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MILLS COUNTY RECORDER/REGISTRAR  
ROBERTA DASHNER *Roberta Dashner*  
FEE \$ *10.00*  
RMP \$ *County Business*

Prepared by: Mills County Board of Supervisors, 418 Sharp Street, Mills County Courthouse, Glenwood, Iowa 51534 (712) 527-4729  
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MILLS COUNTY, IOWA  
ORDINANCE NO. 99-1

AN ORDINANCE repealing the existing subdivision regulations of Mills County, Iowa and establishing new subdivision regulations for the unincorporated territory of Mills County, Iowa, and providing for the administration, enforcement and amendments thereof, in accordance with the provisions of Chapter 354, Code of Iowa.

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

SECTION 1 - REPEAL OF CONFLICTING ORDINANCES: That the Mills County, Iowa, Subdivision Regulations, as adopted May 30, 1973, is hereby repealed in its entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 2 - ADOPTION OF NEW ORDINANCE: That the Mills County, Iowa, Subdivision Ordinance, be and the same is hereby adopted, to be known and referred to as "Mills County, Iowa, Subdivision Ordinance, Chapters 1 through 35, the same of which is attached hereto, constitutes pages 1 through 38, all inclusive, and which is by reference made a part hereof as though fully set forth herein.

SECTION 3 - SEVERABILITY: That should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not effect that validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 4 - EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED JANUARY 14, 1999.

Naomi Christensen  
Naomi Christensen, Chairperson

AYE NAY ABSENT ABSTAIN

*244/687*

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AYE NAY ABSENT ABSTAIN

<u>Donald W. Brantz</u> Donald Brantz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Gerald Jones</u> Gerald Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Cheryll Ross  
Cheryll Ross, Mills County Auditor



Public Hearing:	January 7, 1999
First Consideration:	January 7, 1999
Second Consideration:	January 11, 1999
Third Consideration:	January 14, 1999
Publication of Summary of Ordinance:	January 27, 1999 (Glenwood Opinion Tribune)
	January 28, 1999 (Malvern Leader)
Recorded:	January 29, 1999
Effective Date:	February 1, 1999



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## MISCELLANEOUS RECORD BOOK 244, MILLS COUNTY, IOWA

CHAPTER 1  
GENERAL PROVISIONS

- 1.010 TITLE: This Ordinance shall be known and may be cited and referred to as the "Mills County, Iowa, Subdivision Ordinance".
- 1.020 PURPOSES AND OBJECTIVES: This Subdivision Ordinance is adopted to establish rules, regulations and minimum standards for the design, development and improvement of all new *subdivisions* and *re-subdivisions* within the *County*, in order to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the present and future citizens of Mills County, Iowa, all in accordance with and as permitted by the provisions of Chapter 354, Code of Iowa, as amended. It shall be administered in order to insure the orderly growth and development, the conservation, protection, and the proper use of land, and for the adequate provisions for public utilities, services and circulation.
- More specifically, the Ordinance is adopted in order to achieve the following objectives, among others:
- .01 To establish reasonable standards of design and procedures for approval of *subdivisions* in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
  - .02 To cause the cost of design and installation of improvements required for a *subdivision* to be borne by the *developer*, rather than by the direct or indirect burden upon property *owners* beyond the limits of the *subdivision*.
  - .03 To protect the character and the social and economic stability of all parts of the *County* and to encourage the orderly and beneficial development of all parts of the *County*.
  - .04 To insure the installation of adequately sized utilities and adequately improved *roads*.
  - .05 To promote a safe, effective traffic circulation system.
  - .06 To secure economy in government expenditures.
  - .07 To insure that public facilities, where available, will have a sufficient capacity to serve the *subdivision*.
  - .08 To encourage the most appropriate use of land in the *County*.
  - .09 To improve land records by establishing standards for surveys and *plats*.
- 1.030 JURISDICTION: The provisions of this Ordinance shall apply to all of the unincorporated territory of Mills County, Iowa.
- 1.040 PLATS IN UNINCORPORATED AREAS WITHIN TWO (2) MILES OF THE CORPORATE LIMITS OF CITIES: The purpose of this Section is to facilitate the orderly processing of *subdivisions* in unincorporated areas of the *County* within two (2) miles of the corporate limits of cities and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the *County* and its cities.

In the event a subdivision is located within two (2) miles of the corporate limits of a city which exercises such *subdivision* jurisdiction, as provided in Section 354.9, Code of Iowa, as amended, the procedures for review and approval of *preliminary and final plats* shall be the same as established by this Ordinance, except that the *preliminary and final subdivision plats* shall first be reviewed and approved by the City Council of that city. The *developer* shall submit the *preliminary and final plats* and other required materials as required by this Ordinance. The *County Board* shall have the right to waive such requirements, as are contained in this Ordinance, for such *subdivisions* whenever the

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*County Board* is satisfied that equally suitable regulations have been placed on these *subdivisions* by the City Council of that city.

Such a *plat* shall be considered to have been approved and authorized for filing with the *County Auditor* and *County Recorder* only after it has been approved by the *County Board*, as prescribed by this Ordinance and by the City Council of that city.

1.050 APPLICATION OF REGULATIONS: The regulations set forth by this Ordinance shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the *County*:

- .01 No *plat* of any *subdivision* within the application of this Ordinance have any validity until the *plat* has been prepared, approved and acknowledged in the manner prescribed in this Ordinance.
- .02 The *subdivision* of any *tract* or *parcel* of land for the purpose of sale, transfer or lease with the intent of evading the provisions of this Ordinance shall not be permitted. All such described *subdivisions* shall be subject to all the requirements contained in this Ordinance.
- .03 No permit, license or certificate shall be issued by a department, official or public employee of the *County* vested with such duty or authority, for any use, *building* or other purpose on a *parcel* or *tract* which is not a *lot of record* at the effective date of adoption of this Ordinance or which has not been approved and recorded in accordance with the provisions of this Ordinance. Any permit, license or certificate issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatever.
- .04 No *public improvements* shall be made by the *County Board* with *County* funds, nor shall any *County* funds be expended for road maintenance, road improvements, or any other services in any area that has been subdivided after the effective date of this Ordinance, unless such *subdivision* and *roads* have been approved in accordance with the provisions of this Ordinance and the *road* accepted by the *County Engineer* as a *public road*.

1.060 CLASSIFICATION OF SUBDIVISIONS: Except as provided in Section 1.070, whenever any *division* of a *tract* or *parcel* into two (2) or more *parcels* is proposed and before any contract is made for the sale of any part thereof, the *owner* of the land, or his authorized agent, shall apply and secure approval of the particular type of *division*, as described below, proposed.

- .01 The procedure for approval of a *major subdivision*, as defined in Section 2.630.01, shall consist of a:
  - A. *Preliminary plat*, as described in Chapter 10.
  - B. *Final construction plans*, as described in Chapter 15.
  - C. *Final plat*, as described in Chapter 20.
- .02 The procedure for approval of a *minor subdivision*, as defined in Section 2.630.02, shall consist of a:
  - A. *Preliminary plat*, as described in Chapter 10.
  - B. *Final plat*, as described in Chapter 20.
- .03 The procedure for approval of a *property split*, as defined in 2.630.03, shall consist of a:
  - A. *Sketch plat*, as described in Chapter 5.
- .04 The procedure for approval of a *property line adjustment*, as defined in 2.630.04, shall consist of:

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A. *Sketch plat, as described in Chapter 5.*

- 1.070 EXEMPTIONS: Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions:
- .01 The *division* of land into burial lots in a cemetery.
  - .02 A *conveyance* of land or interest therein for use of *right-of-way* by a railroad or other public utility subject to State or Federal regulations, where such *conveyance* does not involve the creation of any new *public* or *private road* or *easement of access*.
  - .03 A *conveyance* of land or interest therein to adjoining property *owners* of vacated *right-of-way* by a railroad or other public utility subject to State or Federal regulation, where such *conveyance* does not involve the creation of any new *parcel*.
  - .04 A *conveyance* of land to the State or *County* for *right-of-way* or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.
  - .05 A *conveyance* of land in *forty-acre aliquot parts*.
- 1.080 VARIANCES: Where in the case of a particular proposed *subdivision*, it can be shown that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposed, the *County Board*, may approve variances from the provisions of this Ordinance so that substantial justice may be done and the public interest secured; provided however, that such variances shall not have the effect of nullifying the intent and purpose of these regulations.
- .01 The *County Board* shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
    - A. The granting of the variance will not adversely effect the public health, safety, morals, order, convenience, prosperity or general welfare or the rights of adjacent property *owners*.
    - B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
    - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the *owner* would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
    - D. In no case shall any variance be more than a minimal easing of the standards or requirements as necessary to eliminate the hardship. In no case shall any *road* standard variance have the effect of reducing the traffic capacity of any *road*.
    - E. The variance will not adversely effect the *County's* Land Use Plan.
  - .02 In approving variances, the *County Board* may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.
  - .03 A request for such variances shall be submitted in writing by the *developer* at such time the application for *preliminary plat* approval. A fee as specified in Chapter 30 shall accompany the variance request. Said request shall state fully the grounds for the request and all of the facts relied upon by the *developer*.

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- 1.090 VACATION PROCEDURES: In addition to the provisions concerning the *vacation of plats* as stipulated in Chapter 354, Code of Iowa, as amended, the following shall apply:
  - .01 Any *subdivision plat* or portion thereof may be vacated by the *owner* in the event there has been no sale of any lots within the *plat* or a portion.
  - .02 Any *vacation* of a *plat* shall be made by written instrument, to which a copy of such *plat* is attached, declaring the same to be vacated.
  - .03 The *County Board* may reject any such instrument which abridges or destroys any public rights in any of its *public uses, improvements or roads*.
  - .04 Such an instrument shall be executed, approved and recorded in a like manner as *plats* of *subdivisions*; and being duly recorded shall operate to annul the force and effect of the recording of the *plat* so vacated, and to divest all public rights in the *roads* and public grounds dedicated to the *County* as set forth on the *final plat*. If the *County Board* approves such *vacation* where the *County* had acquired an interest, by deed, in any property proposed to be dedicated to the *County* as set forth on the *final plat*, the *County* shall reconvey such interest, by deed, to the applicant, property *owner* or his or her successor in interest.

1.100 INTERPRETATION OF STANDARDS: In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions, covenants, or other provisions of law, the most restrictive, or that imposing the higher standards, shall govern.

