

CHAPTER 4
THE UTILITY INSTALLATION PERMIT ORDINANCE
TITLE IV - STREETS, ROADS, PUBLIC WAYS, AND TRANSPORTATION

SECTION 1. TITLE

This ordinance may be known and may be cited and referred to as the "Jones County Utility Installation Permit Ordinance".

SECTION 2. PURPOSE

The purpose of this ordinance 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 for future expansion, construction and growth and to insure that 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 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 3. DEFINITIONS

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

- A. Applicant: Includes a person, persons, company, corporation or governmental entity desirous of placing a utility line on, under or along the County's secondary road system.
- B. Board of Supervisors: Refers to the Jones County Board of Supervisors.
- C. County: Refers to Jones County, Iowa.
- D. Highway corridor: Means the highway right-of-way and all that area within one hundred fifty (150) feet of the centerline of a County secondary road.
- E. Utility line: Refers to all cable, pipeline and tile lines constructed either underground or above ground on a County secondary road right-of-way or within one hundred fifty (150) feet of the centerline of a County secondary road and shall include but not be limited to the following: water lines, telephone lines, fiber optic lines, electric lines, tile lines, pipelines, storm sewer lines, and sanitary sewer lines.

SECTION 4. 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, 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 5. COUNTY ENGINEER TO ADMINISTER

The Jones 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 of Supervisors by resolution. Application forms are available from the Office of the Jones County Engineer. An application for a permit shall be approved by the Jones County Engineer and the Board of Supervisors. The Jones County 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 circumstance require immediate action.

SECTION 6. 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 7. PENALTY

Violation of this ordinance shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.

SECTION 8. SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall by 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.

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