

ARTICLE II. - UTILITY PERMITS

Sec. 22-21. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contractor means every person who contracts with any owner or lessee of real estate for the construction, maintenance or repair of a driveway entrance, curb, culvert or ditch or work other than that performed on a public utility which necessitates the performance of labor in or the use or storage of materials upon any road or road right-of-way in the unincorporated areas of the county.

Project means either the furnishing of materials or the performance of labor in or upon a road or road right-of-way in the unincorporated areas of the county, which furnishing or performing:

- (1) Occurs within a contiguous area of not to exceed one (1) square mile;
- (2) Is prosecuted according to plans on file with the department of public works; and
- (3) Is completed no later than sixty (60) calendar days from the date that either materials were first supplied or labor was first performed.

Public utility means every corporation, company or individual association of persons, or their trustees, lessees or receivers, that owns, controls, operates or manages, except for private use, any poles, lines, anchors, conduit, pipe, transformers and any and all equipment or machinery incidental thereto for the transmission of telephone, telegraph, television or data messages or for the production, transmission or delivery or furnishing of heat, light, water or power in, through, along, above and under any road or road right-of-way in the unincorporated areas of the county.

(Res. No. 2-1982, § I, 1-6-82)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 22-22. - Violations and penalty.

- (a) This article is enforceable under chapter 8. Except as otherwise stated, any violation of this article shall be classified as a class H violation.
- (b) Violations of this article are punishable as provided in section 1-8.

Sec. 22-23. - Utility permit agreement.

Prior to initiating any project, a public utility shall execute and deliver to the board of county commissioners a utility permit agreement, which shall be substantially in the same form as exhibit A attached to Resolution No. 2-1982. The terms and provisions of this exhibit A are incorporated in this article by reference as if fully set forth in this article, and such terms and provisions constitute requirements and conditions for each project undertaken by a public utility.

(Res. No. 2-1982, § II, 1-6-82; Res. No. 150-1996, § I, 7-3-96)

Editor's note— Res. No. 150-1996 provided that the Sedgwick County Engineer shall be and is hereby authorized to accept and approve all highway permit agreements and utility permit agreements on behalf of Sedgwick County, Kansas, so long as they are first approved as to form

by the county counselor and so long as they are in substantially the same form as the Exhibits to Sedgwick County Resolution No. 2-1982.

Sec. 22-24. - Highway permit agreement.

Prior to initiating any project, a contractor shall execute and deliver to the board of county commissioners a highway permit agreement, which shall be substantially in the same form as exhibit B attached to Resolution No. 2-1982. The terms and provisions of this exhibit B are incorporated in this article by reference as if fully set forth in this article, and such terms and provisions constitute requirements and conditions for each project undertaken by a contractor.

(Res. No. 2-1982, § III, 1-6-82; Res. No. 150-1996, § I, 7-3-96)

Editor's note— Res. No. 150-1996 provided that the Sedgwick County Engineer shall be and is hereby authorized to accept and approve all highway permit agreements and utility permit agreements on behalf of Sedgwick County, Kansas, so long as they are first approved as to form by the county counselor and so long as they are in substantially the same form as the Exhibits to Sedgwick County Resolution No. 2-1982.

Sec. 22-25. - Fees.

- (a) The following fees and charges shall be paid by the public utility or contractor, as the case may be, for each project, and the fees shall accompany the respective permit agreement:
 - (1) Utility permit agreement: Sixty-five dollars (\$65.00).
 - (2) Highway permit agreement: Sixty-five dollars (\$65.00).
- (b) Such fees shall be paid only once for each project to be initiated under any respective highway permit agreement or utility permit agreement. The fees and charges established by this section are for regulatory purposes only.
- (c) All fees as provided in this section shall be payable to the county, and upon receipt the fees shall be deposited and credited to the county general fund.

(Res. No. 2-1982, §§ IV, VI, 1-6-82)

Sec. 22-26. - Bond.

In order to guarantee satisfactory performance of a utility permit agreement or a highway permit agreement, each public utility or contractor, as the case may be, shall execute and deliver to the board of county commissioners a bond with good and sufficient sureties as may be required by the board of county commissioners. The amount of the bond shall be according to the schedule attached to Resolution No. 2-1982 as exhibit C, which schedule is incorporated in this article by reference as if fully set out in this article. A public utility or contractor may file and maintain with the county clerk a bond continuous in nature in such amount as may be determined by the board of county commissioners.

(Res. No. 2-1982, § V, 1-6-82)

Secs. 22-27—22-50. - Reserved.