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CHAPTER 2  
DEFINITIONS

- 2.010 CONSTRUCTION OF TERMS: For the purpose of this Ordinance, certain terms and words are hereby defined. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.
- .01 TENSE: Words used in the present tense include the future tense.
- .02 NUMBER: Words used in the singular include the plural, and words in the plural include the singular.
- .03 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissible.
- .04 GENDER: The masculine shall include the feminine and the neuter.
- .05 PERSON: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- .06 USED OR OCCUPIED: The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
- .07 HEADINGS: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
- 2.020 ABUTTING: A common boundary. Land areas separated by a public or private road, *highway*, alley or way, or by a waterway or body of water shall not be construed as *abutting* herein.
- 2.030 ALLEY: A dedicated public *right-of-way*, other than a *road*, which provides only a secondary means of access to *abutting* property.
- 2.040 ALIQUOT PART: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half (1/2), one-quarter (1/4), one-half (1/2) of one-quarter (1/4) or one-quarter (1/4) of one-quarter (1/4) shall be considered an *aliquot part* of a section.
- 2.050 AUDITOR'S PLAT: A *subdivision plat* prepared at the request of the *County Auditor* or *County Assessor* to clarify property descriptions for the purposes of assessment and taxation. Such *plats* are not intended to satisfy the requirements of this Ordinance.
- 2.060 BLOCK: An area of land within a subdivision that is entirely bounded by *public roads* or lands, streams, railroads, unplatted lands or a combination thereof.
- 2.070 BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
- 2.080 BUILDING SETBACK LINE: The required minimum horizontal distance between the front, rear or side lines of the *parcel* or *tract* and the front, rear or side *lot line* of the *building*. Setback may also be referred to as required yard.
- 2.090 COMMON LAND OR OPEN SPACE: An area of undivided land or water, or combination thereof, which is owned jointly by all property *owners* of the *subdivision*, but not specifically assigned, planned for passive or active recreation, pedestrian access, and the enjoyment and benefit of the *owners* and occupants of the individual *building* sites of said development.
- 2.100 COMMON SEWER SYSTEM: A central sewer collecting system available to each platted lot and discharged into a treatment plant, the construction and location of which is approved by the appropriate *County* and/or State agency, and which does not include individual septic systems.



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- 2.110 COMMON WATER SYSTEM: A central water system available to each platted lot from one single source approved by the appropriate *County* and/or State agency.
- 2.120 COMPREHENSIVE PLAN: A general plan for the improvement and development of Mills County, Iowa, as adopted by the *County Board*. This document may also be referred to as the Land Use Plan.
- 2.130 CONVEYANCE: An instrument filed with the *County Recorder* as evidence of the transfer of title of land, including any form of deed or contract.
- 2.140 COUNTY: Mills County, Iowa.
- 2.150 COUNTY ASSESSOR: The Assessor of Mills County, Iowa.
- 2.160 COUNTY AUDITOR: The County Auditor of Mills County, Iowa.
- 2.170 COUNTY BOARD: The Board of Supervisors of Mills County, Iowa.
- 2.180 COUNTY ENGINEER: The County Engineer of Mills County, Iowa.
- 2.190 COUNTY INFRACTION: A civil offense punishable by a civil penalty and issued by means of a citation.
- 2.200 COUNTY RECORDER: The County Recorder of Mills County, Iowa.
- 2.210 COUNTY TREASURER: The County Treasurer of Mills County, Iowa.
- 2.220 DESIGN STANDARDS AND SPECIFICATIONS: All requirements and regulations relating to the design and layout of *subdivision* as set forth in this Ordinance.
- 2.225 DEPARTMENT OF NATURAL RESOURCES: The Department of Natural Resources for the State of Iowa.
- 2.230 DEVELOPER: The *owner* or his authorized agent of the land to be subdivided. Consent shall be required from the legal *owner* of the premises.
- 2.240 DIVISION: Dividing a *tract* or *parcel* of land by *conveyance*. The *conveyance* of an *easement*, other than a public *highway easement*, shall not be considered a *division* for the purpose of this Ordinance.
- 2.250 EASEMENT: A grant by the property *owner* to the public, a corporation, or persons of the use of a portion of a *tract* or *parcel* of land for a specific purpose or purposes.
- 2.260 EASEMENT OF ACCESS: An *easement*, as defined herein, designed primarily to provide access to *abutting* properties. An *easement of access* may be a private driveway, which is maintained by individuals; however, for the purpose of this Ordinance, shall not be considered to be a *public* or *private road*.
- 2.270 FINAL CONSTRUCTION PLANS: The maps and detailed drawings of a *subdivision* which show the specific location and design of improvements to be installed in the *subdivision* in accordance with the provisions of this Ordinance.
- 2.280 FINAL PLAT: The map or drawing of a subdivision in its final form which is submitted with its accompanying material to the *County* for approval and which, if approved, will be submitted to the *County Recorder* for recording.
- 2.290 FORTY ACRE ALIQUOT PART: One-quarter of one-quarter of a section.

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- 2.300 FRONTAGE: That portion of a *tract or parcel* abutting upon a road.
- 2.310 GOVERNMENT LOT: A *tract*, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
- 2.320 GRADE: The slope of a *road* or other surfaces specified in percentage terms.
- 2.330 LICENSED PROFESSIONAL ENGINEER: A licensed professional engineer authorized and licensed by the State of Iowa.
- 2.340 LICENSED LAND SURVEYOR: An Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa, as amended.
- 2.350 LOT: For the purpose of this Ordinance, a lot is a *tract* of land represented and identified by number or letter designation on a *final plat*.
- 2.360 LOT FRONTAGE: That portion of a *tract or parcel* of land which abuts a *road*. Each side of a *lot* so abutting a *public or private road* shall be considered as a separate *lot frontage*. The *frontage* of a *lot* or *lots* shall be measured along the *road right-of-way* line.
- 2.370 LOT IMPROVEMENTS: Any *building*, structure, place, work of art, or other object, or improvement of land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain *lot improvements* shall be properly bonded as provided in this Ordinance.
- 2.380 LOT LINES: The property lines bounding a *tract or parcel*.
- .01 FRONT LOT LINE: The *lot line* separating the front of the *tract or parcel* from the *road*. However, for purposes of determining *tract or parcel* requirements in cases where the front *lot line* is located within a *road* or *highway right-of-way* or *easement of access*, the *road right-of-way* line shall be used. In the case of a *corner lot*, that part of the *tract or parcel* having the narrowest *frontage* on any *road* shall be considered the front *lot line*. As provided in the Uniform Rural Addressing Ordinance, structures shall be addressed where the driveway intersects the existing private easement road, existing private road or public road. Front yards and driveway entrances shall not be relocated without prior approval of the *County Board* and the Mills County E911 Board.
- .02 REAR LOT LINE: The *lot line* which is opposite from the *front lot line*.
- .03 SIDE LOT LINE: Any *lot line* other than a *front or rear lot line*. A *side lot line* separating a *tract or parcel* from a *front or rear lot line*. A *side lot line* separating a *lot* from another *lot* or *lots* is called an interior *side lot line*.
- 2.390 LOT MEASUREMENTS: For the purposes of this Ordinance the following lot measurements shall apply:
- .01 LOT AREA: The gross horizontal area within the *lot lines* of a *lot*. For the purpose of calculating "minimum lot area", the area contained within a road or highway right-of-way easement or easement of access shall not be included.
- .02 LOT DEPTH: The mean horizontal distance between the *front and rear lot lines*. In the case of an irregular, triangular or odd shaped *lot*, the depth shall be the horizontal distance between the midpoints of the *front and rear lot lines*.
- .03 LOT WIDTH: The horizontal distance between the *side lot line* as measured perpendicular to the line comprising the *lot depth* at its point of intersection with the required minimum front yard setback. In the case of a "flag" or "cul-de-sac" lot, the horizontal distance between the *side lot lines* as described above shall be measured at its point of intersection with the front most portion of the proposed principal structure.

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- 2.400 LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the *County Recorder*, or an *Auditor's Subdivision lot*, a *tract*, or a *parcel*, the description of which has been so recorded in the Office of *County Recorder* prior to the effective date of this Ordinance.
- 2.410 LOT TYPES: For the purpose of this Ordinance the following types of lots are defined:
- .01 CORNER LOT: A lot located at the intersection of two (2) or more *roads*, having the *road right-of-way* abut the front and one (1) or more side lines of the lot. A lot *abutting* on a curbed *road* or *roads* shall be considered a corner lot if straight lines drawn from the foremost points of the *side lot lines* to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
  - .02 DOUBLE FRONTAGE LOT: A lot, other than a *corner lot*, having *frontage* on two (2) or more nonintersecting *roads*.
  - .03 FLAG LOT: An *interior lot* which is generally located behind other *lots* and which would be a land-locked area of land if not for a narrow strip of land, used exclusively for access purposes, connecting the area with a *public* or *private road*. The minimum bulk requirements for a *flag lot*, excluding the strip, shall be the same as required for other *lots*.
  - .04 INTERIOR LOT: A lot, other than a *corner lot*, having *frontage* on only one (1) *road*.
- 2.420 METES AND BOUNDS DESCRIPTION: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of a *parcel* by reference to physical features of the land.
- 2.430 NONRESIDENTIAL SUBDIVISION: A *subdivision* whose intended use is other than residential, such as commercial or industrial. Such *subdivision* shall comply with the applicable provisions of this Ordinance.
- 2.440 OWNER: The holder of legal title including holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees, and the like. Whenever a statement of ownership is required by this Ordinance, full disclosure of all legal and equitable interests in the property is required.
- 2.450 PARCEL: A part of a *tract* of land.
- 2.460 PEDESTRIAN WALKWAY: A strip of land dedicated for public use which is reserved across a *block* for the purpose of providing pedestrian access to adjacent areas.
- 2.470 PERFORMANCE GUARANTEE: A contract between the *County* and a *developer* which assures that the *developer* will bear the cost of all required infrastructure improvements and maintenance to said improvements.
- .01 PERFORMANCE BOND: A kind of insurance, in the form of a bond payable to the *County*, in the amount determined necessary by the *County Engineer* to complete the required improvements in the event the *developer* fails to do so.
  - .02 ESCROW ACCOUNT: A bank account that the *developer* deposits either cash, a note, a bond, or some other instrument readily convertible to cash in the amount determined necessary by the *County Engineer* to complete the required improvements in the event that the *developer* fails to do so. An *escrow account* is payable to the *County* on demand.
  - .03 LETTER OF CREDIT: A letter of credit secured by the *developer* from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvements if the *developer* fails to do so. The amount of the *letter of credit* shall be determined by the *County Engineer* and shall be payable to the *County* on demand.

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- 2.480 **PLAT:** A *subdivision* as it is represented by a formal document of maps or drawings, and writing.
- 2.490 **PLAT OF SURVEY:** The graphical representation of a survey of one (1) or more *parcels* of land, including a complete and accurate description of each *parcel* within the *plat*, prepared by a *licensed land surveyor*, in accordance with Chapter 354, Code of Iowa, as amended.
- 2.500 **PRELIMINARY PLAT:** A map or drawing which shows the proposed layout and construction of a *subdivision* and its proposed improvements in sufficient detail to indicate its workability in all respects, and which is submitted with its accompanying material to the *County* for approval, but is not drafted in final form for recording.
- 2.510 **PROPRIETOR:** A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, *easement* or lien interest.
- 2.520 **PROTECTIVE COVENANTS:** Contracts entered into between private parties and which constitute restrictions of all private property within the *subdivision* for the benefit of property owners against the lessening of property values.
- 2.530 **PUBLIC IMPROVEMENT:** Any road surface material, curbs, gutters, sidewalks, water or sewer systems, storm sewers or drainage systems, lot or road grading, road lighting, road signs, plantings or other items constructed for the welfare of the property owners and the public which the *County* may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for maintenance and operation, or which may affect an improvement for which *County* responsibility is established. All such improvements shall be properly bonded.
- 2.540 **QUALIFIED OBSERVER:** An individual certified by the Iowa Department of Transportation as an observer in the major phase of construction that they are inspecting.
- 2.550 **QUARTER-QUARTER SECTION:** The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.
- 2.560 **REPEAT OFFENSE:** A recurring violation of the same section of the Mills County, Iowa, Subdivision Ordinance.
- 2.570 **RESUBDIVISION/REPLAT:** Any *subdivision* of land which has previously been included in a recorded *plat*. In appropriate context it may be a verb referring to the act of preparing a *plat* of previously subdivided land. *Resubdivision/replats* shall following the same procedure as set forth for a, *minor or major subdivision*, whichever may be applicable.
- 2.580 **RIGHT-OF-WAY:** The land or water area, the right to possession of which is secured or reserved for public purposes.
- 2.590 **ROAD:** The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term "road" shall include street, avenue, circle, drive, *highway*, lane, place, thoroughfare, or any other similar designation.
- .01 **ARTERIAL ROAD:** Any road serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the *County*, which forms part of a network of through roads, or which provides service and access to *abutting* properties only as a secondary function.
- .02 **COLLECTOR ROAD:** Any road designed primarily to gather traffic from *local roads* and carry it to the arterial system.

