

Ordinance 50.1

TITLE: AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR UTILITY LINE INSTALLATION AND THE COLLECTION OF INSPECTIONS FEES AND TO PROVIDE PENALTIES FOR VIOLATIONS.

BE IT ENACTED BY THE BOARD OF SUPERVISORS:

SECTION 1. Purpose: The purpose of this ordinance is to adopt provisions for the inspection and regulation of utility line installations, including the issuance of permits and the collection of inspection fees, and to provide penalties for the violation of this ordinance in order to protect public safety, health and welfare.

SECTION 2. Definitions: For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. "Applicant" – Shall include any person, partnership, business association or corporation, domestic or foreign, owning or operating any facilities for furnishing for public compensation: gas, electricity, communications services, water, sanitary sewage, storm water.
2. "Board of Supervisors" – Refers to the Union County Board of Supervisors.
3. "County Engineer" – Refers to the Union County Engineer or designee.
4. "County" – Refers to Union County, Iowa.
5. "Utility Line" – Refers to but is not limited to the transportation of electricity, water, sanitary sewage, storm water drainage, hazardous liquids or gas by piped distribution

SECTION 3. Powers of the Board of Supervisors. An Applicant shall not place a utility line on or under the secondary road system without a utility permit issued by the Board of Supervisors. An Applicant shall not place a utility line on or under the secondary road system which violates a utility permit issued by the Board of Supervisors. All jurisdiction and control over the issuance of a utility permit shall rest with the Board of Supervisors.

SECTION 4. County Engineer to Administer. The County Engineer may make such rules and regulations, not inconsistent with this ordinance, as are necessary to carry out the administration of this ordinance. The utility permit form, and all amendments thereto, are adopted by the Board of Supervisors by resolution on this date.

SECTION 5. Authority to Establish. The Board of Supervisors is empowered to establish and require a utility permit under the authority or requirements of Iowa Code Chapters 306.46, 318, 320, 331, 388, 390, 474, 476, 477, 478, 479, 479A, 480 and/or 199 Iowa Administrative Code Chapter 9.

SECTION 6. County Infraction. Violation of this ordinance is a County infraction under Iowa Code section 331.307, punishable by a civil penalty of \$500 for each violation. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.

SECTIONS 7. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof, no adjudged invalid or unconstitutional.

SECTION 8. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of September 2021.

UTILITY PERMIT APPLICATION

This is a Utility Permit Application for telecommunications, electric, gas, water and sewer utilities. The applicant agrees to comply with the following permit requirements. The County reserves the right to inspect and approve any construction work performed within its right-of-way as it relates to the condition of the highway; compliance shall be determined by the sole discretion of the County Engineer. These requirements shall apply unless waived in writing, due to unique local conditions, by the County Engineer prior to installation; any such waiver shall be attached to the permit. This permit is not intended to conflict with any utility owner's rights or duties mandated in Iowa Code Chapters 306.46, 318, 320, 331, 388, 390, 474, 476, 477, 478, 479, 479A, 480 and the Iowa Title Standards or by the Iowa Utility Board or other state or federal regulations.

Applicant Name: _____

Street Address: _____

City, State & Zip Code: _____

Telephone Number: _____ FAX: _____

Contact Person: _____

Brief Description (type facility, location) _____

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- 1) **Location Plan.** An applicant shall file a completed location plan as an attachment to this Utility Permit Application. Acceptable location plan formats are printed by paper and mailed to the Union County Secondary Roads Engineer, in an Adobe file, in a CAD file, or in a GIS Shapefile assigned to Iowa State Plane projection. Minimum descriptions must depict at minimum the right-of-way for Union County, the extents of the traveled roadway and other utilities within 0.6 miles or in accordance with 199 Iowa Administrative Code (IAC) Chapter 11.5(1)(b). The location plan shall set forth the location of the proposed line on the secondary road system and include a description of the proposed installation.
 - 2) **Notice to Proceed.** At least two (2) working days prior to the proposed installation and after Union County approval of Utility Permit Application, an applicant shall file with the County Engineer a notice stating the time, date, location, and nature of the proposed installation.
 - 3) **Inspection.** The County Engineer may provide an inspector during the installation of all lines to ensure compliance with this Utility Permit. The inspection will be limited to any construction work performed within the right-of-way as it relates to the condition of the right-of-way: the utility facility owner shall provide reasonable cooperation.
 - 4) **Inspection Fee.** Upon approval by the County Engineer, the Utility Permit may be issued. The applicant shall pay the actual costs attributable to the installation inspection, if any, conducted by the County Engineer and/or his/her staff. Upon completion of the installation, the County Engineer shall provide a statement for services rendered to the applicant.

