

## **Chapter 46 - Polk County Entrance and Driveway Ordinance**

### **46.1 Title**

This Code shall be known and may be cited as the “Polk County Entrance and Driveway Ordinance”, except as referred to herein, where it shall be known as “this Code”.

### **46.2 Permit Required**

No person shall create a new ingress or egress for the establishment of a driveway onto private property from a county public roadway or make any curb cuts or remove any curbs without first obtaining an entrance permit from the Public Works Department.

### **46.3 Purpose**

The purpose of this Code is to provide minimum standards for the protection and safeguard of health, property and the general public welfare by regulating and controlling the design, construction, quality of materials, location and maintenance of all entrances onto county public roadways within unincorporated Polk County.

### **46.4 Enactment and Effective Date**

This Ordinance is hereby adopted and shall become effective on February 5, 2018.

### **46.5 Interpretation**

In interpretation and application of this Code, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.

If any federal or state law or other existing Code or regulation allows lesser regulation, this Code shall govern; if any federal or state law or other ordinance requires greater regulation, the regulations imposed by that authority shall govern.

### **46.6 Abrogation**

This Code is not intended to repeal, abrogate, annul, impair or interfere with any existing public or private easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

#### **46.7 Severability**

Should a court of competent jurisdiction hold any article, sentence, clause, phrase, or word of this Code invalid; such decision shall not affect, impair, or invalidate the remaining parts of this Code which can be given effect without the invalid provision.

#### **46.8 Saving Provision**

This Code shall not be construed: as abating any action now pending under prior existing regulations; or as discontinuing, abating, modifying any penalty pursuant thereto; or as affecting the liability or rights of any person, firm or corporation; or as waiving or annulling any rights of the Jurisdiction existing at the time of adoption of this Code; except as expressly provided herein.

#### **46.9 Repeal**

All ordinances, or portions thereof, of Polk County, which relate to entrances onto county roadways and are inconsistent with the provisions of this Code are hereby repealed to the extent of such inconsistency.

#### **46.10 Amendments**

This Code may be amended by the Polk County Board of Supervisors after public hearing as prescribed by law.

#### **46.11 Administrative Waiver**

The County Engineer may waive submission of required information elements of a permit or supplementary information when in his opinion such information is otherwise available or is not necessary to review an application.

#### **46.12 Violation**

Any of the following acts shall be a violation of this Code and shall be subject to the enforcement remedies and penalties provided by this Chapter 2 Issuance of Citations and Imposition of Civil Penalties for Violation of County Ordinances and Regulations of the Polk County Code of Ordinances and state law.

**46.12.1** To engage in any development, use, construction, remodeling, or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Code without the required permits, certificates, or other forms of authorization as set forth in this Code; or

**46.12.2** To conduct an activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity; or

**46.12.3** To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the Governing Board or its agents upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

**46.12.4** To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Code or any other regulation made under the authority conferred thereby.

### **46.13 Questions**

Unless otherwise provided, that all questions arising in connection with the enforcement of this Code shall be presented first to the County Engineer.

### **46.14 Enforcement**

When the County Engineer or designated agent finds a violation of this Code:

- A. The County shall notify the owner and/or agent of the property.
- B. The owner and /or agent shall immediately remedy the violation, regardless of means of notification.
- C. If the owner of a property fails to comply, the County Engineer shall seek relief by following procedures in Chapter 2 Issuance of Citations and Imposition of Civil Penalties for Violation of County Ordinances and Regulations of the Polk County Code of Ordinances.

#### **46.14.2 Remedies**

Any one or all of the following may be used to enforce the provisions of the Code:

- A. Any violation of this Code or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by appropriate proceeding pursuant to state law.
- B. The County Engineer may withhold or deny any permit, or other form of authorization on any land in which there is an uncorrected violation of a provision of this Code.
- C. The County Engineer may condition the authorization of any permit upon the correction of a deficiency.
- D. The County Engineer may revoke approval of a permit by notifying the owner and /or agent in writing the reason for the revocation. Revocation may include, but is not limited to, any of the following reasons:

1. for any substantial departure from the approved application, plans, or specifications; or
2. for refusal or failure to comply with the requirements of state or local laws, or
3. for false statements or misrepresentations made in securing permit approval.

