Alignment**

Entrances shall be not less than 20 feet nor more than 45 feet wide and may not be built wider than specified in the permit. Entrances may be built 8 feet wider at the road shoulder line, tapering to the authorized width within 10 feet therefrom. Entrances shall be crowned to shed water into the road ditches. Entrances should intersect with public roads at a 90 degree angle and may not intersect at an angle less than 75 degrees. The first twenty feet off the shoulder of the road shall be straight; horizontal curves must be outside that range.

.20 Foreslopes

Entrance foreslopes, from edge-of-shoulder down to toe-of-slope, shall have slope ratios as specified below. (The notation, $x : 1$, indicates a slope with a ratio of "x" feet of horizontal measure per 1 foot of fall.)

PAVED ROADS: 4 : 1 - Standard minimum
6 : 1 - If traffic volume exceeds 600 vehicles per day
8 : 1 - If traffic volume exceeds 800 vehicles per day

OILED ROADS : 4 : 1 - Standard minimum
6 : 1 - If traffic volume exceeds 600 vehicles per day

GRAVEL ROADS: 3 : 1 - Standard minimum
4 : 1 - If fill height exceeds 8 feet

DIRT ROADS: 2 : 1 - Standard minimum
3 : 1 - If fill height exceeds 8 feet

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.30 Grading and Slopes

Entrance centerline profiles shall match the shoulder slope between edge of pavement and road shoulder line, then descend at 1/2 inch per foot to a point 10 feet offset therefrom. Beyond that point, the entrance may curve up or down, as required by the lay of the land. An entrance sloping up to the road shall not be steeper than 5 percent within public right-of-way. Entrances descending towards the road shall not be steeper than 4 percent within public right-of-way.

.40 Ditches

If storm runoff follows a driveway towards a public road, the County may require that side-ditches be excavated along the driveway to intercept the water and carry it down into the road ditch. Such side-ditches shall be at least 18 inches deep, have a flat bottom 2 feet wide, and may be required, as a condition of permit approval, to extend up to 20 feet inside the private land.

E.052 Culverts and Drainage

Unless an entrance is located at a point where the road ditch drains away from it in both directions, it shall have a culvert. Culverts shall be set as far from the road foreslope as possible.

.10 Allowable pipe materials

All culvert pipe shall be NEW, RIVETED, ANNULAR CORRUGATED, GALVANIZED, (or ALUMINIZED), steel pipe that complies with Iowa Dept. of Transportation Specification 4141. Pipe wall thickness shall be determined according the depth of cover tables contained in the Iowa D.O.T.'s Standard Road Plan No. RF-32. 2 & 2/3 x 1/2 corrugations may be used for pipe diameters up to 36 inches. 42" through 120" diameter pipe shall have 3 x 1 corrugations. Beyond 120", the Engineer shall determine and specify the corrugation and gage required.

.20 Diameter and Length

The County Engineer shall determine the required diameter and length for each culvert, based on the entrance width, road grade, ditch depth, traffic volume, and drainage area served. However, no culvert may be less than 18 inches in diameter.

.30 Design types

A standard, straight-line grade culvert is permissible unless the total drop from inlet to outlet exceeds 6 feet. For larger drops, the County may require that the culvert be built with nearly level inlet and outlet sections connected together by a steeper section in between.

.40 Culvert Accessories

In certain situations, culverts shall be built with special accessories; but other accessories may be prohibited.

a. Pipe Aprons

The engineer may require pipe aprons along PAVED roads having a traffic volume in excess of 800 vehicles per day. In such cases, a Safety Slope Apron, per Iowa D.O.T. Standard Road Plan RF-44 must be installed.

b. Headwalls

All culverts of diameter 48 inches and larger shall have a reinforced concrete headwall and slope collar installed on the inlet end, as specified by the County Engineer. Outlet headwalls may also be required.

c. Anti-seepage collars

The County may require the installation of a metal diaphragm or concrete anti-seepage collar to prevent entrance washouts.

d. Wood or stone endwalls

Wood, stone, or masonry endwalls / retaining walls shall not be erected within the public right-of-way.

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E.053 Entrance bridges

When ditches carry more water than culverts can handle, the County may require that an entrance bridge be installed in lieu of an earth-fill entrance. The County Engineer shall prepare plans for such bridges that specify length, width, and structural design. Such bridges shall be built and maintained by the County bridge crew. Such structures shall be paid for by the private property owner, as set forth in Section E.061 of this Ordinance.

