

RESOLUTION NO. 24-09

RESOLUTION SETTING FEE SCHEDULE FOR RIGHT-OF-WAY OCCUPANCY AND USE PERMITS, RIGHT-OF-WAY WORK PERMITS, RIGHT-OF-WAY INSPECTIONS, AND OTHER COSTS, AND SETTING CERTAIN MINIMUM INSURANCE COVERAGES

WHEREAS, the Emmet County Board of Supervisors ("Board") has enacted Emmet County Ordinance No. 2023-2, which provides for a Right-of-Way Occupancy and Use Permit for certain parties seeking to construct, erect, or install facilities, as defined in Ordinance No. 2023-2, within Emmet County's ("County") road or highway right-of-way, along with Work Permits for subsequent work that may be required to occupy and use the County's right-of-way; and

WHEREAS, Ordinance No. 2023-2 requires applicants for Right-of-Way Occupancy and Use Permit and Work Permits to pay fees for such permits to the County, as well as costs for inspection and administrative services provided by the County in connection with occupancy and use of the County's road or highway right-of-way; and

WHEREAS, the County Engineer's Office will be charged with primary administration of Ordinance No. 2023-2 and expends time and resources when reviewing applications for Right-of-Way Occupancy and Use Permits, Work Permits, inspecting such occupancy, use, and work, and otherwise administering Ordinance No. 2023-2; and

WHEREAS, the County incurs ongoing costs and expenses resulting from third-party occupancy and use of County right-of-way, and work associated therewith; and

WHEREAS, the imposition of permit fees and chargeable administrative and inspection costs shall provide the County a means to recover from or allocate to occupiers and users of County road or highway right-of-way, or those performing work therein, the costs associated with permitting and inspecting occupancy and use, or maintaining or repairing the County's secondary roads impacted by certain occupancies and uses of, or work within, the County's road or highway right-of-way; and

WHEREAS, the Board and County Engineer have reviewed costs associated with application review, permitting, inspecting certain occupancies and uses of County road or highway right-of-way and maintaining impacted County road or highway right-of-way, and otherwise administering Ordinance No. 2023-2 and arrived at reasonable and warranted fees to be set hereby; and

WHEREAS, the Ordinance No. 2023-2 also requires permittees owning or operating a facility in the road or highway right-of-way maintain insurance coverage for their facilities at levels set by separate resolution; and

WHEREAS, the Board has determined adequate minimum insurance levels to be set hereby.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Emmet County, Iowa, that:

Section 1. The County hereby adopts the following fee schedule in accordance with Emmet County Ordinance No. 2023-2:

PERMIT TYPE	FEES
Right-of-Way Occupancy and Use	Right-of-Way Occupancy and Use Permit Fee
<i>Utility</i>	
Crossing ROW	\$50
Parallel to ROW (<1 mile)	\$50
Parallel to ROW (≥1 mile)	\$50
<i>Non-Utility, Industrial or Commercial</i>	
Crossing ROW	\$7,500
Parallel to ROW	Not Permitted
<i>Non-Utility, Residential or Agricultural (Non-Drainage)</i>	
Crossing ROW	\$50
Parallel to ROW (<1 mile)	\$50
Parallel to ROW (≥1 mile)	\$50
<i>Drainage</i>	
Public Drainage District Tile Placement	N/A (See Iowa Code §§ 468.2, .106, .107)
Private Drainage Tile Placement	N/A (See County Policy for Tile Crossing ROW; Iowa Code § 468.600)

Work Permit	Work Permit Fee
Boring, Road Crossing	\$25
Open-Cut, Road Crossing (with waiver)	\$25
Trenching, Parallel Road	\$25
Pole Placement	\$25
Other Facility Work	\$25
Drainage Tile	\$0
Inspections**	Rate / Hour
County Engineer & Vehicle	\$130
Assistant to County Engineer & Vehicle	\$80
Maintenance Superintendent & Vehicle	\$70
Administrative**	Rate / Hour
County Engineer	\$115
Assistant to County Engineer	\$65
Office Manager	\$40

****Hours spent outside of normal working hours shall be billed at 1.5 times listed rate.**

Section 2. For purposes of this Resolution, the following terms shall have meanings as provided herein:

- (a) "Utility" classifies the applicants whose nature, characteristics, or purposes qualify for rights to construct, operate, maintain, or repair facilities in public rights-of-way under Iowa Code section 306.46 and has the same meaning as defined in Ordinance 2023-2.
- (b) "Non-Utility, Commercial or Industrial" classifies the applicants whose nature, characteristics, or purposes do not qualify for rights to construct, operate, maintain, or repair facilities in public right-of-way under Iowa Code section

306.46 and whose nature, characteristics, and purposes do not serve individual private residential or individual private agricultural interests.

- (c) "Non-Utility, Residential or Agricultural (Non-Drainage)" classifies the applicants seeking to occupy the public road or highway right-of-way for purposes of serving individual private residential or individual private agricultural interests, except drainage.
- (d) "Drainage" classifies the applicants whose nature, characteristics, or purposes fall under the provisions of Iowa Code chapter 468.

Section 3. The County Engineer may impose a permit fee of 1.5x the regularly associated fee as a penalty for post-project or post-work permit applications or requests (i.e., work requiring a permit was wrongfully completed without an approved permit).

Section 4. Adequate minimum insurance coverage levels, as required by Emmet County Ordinance No. 2023-2, Section 18, shall be set as follows:

Insurance Type	Minimum Coverage
General Liability Insurance	\$1,000,000
Excess Liability	\$1,000,000
Worker's Compensation and Employer's Liability	\$1,000,000
Contractor Liability Insurance	\$1,000,000


Section 5. These permit fees and minimum insurance coverages shall become effective immediately upon approval of this Resolution No. 24-09

PASSED AND APPROVED this 2 day of ~~March~~, 2024.
April



Emmet County Board of Supervisors,
Chairperson

ATTEST:



Emmet County Auditor