#### **46.14.3 Penalties**

Any violation of this Code shall be a misdemeanor or infraction as provided by the Chapter 2 Issuance of Citations and Imposition of Civil Penalties for Violation of County Ordinances and Regulations of the Polk County Code of Ordinances and state law. The owner of any land or part thereof; and any contractor, agent or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Code may be held responsible for the violation and subject to the remedies herein provided.

#### **46.14.4 Previous Enforcement**

Nothing in this Code shall prohibit the continuation of previous enforcement actions.

#### **46.14.5 Cumulative Violations**

All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violations.

#### **46.15 Application for Permit**

The application for said permit shall contain a rough drawing showing said proposed ingress or egress for the establishment of a driveway and for any curb cut or curb removal and its location with reference to the public right of way and the lot lines of property owned by said applicant.

#### **46.16 Fees Required**

Before any permit is issued, the person who makes the application shall pay the fee as set by Resolution by the Board of Supervisors.

#### **46.17 Compliance**

The person receiving said permit must comply completely with the regulations and requirements of the permit when issued. Any deviation from the approved permit shall be a violation of the permit. If the permit holder should fail to comply with any of the conditions and requirements of an approved permit, Polk County may terminate it, whereupon the permit holder shall immediately remove any construction undertaken pursuant to this agreement and restore the access(es) previously existing and any rights granted the owner(s) by the permit shall end.

#### **46.18 Liability**

The Owner(s) shall indemnify and save harmless Polk County, its agencies and employees, from any and all causes of action, suits at law or in equity, for losses, damages, claims or demands, and for any and all liability and expense of whatsoever nature, arising out of or in connection with owner's use or occupancy of the public right-of-way.

#### **46.19 Utility Notification**

It is the responsibility of the owner(s) to contact utility companies which may be located in the area of the proposed work.

#### **46.20 Access Control**

Access control is the regulation of access, through the permitting of public access rights to and from properties abutting the public roadways. The principal advantages of the control of access are the preservation of a high quality of traffic service and improved safety.

Access location and standard are an important consideration in highway planning, design, and operation. Some degree of access control should be included in the development of any major highway, particularly where mobility is important. The degree of access control should be balanced among three essential public functions: (1) access to property, (2) travel mobility, and (3) safety of the motorist. These considerations will be used when determining the number and location of entrances.

#### **46.21 Curb Cuts**

##### **46.21.1 Specifications**

The Public Works Department maintains entrance standards for connection to curb cut roadways, including maximum width within the road right-of-way, pavement depth, and PCC mixture strength. Failure to adhere to these standards could result in fines and/or assessments as detailed elsewhere in this ordinance.

#### **46.21.2 Curb Removal**

All curbs removed shall be ground off and not sawed. Only in special circumstances will sawing be allowed and must be approved by the Public Works Director. When sawing is allowed, it shall be done with a concrete saw. The concrete curb shall be ground in accordance with the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements.

#### **46.21.3 Protection provided**

All openings in the curb and the street and all work performed on the roadway shall, during the progress of the work, be protected as prescribed by the current MUTCD (Manual on Uniform Traffic Control Devices).

#### **46.21.4 Concrete Pavement Required for Curb Cuts**

Where an entrance permit has been granted, the driveway shall be paved from the street to the property line according to the latest standard, with a depth not less than that specified on the current Polk County standard approved by the Public Works Director, also known as SRAP-1.

#### **46.21.5 Inspections Required**

The approach shall be inspected by the County prior to concrete pavement being placed. All work is to be inspected and approved by the Public Works Department. Failure to obtain an inspection of the formwork and grade prior to pouring concrete will result in the applicant/owner having to verify the thickness of the pavement either by production of pavement cores or excavation.