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- .03 COUNTY ROAD: Any road, other than a *highway*, which is not located within a platted subdivision approved by the *County*.
- .04 CUL-DE-SAC: A road having one end connection with a *public or private road* and being terminated at its other by a vehicular turn-around.
- .05 DEAD-END ROAD: A *local road* having only one (1) outlet connecting to another road.
- .06 HIGHWAY: An officially designated federal or state numbered *highway*, or other major street or road designated by the *County* as a thoroughfare.
- .07 LOCAL ROAD: A road designed primarily to provide access to *abutting* properties and to discourage through traffic.
- .08 MARGINAL ACCESS ROAD: A *local road* which is parallel with an adjacent *highway* or *arterial road* and which provides access to *abutting* properties and provides protection from fast, through traffic on the *highway* or *arterial road*.
- .09 PRIVATE ROAD: All land between *right-of-way* lines dedicated to the public, but not accepted into a governmental road system.
- .10 PUBLIC ROAD: All land between *right-of-way* lines dedicated to and accepted by a governmental agency.
- 2.600 ROAD RIGHT-OF-WAY LINE: A dividing line between a *tract or parcel* of land and the contiguous road. The boundary line of a *road*.
- 2.610 SKETCH PLAT: A freehand sketch drawing which depicts the proposed division of a tract or parcel of land, which meets the requirements of this Ordinance.
- 2.620 SOIL AND WATER CONSERVATION DISTRICT: The Soil and Water Conservation District Office for Mills County, Iowa.
- 2.630 SUBDIVISION: The *division* of a *tract or parcel* of land into two (2) *parcels, lots*, or other *divisions* of land for the purpose, whether immediate or future, of transfer of ownership or *building* development. The term includes *resubdivision* and when appropriate to the context, shall relate to the process of subdividing or the land subdivided.
- .01 MAJOR SUBDIVISION: All subdivisions not classified as either as a *minor subdivision, parcel split or property line adjustment, including but not limited to any size subdivision* requiring new *public roads*, or the extension of any public facilities, or the creation of any *public improvements*.
- .02 MINOR SUBDIVISION: A *subdivision* of land in which all new lots front on and have direct access from an existing *public or private road* and wherein no new *public roads* are to be created or sought to be dedicated or contemplated to project through the proposed *subdivision*.
- No new *lot* created in either a *major or minor subdivision* shall conflict with any provisions or portion of this Ordinance.
- .03 PROPERTY SPLIT: A *subdivision* of a *tract or parcel*. No more than three (3) *parcels* shall be created per *forty-acre aliquot part* that exists on or after the effective date of this Ordinance. No more than three (3) *parcels* shall be created per *parcel* that existed on or before the effective date of this Ordinance. This provision shall not be construed so as to prohibit approval of a *property line adjustment*.
- No new *parcel* created shall conflict with any provisions or portion of this Ordinance.

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- .04 **PROPERTY LINE ADJUSTMENT:** A subdivision of one (1) or more lots or parcels where no additional lots or parcels are created. No part of the divided lot or parcel of land will be transferred to anyone other than the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.  
The newly configured parcels shall not conflict with any provisions or portion of this Ordinance.
- 2.640 **SUBDIVISION PLAT:** The graphical representation of the *subdivision* of land, prepared by a *licensed land surveyor*, having a number or letter designation for each *lot* within the *plat* and a succinct name or title that is unique for the *County* and which meets the requirements of the Ordinance and has been approved in accordance with this Ordinance.
- 2.650 **TRACT:** An *aliquot part* of a section, a lot within an *final plat*, or a *government lot*.
- 2.860 **VACATION:** To make void or annul.

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CHAPTER 5  
SKETCH PLATS

- 5.010 DISCUSSION OF REQUIREMENT: Before preparing a *sketch plat*, the *developer* should discuss with the *County Auditor* the requirements and procedure for approval of a *property line adjustment* or *property split*.
- 5.020 APPLICATION OF SKETCH PLAT APPROVAL: An application for *sketch plat* approval shall be filed, upon the form provided, with the *County Auditor*. The application shall be accompanied by a fee, as specified in Chapter 30 and by such information and documentation as shall be prescribed by the *County Auditor*.
- The application shall contain the following information and documentation:
- .01 The names, addresses and telephone numbers of the owner of the land and the *developer*, if other than the owner.
  - .02 The name of the road adjacent to the subject property or properties.
  - .03 The legal description of the subject property or properties.
  - .04 The present and proposed use of the subject property or properties.
  - .05 A copy of any existing protective covenants or deed restrictions on the subject property or properties.
  - .06 A statement of any existing easements affecting the subject property.
  - .07 A statement indicating the source of water supply and sanitary sewer disposal types.
  - .08 A copy of the sketch plat, as described in Section 5.030 below.
  - .09 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
- 5.030 CONTENTS OF THE SKETCH PLAT: The *sketch plat* may be drawn as a freehand sketch at a legible scale. The *sketch plat* shall show the following:
- .01 North arrow and the scale of the document.
  - .02 General location of the property by section, township and range.
  - .03 The approximate location of property lines, existing right-of-ways and known easements.
  - .04 The approximate location, dimension and area of all existing and proposed parcels.
- 5.040 REVIEW OF SKETCH PLAT: The *County Auditor* and *County Engineer* shall review the application and determine the appropriate *subdivision* classification.
- 5.050 SKETCH PLAT APPROVAL OF A PROPERTY LINE ADJUSTMENT: Following such review of the *sketch plat* for a *property line adjustment*, the *County Auditor* shall either approve the *sketch plat* with or without specified conditions, to be accepted by the *developer* as a condition of such approval or disapprove the *sketch plat*. The *County Auditor* shall notify, in writing, the *developer* of his decision.
- .01 Approval of the *sketch plat* shall signify the general acceptability of the proposed *property line adjustment* with respect to compliance with the requirements of this Ordinance and shall be deemed to be authorization to proceed with preparation of necessary instruments for

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*conveyance of a portion of one (1) lot or parcel to the owner of an adjoining lot or parcel. A plat of survey shall be prepared for the division. One (1) copy of the plat of survey shall be prepared by an Iowa licensed land surveyor and a copy filed with the County Auditor before final approval may be given on the sketch plat application. A copy of said decision shall be recorded simultaneously with any and all instruments filed with the County Recorder which transfer the ownership of said property being divided.*

- .02 Disapproval of the *sketch plat* shall signify the general unacceptability of the proposed *property line adjustment* with respect to compliance with the requirements of this Ordinance; however, the developer may appeal the decision of the *County Auditor* to the *County Board* for final determination.

5.060 SKETCH PLAT APPROVAL OF A PROPERTY SPLIT: Following such review of the *sketch plat* for a *property split*, the *County Auditor* shall either approve the *sketch plat* with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the *sketch plat*. The *County Auditor* shall notify, in writing, the developer of his decision.

- .01 Approval of the *sketch plat* shall signify the general acceptability of the proposed *property split* with respect to compliance with the requirements of this Ordinance. A *plat of survey* shall be prepared for as follows:
- A. In the event a *forty-acre aliquot part* is proposed to be divided into two (2) *parcels*, it shall be required that only the *parcel* being conveyed have a *plat of survey* prepared of it. However, as allowed by Code of Iowa, Section 354.4, at the discretion of the *County Auditor*, an order may be given to required both *parcels* to have a *plat of survey* prepared of them.
  - B. In the event a *forty-acre aliquot part* is proposed to be divided into three (3) *parcels* simultaneously or accumulatively, it shall be required that all three (3) *parcels* in that *forty-acre aliquot part* have a *plat of survey* prepared of them.
  - C. In the event a *tract or parcel* was divided into two (2) *parcels* prior to the effective date of this Ordinance and it is proposed that one (1) of the two (2) *parcels* be divided to become two (2) *parcels*, resulting in no more than three (3) *parcels* within the boundaries of the *forty-acre aliquot part*, only the two (2) new *parcels* shall be required to have a *plat of survey* prepared of them.

One (1) copy of the *plat of survey* shall be prepared by an *Iowa licensed land surveyor* filed with the *County Auditor* before final approval may be given on the *sketch plat* application. A copy of said decision shall be recorded simultaneously with any and all instruments filed with the *County Recorder* which transfer the ownership of said property being divided.

- .02 Disapproval of the *sketch plat* shall signify the general unacceptability of the proposed *property split* with respect to compliance with the requirements of this Ordinance; however, the developer may appeal the decision of the *County Auditor* to the *County Board* for final determination.

5.070 EFFECTIVE PERIOD OF SKETCH PLAT APPROVAL: Within one (1) year from the day the *County Auditor* approves a *sketch plat*, the developer shall cause a deed or contract to be filed with the *County Recorder* for said *parcel(s)* authorized by the *sketch plat* application. If the developer fails to file said deed or contract within the appropriate time period, the *sketch plat* shall be void.



