

# FAYETTE COUNTY ORDINANCE #39

## UTILITY ORDINANCE

FAYETTE COUNTY UTILITY ORDINANCE TO PROVIDE FOR: THE ISSUANCE OF PERMITS FOR UTILITY LINE INSTALLATION, THE COLLECTIONS OF FEES, AND PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE FAYETTE COUNTY 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 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 Fayette County Board of Supervisors.
3. County – Refers to Fayette County, Iowa.
4. Utility Line – Refers to a telecommunication, electric, gas, water or sewer line.

**SECTION 3. Powers of the Board of Supervisors:** An applicant shall not place a utility line on, in, above, or below the secondary road system ROW without a utility permit issued by the County Engineer. An applicant shall not place a utility line on the secondary road system which violates a utility permit issued by Fayette County. All jurisdiction and control over the issuance of a utility permit shall rest with the County Engineer as the dually authorized agent of 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 attached utility permit is hereby incorporated as part of this ordinance. All amendments thereto, shall be adopted by the Board of Supervisors.

**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, 318, 320, 331, 477, 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 \$750 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. This Ordinance replaces the former Fayette County Utility Ordinance #6 dated, January 25, 1993.

Passed and approved this 28<sup>th</sup> day of NOV, 2016.

Fayette County Board of Supervisors

Jeanine Tellin

Jeanine Tellin - Chairperson

Darrel Dolf

Darrel Dolf - Vice Chairperson

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Vicki Rowland - Board Member

ATTEST

Lori Moellers

Lori Moellers - Fayette County Auditor

First Reading: 11/21/16

Second Reading: 11/28/16

Approved: 11/28/16

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