

NOTICE OF PUBLIC HEARING

For Proposed Ordinance #64 before the Osceola County Board of Supervisors Osceola County, Iowa

A public hearing will be held by the Osceola County Board of Supervisors on April 9, 2024 at 9:00 a.m. in the Osceola County Board Room, 300 7th St., Sibley, Iowa, to consider Ordinance #64 Amending Right of Way. This notice is given by order of Board of Supervisors. Passed and approved on March 12, 2024.

Ed Jones,
Chairman, County Board of Supervisors

AMENDED RIGHT OF WAY ORDINANCE #64

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; and

WHEREAS, the Osceola County Board of Supervisors have determined that due to maintenance operations in the county right of way and the presence of or potential for presence of multiple utilities in the right of way minimum requirements are needed for hazardous utilities.

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
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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. Public Utilities as defined by section 476.1 of the Iowa Code are exempt from bonding requirements.

SECTION 4. HAZARDOUS UTILITY REQUIREMENTS. Hazardous utilities are defined as those public or private utilities that carry natural or artificial gases, gasoline, fuels, flammable substances, poisonous substances, or asphyxiant substances. Hazardous utilities at a minimum must utilize the following construction methods in the county right of way:

1. Pipe strength calculations must use a factor of safety of 0.5 or pipe must use a steel encasement sleeve.
2. Utility must be constructed at a minimum depth of 5 feet from bottom of nearest ditch flowline to top of pipe/sleeve.
3. Where no ditch is present, utility must be constructed at a minimum depth of 5 feet from top of road surface to top of pipe/sleeve.
4. Utility warning markers with contact information must be placed at each location where the utility enters or leaves the right of way.
5. Appurtenances such as valves, meters, stations, and structures are prohibited in the right of way.
6. Hazardous utilities are prohibited from being attached to county bridges and culverts.

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 June 1, 2024. All right of way permits applied for on or after the effective date shall comply with the ordinance. Passed and approved this _____ day of _____, 2024.

Ed Jones, Chairperson, Board of Supervisors

Attest:

Rochelle Van Tilburg
Osceola County Auditor

I certify that the foregoing was published as Ordinance No. 64 on the 27th of March, 2024.

Rochelle Van Tilburg
Osceola County Auditor

Adoption:

Passed and approved by motion of the first ordinance reading on _____

Passed and approved by motion of the second ordinance reading on _____

Passed and approved by motion of the third ordinance reading on _____