

TITLE II – TRANSPORTATION

CHAPTER 16

PROCEDURE FOR UTILITY INSTALATION PERMITS

16.01	Purpose	16.05	Authority to Establish
16.02	Definitions	16.06	Penalties
16.03	Powers	16.07	Severability Clause
16.04	County Engineer to Administer		

16.01 PURPOSE.

The purpose of this chapter is to insure uniform and reasonable installation of utility lines on and along county public secondary road rights-of-way that will protect and preserve the highway corridor potential future expansion, construction, and growth, and to insure that the future improvements in or along the public secondary road rights-of way may occur at a reasonable cost to the county taxpayer. This also includes adoption of provisions for the inspection and regulation of utility 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.

16.02 DEFINITIONS.

For use in this chapter, certain terms or words used herein shall be interpreted or defined as follows:

1. “Applicant” A person, an association of persons, company, corporation, or governmental entity interested in placing a utility line on, under, or along the county’s secondary roads system. The applicant must be the actual owner of said utility line or be authorized to maintain it in the long term.
2. “Highway Corridor” A highway right-of-way and all that area within one hundred fifty (150) feet of the centerline of a county secondary road.
3. “Utility Line” A cable, pipeline, or tile line constructed either under ground or above ground on a county secondary road right-of-way or within one hundred feet (150) feet of the centerline of a county secondary road including but not limited to the following: waterline, telephone lines, fiber optic lines, electric lines, tile lines, pipelines, storm sewer lines, and sanitary sewer lines.

16.03 POWERS OF THE BOARD OF SUPERVISORS.

An applicant shall not place a utility line on, under, or along the secondary road system without a utility permit issued by the Board of Supervisors. An applicant shall not place a utility line on, under, or along the secondary road system that violates a utility permit issued by the Board of Supervisors.

16.04 COUNTY ENGINEER TO ADMINISTER.

The Warren 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, all amendments thereto, shall be adopted by the Board of Supervisors by resolution. Application forms shall be available from the Office of the Warren County Engineer. An application for a permit shall be approved by the Warren County Engineer and the Board of Supervisors. The engineer may authorize construction of a utility line on, under, or along a county secondary road to commence prior to Board of Supervisors approval when circumstances require immediate action.

16.05 AUTHORITY TO ESTABLISH.

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

16.06 PENALTIES.

Violation of this ordinance is a county infraction under Iowa Code Section 331.307, punishable by a civil penalty of not more than \$500 for each violation but not more than \$8,000.00 total. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense. In addition, the County may avail itself of alternative relief, as authorized by Section 331.307(8) and 331.307(9).

16.07 SEVERABILITY CLAUSE.

If any section, provision, or part of this chapter shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole or any section, provision, or party thereof not adjudged invalid or unconstitutional.