#### **46.21.6 Time of Completion**

Where an entrance permit has been granted, the driveway shall be paved by concrete extending from the curb to the property line within thirty (30) days from the removal of the curb.

#### **46.21.7 Failure to Complete**

If the applicant/owner fails or refuses to pave the driveway within the road right-of-way within thirty (30) days of the removal of the concrete curb, as provided herein, the County shall have the right to pave the driveway without notice, and assess the cost thereof as a special tax against the abutting property and collect the same according to law.

## **46.22 Open Ditch**

### **46.22.1 Specifications**

The Public Works Department maintains entrance standards for connection to open ditch roadways, including maximum width within the road right-of-way, and if paved, the pavement depth, and PCC mixture strength.

### **46.22.2 Culvert Installation**

When a permit has been granted to construct a private driveway through an open ditch section of roadway, the property owner upon receiving said permit shall construct the entrance entirely at his/her cost as per the permit standards.

### **46.22.3 Culvert material**

The culvert shall be constructed of 16 gauge, zinc coated, riveted corrugated metal pipe (CMP) culvert, or a minimum 1500D reinforced concrete pipe (RCP) with a minimum diameter of fifteen (15) inches. No PVC or plastic culvert will be permitted.

### **46.22.4 Culvert Grades**

All culverts erected or replaced shall conform to the established ditch grade and be placed according to the stipulations noted on the approved permit and according to Secondary Road Access Policy.

### **46.22.5 Culvert Removal**

When a change in use or new building is permitted on a property or when the existing culvert will not satisfactorily carry away storm, discharge, or run-off water, or is not of a material permitted by this ordinance, the Public Works Director, or his designee, is hereby empowered to order culverts in existing entrances to be replaced by the applicant /owner.

## **46.23 Construction and Maintenance**

### **46.23.1 Protection provided**

The construction, future repair or maintenance of each entrance that required work on said roadway, the owner shall take all reasonable precautions to protect and safeguard the lives and property of any person or persons, or account of such construction, repair or maintenance operation and provide traffic control as directed by the County Engineer and in compliance with the current MUTCD. Whether permitted or not, the owner shall not take temporary access to property on a curb and gutter roadway by simply driving over the curb. The permitted entrance must be constructed, or curb removed prior to any site work or access being taken to prevent damage to the roadway or other public facilities.

#### **46.23.2 Filling prohibited**

No filling will be permitted in the right-of-way other than necessary to construct the proposed entrance. No excavations will be made within the limits of the traveled portion of the roadway. The entrance fill is to be compacted by tamping or rolling as per the approved standard.

#### **46.23.3 Finished Surface and Minimum Coverage**

The finished surface elevation of the driveway over the pipe or place where the pipe would normally be, shall be four (4) inches lower than the shoulder elevation to prevent water draining onto the pavement or traveled way and the minimum depth of earth fill over the pipe shall be twelve (12) inches.

#### **46.23.4 Obstructions/ Modifications**

No changes in the entrance, including landscape walls, plantings, stones, or any object deemed to be considered an obstruction or hazard to vehicular traffic, or its location shall be undertaken without the prior written approval of the Polk County Engineer. Private property may not be used so as to obstruct or encumber the public road right-of-way, or interfere with the safety, comfort and rights of public road users. The County shall have the right to remove said obstruction or modifications and assess the cost thereof as a special tax against the abutting property and collect the same according to Iowa law.

#### **46.23.5 Future Maintenance**

Polk County shall be responsible for all future maintenance associated with that portion of the access located within Polk County right-of-way, except pavement placement or repair. Polk County replacement or repair of the entrance pavement in the right-of-way shall only occur if maintenance of the culvert requires the removal of existing pavement. The County will only replace the minimum pavement needed for the repair and will not be responsible for uniformity of the pavement appearance.