E.054 Entrance accessories**.10 Entrance surfacing**

Subject to County approval, entrances may be surfaced with rock, seal coat, asphalt, or concrete -- at the property owner's expense. Mills County shall not be liable for any surfacing cost nor for damage to entrance surfacing caused by road operation and maintenance.

If a culvert under a surfaced entrance must be repaired or replaced, the property owner shall be responsible for the cost of surface removal and replacement. However, if the County rebuilds or modifies the entrance as part of a road project, it will replace all surfacing in kind.

a. Rock Surfacing

Use crushed stone or gravel with maximum particle size not to exceed 1.50 inches.

b. Seal Coat / Micro-paving

Seal Coat / Micro-paving surfacing may abut PAVED or OIL roads but must terminate at least 3 feet off GRAVEL or DIRT roads.

c. Asphalt or Portland cement concrete

Asphalt and portland cement concrete surfacing may abut PAVED roads but must terminate at least 3 feet off all others. A 1 inch wide expansion joint shall be installed between the edge of pavement and any PCC entrance surfacing.

.20 Gates

Must be installed at the right-of-way line.

.30 Stock Guards

Stock guards may be built partially within the public right-of-way. The stockguard shall encroach no more than 3 feet into the right-of-way, and must remain at least 16 feet from the road's shoulder line. Guards shall not obstruct the flow of drainage in the road ditch.

.40 End of Driveway Markers

Owners may install reflective delineators at the ends of their entrances to facilitate night access, but such devices shall use only blue lenses and shall be set at least ten feet off the edge of the road.

E.055 Entrance Construction Requirements

Entrance fills shall be mechanically compacted. Culverts shall be laid only on uniformed, prepared bedding and the backfill around them shall be thoroughly tamped. Excess or waste materials shall be removed from the public right-of-way. Entrance embankments shall be built to have the exact top width specified in the permit and no more. Grades and slopes shall be as specified within this ordinance.

E.060 - Entrance Installation and Maintenance

This section specifies who may install and maintain entrances, and identifies the criteria they must meet.

E.061 Installation and Maintenance by County

Mills County will provide entrance installation and maintenance, subject to the conditions set forth below.

.10 New Entrances and Widening [Chargeable beginning 1998]

The County will provide entrance installation and widening at no charge through December 31, 1997. Thereafter it will charge entrance owners for labor, equipment, and non-culvert materials expenses. Entrance owners shall furnish and pay for the culverts, regardless of year.

.20 Entrance Repairs [Chargeable beginning 1999]

The County will replace deteriorated culverts, rebuild washed out entrances, relay undermined pipes, and rebuild entrance bridges at no charge through December 31, 1998. Thereafter it will charge entrance owners for labor, equipment, and materials expense required by this work. Replacement culvert pipe will be furnished by the County and charged as a materials expense.

.30 Entrance Maintenance [Chargeable beginning 2000 : if cost exceeds \$250]

The County will perform entrance maintenance, such as filling small gullies, reshaping side ditches, restoring proper crown and profile, and such other minor, non-culvert related, items as may, in the opinion of the Engineer, be necessary. There will be no charge for such maintenance through December 31, 1999; thereafter the County will charge an entrance owner for the amount by which the cost of a single repair on one entrance exceeds \$250.00.

.40 Surfacing

Per Section E.054.10, property owners are exclusively responsible for any entrance surfacing.

E.062 Work by County Approved Contractor

Property owners may hire, at their own expense, a private contractor to install or repair, or maintain their entrances. Such contractors shall be approved by the County before engaging in such work. The Engineer shall issue instructions and guidelines to all approved entrance installers as circumstances dictate.

.10 Contractor Requirements

Prior to performing any entrance work, a contractor shall apply to the County Engineer's office and obtain written authorization therefor. To be approved, contractors must a) have adequate equipment for excavating, hauling, and compacting dirt, b) present evidence of satisfactory liability insurance, c) demonstrate knowledge of this ordinance's requirements, d) have personnel with grading/excavating experience and e) have adequate traffic work zone signs. Developers and other parties may act as their own contractor as long as they meet the criteria in this paragraph. The County may rescind approval of any contractor who ceases to fulfill the criteria or build entrances that do not comply with the ordinance.

Prior to receipt of authorization to build entrances, each contractor shall submit an insurance certificate showing coverage at least equal to those required by Iowa D.O.T. specification 1107.02 and listing Mills County as an additional insured. Entrance contractors may not excavate materials from County road ditches unless such action has been authorized, in writing, by the County Engineer.

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.20 County Driveway Inspection

After completing a new entrance, contractors shall notify the County Engineer's office, who shall then inspect the work and either accept or reject it. If the work is rejected, the entrance may not be placed into service until the relevant deficiencies have been corrected and re-inspected.