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CHAPTER 10  
PRELIMINARY PLAT

- 10.010 APPLICATION FOR PRELIMINARY PLAT APPROVAL: An application for *preliminary plat* approval shall be filed, upon the form provided, with the *County Auditor* for submission to the *County Board*. The application shall be accompanied by a fee, as specified in Chapter 30. The application shall contain and be accompanied by the following information and documentation:
- .01 The names, addresses and telephone numbers of the *owner* of the land and the *developer*, if other than the *owner*.
  - .02 The names, addresses and telephone numbers of all professional consultants advising the *developer* with respect to the proposed *subdivision*.
  - .03 The proposed name of the *subdivision*.
  - .04 The street address or general location and legal description of the subject property.
  - .05 The existing and proposed uses of the subject property.
  - .06 A statement of any *protective covenants* or deed restrictions, in outline form, which are proposed to be recorded with the *final plat*.
  - .07 A statement of proposed method of water supply, of sanitary sewage treatment and of disposal of storm waters from the subject property.
    - A. In the event private water wells are to be the proposed method of water supply, as provided in Section 25.140, the *developer* shall submit evidence of the availability of water on the site.
    - B. In the event onsite wastewater treatment and disposal systems are to be the proposed method of sanitary sewer treatment, as provided in Section 25.150, the *developer* shall submit evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site.
  - .08 A statement of the manner in which it is proposed to finance improvements.
  - .09 A statement of the general nature and type of improvements proposed for the *subdivision*, and in what manner the *developer* intends to provide for their installation, e.g., actual construction, monetary guarantee, etc. The approximate time that such improvements will be completed shall be indicated.
  - .10 Ten (10) blackline/blueline print copies of the *preliminary plat* as described in Section 10.020 below.
  - .11 Two (2) blackline/blueline print copies of the plans showing the typical cross sections and center line profiles, with approximate grades, of all proposed *public roads*.
  - .12 One (1) blackline/blueline print copy of the Erosion and Sedimentation Control Plan, approved by the *Soil and Water Conservation District*. The plan shall show the design for reducing erosion and controlling sediment on the *subdivision* site during and after construction, prepared in accordance with this Ordinance and the standards and specifications of the *Soil and Water Conservation District*. Said plan shall have attached thereto a statement by the *developer* that the construction and/or development will be done in accordance with the plan.
  - .13 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

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10.020

CONTENTS OF THE PRELIMINARY PLAT: The *preliminary plat* shall be prepared by a *licensed land surveyor* at a convenient scale of not less than one (1) inch equals one hundred (100) feet; provided, however, that those areas of more than one hundred (100) acres may be at a scale of one (1) inch equals two hundred (200) feet. The *preliminary plat* shall show the following:

- .01 The name of the proposed *subdivision* and an identification clearly stating that the document is a *preliminary plat*.
- .02 The date of the document, north point and the scale of the document.
- .03 The names and addresses of the *owner* of the land, the *developer*, if other than the *owner*, and the *licensed land surveyor* who prepared the *preliminary plat*.
- .04 A description of the subject property, giving the location and dimensions of all boundary lines to be expressed in feet and decimals of a foot, with reference to section or quarter section lines.
- .05 The following existing conditions shall be shown on the *preliminary plat*:
  - A. The location, *right-of-way* width, surfacing width and names of all existing *public* or *private roads* and *easements of access*, railroad *right-of-ways*, and utility easements within the *subdivision* and within two hundred (200) feet thereof.
  - B. The location of any existing permanent *buildings* within the proposed *subdivision* and existing *buildings* in projected alignment of any proposed *public roads* outside of the proposed *subdivision* and within two hundred (200) feet thereof.
  - C. The location of pertinent features such as water bodies, wetlands, wooded areas, isolated preservable trees, rock outcroppings, parks, cemeteries, bridges and other permanent structures.
  - D. The location of all existing sanitary and storm sewers, culverts, water mains, gas lines and other underground installations within or immediately adjacent to the proposed *subdivision*.
  - E. The location of water courses, drainage ditches and areas subject to flooding. Proposed *subdivisions* located within areas subject to flooding shall include a contour line depicting the boundary of one hundred (100) year flood as shown in the Mills County, Iowa, Flood Plain Study prepared by the Federal Emergency Management Agency.
  - F. Contour lines or spot elevations related to some established bench marks or mean sea level or other datum having the following intervals:
 

Major Subdivision

    1. Ten (10) foot contour intervals for ground slopes of ten (10) percent or more;
    2. Five (5) foot contour intervals for ground slopes of less than ten (10) percent; and
    3. Spot elevations where the ground is too flat for contours.

Minor Subdivision

    1. Ten (10) foot contour intervals.
    2. Spot elevations where the ground is too flat for contours.
  - G. The location, elevation and description of the bench mark controlling the survey.

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- .06 The following information with respect to the manner in which the subject property is to be developed shall be included on the *preliminary plat*:
- A. The location, dimensions, identification number and *lot area* of all proposed *lots*.
  - B. The location, *right-of-way* width, surfacing width and names of all proposed *public roads*.
  - C. The approximate location, width and purpose of all proposed *easements*.
  - D. The approximate location and type of all proposed utilities.
  - E. The location, dimensions and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
  - F. The location and width of all proposed *building setback lines*.
  - G. Indication of the use of all proposed *lots*, if other than single-family dwellings.
- .07 A vicinity map showing the general location of the subdivision within the boundaries of the County.
- .08 A certificate to be signed by the *County Engineer* approving the *preliminary plat* with respect to proposed *public improvements*, if any.
- .09 A certificate for approval of the *County Board* to be signed by the Chairperson and attested by the *County Auditor*.
- .10 If applicable, a certificate for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the city.
- 10.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the *County Auditor* and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.
- 10.040 DISTRIBUTION OF PRELIMINARY PLAT: The *County Auditor* shall transmit copies of the *preliminary plat* to the *County Engineer*, the appropriate school district superintendent, the Soil Conservation District, the appropriate fire department, the *County Sheriff* and such other official body or agency as may be directed by the *County Board*. The *County Engineer* shall retain the two (2) copies of the typical cross sections of the roads for review.
- 10.050 REVIEW OF PRELIMINARY PLAT: Comments and recommendation shall be filed with the *County Auditor* as soon as practical, but normally within fifteen (15) working days. Copies of the *County Auditor's* comments and recommendations, as well as those of the responding individuals and agencies shall be submitted to the *County Board*.
- 10.060 REVIEW OF PRELIMINARY PLAT BY SOIL AND WATER CONSERVATION DISTRICT: The *preliminary plat* shall not be approved unless it includes a complete plan for soil erosion and sedimentation control, developed in accordance with the technical standards and specifications of the Soil Conservation District and approved by the *Soil and Water Conservation District*. The *developer* shall attach a statement to the erosion and sedimentation control plan certifying that construction and/or development will be done in accordance with the plan.

Within fifteen (15) working days of receipt of the plan, the Soil Conservation District shall notify, in writing, the *developer* and the *County Auditor* that the erosion and sedimentation control plan has been approved, approved subject to modifications or disapproved. If disapproved, the *Soil and*

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*Water Conservation District* shall submit to the *County Auditor*, with a copy to the *developer*, a statement setting forth reasons for disapproval, and indicating in what way this plan fails to conform to the technical standards and specifications of the *Soil and Water Conservation District*. In addition, the *Soil and Water Conservation District* may submit written comment on the other materials submitted for its review.

The date of approval of the erosion and sedimentation control plan by the *Soil and Water Conservation District* shall be its effective date. Any improvements pursuant to the development of the land from that date forward shall be undertaken in conformance with the plan.

The *developer* and subsequent landowners shall be liable for the successful implementation and completion of this plan. Any changes in the plan will require approval of the *Soil Conservation District*.

- 10.070 DEPARTMENT OF NATURAL RESOURCES NPDES GENERAL PERMIT #2: The *developer* shall be responsible for obtaining approval from the *Department of Natural Resources* in the form of a NPDES General Permit #2 for storm water discharge. The *developer* and subsequent landowners shall be liable for the successful implementation and completion of the requirements of this permit. Any changes in the plan will require approval of the *Department of Natural Resources*.

In the event the Iowa Department of Natural Resources has failed to respond within fifteen (15) days from the date of submittal of a request for a NPDES General Permit #2, the preliminary plat process may proceed. However, it shall be the developers responsibility to submit proof that said Permit has been applied for.

- 10.080 PUBLIC HEARING BY COUNTY BOARD: Before taking final action on each application, the *County Board* shall hold a public hearing thereon.

Notice of a public hearing on a proposed *subdivision* shall include the time and place of said public hearing and the place where the contents of the request may be examined, and shall be given in the following manner:

.01 A notice of the public hearing shall be given by one (1) publication in the designated newspapers in the *County*, not less than four (4) nor more than twenty (20) days prior to the date of the public hearing.

.02 The *County Board* may recess a hearing in order to serve notice upon other property owners or persons that the *County Board* determines may be interested in the application or to obtain additional information. Upon recessing for this purpose, the *County Board* shall announce the time and date when said hearing will be resumed.

- 10.090 COUNTY BOARD ACTION: The *County Board* shall either disapprove the *preliminary plat*; or shall, by resolution, approve the *preliminary plat*, with or without specified conditions to be accepted by the *developer* as a condition of such approval. Adoption of such a resolution shall require an affirmative vote of at least a majority of those voting.

- 10.100 RECORD OF APPROVAL: Any resolution adopted by the *County Board* approving a *preliminary plat* shall be given an official resolution number and shall be entered into the minutes of proceedings of the *County Board*.

.01 Following *County Board* action, the *County Auditor* shall notify, in writing, the *developer* of the *County Board's* decision.

.02 If the *preliminary plat* is approved by the *County Board*, the *County Auditor* shall return a signed blackline/blueline print copy of such *plat* to the *developer*.

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- 10.110 EFFECT OF APPROVAL OF PRELIMINARY PLAT: Approval of the *preliminary plat* shall not constitute final acceptance of the *subdivision* by the *County Board*, but shall signify merely the general acceptability of the proposed *subdivision*. Such approval shall be deemed to be authorization to proceed with the preparation of the *final construction plans* and the *final plat*.
- 10.120 EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL: Within one (1) year from the day the *County Board* approves a *preliminary plat*, the *developer* shall apply for *final plat* approval, or the first part thereof if phased. If the *subdivision* is phased, the *developer* shall apply for *final plat* approval of the second phase within two (2) years, the third phase with three (3) years, the fourth phase and the balance thereof within five (5) years from the date the *preliminary plat* was approved by the *County Board*. If the *developer* fails to apply for *final plat* approval within the appropriate time period, the *preliminary plat*, or remaining phase thereof, shall be void unless the *developer* requests an extension of time prior to the date originally required for submission of the *final plat*, or any part thereof if phased.
- 10.130 EXTENSION OF TIME LIMITATIONS: The *County Board* may grant an extension of time of not more than two (2) years from the date required for submission of a *final plat* or any part thereof if phased. If a *developer* applies for an extension of time of submission of any part of a phased *subdivision*, which is subsequently granted by the *County Board*, equal extensions are automatically granted for each of the remaining phases. A *developer* may apply only once for an extension of time, whether or not the *preliminary plat* is phased. If the *County Board* refuses to grant an extension of time, the *developer* shall apply for approval of the *final plat*, or the appropriate phase thereof if phased, to the *County Board* within the appropriate time originally required or sixty (60) days from the day the extension request is denied by the *County Board*.

