

DOCUMENT No. <u>00000</u>	FILED FOR RECORD THE <u>22</u>	DAY OF	STATE OF IOWA, JASPER COUNTY:
RECORDING FEE \$ <u>no fee</u>	<u>77 day</u>	19 <u>93</u> AT <u>12:50</u>	<u>Nancy Potter</u> Recorder
TRANSFER FEE \$	O'CLOCK <u>7</u> M. BOOK <u>1009</u>	PAGE <u>351</u>	By <u>Shelma Carter</u> Deputy

ORDINANCE NO. IV-5

#12

Title: **AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR UNDERGROUND INSTALLATION OF UTILITY CABLES AND PIPELINES, THE COLLECTION OF INSPECTION FEES, AND PROVIDING 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 cable and pipeline installations, within the Jasper County secondary road rights of way, including the issuance of permits, the collection of inspection fees, and the provision for 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 cable or pipeline under Jasper County's secondary road system.
2. "Board of Supervisors" - Refers to the Jasper County Board of Supervisors.
3. "County" refers to Jasper County, Iowa
4. "Utility" - Refers to a telecommunications, fiberoptic, electric, gas, water, or sewer cable or pipeline.

SECTION 3. Powers of the Board of Supervisors.

An applicant shall not place a utility cable or pipeline on or under the Jasper County secondary road system without a utility permit issued by the Board of Supervisors. An applicant shall not place, on or under the secondary road system, a cable or pipeline 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 admin-

istration of this ordinance. The utility permit form, and all amendments thereto, shall be adopted by the Board of Supervisors, by resolution.

SECTION 5. Authority to Establish.

The Board of Supervisors 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. Each day that a violation occurs or is permitted to exist, by the applicant, constitutes a separate offense.

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.

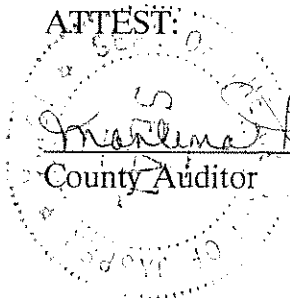
SECTION 8. Effective Date.

This ordinance shall be in effect after it's final passage, approval, and publication as provided by law.

Passed and approved this 25th day of May, 1993.

Howard Peters
Chairperson, Board of Supervisors

ATTEST:
Marlene Ray, Deputy
County Auditor



*This was published because all it was
was a application form, thought it
was what it was.*

Permit No. _____

Township _____

UTILITY PERMIT APPLICATION

This is a Utility Permit Application for installation and/or maintenance of telecommunication, fiberoptic cable, electric, gas, and/or sewer utilities within the rights of way of the Secondary Roads of Jasper County, Iowa. The Applicant agrees to comply with the following permit requirements. Compliance shall be determined at 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: _____

Applicant Address: _____

City, State, & Zip Code: _____

Type of Facility to be Installed: _____

Contact Person: _____ Contact Telephone Number: _____

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 utility within the Secondary Road right of way and include a description of the proposed utility and installation procedure. Separate Utility Permit Applications must be submitted for each Township-Range in which work is proposed, with township line roads being assigned to the townships lying to the South or East.

2. Written Notice:

At least three (3) working days prior to the proposed installation, the Applicant shall file with the County Engineer, a written notice stating the time, date, location, and nature of the proposed installation. If the work is to be done for the Applicant by a Contractor, that Contractor's name, place of business, telephone number, and name of the Contractor's employee who will be in charge of the installation shall be included in said written notice.

3. Inspection:

Jasper County shall provide a full-time inspector during the installation of all cable and/or pipelines, to insure compliance with this Utility Permit. 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 make any inspection or test that is necessary to protect the public health, safety, and welfare.

4. Inspection Fee:

Upon approval of the Application by the Chairman of the Board of Supervisors, the Utility Permit will be issued by the County Engineer, subject to receipt of the required prepaid inspection fee. Said fee shall be made payable to the Jasper County Treasurer, but submitted to the County Engineer's Office at the time of permit application. The fee shall be \$1,000 per permit, regardless of type utility involved. Should the Applicant so desire, an annual bond to cover inspection costs, in the name of Jasper County and in the amount of \$5,000.00, may be provided to guarantee construction and maintenance inspection costs.

5. Remittance of Fees:

The Applicant shall pay actual costs directly attributable to the installation inspection conducted by the County Engineer's inspector. Payment shall be made from the prepaid inspection fee. Within thirty (30) days after completion of the installation, the County Engineer shall remit any unused portions of the prepaid inspection fee to the Applicant, along with a statement for services rendered. Should the itemized costs of the inspection services exceed the inspection fee, the itemized amount in excess of the fee shall become a bill, due and payable to Jasper County. If Applicant elects to use the annual bond, as provided for in Item 4, reimbursement of the inspection fees shall be made within thirty (30) days, upon Jasper County presentation of the itemized statement of costs.