#### **46.23.6 Future Improvements**

In the future, should this entrance generate sufficient traffic to warrant a need for additional traffic control upon the roadway system, costs for these improvements shall be the responsibility of the owner and shall be constructed in accordance with Polk County Standards. These may include, but would not necessarily be limited to, the constructing of turn lanes and/or signalization. Should the County construct hot mix asphalt overlay of the roadway, the County shall place an asphalt fillet on the entrance pavement to assure smooth transition to the new roadway surface, but will not be responsible for uniformity of the pavement appearance.

#### **46.23.7 Restoration**

Upon completion of construction, the permit holder shall restore the right-of-way area to a condition as prior to construction.

#### **46.23.8 Relocation**

The Polk County Engineer reserves the right to relocate a proposed or existing entrance to meet minimum required sight distance for the safety purposes at crest vertical curves, horizontal curves, and intersections.

#### **46.23.9 Right of entry**

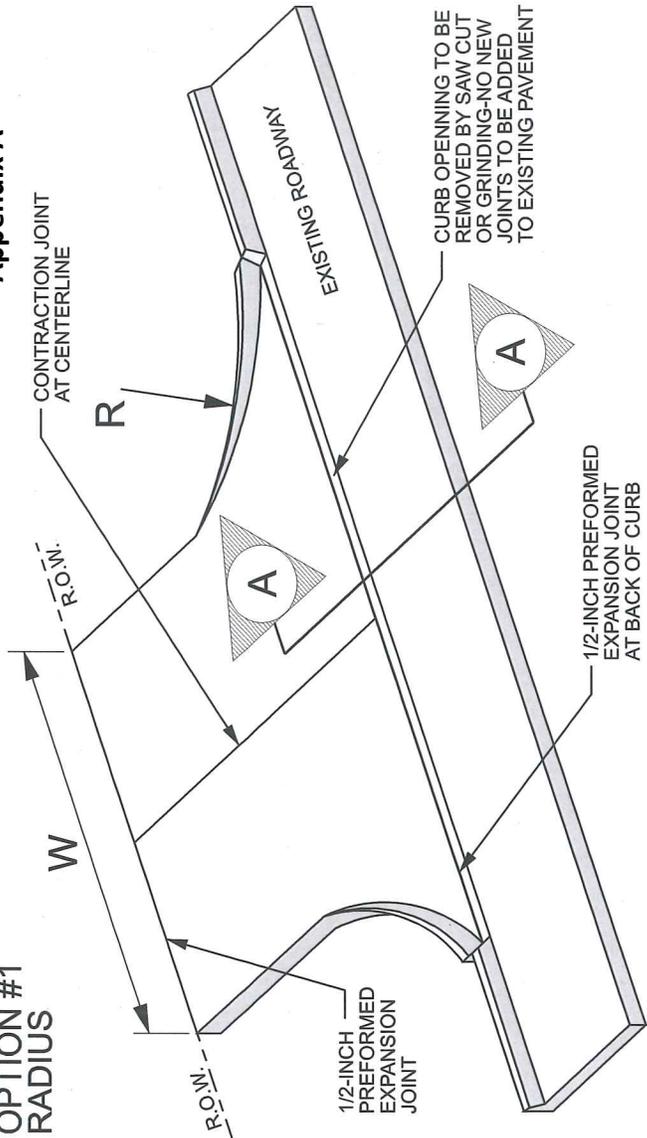
Nothing shall preclude Polk County from entering upon an entrance on public right-of-way and performing necessary maintenance for the protection of the roadway in accordance with Iowa Code 318.5.