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**CHAPTER 15**  
**FINAL CONSTRUCTION PLAN AND INSPECTION OF IMPROVEMENTS**

- 15.010 REQUIRED IMPROVEMENTS: Upon *County Board* approval of a *preliminary plat* and prior to application for *final plat* approval, the *developer* shall:
- .01 Construct and install the required improvements, or;
  - .02 Post a *performance guarantee* for the total cost of the improvements, or;
  - .03 Construct and install a portion of the improvements and post a *performance guarantee* for the remainder of the improvements not completed.
- 15.020 SUBMISSION OF THE FINAL CONSTRUCTION PLANS: The *developer* shall have a *licensed professional engineer* prepare the *final construction plans* for the proposed required improvements containing the data and information specified in Section 15.030, below. Four (4) blackline/blueline print copies of such plans shall be certified by a *licensed professional engineer*, and shall be submitted to the *County Engineer* in the following manner. A fee as specified in Chapter 30 shall accompany the plans.
- .01 In the event the *developer* chooses to construct and install the required improvements, as specified in Section 15.010.01, said *final construction plans* shall be submitted to the *County Engineer* at least thirty (30) calendar days prior to the date when the construction will commence.
  - .02 In the event the *developer* chooses to post a *performance guarantee* for the total cost of the required improvements, as specified in Section 15.010.02, said *final construction plans* shall be submitted to the *County Engineer* at least thirty (30) calendar days prior to the date when the *final plat* is submitted for approval. Said *final construction plans*, upon submittal to the *County Engineer*, shall be accompanied by a detailed engineering estimate of cost for all improvements, estimated and certified by the *developer's licensed professional engineer*. These estimates will be utilized by the *County Engineer* for review and determination of the amount of the *performance guarantee*. The amount of the *performance guarantee* shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the *County Engineer*.
  - .03 In the event the *developer* chooses to construct and install a portion of the required improvements and post a *performance guarantee* for the remainder of the improvements not completed, as specified in Section 15.010.03, said *final construction plans* shall be submitted to the *County Engineer* at least thirty (30) calendar days prior to the date when the construction will commence. At the time of the submittal of the plans, the *developer* shall notify the *County Engineer* of his intent to post a *performance guarantee* for remaining improvements and shall submit the cost estimates for the remaining portion, as specified in Section 15.020.02.
  - .04 In the event one (1) year has lapsed since the issuance of the *performance guarantee* and construction of the required improvements has not been completed, it shall be the responsibility of the *developer* to resubmit the detailed engineering estimates of cost and a new *performance guarantee* as required in Section 15.020.02.
  - .05 A list of the names of the individual *qualified observers* that will be utilized in the construction of the improvements and that will be on the job site full-time during the major phases of work. A copy of the Iowa Department of Transportation certification shall be included for each named individual.
- 15.030 CONTENTS OF FINAL CONSTRUCTION PLANS: The *final construction plans* for required *lot* or *public improvements* shall contain the following data and information.

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- .01 Plans, details, specifications and cost estimates for road and sidewalk construction, profiles indicating existing topography and elevation, curb and sidewalk elevations, intersection control elevations, and paving geometries for each road with a typical cross section.
- The profiles of grade lines shall be shown to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the *County Engineer*.
- .02 Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
- .03 Plans, profiles, details, specifications and cost estimates proposed water distribution systems, water supply facilities and water hydrants, if any.
- A. Submittal of well test results, as provided in Section 25.140.04, when so required by the *County Board* at the time of *preliminary plat* approval.
- .04 Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any.
- A. Submittal of soil boring tests and/or percolation test results, as provided in Section 25.150.03, when so required by the *County Board* at the time of *preliminary plat* approval.
- .05 Grading plans for all lots and other sites within the *subdivision*, including details and specifications for soil erosion and sedimentation control.
- .06 When unusual site conditions exists, the *County Engineer* may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
- .07 All plans shall be based on U.S.G.S. datum elevations with two (2) monumented benchmarks. The U.S.G.S. datum elevations may be determined from quadrangle maps.
- .08 All plans for underground utilities shall be prepared by or at the direction of the utility company involved.
- 15.040 REVIEW OF FINAL CONSTRUCTION PLANS: The *County Engineer* shall review the *final construction plans* in order to determine whether such plans are consistent with the approved *preliminary plat* and comply with the *design standards and specifications* described in Chapter 25.
- If such plans are consistent and do comply, the *County Engineer* shall submit a notice to the *County Board* that they so conform and comply, and shall return one (1) signed copy of the approved *final construction plans* to the *developer*. In the event that such plans do not conform and comply, the *County Engineer* shall notify the *developer* of the specific manner in which plans do not conform or comply, and the *developer* may then correct such plans. If such plans are not corrected, the *County Engineer* shall transmit a notice to the *County Board* as to the items of nonconformity or noncompliance.
- 15.050 CONSTRUCTION OF IMPROVEMENTS: No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the *final construction plans* shall have been approved by the *County Engineer*.
- 15.060 INSPECTION: It is the responsibility of the *developer* to oversee the construction operations of the required improvements to assure that the work performed is in accordance with the *final construction plans*. Therefore the *developer* shall provide:

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- .01 Full time construction inspection by a *qualified observer* during all major phases of the construction, including but not limited to grading, paving, concrete work, seeding, structures, pipe culverts and bridges. Daily progress and inspection reports must be maintained and submitted weekly to the *County Engineer*.
- .02 Quality control testing, to Iowa Department of Transportation or other approved standards, shall be performed by the *developer* and the results submitted to the *County Engineer*.
- 15.070 **FINAL INSPECTION:** Upon completion of all improvements within the area covered by the *final plat*, the *developer* shall notify the *County Engineer*, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the *final construction plans*, the *County Engineer* shall notify, in writing, the *developer* of such defects, deficiencies or deviations and the *developer* shall, at his sole cost and expense, correct such defects, deficiencies or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the *developer* shall again notify the *County Engineer* that the improvements are again ready for final inspection.
- 15.080 **ACCEPTANCE OF IMPROVEMENTS:** Prior to acceptance of the required improvements by the *County Engineer*, the *developer* shall provide:
- .01 A certification by the *developer's licensed professional engineer* that the work was completed in accordance with plans and specifications and meets all applicable *County* standards.
- .02 Two (2) sets of "as built" blackline/blueline print copies will be required to be submitted to the *County Engineer* prior to approval of the completed construction of the required improvements.
- 15.090 **REPORT TO COUNTY BOARD:** If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations the *County Engineer* shall certify to the *County Board*, within five (5) working days from the completion of inspection, that all improvements have been installed in conformity with the *final construction plans*. The receipt of such notification by the *County Board* shall constitute the date on which the one (1) year period specified in Section 15.100 shall commence.
- 15.100 **MAINTENANCE BOND:** The *developer* shall warrant the design, materials and workmanship of all required improvements, installations and construction for a period of one (1) year from and after completion. Such warranty shall be by a bond or other acceptable collateral, which shall assure the expedient repair or replacement of defective improvements under warranty and shall indemnify the *County* from all costs or losses resulting from or contributed to such defective improvements on the major phases of construction, which includes, but is not limited to, grading, paving, concrete work, seeding, structures, pipe culverts and bridges.



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CHAPTER 20  
FINAL PLAT

- 20.010 APPLICATION FOR FINAL PLAT APPROVAL: Following the approval of the *preliminary plat* in the case of a *minor subdivision*, or of the *preliminary plat* and *final construction plans* in the case of a *major subdivision*, the *developer*, if he wishes to proceed with the *subdivision*, shall file, upon the form provided, an application for *final plat* approval with the *County Auditor* for submission to the *County Board*. The application shall be accompanied by a fee as specified in Chapter 30. The application shall contain and be accompanied by the following information and documentation:
- .01 The names, addresses and telephone numbers of the *owner* of the land and the *developer*, if other than the *owner*.
  - .02 The names, addresses and telephone numbers of all professional consultants advising the *developer* with respect to the *subdivision*.
  - .03 The approved name of the *subdivision*.
  - .04 A copy of any *protective covenants* or deed restrictions affecting the *subdivision*.
  - .05 The *performance guarantee*, if required, as described in Chapter 15. If the required improvements have been completed in lieu of a *performance guarantee*, then a certificate signed by the *County Engineer* approving the installation of any required improvements.
  - .06 Copies of the *final plat* of the following types and sizes, all of which shall bear the original signatures on the required certificates, as described in Section 20.020, below.
    - A. Three (3) dimensionally stable plastic film copies and six (6) blackline/blue-line print copies of the *final plat*, at a size of not less than 18" x 24". One (1) additional film copy and two (2) print copies shall be submitted when the *subdivision* is located within two (2) miles of a city that exercises its extraterritorial *subdivision plat* review authority.
    - B. One (1) reduced print copy which is either 8 1/2" x 11" or 8 1/2" x 14".
  - .07 A statement from the mortgage holders or lienholders, if any, as required by Section 354.11, Code of Iowa, as amended.
  - .08 An opinion by an attorney-at-law, as required by Section 354.11, Code of Iowa, as amended.
  - .09 A certificate to be signed by the *County Treasurer*, as required by Section 354.11, Code of Iowa, as amended.
  - .10 Such other and further information as the *County Board* may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
  - .11 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
- 20.020 CONTENTS OF THE FINAL PLAT: The *final plat* shall be prepared by a *licensed land surveyor* at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The *final plat* shall show the following:
- .01 The approved name of the *subdivision*.
  - .02 The date of the document, north arrow and the scale of the *plat*. The scale shall be clearly stated and graphically illustrated by a bar scale on each *plat* sheet.

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- .03 The names and addresses of the *owner* of the land, the *developer*, if other than the *owner*, and the engineering firm or surveying firm that prepared the *final plat*.
- .04 The location by section, township, range, *county* and state and including descriptive boundaries of the *subdivision*.
- .05 The exact location and layout of *lots* and *public roads* with accurate dimensions in feet and decimals of feet, interior angles, length, and radii, arcs and intermediate tangents of all curves, and with all other information necessary to reproduce the *plat* on the ground.
- .06 The location of all existing *public* or *private roads* and new *public roads* within the *subdivision*.
- .07 The names and width of all existing *public* or *private roads* and new *public roads* within the *subdivision*.
- .08 The lot number and area of each *lot* within the *subdivision*. The data on the area of each *lot* may be shown in a table format on the *plat* page on which said lot is drawn.
- .09 The location of all *easements* shall be denoted, clearly identified, and if already on record, the recorded reference of such *easement*. If an *easement* is not definitely located on record, a statement of such *easement* shall be included. The width of the *easements*, with sufficient ties to locate it definitely with respect to the *subdivision* must be shown. If the *easement* is being dedicated by the *final plat*, it shall be properly referenced in the *owner's* certification of dedication.
- .10 The recorded reference of any *protective covenants* or deed restrictions affecting the *subdivision* shall be shown as a notation on the *final plat*.
- .11 A statement by the *proprietors* and their spouse, if any, as required by Chapter 354.11, Code of Iowa, as amended, shall accompany the final plat.
- .12 A certificate signed by a *licensed land surveyor*, as required by Chapter 355, Code of Iowa.
- .13 A certificate to be signed by the *County Engineer* approving the *final plat* with respect to *public improvements*, if any. If no *public improvements* are included, this certification may be omitted.
- .14 A certificate for approval of the *County Board* to be signed by the Chairperson and attested by the *County Auditor*.
- .15 If applicable, a certificate for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the city.
- 20.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the *County Auditor* and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.
- 20.040 REVIEW OF FINAL PLAT: Copies of the *County Engineer's* comments and recommendations shall be submitted to the *County Board*.
- 20.050 PUBLIC MEETING BY COUNTY BOARD: The *County Board* shall consider the proposed *final plat* at public meeting. Notice of the public meeting shall be given as specified in Chapter 21, Code of Iowa, as amended.

