

ORDINANCE NO. 2015-01

AN ORDINANCE OF CARIBOU COUNTY, IDAHO, REGULATING THE INSTALLTION OF UNDERGROUND UTILITIES; CONTAINING DEFINITIONS; PROVIDING FOR THE PLACING OF AUTHORITY AND LIMITING COUNTY LIABILITY; REQUIRING PERMITS AND GRANTING VARIANCES; AND PROVIDING AN EFFECTIVE DATE.

**Whereas,** Caribou County, by and through its Board of Commissioners desires to establish a means of regulation the installation of underground utilities, and

**Whereas,** the purpose of this Ordinance is to provide for the orderly assignment of an area for each underground utility within the public right-of-way and, thereby, provide for compatibility of different underground utilities and simplify the preparation of future construction plans and reduce the construction damage to other utility installations and to the public right-of-way,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO, AS FOLLOWS:**

**Section 1.0 Definitions**

**Section 1.1:** Underground Utility - Shall include sanitary sewers, storm sewers, water, irrigation, piping, gas mains, internet, electric and communication cables.

**Section 1.2:** Utility Company - Any entity, corporation, municipality or other person installing, reinstalling, servicing, repairing, construction or removing any underground utility.

**Section 1.3:** Public Right-of-Way - Shall include any public highway, street, road, alley or public easement within Caribou County.

**Section 1.4:** Installation - Any installing, reinstalling, servicing, repairing, constructing or removing of an underground utility.

**Section 1.5:** Person - Shall include any corporation, municipality, association, agent, enterprise or individual.

**Section 2.0 Authority**

**Section 2.1:** Caribou County shall have authority to receive applications for and issue permits for the installation of underground utilities within the public right-of-way.

**Section 2.2:** Caribou County shall have authority to formulate rules, regulations and standards concerning the application for permits, issuance of permits, locations of installations, inspection and control of installations, special utility easements and liability of utility Companies. Determination of such rules, regulations and standards shall be in keeping with the best interests of public access to underground utilities in the public right-of-way, traffic control, types of public right-of-ways involved and in the interest of the public health, welfare and safety.

**Section 3.0 Permits**

**Section 3.1:** No person shall begin the installation of any underground utility in a public right-of-way without first having made application for and having been issued a valid permit from the County Road and Bridge Department.

**Section 4.0 Location Standards and Limitation of Liability**

**Section 4.1:** Location shall be on the north and east sides of, and a minimum of fifteen (15) feet from, the centerline. Where possible, this location should be in back of the curbing or beyond the surfaced road area. Minimum depth shall be thirty (30) inches.

**Section 4.2:** If any utility, entity or person desires to install utilities, equipment or pipe across or traversing any oiled County road, they must bore under the existing road so as to avoid damaging the road. In cases where boring is not feasible, the entity seeking the road crossing shall seek a variance as set forth herein.

**Section 4.3:** The County shall be held harmless for any and all damage to property or person resulting from the installation, maintenance or use of utilities, equipment or piping.

**Section 5.0: Variances**

**Section 5.1:** Requests for deviations from the adopted rules, regulations and standards authorized by this Ordinance shall be made in writing to the Caribou County Road and Bridge Department and supervising Commissioner. Variances may be granted or denied according to the discretion of the Road and Bridge Department and supervising Commissioner.

**Section 6.0: Authority**

**Section 6.1:** The Road and Bridge Department and Supervising Commissioner are hereby authorized and directed to take all action necessary or appropriate to

effectuate the purposes and provisions of this Ordinance.

**Section 7.0:** The provisions of this Ordinance are hereby declared separable; if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions, and such holding shall not affect the validity of the remaining portions hereof. Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 8.0:** The rule requiring that this ordinance be read on three (3) separate occasions is hereby waived.

**Section 9.0:** This Ordinance shall be in full force and effect from and after its passage, approval and publication hereof.

PASSED AND DATED this 24<sup>th</sup> day of August, 2015.

**CARIBOU COUNTY COMMISSIONERS**



Earl Somsen,  
Chairman of Board of County Commissioners



Phil Christensen,  
County Commissioners



Mark Mathews,  
County Commissioners

**ATTEST:**

  
Denise Horsley, Clerk of Caribou County