**Appendix A:** Secondary Road Access Policy (SRAP)-1 Entrance Standard for Connection to an Urban-Type Roadway.

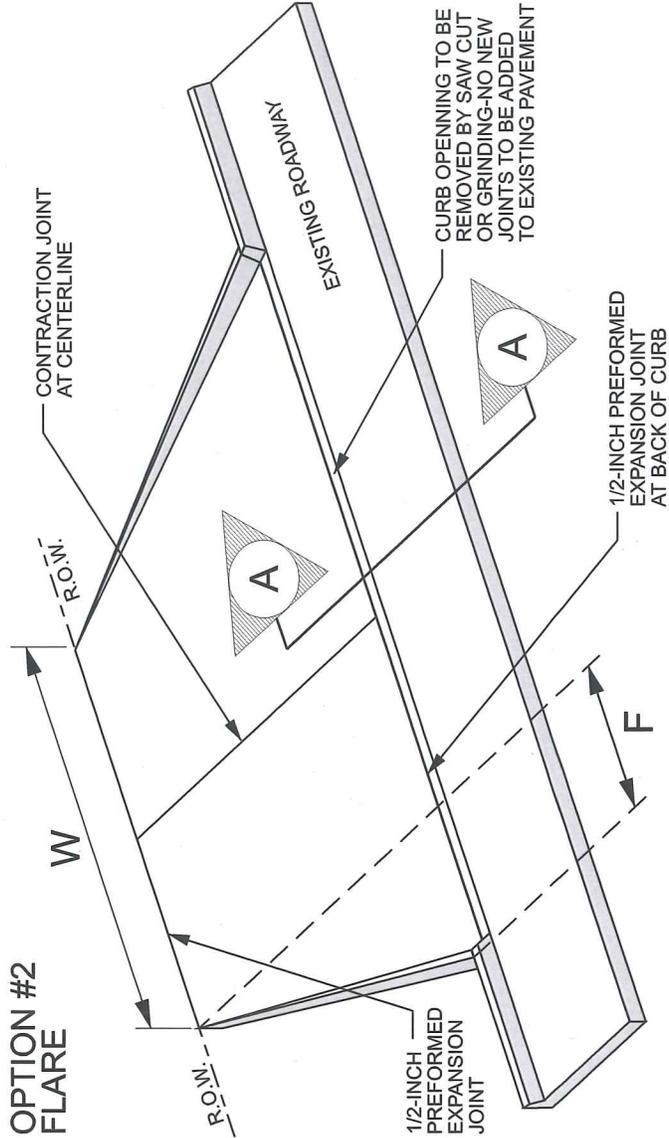
**Appendix B:** Secondary Road Access Policy (SRAP)-2 Entrance Standard for Connection to an Open Ditch Roadway.

**Appendix A**

**OPTION #1  
RADIUS**



**OPTION #2  
FLARE**



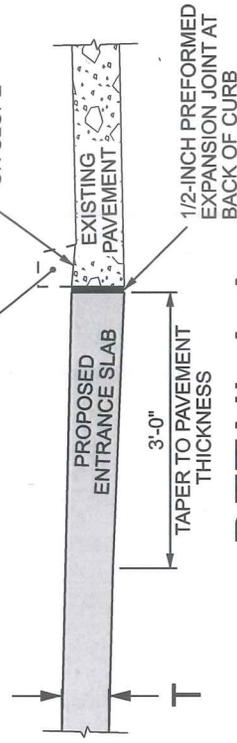
**General Notes:**

All connections to URBAN-TYPE roadways shall be Portland Cement Concrete (PCC). A minimum 4,000 PSI non-reinforced PCC mixture shall be utilized, with a minimum thickness as identified in the table on this standard.

The subgrade shall be of uniform material so constructed as to have a stability for a width at least equal to that of the proposed pavement, plus one foot on each side.

All other restrictions as listed on the Polk County Entrance Permit shall apply.

CURB OPENING TO BE REMOVED BY SAW CUT OR GRINDING. NO NEW JOINTS TO BE ADDED TO THE EXISTING PAVEMENT.