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- 20.060 COUNTY BOARD ACTION: The *County Board* shall, within fifteen (15) working days from the date of application for acceptance of *final plat* approval, either disapprove the *final plat* or shall, by resolution, approve the *final plat* and accept the dedication of all *public roads, easements, parks* and other public grounds for public use.
- Adoption of a resolution shall require an affirmative vote of at least a majority of those voting.
- 20.070 RECORD OF APPROVAL: Any resolution adopted by the *County Board* approving a *final plat* shall be given an official resolution number and shall be spread in the minutes of proceedings of the *County Board*.
- .01 The *County Auditor* shall notify, in writing, the *developer* of the *County Board's* decision.
- .02 If the *final plat* is approved by the *County Board*, the *County Auditor*, after having retained one (1) blackline/blueline print copy and one (1) dimensionally stable plastic film of such *plat*, shall return all other copies to the *developer*, who shall retain (2) print copy and distribute the others as follows:
- A. One (1) dimensionally stable plastic film and one (1) print copy to each of the following: *County Engineer*, along with one (1) reduced copy, *County Assessor*, and the appropriate City, if any.
- B. One (1) dimensionally stable plastic film and one (1) print copy to the *County Recorder*, to be recorded in accordance with the provisions of Chapter 354, Code of Iowa.
- 20.080 RECORDING FINAL PLAT: Approval of the *final plat* by the *County Board* shall be null and void if the *final plat* is not recorded with the *County Recorder* within ninety (90) days after the date of approval, unless an extension is requested by the *developer* within that time and granted by the *County Board*.
- 20.090 FAILURE TO CONSTRUCT REQUIRED IMPROVEMENTS: In the event a *developer* has posted a *performance guarantee* in lieu of actual construction of required improvements, the *County Board* may thirty (30) days prior to the expiration of the *performance guarantee* review the development of the *subdivision* and may direct the *County Engineer* to proceed with the execution of the *performance guarantee* in order to assure that the required improvements are completed.

**CHAPTER 26  
DESIGN STANDARDS**

- 25.010 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS: No *subdivision* shall be approved and accepted by the *County* unless it conforms to the minimum requirements contained herein. In addition to these requirements, all subdivisions shall comply with the following:
- .01 All other applicable laws, rules and regulations of the appropriate local jurisdictions.
  - .02 The *Comprehensive Land Use Plan* and all other applicable plans adopted by the *County*.
  - .03 All applicable standards established and regulations adopted by the *County Engineer* and all officers, departments and boards of the *County*.
  - .04 All applicable laws, rules and regulations of the State and its duly constituted agencies.
  - .05 Approval may be withheld if a subdivision is not in conformity with the above laws, rules and regulations, and the purposes of this Ordinance, as established in Section 1.020.
- 25.020 LAND SUITABILITY: No land shall be subdivided which is found to be unsuitable for development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare of the future residents of the subdivision or the residents of the *County*, until such time as conditions causing the unsuitability are corrected. The following general standards shall apply:
- .01 The *County Board*, may when it deems it necessary for the health, safety or welfare of the present or future residents of the area of necessary to the conservation of water, drainage and sanitary facilities, prohibit the *subdivision* of any portion of the property which lies within the floodway of any river or stream, into individual *lots*.
    - A. Residential subdivisions shall provide all *lots* with a means of vehicular access that is one (1) foot above the base flood elevation.
  - .02 Whenever a *subdivision* is submitted for an area which is subject to ponding or poor drainage, the *County Board* may approve such *subdivision* provided the *developer* fills the affected area of the *subdivision* to an elevation sufficient to place the elevation of the roads and lots at a minimum of one (1) foot above the elevation of the maximum probable flooding, as determined by the *developer's* engineer, and approved by the *County Engineer*. Such *subdivision* shall provide for an overflow area along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow area nor any structure be erected or placed therein. The boundaries of the overflow area shall be subject to the approval of the *County Engineer*. Areas of extreme ponding or poor drainage should be discouraged.
  - .03 Whenever a *subdivision* is submitted for an area which is intended to be served by individual septic systems, the *County Board* may disapprove such subdivision if any of the following conditions exist:
    - A. Lands altered or filled with non-earth materials.
    - B. Soils having a percolation rate of slower than one (1) inch per sixty (60) minutes.
    - C. Lands drained by farm drainage tile or farm ditch systems.
    - D. Lands having rock, impervious clay or groundwater closer than thirty-six (36) inches to the final grade of the ground.

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- .04 Whenever a *subdivision* is submitted for an area where soil types indicate problems of erosion and sedimentation control, sanitary waste disposal, unstable foundations for roads and/or *buildings* and similar problems, the *County Board* may approve the *subdivision* provided the *developer* submits plans to correct and alleviate such unsatisfactory conditions.
- .05 The *County Board*, in applying the provisions of this Section, shall in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the *developer* the opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the *County Board* may affirm, modify or withdraw its determination of unsuitability.
- 25.030 PRESERVATION OF ARCHEOLOGICAL SITES: Archeological sites shall be preserved as required by the Code of Iowa.
- 25.040 PARKS AND OPEN SPACES: In all residential *subdivisions* wherein the majority of the *lots* have a *lot* area of ten thousand (10,000) square feet or less there shall be usable *common open space* dedicated or reserved for *common open space* land. Said open space land shall be developed as follows:
- .01 A minimum area of ten thousand (10,000) square feet, plus an additional two thousand (2,000) square feet for each lot over fifteen (15), dedicated or reserved usable, *common open space* dedicated or reserved for *common open space*.
- .02 The land areas reserved for *common open space* need not be contiguous to each other, but no *parcel* dedicated or reserved for *common open space* shall be less than ten thousand (10,000) square feet in size.
- .03 The length of the *common open space* shall not be more than five (5) times the width of the *common open space*;
- .04 The *common open space* shall be easily accessible to all property owners within the subdivision;
- .05 *Common open space* land shall be clearly designated on the *subdivision plat* as to character of use and development, and that it is intended for the private use of the residents of the subdivision.
- .06 The following may be included in or considered part of *common open space*:
- A. Environmentally sensitive land such as stream beds, marshes, and steep slopes; provided however, a minimum of fifty (50) percent of the land must be level ground that is contiguous and suitable for active recreation;
- B. Bikeways, provided that *right-of-way* width is at least twelve (12) feet in width and there is a paved surface at least eight (8) feet wide, four (4) inches thick Portland cement concrete (pcc) or asphalt cement concrete (acc), provided on a well drained subsoil base. The provisions of 25.040.03 shall not apply to bikeways.
- .07 The following shall not be included in or considered part of the *common open space*:
- A. Areas reserved for the exclusive use or benefit of an individual tenant or property owner;
- B. Dedicated roads, common wells, sewer treatment facilities, open drainage ditches, drainage storage areas, other public *right-of-ways*, and other areas deemed unsuitable open spaces;
- C. Vehicular drives, parking, loading and storage area.

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- .08 Suitable provisions for maintenance and upkeep of open space shall be provided through a homeowner's association, deed covenants, or through other similar provisions as may be approved by the *County Board*.
- 25.050 LOT DRAINAGE: Lots shall be laid out so as to provide positive drainage away from all *buildings* and individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- 25.060 WATERBODIES AND WATERCOURSES: If the *tract* being subdivided contains a water body, or portion thereof, *lot lines* shall be drawn so as to distribute the entire ownership of the water body among the fees of adjacent lots. The *County Board* may approve an alternate plan whereby the ownership of and responsibility for the safe maintenance of the water body is so placed that it will not become a *County* responsibility. None of the land, which is under water, shall be utilized to meet the minimum area of the lot required under this Ordinance. Where a watercourse separates the buildable area of a lot from the road by which it has access, provisions shall be made for the installation of a culvert or other structure, in accordance with standards and specifications approved by the *County Engineer*.
- 25.070 LOTS: The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in *building* on all lots and in providing driveway access to *buildings* on such lots from an approved road.
- .01 The lot size, width, depth, shape and orientation, and the minimum front yard setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall comply with the minimum standards of this Ordinance.
- .02 Dimensions of *corner lots* shall be large enough to allow for the erection of *buildings*, observing the minimum front yard setback from both roads.
- .03 Where lots are more than double the minimum required by this Ordinance, the *County Board* may require that such lots be arranged so as to allow further subdivision and the opening of future roads where they would be necessary to serve such potential lots, all in compliance with the provisions of this Ordinance.
- .04 Depth and width of lots reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated.
- .05 Every lot shall abut and have access to a *public road*.
- .06 In general, *side lot lines* shall be at right angles to road lines, or radial to curving road lines, unless a variation from this requirement will give a better road or lot layout.
- .07 Double *frontage* and reverse *frontage* lots shall be avoided except where necessary to provide separation of residential development from *arterial roads* or to overcome specific disadvantages of topography and orientation.

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25.080 **LOT SIZE REQUIREMENTS:** The minimum lot size for various uses shall be as follows, except as provided in Section 25.090:

	USE	MINIMUM						
		FRONT YARD SETBACK OR STREET SIDE YARD SETBACK		SIDE YARD SETBACK	REAR YARD SETBACK	LOT AREA	LOT WIDTH	LOT DEPTH
		#1	#2					
.01	<b>Single-family dwellings with-</b>							
	*Wells and septic systems	75'	35'	10'	25'	1 Acre	150' 200'	
	*Common or public water system and septic systems	75'	35'	10'	25'	1 Acre	150' 200'	
	*Wells and common or public sewer systems	75'	35'	10'	25'	25,000 sq.ft.	150' 200'	
	*Common or public water system and common or public sewer system	25'	25'	10'	25'	10,000 sq.ft.	100' 100'	
	.02	<b>Two-family dwellings with-</b>						
		*Wells and septic systems	75'	35'	10'	25'	2 Acre	150' 200'
		*Common or public water system and septic systems	75'	35'	10'	25'	2 Acre	150' 200'
*Wells and common or public sewer systems		75'	35'	10'	25'	1 Acre	150' 200'	
	*Common or public water system and common or public sewer system	25'	25'	10'	25'	25,000 sq.ft.	100' 100'	
	.03	<b>Multi-family dwellings with-</b>						
		*Wells and septic systems	75'	35'	10'	25'	1 Acre/Unit	150' 200'
		*Common or public water system and septic systems	75'	35'	10'	25'	1 Acre/Unit	150' 200'
*Wells and common or public sewer systems		75'	35'	10'	25'	25,000 sq.ft. per unit	150' 200'	
	*Common or public water system and common or public sewer system	25'	25'	10'	25'	10,000 sq.ft. per unit	100' 100'	
	.04	<b>Commercial uses with-</b>						
		*Wells and septic systems	50'	25'	10'	25'	1 Acre	150' 200'
		*Common or public water system and septic systems	50'	25'	10'	25'	1 Acre	150' 200'
*Wells and common or public sewer systems		50'	25'	10'	25'	25,000 sq.ft.	150' 200'	
	*Common or public water system and common or public sewer system	50'	25'	10'	25'	10,000 sq.ft.	100' 100'	
	.05	<b>Industrial uses with-</b>						
		*Wells and septic systems	50'	25'	10'	25'	1 Acre	150' 200'
		*Common or public water system and septic systems	50'	25'	10'	25'	1 Acre	150' 200'
*Wells and common or public sewer systems		50'	25'	10'	25'	25,000 sq.ft.	150' 200'	
	*Common or public water system and common or public sewer system	50'	25'	10'	25'	10,000 sq.ft.	100' 100'	

#1 Subdivisions developed along an arterial road, collector road, county road, highway or thoroughfare

#2 Subdivisions developed along local roads with a speed limit of less than 30 miles per hour.