6. Requirements:

The installation inspector shall assure that the following requirements have been met, or exceeded:

- A. Construction signing shall comply with the Manual on Traffic Control Devices.
- B. Depth of Installation: The minimum depth of cover shall be as follows:

Telecommunications.....	24"	Electric.....	48"	Water.....	60"
Fiberoptic Cable.....	48"	Sewer.....	60"	Gas.....	60"

Additional depth shall be required, if the ditch has silted, to the thickness of the deposited silt.
- C. The Applicant shall use reference markers at the right of way ("R.O.W.") boundary to locate their 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 intercepted tile lines shall be marked, with reference plates provided by Jasper County, at the R.O.W. line.
- E. No underground utility cable or pipeline shall cross over a driveway pipe culvert drainage structure.
- F. Residents along the utility route shall have an uninterrupted access to 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, or his assigned representative, both before and after construction. After construction, granular surfacing shall be added to the road, by the Applicant and at the Applicant's expense, if deemed necessary by the County Engineer or his representative, to restore the road to its original condition.
- H. All damaged areas within the R.O.W., including private tile lines crossing the road, shall be repaired and restored by the Applicant, to at least their former condition or the cost of any repair work caused to be performed by Jasper County will be assessed against the Applicant's inspection fee.

- I. Areas disturbed during construction, which present actual or potential erosion problems, shall be resolved by the Applicant in a manner approved by the County Engineer.
- J. All trenches, excavations, and knifing of utility installations shall be properly compacted.
- K. All utilities, except telecommunications, shall be located between the bottom of the backslope and the bottom of the foreslope (the actual ditch bottom), unless otherwise approved, in writing, by the County Engineer, prior to installation. Telecommunications facilities shall be located in the roadbed of any unpaved road, at a point between five (5) and ten (10) feet from the road shoulder. On paved roads, the telecommunication facility shall be located in the shoulder area, no closer than two (2) feet from the edge of the paved surface. On unpaved roads, the telecommunications facility shall be installed off the road and into the roadside ditch area around all round pipe culverts, but may be installed over all rectangular box culverts. Installation in the shoulder over all culverts on a paved road is acceptable.
- L. All paved or oiled road crossings shall be bored, with the cable or pipeline being inserted inside a sleeve or casing. Said sleeve or casing shall extend from toe of foreslope to toe of foreslope for the roadway being crossed, and the hole bored for the sleeve or casing shall have a diameter no more than one(1) inch greater than the outside diameter of the casing or sleeve. The depth below the road surface shall match the minimum depth of cover for the respective utility, as shown previously in this permit.

7. 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.

8. 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 seven (7) days of initiation of work. All emergency work shall be done in conformity with the provisions of the Ordinance and shall be inspected for full compliance. The County Engineer's Office is to be notified of any emergency work required within twenty-four (24) hours of the Applicant's knowledge of the emergency.

9. 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 infraction. Each day that a violation occurs, or is permitted by the Applicant to exist, constitutes a separate offense.

10. Hold Harmless:

The Applicant shall save Jasper County harmless for any damages resulting from the Applicant's operations. A copy of a certificate of insurance, naming Jasper County as an additional insured for the permitted work, shall be filed in the County Engineer's Office prior to commencing the installation. The minimum limits of liability under the insurance policy shall be \$1,000,000. Should the Applicant be self-insured, a letter to that fact, guarantying that Jasper County is held harmless for any damages resulting from the Applicant's operations, and signed by the responsible officers of the Applicant will be acceptable.

11. Permit Required:

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

12. Relocation:

The Applicant shall, at any time subsequent to installation of the utility, and at the Applicant's own expense, relocate or remove said utility as may become necessary to conform to new grades, alignment, or widening of R.O.W., resulting from maintenance or construction operations for highway improvement.

13. Non-Located Cables or Pipelines:

Jasper County bears no responsibility or liability for unlocated and unmarked cables and pipelines. Furthermore, should Jasper County personnel encounter and damage a non-located and marked cable or pipeline, after following the required steps and notifications established in the Iowa One-Call laws, the involved utility company shall be liable for all lost work time expenses of the affected county employee/employees and equipment, while awaiting a response and action on the part of the utility company. Said lost time cost shall be itemized and presented to the utility company for reimbursement to Jasper County.

14. Waiver of Permit Requirements:

The County Engineer shall have the authority to waive any portion of these permit requirements, should he/she deem it to be in the best interests of Jasper County. Said waiver, should any be issued, shall be in writing and shall become a part of the permit.

DATE: _____ BY: _____

RECOMMENDED FOR APPROVAL:

DATE: _____

County Engineer

APPROVAL:

DATE: _____

Chairperson, Jasper County Board of Supervisors

SPECIAL PROVISIONS, IF ANY: