

ORDINANCE # 1-1993

Title: 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 BOARD OF SUPERVISORS:

SECTION 1. Purpose. The purpose of this ordinance is to adopt 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 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 of Supervisors' - Refers to the Clayton County Board of Supervisors.

3. 'County' refers to Clayton County, Iowa.

4. 'Utility Line' - Refers to a telecommunications, electric, gas, water or sewer line.

SECTION 3. Powers of the Board of Supervisors. An applicant shall not place a utility line on or under the secondary road system without a utility permit issued by the Board of Supervisors. An applicant shall not place a utility line on or under 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 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 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 its final passage, approval and publication as provided by law.

Passed and approved this 28th day of December, 1992.

First Public Hearing - December 23, 1992

Second Public Hearing - December 28, 1992

Publication - January 20, 1993

Bernie Willie
Chairperson, Board of Supervisors

Paul W. W. W.
Vice-chairperson, Board of Supervisors

Attest:

Sandra J. Coombs
Deputy County Auditor

M. Delois Schutt
Member, Board of Supervisors