

Instrument #: 20231124  
05/03/2023 12:28:31 PM Total Pages: 5  
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Recording Fee: \$ 0.00  
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Recorder, Bremer County IA

## UTILITY WORK IN RIGHT OF WAY ORDINANCE

### Bremer County Ordinance No. 23-04

AN ORDINANCE SETTING REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES WITHIN SECONDARY ROADS RIGHT OF WAY IN BREMER COUNTY, IOWA.

BE IT ENACTED by the Board of Supervisors of Bremer County, Iowa:

SECTION I - Purpose. The purpose of this ordinance is to establish Bremer County's policy and requirements in respect to construction and maintenance of utility facilities within Bremer County Right-of-Way.

SECTION II - Permit Application: Any utility wishing to enter Bremer County Right-Of-Way must have an approved Bremer County Utility Permit Application.

SECTION III - Location Plan: A completed location plan shall be attached to the application. The location plan shall set forth the location with respect to the county road system and include a description of the proposed installation which shall include side of road for proposed installation, distance from Right-of-Way or distance from centerline of road; height, and spacing of poles; maximum voltage, length of cross arms, minimum clearance and number of wires; type, depth, size, and capacity of underground cables, conduits, tile lines, and pipe lines; maximum working pressure for pipe carrying flammable products.

SECTION IV - Changes to Plan: Any and all proposed changes to the Location Plan shall be submitted in writing to the Bremer County Engineer. Written approval from the Bremer County Engineer must be received before proceeding with any changes. Significant changes may require action from the Bremer County Board of Supervisors, at the discretion of the Bremer

Auditor

County Engineer. Bremer County reserves the right to require removal of utilities which differ from the Location Plan and are installed prior to approval.

SECTION V - As-Built Plans: Applicant shall submit an as-built plan set containing all of the information required in the Location Plan and updated with any changes made throughout construction. If there were no changes made to the original plan, the Applicant may inform the Bremer County Engineer's office in writing in lieu of submitting plans.

SECTION VI - Notice of Work: Applicant shall notify the Bremer County Highway Department a minimum of 48 hours prior to beginning any work. Bremer County may cause any installation performed without prior notification to be removed and reinstalled.

SECTION VII - Private Access: Residents along the utility route shall have uninterrupted access to the public roads. Applicant shall notify impacted landowners of any potential detours via certified mail. The certified mail must be delivered a minimum of 48 hours prior to the detour.

SECTION VIII - Restoration of County Right-of-Way: Applicant shall return all disturbed areas to original condition. In the event the County repairs any damage to the roadway caused by the Applicant, the Applicant shall reimburse the County for its expenditures.

SECTION IX - Construction Under Roadway: All installations under paved roads must be bored. Work under granular roadways may be bored or trenched. All road crossings shall be installed approximately perpendicular to the roadway. Trenches shall be filled and compacted in lifts no greater than 12 inches. Trench filling shall be completed during the Bremer County Highway Department normal working hours to allow for inspection, and Applicant must provide a minimum of 24-hour notice prior to trench filling activities.

When boring under Roadway and planned utility route transverses beyond the Right-of-way onto adjacent parcels on either one or both sides of Roadway, rather than remaining wholly within the Right-of-way, the entire Right-of-way width shall be bored with termination of bore occurring in the adjacent parcels. Prior to application for Right-of-way utility crossing permit, applicant shall negotiate and procure an easement for performing utility work on all immediately adjoining parcels to the proposed Right-of-way crossing location. This easement shall be agreed to on a voluntary basis with parcel owner(s) and shall not be achieved through the process of eminent domain.

Applicant acknowledges that trenched work performed under the travelled roadway on gravel roads is likely to cause additional future maintenance in order to maintain roadway safety. Applicant agrees to apply granular material at the rates below for all trenched work performed under gravel roads. Material shall be placed on the roadway a minimum of thirty (30) days, but no more than ninety (90) days after completion of the utility installation. In the event that these dates would result in placement of material after October 15 and prior to April 15, applicant shall submit a proposed schedule to the Bremer County Engineer no later than November 15. All applicable sections of this ordinance shall apply for placement of granular material. Applicant shall have material approved by the Bremer County Engineer or his authorized representative.

Granular Material Rates:

Lateral Road Crossing: 15 tons per crossing

Longitudinal Trenching: 300 tons per mile

In lieu of placing granular material, Applicant may elect to reimburse the Bremer County Highway Department to place materials for them at a rate of \$15 per ton. In case of failure by the Applicant to place the material within the specified timeframe or to submit a written plan to the Bremer County Engineer prior to November 15, Bremer County shall send a statement of cost for all outstanding granular material at the specified rate.

SECTION X - Requirements for Hazardous Liquid Pipelines: Pipelines carrying hazardous liquids as defined in the Iowa Code Chapter 479B shall submit an approved permit from the Iowa Utilities Board ("the IUB") along with the Bremer County Utility Permit Application. Applications submitted without an approved permit shall be denied.

Pipelines carrying hazardous liquids shall meet the following separation requirements for all road crossings:

1. From the city limits of an incorporated city, not less than two miles.
2. From a church, school, nursing home, long-term care facility, or hospital, not less than one half of a mile.
3. From a public park, Conservation Area, Sensitive Area, or public recreation area, not less than one half of a mile.

4. From any Occupied Structure, not less than one half of a mile.
5. From any animal feeding operation or facility, not less than 1,000 feet.
6. From an electric power generating facility with a nameplate capacity of 5MW or more, an electric transmission line operating at 69kV or higher, an electric transmission substation, a public drinking water treatment plant, or a public wastewater treatment plant, not less than 1,000 feet.
7. From private water supply wells, not less than 200 feet.

SECTION XI - Future Relocation or Removal: The Applicant will, at any time subsequent to the installation, at his own expense, remove or relocate utility lines as may become necessary to conform to new grades, alignment or widening of right of way resulting from maintenance or construction operations for highway improvements. The Applicant further agrees to perform this operation promptly upon written notice by the County without cost to the County. If the Applicant fails or is unable to comply promptly, the County may cause the work to be performed and the cost of such work will be paid by the Applicant upon receipt of statement.

SECTION XII - Hold Harmless: Bremer County shall be held harmless for any damages resulting from the Applicant's operations. A copy of a certificate of insurance naming Bremer County as primary additional insured for the permit work shall be filed in the Bremer County Engineer's office prior to installation. The minimum limits of liability under the insurance policy shall be \$1,000,000.

SECTION #XIII: 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 #XIV: When Effective. This ordinance shall become effective after its final passage, approval, and publication as provided by law.

PASSED by the Board of Supervisors of Bremer County, Iowa, on this 17<sup>th</sup> Day of April, 2023.

[Signature]  
Chair, Board of Supervisors

ATTEST:

[Signature]  
Shelley Wolf, Auditor

AUDITOR'S CERTIFICATE

Ordinance No. 23-04 was published in the Waverly Newspaper on the 27<sup>th</sup> Day of April, 2023.

[Signature]  
Shelley Wolf - Auditor

