

ORDINANCE NO. 99/74

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE OPENING AND MAINTAINING PLATTED SUBDIVISION STREETS AND OTHER ROADS THAT HAVE NOT BEEN OPEN TO TRAFFIC BUT HAVE NOT BEEN VACATED AND ROADS CLASSIFIED AS AREA SERVICE "B" OR AREA SERVICE "C" ROADS; AND ESTABLISHING STANDARDS FOR UPGRADING AND MAINTAINING SUCH ROADS.

**WHEREAS** Winneshiek County may have platted subdivision streets not currently open to the public, unsurfaced roads and roads not currently open to traffic that are legally established roads of record and may or may not be listed on the Iowa Department of Transportation Road Inventory, and have not been vacated, and roads that have not been regularly maintained by the county, and roads classified as Area Service B or Area Service C, and;

**WHEREAS** Winneshiek County may receive requests for opening platted subdivision streets and other roads; and

**WHEREAS** Winneshiek County may receive requests for surfacing, upgrading and surfacing, and maintaining the above described roads;

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Supervisors of Winneshiek County, Iowa, as follows:

1. The streets and roads in Winneshiek County, as described above, are divided into four classifications as follows:

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

Class II Those streets in subdivisions platted and recorded after January 6, 1970 and prior to the enactment of the county zoning ordinance on October 3, 1994.

Class III Those streets in subdivisions platted, recorded, and approved by the Winneshiek County Planning and Zoning Commission and the Winneshiek County Board of Supervisors after the enactment of the county zoning ordinance.

Class IV Those streets that are not in platted subdivisions and consist of unsurfaced roads and roads not currently open to traffic that are legally established roads of record and may or may not be listed on the Iowa Department of Transportation Road Inventory, and have not been vacated, and roads that have not been regularly maintained by the county, and roads classified as Area Service B or Area Service C

2. Requests for opening of platted subdivision streets and other roads, and for the surfacing, upgrading and surfacing, and the maintenance of the roads described above, will be considered under the following conditions:

CLASS I ROADS

Platted streets in this class open to traffic and maintained by the county on October 1, 1997 will be

the responsibility of Winneshiek County. Platted streets not vacated on October 1, 1997 and not maintained by the county, will not be the responsibility of the county. Platted streets in this class that have not been vacated may be accepted into the county road system after persons requesting the opening of the street meet the following requirements.

- A. The street shall be brought to grade and surfaced in a manner similar to other streets in the subdivision. The costs of these improvements will be the responsibility of the persons requesting the improvement.
- B. All drainage structures including crossroad culverts and driveway culverts shall be new pipe of the size length specified by the county.
- C. All improvements shall be approved by the County Engineer prior to construction.
- D. If streets in the subdivision currently maintained by the county are paved and/or have storm sewers, new streets shall also have pavement and/or storm sewers. The cost of these improvements shall be the responsibility of the persons requesting the improvement.
- E. All areas disturbed by construction shall be seeded and have any necessary erosion control measures in place to minimize soil erosion.

When the preceding requirements have been met, the persons requesting the improvement shall notify the County Engineer who will inspect the construction for compliance with these requirements. The County Engineer will, after all requirements have been met, certify to the Board of Supervisors that the improvement meets the stated requirements and may be accepted into the county road system. The Board of Supervisors may, at that time, initiate formal action to accept the street into the road system. Upon acceptance into the county road system, the street will be maintained by the county at a level similar to other streets in the subdivision.

#### CLASS II ROADS

Platted streets in this class which have not been vacated shall meet all of the requirements established by the Winneshiek County Board of Supervisors on January 6, 1970 and revised October 10, 1977.

The cost of improving these streets to meet these requirements shall be the responsibility of the requesting party. The County Engineer will, after all requirements have been met, inspect these streets and certify to the Board of Supervisors that the improvements meet the appropriate requirements and may be accepted into the county road system. The Board of Supervisors may, at that time, initiate formal action to accept the streets into the county road system. Upon formal acceptance, the county will assume future maintenance of the street.

#### CLASS III ROADS

Platted streets in this class shall meet all of the requirements of the Winneshiek County Zoning Ordinance adopted by the Board of Supervisors on October 3, 1994 including any subsequent revisions. The County Engineer will, after these requirements have been met, inspect and certify to the Board of Supervisors that the improvements meet the appropriate requirement and may be accepted into the county road system. The Board of Supervisors, at that time, may initiate formal action to accept the streets into the county road system. Upon formal acceptance, the county will assume future maintenance on the street.

## CLASS IV ROADS

Roads in this class shall meet all of the requirements set forth below:

### A. RIGHT OF WAY

1. The minimum width shall be 66 feet from fence to fence.
2. The owners of the adjacent land or interested parties will donate the land, move all fences, and provide any easements required for construction at no cost to the County.

### B. GEOMETRICS

1. Roadway shall be placed to final grade and alignment as approved by the County Engineer in accordance with current AASHTO guidelines.

### C. FINANCING

1. Landowners or other interested parties shall be responsible for 100% of the cost of the improvement of said road including drainage structures and engineering. Section 311 of The Code of Iowa may be used for financing any improvement.

### D. CONTINUITY OF NETWORK

1. The cost of any improvements required to connect to the existing surfaced road network to provide continuity of service shall be included in the cost of the improvement and be the responsibility of the individual(s) requesting the improvement.

### E. MAINTENANCE

1. All roads will be maintained at a level determined by the Board of Supervisors after consulting with the County Engineer.
2. Any change in the level of maintenance of roads classified as Area Service B or Area Service C will be in accordance with the ordinance establishing Area Service B or Area Service C roads respectfully.
3. Roads not currently open to traffic or abandoned by the county shall be improved in accordance with the conditions listed above before the Board of Supervisors will approve requests for additional maintenance on the road.

### F. PROGRAMMING

1. Any roadway to be improved shall be proposed to the Board of Supervisors before October 1, for consideration for inclusion in the next five-year program.

If the proposal is approved by the Board of Supervisors, the County Engineer will, after these requirements have been met, inspect and certify to the Board of Supervisors that the improvements meet the appropriate requirement and may be accepted into the county road system. If accepted, the County will assume future maintenance on the road.

3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not effect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

5. When Effective. This ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: January 11, 1999

Date of Second Reading: January 13, 1999

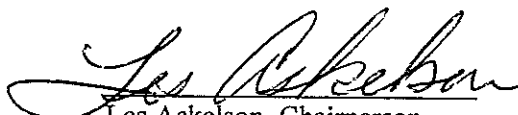
Roll Call Vote:

Supervisors Voting Aye: Hageman, Hunter, Jr., Bergen, Darling, Askelson

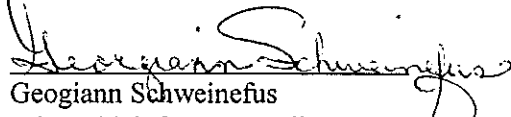
Supervisors Voting Nay: NONE

PASSED AND ADOPTED this the 18 day of January, 1999.

Winneshiek County Board  
of Supervisors

  
Les Askelson, Chairperson

ATTEST:

  
Geogiann Schweinefus  
Winneshiek County Auditor

~~Reference Book 435 Page 144~~

Published 2-9-99