**DETAIL A-A**

Type of Entrance	Width, W, Feet		Radius, R, Feet	Flare, F, Feet	Minimum Entrance Thickness, T, Inches
	MIN	MAX			
Single Residential	12	30	5	3	6
Joint Residential	18	30	5	3	6
Light Commercial	24	30	25	Radius Only	8
Heavy Commercial	30	40	30	Radius Only	10



**SRAP-1**

SECONDARY ROAD ACCESS POLICY - 1  
Entrance Standard for Connection to an URBAN-TYPE Roadway

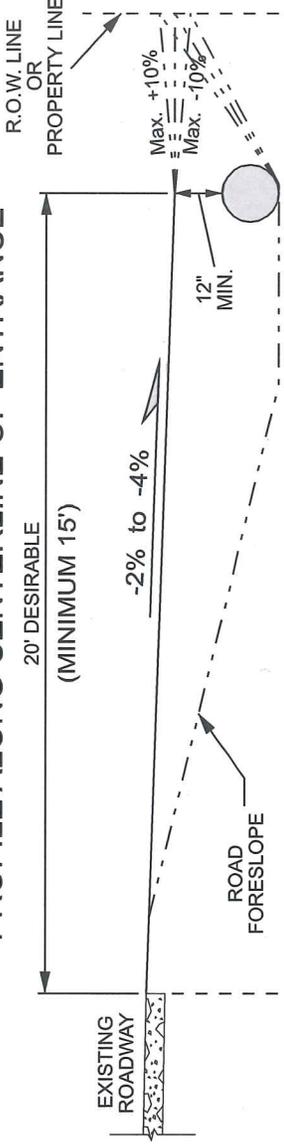
Polk County Public Works  
5885 NE 14th Street  
Des Moines, Iowa 50313  
Phone: 515-286-3705 / Fax: 515-286-3437  
E-Mail: publicworks@polkcountyia.gov

