

Notice of Public Hearing
For Proposed Ordinance #60
Before the Osceola County Board of Supervisors
Osceola County, Iowa

A public hearing will be held for the second consideration of the matter by the Osceola County Board of Supervisors on August 23, 2022 at 9:30 a.m. in the Osceola County Courthouse Board Room, 300 7th St. Sibley, Iowa to consider Ordinance #60 Establishing Fees and Bonding Requirement for Work within Osceola County Right of Way. This notice is given by order of the Board of Supervisors, Osceola County, Iowa. Considered and approved for the first time on August 9th, 2022.

Jerry Helmers, Chairman
Osceola County Board of Supervisors

ATTEST: Rochelle Van Tilburg
County Auditor

ORDINANCE NO. 60

AN ORDINANCE ESTABLISHING FEES AND BONDING REQUIREMENTS FOR WORK WITHIN OSCEOLA COUNTY RIGHT OF WAY

WHEREAS, according to section 331.301 of the Iowa Code, a county may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent county power; and

WHEREAS, the Osceola County Board of Supervisors find that bonding for the completion of improvements or modifications to the County's right of way to ensure timely and satisfactory completion of said improvements or modifications is in the best interest of the County and its citizens; and

WHEREAS, the Osceola County Board of Supervisors have determined that a fee to account for staff time associated with access to the County's right of way is appropriate.

NOW, THEREFORE, BE IT ORDAINED, by the Osceola County Board of Supervisors, that the following fees and requirements are adopted for access to the Osceola County right of way.

SECTION 1. PERMIT FEES. The following fee schedule is adopted for access to the County right of way:

Single Trip permit	\$35
Annual Oversize permit	\$50
Annual oversize/Overweight permit	\$400
Construction of Utilities	\$100
Tile Crossing permit	\$100
Work in county ROW permit	\$100
Driveway Entrance permit (non-county forces)	\$100

SECTION 2. BONDING FOR IMPROVEMENTS. All construction within county right of way with a labor and materials cost of fifty thousand dollars (\$50,000) or more shall require the applicant to submit a bond or other financial security for the cost of the improvements plus an additional 10 percent in a form acceptable to the county engineer. Said bond will be returned/cancelled by the county engineer upon satisfactory completion of improvements.

SECTION 3. EXEMPTIONS. Osceola County and other government entities are exempt from permit fee and bonding requirements.

SECTION 4. REVENUE. All permit fee revenue collected for right of way permitting shall be deposited in the secondary roads' roadway maintenance fund.

SECTION 5. AUTHORITY. Approval or denial of permits to access or work within the right of way rests with the Osceola County Engineer.

SECTION 6. SEVERABILITY. Should any provision or portion of this Ordinance be declared unconstitutional, or be otherwise voided, such a finding shall not invalidate other provisions of this Ordinance.

SECTION 7. REPEALER. All ordinances or parts of previous ordinances in conflict with the provisions of this right of way ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in effect for all permits beginning September 1, 2022. All right of way permits applied for on or after the effective date shall comply with the ordinance.