5) Requirements. The applicant shall meet the following requirements

- a. Construction signing shall comply with the most recent Manual on Uniform Traffic Control Devices.
- b. The minimum earth cover of utility facilities in the right-of-way shall be:
 - i. 48 inches for electrical cables
 - ii. 30 inches for communication cables
 - iii. 36 inches for all other underground facilities

In critical situations where necessary cover cannot be obtained, other protective measures may be approved. The County reserves the right to waive the minimum depth of installation where rocky terrain and/or other circumstances make it difficult to obtain the desired depth. The County Engineer may require additional depth in areas identified being silted or scheduled for future excavation.

- c. Post Construction Markers. The applicant shall use reference markers in the right of way (ROW) boundary to locate line and changes in alignment.
- d. Tiling Protection. All tile line locations encountered during construction shall be protected meeting or exceeding 199 IAC 9.2(479).
- e. Driveway Access. No underground utility lines will cross over a driveway or cross-road drainage structure.
- f. Uninterrupted Access. Residents along the utility route shall have uninterrupted access to the public roads. An all-weather access shall be maintained for residents adjacent to the project.
- g. Joint Road Assessment. A joint assessment of the road surfacing may be made by both the applicant and the County Engineer before and after construction. After construction, granular surfacing shall be added to the road at the applicant's cost, if necessary, to restore the road to its original condition. After surfacing has been applied, the road surface may be jointly reviewed by the County Engineer and the applicant once the road has been saturated, to determine if additional surfacing on the roadway by the applicant is necessary.
- h. Damages. Areas within the ROW damaged by the installation shall be repaired and restored to at least its former condition by the applicant or the cost of the repair work caused to be performed by the County will be assessed against the applicant.
- i. Erosion Prevention Plan. Areas disturbed during construction which create an erosion problem shall be solved by the applicant in a manner approved by the County Engineer.
- j. Proper Tamping. All trenches, excavations, and utilities that are knifed shall be properly tamped.
- k. Boring Road Crossings. Road crossings shall be bored and locatable in order to adhere to Iowa Code Chapter 480. The depth below the road surface shall be a minimum depth of 48 inches for all utility facilities.
- l. Non-conforming Work. The County Engineer may halt the installation at any time if the applicant's work does not meet the requirements set forth in this Utility Permit.
- m. Emergency Work. In emergency situations, work may be initiated by an applicant without first obtaining a Utility Permit. However, the County Engineer shall be notified via telephone

or FAX as soon as possible and a Utility Permit must be requested within five (5) days of initiation of the work. All emergency work shall be done in conformity with the provisions of this permit and may be inspected for full compliance.

- n. County Infraction. Violation of this permit is a county infraction under Iowa Code section 331.307, punishable by a civil penalty for each violation.
- o. Hold Harmless. The utility company shall save this County harmless from any damages resulting from the negligence of the applicant. A copy of a certificate of insurance for the permit work or proof of self-insurance shall be provided to the County Engineer prior to installation. The minimum limits of liability under the insurance policy or proof of self-insurance shall be \$1,000,000.
- p. Permit Required. No applicant shall install any lines unless such applicant has obtained a Utility Permit from the County Engineer. Applicants agree to hold the County free from liability for all damage to applicant's property which occurs within the proximity as a result of the applicant's failure to comply with said ordinances or requirements.
- q. Relocation. The applicant shall, at any time subsequent to installation of utility lines, at the applicant's own expense, relocate or remove such lines as may become necessary to conform to new grades, alignment or widening of R.O.W. resulting from maintenance or construction operations for highway improvements.
- r. Title Examination. The applicant shall provide an affidavit describing the applicant conducted a title examination identifying individuals retaining land rights.

6) Applicant Checklist:

- a. Location Plan (Item 1) **Attachment**
- b. Billing address included in application.
- c. Preconstruction joint assessment of road conditions (Item 3) Date Scheduled _____
- d. Copy of certificate of insurance (Item 5o) **Attachment**
- e. Postconstruction joint assessment of road conditions (Item 3) Date Scheduled _____

Number of Landowners affected: _____

Number of Easements required: _____

Number of Easements obtained: _____

DATE: _____

NAME OF COMPANY _____

BY: _____

COUNTY USE ONLY

How was the location plan received? _____

What date was the location plan received? _____

Has the applicant included a billing address? _____

How was the location plan filed? _____

What time/date is the preconstruction joint assessment scheduled? _____

Did the Applicant submit a certificate of insurance to include Union County coverage? _____

What time/date is the postconstruction joint assessment scheduled? _____

APPROVAL:

DATE _____

COUNTY ENGINEER

APPROVAL DATE: _____

Date copy submitted to Union County Board of Supervisors.