EFFECTIVE DATE 03/06/2015 | APPROVED FOR USE

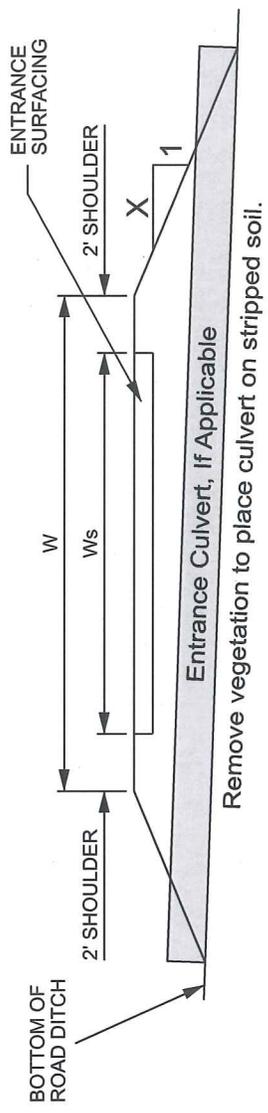
**NO SIDEWALKS SHALL BE ALLOWED WITHIN  
POLK COUNTY ROAD RIGHT-OF-WAY**

**Appendix B**

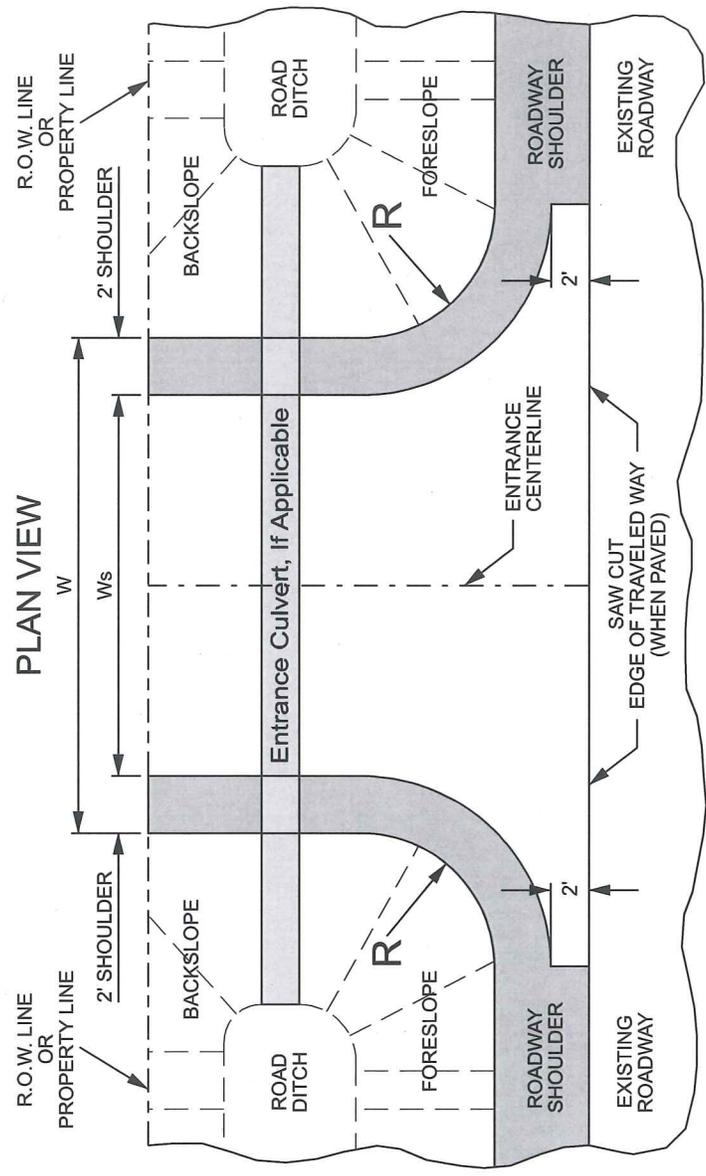
**PROFILE ALONG CENTERLINE OF ENTRANCE**



**CROSS SECTION OF AN ENTRANCE**



**PLAN VIEW**



**NO SIDEWALKS OR HEADWALLS SHALL BE ALLOWED WITHIN POLK COUNTY ROAD RIGHT-OF-WAY**

**General Notes:**

Entrance side slopes, X, as listed below shall be the horizontal distance for every one foot of vertical distance. If adjacent entrance side slopes are flatter than the value listed in the table, the flatter slopes shall be utilized on the proposed entrance.

All non-paved entrances must be surfaced with a granular material conforming to I.D.O.T. Class 'A' Road-Stone, or similar.

The subgrade for paved entrances shall be of uniform material so constructed as to have a stability for a width at least equal to that of the proposed pavement, plus one foot on each side.

All commercial entrances must be paved. A minimum 4,000 PSI non-reinforced Portland Cement Concrete (PCC) mixture or a Polk County approved Hot Mix Asphalt (HMA) mixture must be utilized for all paved entrances. Minimum pavement thickness shall be as shown in the table on this standard.

Culvert material shall be minimum of 16 Ga., Zinc Coated, Riveted CMP or 1500D Reinforced Concrete Pipe.

All other restrictions listed on the Polk County Entrance Permit shall apply.

REQUIREMENTS FOR SIDE SLOPE, X						
Type of Roadway (Culvert Requirements)	Speed Limit 25 MPH	Speed Limit 30-35 MPH	Speed Limit 40-55 MPH			
Paved Roads (Entrance Requires Culvert)	3	4	8			
Non-Paved Roads (Entrance Requires Culvert)	3	3	4			
All Roads (Culvert NOT Required)	10	10	10			
Type of Entrance	Width, W, Feet	Surface Width, Ws, Feet		Radius, R, Feet	Surfacing, T, Thickness, T, Inches	
		MIN	MAX			
Single Residential or Farm Field	16	30	12	26	10	6
Joint Residential or Farm Field	24	30	20	26	15	6
Light Commercial	28	34	24	30	25	8 Pavement Only
Heavy Commercial	34	44	30	40	30	10 Pavement Only



**SRAP-2**

SECONDARY ROAD ACCESS POLICY - 2  
Entrance Standard for Connection  
to an Open Ditch Roadway

Polk County Public Works  
5885 NE 14th Street  
Des Moines, Iowa 50313  
Phone: 515-286-3705 / Fax: 515-286-3437  
E-Mail: publicworks@polkcountyia.gov

EFFECTIVE DATE | 03/06/2015 | APPROVED FOR USE