

## **ORDINANCE #IV.4**

### **AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR UTILITY LINE INSTALLATION AND THE COLLECTION OF INSPECTION FEES AND TO PROVIDE PENALTIES FOR VIOLATIONS.**

BE IT ENACTED BY THE TAMA COUNTY BOARD OF SUPERVISORS:

SECTION 1. Purpose. The purpose of this ordinance is to adopt provisions of 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" includes a person, persons, company, corporation or governmental entity desirous of placing a utility line on or under the county's secondary road system.
2. "Board" refers to the Tama County Board of Supervisors.
3. "County" refers to Tama County, Iowa.
4. "Utility Line" refers to a telecommunications, electric, gas, water or sewer line.

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

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, shall be adopted by the Board by resolution.

SECTION 5. Authority to Establish. The Board is empowered to establish and require a utility permit under the authority of Iowa Code Chapters 306, 319, 320, 331, 477, 478, 479, 479A and 480.

SECTION 6. County Infraction. Violation of this ordinance is a county infraction under Iowa Code section 331.307, punishable by a civil penalty of \$100 for each violation or if the infraction is a repeat offense a civil penalty not to exceed two hundred dollars for each repeat offense. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.

Re-codified March 1, 2005

SECTION 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, not 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.

## TAMA COUNTY 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. Compliance shall be determined by the sole discretion of the County Engineer as deemed necessary to promote public health, safety and the general welfare. These requirements shall apply unless waived in writing by the County Engineer prior to installation.

Applicant Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

1. Location Plan. An applicant shall file a completed location plan as an attachment to this Utility Permit Application. 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. Written or Verbal Notice. At least two working days prior to the proposed installation, 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 shall provide a full-time inspector during all permitted work done by a third party contractor. The inspector shall have the right, during reasonable hours and after showing proper identification, to enter any installation site in the discharge of the inspector's official duties, and to make any inspection or test that is reasonably necessary to protect the public health, safety and welfare. The cost of providing this inspection service shall be paid by the permit holder upon submission by Tama County of a bill for such services. All requirements listed in section 4 (Requirements), below, shall be met (less written exemptions) regardless of whom actually performs the work.

4. Requirements. The installation inspector shall assure that the following requirements have been met:

A) Construction signing shall comply with the Manual on Uniform Traffic Control Devices.

B) Depth - The minimum depth of cover shall be as follows:  
Telecommunications.....36"            Electric.....48"  
Gas.....48"                                Water.....60"  
Sewer.....60"

If the utility is installed in the road ditch and if the ditch has silted in above the original flow-line, add the depth of silting to the "minimum depth" to obtain the required depth in a particular location.

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- C) The applicant shall use reference markers in the right of way ("R.O.W") boundary to locate line and changes in alignment as required by the County Engineer. A permanent warning tape shall be placed one (1) foot above all underground utility lines.
- D) All tile line locations shall be marked with references located in the R.O.W. line.
- E) No underground utility lines shall cross over a crossroad drainage structure.
- F) 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) A joint assessment of the road surfacing shall be made by the applicant and the County Engineer both before and after construction. After construction, granular surfacing shall be added to the road by the applicant to restore the road to its original condition. After surfacing has been applied, the road surface shall be reviewed by the County Engineer (after the road has been saturated), to determine if additional surfacing on the roadway by the applicant is necessary.
- H) All damaged areas within the R.O.W. shall be repaired and restored to at least its former condition by the applicant or the cost of any repair work caused to be performed by the County will be assessed against the applicant.
- I) Areas disturbed during construction which present an erosion problem shall be solved by the applicant in a manner approved by the County Engineer.
- J) All trenches, excavations, and utilities that are knifed shall be properly tamped.
- K) All utilities shall be located between the bottom of the back-slope and the bottom of the fore-slope, unless otherwise approved in writing by the County Engineer prior to installation.
- L) Road crossings shall be bored. The minimum depth below the road surface shall match the minimum depth of cover for the respective utility. All entrances with culverts shall either be bored or, the utility shall be placed at least 24" below the bottom elevation of the culvert.

5. 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.

6. Emergency Work. In emergency situations, work may be initiated by an applicant without first obtaining a Utility Permit. However, a Utility Permit must be obtained within fourteen (14) days of initiation of the work. All emergency work shall be done in conformity with the provisions of this ordinance and shall be inspected for full compliance.

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7. County Infraction. Violation of this permit is a county infraction under Iowa Code section 331.307, punishable by a civil penalty of \$100 for each violation or if the infraction is a repeat offense a civil penalty not to exceed two hundred dollars for each repeat offense. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.

8. Hold Harmless. The utility company shall save this County harmless of any damages resulting from the applicant's operations. A copy of a certificate of insurance naming this County as an additional named insured for the permit work shall be filed in the County Engineer's office prior to installation. The minimum limits of liability under the insurance policy shall be \$1,000,000.

9. Permit Required. No applicant shall install any lines unless such applicant has obtained a Utility Permit from the County Engineer and has agreed in writing that said installation will comply with all ordinances and requirements of the County for such work. Applicants agree to hold the County free from liability for all damage to applicant's property which occurs proximately as a result of the applicant's failure to comply with said ordinances or requirements.

10. 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.

DATE \_\_\_\_\_

\_\_\_\_\_  
NAME OF COMPANY

\_\_\_\_\_  
AUTHORIZED SIGNATURE/ POSITION

RECOMMENDED FOR APPROVAL:

DATE \_\_\_\_\_

\_\_\_\_\_  
TAMA COUNTY ENGINEER

APPROVAL:

DATE \_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON,  
TAMA COUNTY BOARD OF SUPERVISORS