

DAVIS COUNTY UTILITY ACCOMMODATION PERMIT ORDINANCE

AN ORDINANCE ESTABLISHING A PROCEDURE FOR UTILITY INSTALLATION PERMITS

Be it enacted by the Davis County Board of Supervisors:

SECTION 1. TITLE. This ordinance may be known, cited, and referred to as the "Davis County Utility Accommodation Permit Ordinance."

SECTION 2. PURPOSE. The purpose of this ordinance is to ensure uniform and reasonable installation and maintenance of utility lines on and along county public secondary road rights-of-way that will protect and preserve the highway corridor's potential future expansion, construction, and growth, and to ensure that the future improvements in or along the public secondary road rights-of-way may occur at a reasonable cost to the county taxpayers. This also includes adoption of provisions for the inspection and regulation of utility installations, including the issuance of permits, and provides penalties for the violation of this ordinance in order to protect public safety, health and welfare.

SECTION 3. DEFINITIONS. For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- A. Applicant: A person, an association of persons, company, corporation, or governmental entity that desires of placing a utility line on, under, or along the county's secondary roads system.
- B. Highway Corridor: A highway right-of-way on the Davis County secondary road system.
- C. Utility Line: A cable, pipe, or tile line constructed either under-ground, above-ground or along the Davis County secondary road system right-of-way including but not limited to the following: waterlines, telephone lines, fiber optic lines, electric lines, tile lines, pipelines, storm sewer lines, and sanitary sewer lines.

SECTION 4. PERMIT REQUIRED: An applicant shall not place or work on a utility line on, under, or along the secondary road system without a utility permit approved by the Board of Supervisors. An applicant shall not place or work on a utility line on, under or along the secondary road system that violates the utility permit approved by the Board of Supervisors. If the Board issues a utility permit to the applicant, the placement of and work performed on a utility line shall conform to the permit's specifications.

SECTION 5. AUTHORITY AND POWER OF THE BOARD OF SUPERVISORS: The Board of Supervisors is empowered to establish and require a utility permit per the authority of Iowa Code Chapters 306, 318, 320, 331.307, 390, 477, 478, 479, 479A, and 480. All jurisdiction and control over the issuance of a utility permit shall rest with the Board of Supervisors.

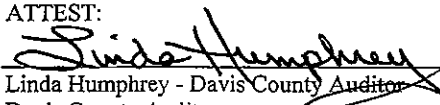
SECTION 6. COUNTY ENGINEER TO ADMINISTER: The Davis County Engineer may make such rules and regulations, not inconsistent with this ordinance, as are necessary to carry out the administration of this ordinance. The "Application for Public Utility Accommodation Permit" form, and all amendments thereto shall be approved by the Board of Supervisors and the Davis County Engineer. Application forms shall be available from the Davis County Engineers Office. The engineer may authorize construction/maintenance of a utility line on, under, or along the secondary road to commence prior to Board of Supervisors approval when circumstances require immediate action.

SECTION 7. PENALTIES. Violation of this ordinance is a county infraction under Iowa Code Section 331.307 and is punishable by a civil penalty of not more than \$750.00 for each violation or, if the infraction is a repeat offense, a civil penalty not to exceed one \$1,000.00 for each repeat offense, in accordance with Iowa Code Section 331.307(1). Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense. Each day working without an approved permit will constitute a separate offense. Non-conforming work under an approved permit will be handled in accordance with Iowa Code Section 318.8. In addition, the County may avail itself of alternative relief, as authorized by Section 331.307(8) and 331.307(9).

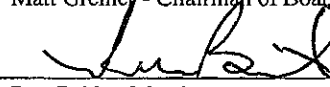
SECTION 8. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Passed and adopted this 10th day of June, 2013.

ATTEST:

 6/10/13
 Linda Humphrey - Davis County Auditor Date
 Davis County Auditor

 6-10-13
 Matt Greiner - Chairman of Board Date

 6/10/13
 Ron Bride - Member Date

 6/10/13
 Dale Taylor - Member Date

First Reading: May 28, 2013
 Second Reading: June 3, 2013
 Third Reading/Adopted: June 10, 2013
 Published: June 19, 2013