, Minimum lot widths shall be increased to accommodate driveway entrance placement in accordance with the "Mills County Entrance and Driveway Ordinance, Title 1, Chapter E". In the event said Ordinance requires additional lot width, that lot width requirement shall take priority over the stated lot width in this Ordinance.

25.090 **WATER SUPPLY AND SEWAGE DISPOSAL:** Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the requirements and standards of the appropriate State, County or local agency.

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For the purpose of providing adequate sewage disposal in areas serviced by onsite wastewater treatment and disposal systems, soil characteristics shall be highly instrumental in determining *lot area*. The minimum *lot area* for various land uses shall be determined by the following factors:

- .01 The ability to situate a private water well on the lot in accordance with Chapter 567-49, Iowa Administrative Code.
- .02 The ability to situate two (2) onsite wastewater treatment and disposal systems on the lot in accordance with Chapter 567-69, Iowa Administrative Code. The area dedicated for the second system is provided as a back up when the first system fails.
- .03 The ability to provide adequate off-street parking and off-street loading.

In the event the above-referenced features can be accommodated in the minimum *lot area* outlined above, said *lot area* shall be accepted as stated. However, in the event the above-referenced features cannot be accommodated in the specified minimum *lot area* outlined above, said *lot area* shall be increased to a size that can accommodate the above-referenced features.

25.100 ROAD LAYOUT AND DESIGN: The arrangement, character, extent, width, grade and location of all roads shall be designed with consideration of and in relationship to existing and planned roads, topographical conditions, public convenience and safety, and the proposed uses of land to be served by such roads. The layout and design of roads in all *subdivisions* shall conform to the following:

- .01 Private roads shall not be permitted.
- .02 The road and *alley* layout shall provide access to all lots and *parcels* of land within the *subdivision*.
- .03 Road jogs of less than one-hundred fifty (150) feet shall be avoided.
- .04 Cul-de-sacs that exceed one-thousand (1000) feet in length shall, in addition to complying with the road standards required by this Chapter, shall be constructed as follows:
  - A. Paved surface shall be twenty-four (24) feet in width.
  - B. Two (2) foot rocked shoulders, with a two (2) percentage grade slope; and
  - C. Ten (10) foot grassed shoulders, with a four (4) percent slope.
- .05 Proposed roads shall be adjusted to the contour of the land so as to produce useable lots and roads of reasonable gradients.
- .06 New *subdivisions* shall make provisions for continuation and extension of thoroughfares and *collector roads*.
- .07 No *dead-end roads* or *alleys* will be permitted except at *subdivision* boundaries.
- .08 Thoroughfare and *collector roads* in a *subdivision* shall extend through to the boundaries thereof.
- .09 *Alleys* shall not be permitted in residential areas, but shall be provided in commercial and industrial areas.
- .10 Intersections of road center lines shall be between eighty (80) degrees and one-hundred (100) degrees.
- .11 Intersection of more than two (2) roads at a point shall not be permitted.



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- .12 Where parkways or special types of roads are proposed, the County Board may approve special standards for the design of such parkways or streets.
- .13 Proposed roads that are extensions of or in alignment with existing roads shall bear the name of the existing road.
- .14 Minimum *right-of-way* shall be provided as follows:
- |                           |                      |
|---------------------------|----------------------|
| A. Thoroughfares          | 100 feet             |
| B. <i>Collector Roads</i> | 70 feet              |
| C. Local Roads            | 66 feet              |
| D. Cul-de-sacs            | 110 feet in diameter |
| E. <i>Alleys</i>          | 20 feet              |
- .15 Minimum width of surfacing to be provided shall be as follows:
- |   |   |
|---|---|
| A. Thoroughfares                                      | 24 feet paved with 2-10 foot rock shoulders |
| B. <i>Collector Roads</i>                             | 24 feet paved with 2-10 foot rock shoulders |
| C. Local Roads with no on-street parking              | 24 feet paved with 2-2 foot rock shoulders  |
| D. Local Roads with on-street parking on one (1) side | 34 feet paved                               |
| E. Local Roads with on-street parking on both sides   | 44 feet paved                               |
| F. Cul-de-sacs  | 85 feet in diameter                         |
| G. <i>Alleys</i>                                      | 20 feet                                     |
| H. Sidewalks  | 4 feet                                      |
- .16 No road grade shall be less than one-half (1/2) of one (1) percent and shall not exceed the following limits:
- |                           |            |
|---------------------------|------------|
| A. Thoroughfares          | 6 percent  |
| B. <i>Collector Roads</i> | 8 percent  |
| C. Local Roads            | 10 percent |
- A flat zone, fifty (50) foot in length with no more than two (2) percent road grade, shall be provided where two roads intersect.
- .17 The length of *blocks* shall not be less than five-hundred (500) feet and not more than one thousand two-hundred fifty (1,250) feet in length.
- .18 *Blocks* shall be sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than two-hundred twenty (220) feet, except where a single tier of *double frontage lots* parallel a Limited Access Highway, a thoroughfare, drainage course, railroad or other barrier, the width shall not be less than one-hundred (100) feet.
- .19 The entire width of *right-of-way* shall be clear and kept clear of obstacles, including but not limited to, fences, sprinkler systems, security systems, gates, trees, and bushes.
- 25.110 ROAD STANDARDS: Road standards including, but not limited to, *right-of-way* widths, grades, sight distances, vertical curve length, and pavement type, width and thickness, shall be based upon, in addition to the requirements of Section 20.100, the standards equal or greater than current American Association of State, Highway and Transportation Officials (AASHTO) design standards and current Iowa Department of Transportation specifications pertaining to paving and drainage facilities. Hydraulic design of drainage facilities shall meet or exceed the minimum requirements currently utilized by the *County Engineer*.
- .01 Curb and gutter type construction of roads shall be required by the *County Engineer* in *subdivisions* wherein lot density and topography has the potential of creating erosion, drainage

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and/or stormwater management problems. Curbs and gutters shall be Portland cement concrete (pcc).

- .02 All pavements shall meet or exceed the structural equivalency of seven (7) inches of Portland cement concrete (pcc) or eight and one-half (8 ½) inches of asphalt cement concrete (acc), based on current AASHTO "Guide for Design of Pavement Structures". ACC shall be laid with a two (2) inch surface course lift.
- .03 All pavements shall meet or exceed minimum smoothness standards based on current Iowa Department of Transportation specifications, as stipulated in Section 2316.02-Measurements; 2316.03-Evaluation; and Section 2532-Pavement Surface Repair (Diamond Grinding).

Final profile index shall not exceed forty (40) inches per mile or the current metric equivalent adopted by the Iowa Department of Transportation.

All costs incurred to test for assurance that the minimum smoothness standards have been met shall be the responsibility of the developer.

- .04 Bump correction or smoothness correction or both may be required. If required, the correction shall be completed before the final determination of pavement thickness. All bumps exceeding a vertical height of twenty-five hundredths (0.25) inch in a twenty-five (25) foot span, as indicated on the profile trace, shall be corrected. Corrections will also be required, in lengths excluded from the profilogram, for deviations exceeding one-eighth (1/8) inch in ten (10) feet. However, on asphalt pavements the surface shall be corrected only with approval of the County Engineer. Also, when an additional full width lane for through traffic is to be constructed, bump correction of the new pavement will not be required if the bump also occurs at the location in the adjacent lane. The corrected bumps will be considered satisfactory when measurement by the profilograph shows that the bumps are twenty-five hundredths (0.25) inch or less in a twenty-five (25) foot span.
- .05 Roads that exceed one thousand (1000) feet in length shall use a slip form paver when furnishing Portland cement concrete.

25.120 ACCESS TO ARTERIALS: Where a subdivision borders on or contains an existing or proposed arterial road, the County Board may require that access to such roads be limited by one of the following means:

- .01 The subdivision of lots so as to back onto the arterial road and front onto a parallel local road. No access shall be provided from the arterial road and screening shall be provided in a strip of land along the rear property line of such lots.
- .02 A series of cul-de-sac or loop roads, entered from and designed generally at right angles to such parallel road, with the rear lines of their terminal lots backing onto the arterial road.
- .03 A marginal access road, separated from the arterial road by a buffer or grass strip and having access thereto at suitable points.
- .04 Where the County Board determines that driveway access directly from an arterial road is necessary for several adjoining lots, the County Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such road. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial roads.

25.130 RAILROADS AND LIMITED ACCESS HIGHWAYS: Railroad right-of-ways and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- .01 In residential subdivisions, a buffer strip of at least twenty-five (25) feet in depth, in addition to the minimum lot depth of the lot required by this Ordinance, shall be provided adjacent to

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the railroad *right-of-way* or limited access *highway*. This strip shall be part of the platted lots and shall be designated on the *final plat*: "This strip is reserved for screening. The placement of structures hereon is prohibited."

- .02 In *nonresidential subdivisions*, the nearest road extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for the commercial or industrial sites.
- .03 Roads parallel to a railroad or limited access *highway* when intersecting a road which crosses the railroad or limited access highway at grade shall, to the extent practical, be at a distance of at least one hundred fifty (150) feet from such *right-of-way*. Such distance shall be determined with consideration of the minimum distance required for further separation of grades by means of appropriate approach gradients.

25.140 WATER SUPPLY: The *developer* shall make provisions to assure that an approved, adequate supply of potable water exists for every lot in the *subdivision* or can be provided during the development of every lot in the *subdivision* as follows:

- .01 Where an adequate public water supply system is reasonably accessible, the *developer* shall provide a complete public water supply system, including all hydrants, valves and other appurtenances and a service connection to each lot throughout the entire *subdivision*.

Such system shall extend into and through the *subdivision* to the boundary lines and shall be connected to a public water system. Such water supply system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities. All water mains shall be of such size as to support the use of fire hydrants, as described below.

Fire hydrants shall be required for all *subdivisions* provided with a public water supply. Fire hydrants shall be placed in accordance with the Uniform Fire Code. To eliminate future road excavations, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final surfacing of a road shown on the *final plat*.

- .02 Where an adequate public water supply system is reasonably accessible, the *developer* may provide a rural water system, including all valves and other appurtenances and a service connection to each lot throughout the entire *subdivision*.
- .03 Where an adequate public water supply system is not reasonably accessible, the *developer* may provide a complete common water supply. Such water supply system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
- .04 Where an adequate public or common water supply system is not reasonably accessible or not required, private water wells may be used for the purpose of providing a private water supply system.
  - A. The *developer* shall submit, with the *preliminary plat*, acceptable evidence of the availability of water on the site. The *developer* may be required to make one (1) or more test wells within the boundaries of the *subdivision* if the evidence is deemed unacceptable by the *County Board*. Each test hole shall be numbered and its location and results shown on the *final construction plans*. All tests shall be performed in accordance with Chapter 567-49, Iowa Administrative Code.
  - B. Private water wells, if approved, may be drilled at the expense of the *developer*, or at the expense of a subsequent lot *owner* at the time development of the lot takes place.