.30 One-Call required before digging

All contractors are reminded to notify the Iowa One-Call center and wait for utility company locates before performing any excavation for an entrance. 1-800-292-8989 Mills County has no liability for failure of a contractor to utilize the One-Call service.

E.063 Property Owner Activities

Property owners may perform maintenance and/or apply surfacing on their entrances with or without County approved contractors, except that they may not change the size of entrance, relocate it, nor fill in the County road ditches. Property owners may regrade road backslopes and perform landscaping within the public right of way if they first secure approval from the County Engineer and reseed all disturbed areas.

E.070 - Special Requirements pertaining to Land Subdivision

This section sets forth requirements for land being partitioned into smaller parts by Plat-of-Survey, Plat of Subdivision, Auditor's Plat, or deed partitioning. This section applies to land subdivided after September 1, 1996.

E.071 Subdivision along existing County road

When a landowner divides land fronting on an existing County road into smaller units, each new lot must individually meet the Location requirements of Section E.040 in order to receive an entrance permit. In addition, parcels shall be made wide enough that the following same-side driveway separations can be achieved: 500 feet for PAVED and OILED roads, 300 feet for GRAVEL and DIRT roads. For internal Rural Subdivision roads, the minimum spacing requirement will be relaxed to permit one entrance to each lot, provided such entrances comply with paragraphs E.041 through E.043.

If any new lot fails to meet these criteria, the property owner(s) who are dividing the land shall, at their own expense, create alternate means of access for the lot -- either obtaining an ingress/egress easement across other lots to an acceptable location or by building a frontage road.

E.072 Construction of Entrances on new roads prior to acceptance

A developer may build new entrances connecting to a roadway built within a subdivision prior to the road's final acceptance by the County. But if the entrances do not comply with this ordinance, acceptance of the road may be refused.

E.080 Special Items

E.081 Coordination with Rural Addressing

The County Engineer shall determine a Rural Address house number for each new entrance approved for connection to a County road, State highway, or private road. New numbers shall also be established when a field entrance begins to serve as a residential or business access. The engineer shall report such numbers to the property owner(s) and record it in the official E911 data-base. The County will charge a fee for establishing an address number and erecting the address sign. Address signs shall be installed on the right hand side of each entrance, (when facing into the property served), unless site conditions render it impractical.

E.082 County Cost participation - Instances and limitations

If the County has acquiesced to a diversion of natural drainage using a County road ditch, culverts may have to be larger than required prior to the diversion. Owners of private property benefitting from such diversion shall pay the full cost of any culvert needed. However, the County will reimburse owners of non-benefitted land for the difference between the required culvert and the size that would have been acceptable prior to the diversion.

E.083 Fees

The County Engineer shall, subject to approval by the Board of Supervisors, establish permit, entrance installation, maintenance and inspection fees, chargeable to property holders.

E.084 Abandoned Entrances

When an entrance has ceased to be used, the County Engineer may contact the property owner and request concurrence that it be removed. If the property owner agrees, then the Engineer shall cause the entrance to be removed at County expense.

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E.090 Ordinance Administration and Enforcement**E.091 Ordinance Administration**

The Mills County Engineer shall implement and administer the terms and requirements of this Ordinance.

E.092 Administrative Enforcement procedures**.10 Entrances**

If an entrance is constructed or altered without the approval of the County, or if the work is not completed in conformity with an approved permit, the County may notify the owner thereof by certified mail of the violation and the need to restore the area to the standards which existed immediately prior to construction or alteration or advise of the changes necessary to conform. If after 20 days the changes have not been made, the County may make the necessary changes and immediately send a statement of the cost to the property owner. If, within 30 days after sending the statement, the cost is not paid, the County may institute proceedings in the district court system to collect the cost. The County may refuse to grant any new entrance permits to a property owner responsible for a non-complying entrance until the problem has been corrected and any County invoice paid.

.20 Contractors

The County may bar a contractor from performing entrance work if they fail to meet all the requirements of Section E.062.10 or if they have performed driveway work that violates the requirements of this Ordinance. Reinstatement will be granted if the violation is voluntarily corrected by the contractor and they demonstrate the ability and intent to fulfil all Ordinance requirements in the future.

E.093 Legal Enforcement

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or who fails to comply with any of its provisions shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than 30 days. Each day that a state of non-compliance exists shall constitute a separate, repeat violation. Nothing herein contained shall prevent Mills County from taking such other lawful action as is necessary to prevent or remedy any violation.