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- 25.150 SANITARY SEWER: The *developer* shall make provisions to assure that an approved, sanitary means of sewage disposal exists for every lot in the *subdivision* or can be provided during the development of every lot in the *subdivision* as follows:
- .01 Where an adequate public sanitary sewer system is reasonably accessible, the *developer* shall provide a complete public sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire *subdivision*. Such system shall extend into and through the *subdivision* to the boundary lines and shall connect to a public sanitary sewer system. Such sanitary sewer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities.
  - .02 Where an adequate public sanitary sewer system is not reasonably accessible, the *developer* may provide a complete common sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire *subdivision*. Such system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
  - .03 Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the *subdivision*.
    - A. The *developer* shall submit with the *preliminary plat*, acceptable evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site. The *developer* may be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the *subdivision* if the evidence is deemed unacceptable by the *County Board*. Each test hole shall be numbered and its location and results shown on the *final construction plans*. All tests shall be performed in accordance with the Chapter 567-69, Iowa Administrative Code.
    - B. Lots where onsite wastewater treatment and disposal systems are proposed shall provide adequate space for two (2) such systems. The area dedicated for the second system is provided as a back up when the first system fails.
    - C. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the *developer*, or at the expense of a subsequent lot *owner* at the time development of the lot takes place.
- 25.160 STORM SEWER: Adequate storm sewer systems shall be planned and constructed as required throughout the *subdivision* to carry off storm water from all inlets and catch basins and be connected to an approved outfall. There shall be provided storm-water sewers or a surface drainage system to serve adequately the area being subdivided, considering but not limited to the use of existing drainage channels whenever possible. The design of the drainage system shall consider the storm drainage area of which the *subdivision* is a part and existing watercourses. All storm drainage facilities shall be constructed based upon criteria established by the *County Engineer*. The *County* shall only be responsible for maintenance of storm water sewer structures which lie within the *County Road right-of-way*.
- 25.170 EASEMENTS: Easements shall be provided for utility service, including storm sewer drainage structures, where necessary. Easements for sanitary sewer, storm sewer facilities and water supply and distribution lines shall be at least twenty (20) feet in width and other easements shall be at ten (10) feet in width. All easements shall be established where practicable at the rear of each lot and along such other *lot lines* to provide continuity of alignment from *block to block*. Drainage easements may also be established along the side lot line of a lot. However, the combined width of such easements shall be equally divided between adjoining lots within any proposed *subdivision*.
- .01 All utility distribution lines for telephone, electric, natural gas and cable television service to be installed shall be placed underground within easements or dedicated public *right-of-ways*. The installation of such facilities shall be made in compliance with the applicable orders,

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- rules and regulations of the State of Iowa, now or hereafter effective, and the *owner* or *developer* of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations of any public utility whose services will be required with respect to the provisions of such underground facilities. It shall be the responsibility of the appropriate utility company to obtain the necessary permits from the *County Engineer* prior to the installation of the said utility distribution lines.
- .02 Where a *subdivision* is traversed by a watercourse, drainage way, channel or stream, or other body of water, appropriate dedications or *easement* provisions, with adequate width or construction to accommodate observed, computed or anticipated storm water drainage through and from the *subdivision*, shall be made. The width of the *easement* or dedication shall be dependent on the area of land drained by the watercourse and to allow access to the structure for construction and maintenance equipment.
- .03 A screen planting *easement* may be required between residential and commercial or industrial lots. If such *easement* is to be used for public utilities, additional width may be required to assure that maintenance of the utilities would not be detrimental to the plantings.
- .04 Parks situated in the interior of *blocks* shall have direct and public access to surrounding roads by an *easement* at least twenty (20) feet wide, and shall be covered by the restrictive covenants as to maintenance.
- 25.180 **RESERVE STRIPS:** The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.
- 25.190 **SUBDIVISION NAME:** The proposed name of the *subdivision* shall not duplicate, or too closely approximate phonetically, the name of any other *subdivision* in the *County*, the name of an incorporated farm, nor the registered trade name of a business. Said name of the *subdivision* shall be approved by the County Auditor.
- 25.200 **ROAD NAMES:** The proposed names of all new roads shall be shown on the *preliminary plat* and such names shall be sufficiently different in sound and in spelling from other road names in the *County* so as not to cause confusion. Proposed names shall be submitted to the Mills County E911 Board for review. The *County Board* reserves the right to alter or change the proposed name of any road at any time prior to the approval of the *final plat*. Proposed roads which are in alignment with other already existing and named roads shall bear the names of such existing roads. The name of a proposed road which is not in alignment with an existing road, shall not duplicate the name of any existing road, irrespective of the use of the suffix road, avenue, boulevard, drive, place, court, lane, road, pike, *highway*, parkway or other similar suffix.
- 25.210 **ROAD REGULATORY SIGNS:** At the time of *final plat* approval, the *developer* shall pay the *County* the total cost, including installation, for all road regulatory signs, including road name signs, required by the *County Engineer* along all roads and at all intersections within or *abutting* the *subdivision*.
- 25.220 **PEDESTRIAN WALKWAYS:** Pedestrian walkways may be required by the *County Board* through the center of *blocks* of more than six hundred (600) feet in length where deemed essential to provide circulation or access to schools, parks, shopping centers, transportation, or other community facilities. A *pedestrian walkway* shall have a width of not less than ten (10) feet. A sidewalk, constructed in accordance with the requirements of Section 25.250 for sidewalk improvements, shall be placed along the entire length of such walkway.
- 25.230 **SIDEWALKS:** Whenever provided, sidewalks shall be constructed of Portland cement concrete in accordance with the *design standards and specifications* approved by the *County Engineer*. Sidewalks shall be a minimum of four (4) feet in width and four (4) inches in depth and shall be located within the *road right-of-way*, parallel to and within two (2) foot of the *lot line*.
- .01 Sidewalks may be provided for all roads in *nonresidential subdivisions*.

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.02 Sidewalks shall be required on either side of all roads in *subdivisions* where the majority of the lots are ten thousand (10,000) square foot or less.

25.240 ENTRANCES INTO INDIVIDUAL LOTS: All individual driveway entrances shall be placed and constructed in accordance with the "Mills County Entrance and Driveway Ordinance, Title 1, Chapter E". It shall be the financial responsibility of the *developer* to pay for the material and labor required to install individual driveway entrance tubes along *County roads*, when so required. This expense may be borne by a subsequent lot *owner* at the time development of the lot takes place.

Site numbers shall be posted at all individual driveway entrances in accordance with the "Mills County Uniform Rural Address System.

25.250 MONUMENTATION: The *developer's licensed land surveyor* shall cause to be placed permanent reference monuments in the *subdivision* as required in Chapter 355, Code of Iowa, as amended.

25.260 SELF-IMPROVED RESTRICTIONS: The *County Board* shall have the right to agree with the *developer* regarding the type and character of the development to be permitted within the *subdivision*, and may require that certain minimum regulations regarding this matter be incorporated in any *protective covenants* or deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate character of development in the property to which is subdivided.

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CHAPTER 30  
FEES

30.010 FILING FEES REQUIRED: A filing fee, in accordance with the established fee schedule, shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitting the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.

30.020 FEE SCHEDULE: The following fee schedule is hereby established for matters pertaining to this Ordinance.

<u>FEE SCHEDULE</u>	
<i>Preliminary Plat-Minor Subdivision 4 lots or less</i>	\$150.00
<i>Preliminary Plat-Minor Subdivision more than 4 lots or Major Subdivision</i>	\$250.00 plus \$5.00 per lot
<i>Final Plat-Minor Subdivision 4 lots or less</i>	\$150.00
<i>Final Plat-Minor Subdivision more than 4 lots or Major Subdivision</i>	\$250.00 plus \$5.00 per lot
<i>Subdivision Variance/Appeal</i>	\$110.00
<i>Final Construction Plan Review</i>	\$175.00
<i>Stop Sign for new subdivision road (per intersection with public road)</i>	\$ 85.00
<i>Intersection sign for new subdivision road (per intersection w/public road)</i>	\$170.00
<i>Sketch Plat for parcel splits and property line adjustments</i>	\$ 50.00

30.030 PAYMENT OF FEES: All fees, except for those for stop signs and intersection signs, mentioned above shall be made payable to the *County Treasurer* for equal distribution between the general fund and the rural services fund of Mills County, Iowa. All fees collected for stop signs and intersection signs shall be distributed to the rural services fund. The fee shall be attached to the application submitted to the *County Auditor*.

30.040 FEE REFUND: Whether the request is granted or denied by the *County Auditor, County Engineer* or *County Board* the applicant shall not be entitled to a refund of the fee paid.

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CHAPTER 35  
ENFORCEMENT AND LEGAL STATUS PROVISIONS

35.010 NOTICE TO ABATE VIOLATION: Whenever the *County Board* or *County Engineer* finds that a violation of this Ordinance has occurred, the *County Auditor* shall cause to be served upon the property owner, as shown by the records of the *County Auditor*, a written notice to abate the violation within a reasonable time after notice.

35.020 CONTENTS OF NOTICE TO ABATE: The notice to abate shall contain:

- .01 A description of what constitutes the violation of the Ordinance.
- .02 A statement of the act or acts necessary to abate the violation.
- .03 A reasonable time within which to complete the abatement.
- .04 A statement that if the violation is not abated as directed and no request for hearing with officer ordering the abatement is made within the time prescribed, the *County* will proceed with other action as outlined in this Chapter.

35.030 METHOD OF SERVICE OF NOTICE TO ABATE VIOLATION: The notice to abate violation may be served by certified mail to the property owner as shown by the records of the *County Auditor*.

35.040 REQUEST FOR HEARING AND APPEAL: Any person ordered to abate a violation of this Ordinance may request and have a hearing with the officer order the abatement as to whether a violation exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a violation exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a violation exists. If the officer finds that a violation exists, the officer must order it abated within an additional time which must be reasonable under the circumstances.

35.050 VIOLATIONS AND PENALTIES: Any person violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions contained in this Ordinance shall be deemed guilty of a *county* infraction.

- .01 A *county* infraction is a civil offense punishable in the following schedule of civil penalties
 

A. First offense	\$500.00
B. Second offense and subsequent offense(s)	\$750.00
- .02 Each and every day that the violation is permitted to exist after notification shall constitute a separate offense.
- .03 Each and every violation (including each and every lot or *parcel* sold) or noncompliance of the separate provisions of this Ordinance violated shall constitute a separate offense.
- .04 The *owner* of the land, and any agent, engineer, land surveyor, contractor, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- .05 Enforcement of a *county* infraction shall be pursuant to Section 331.307, Code of Iowa, as amended.
- .06 Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including, but not limited to, criminal prosecution, as a simple misdemeanor, an order for abatement: or injunctive relief.

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- .07 In the event that any person violating any of the provisions contained in this Ordinance is deemed guilty of a simple misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed one hundred (100) dollars or by imprisonment for a term not to exceed thirty (30) days for each offense.
- .08 The provisions of Subsection 35.060.02 through 35.060.04 are applicable to simple misdemeanors.
- .09 Nothing herein contained shall prevent the *County* from taking such other lawful action as necessary to prevent or remedy any violation.

35.070 OTHER LEGAL REMEDIES: In addition to the penalties described above, the *County Board* or other proper local authorities of the *County*, as well as any *owner* of real estate within the jurisdiction of the *County* affected by the regulations, may institute any appropriate action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said *building*, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

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