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Return to: Bob Peshak, Deputy Auditor, Cerro Gordo County, 220 N Washington Avenue, Mason City, Iowa

CERRO GORDO COUNTY ORDINANCE NO. 20B

CONTRACTORS LICENSE

SECTION 1. LICENSE CONTRACTOR: It shall be unlawful for any person to dig, blast, obstruct, fill, excavate in or break up any road, street, alley, or public ground without first having obtained an excavator’s license as provided in this Ordinance; provided, however, that no license shall be required of employees of the county in exercise of their respective duties. It shall be unlawful for any person other than employees of the licensee to operate under their license.

SECTION 2. APPLICATION FOR LICENSE: Application for a contractor’s license shall be made in writing to the County Engineer on a form provided by the engineer.

SECTION 3. LICENSE FEE, BOND, INSURANCE:

- a. Fee: The application for an excavator’s license shall be accompanied by the license fee of twenty-five dollars (\$25.00). The fee shall be paid in full regardless of the time of year the application is made and shall not be apportioned. This fee shall be waived for public utilities franchised within Cerro Gordo County.
- b. Bond: Each application for an excavator’s license shall be accompanied by a bond. The bond shall be in effect for the entire period of the contractor’s license. It shall be in the penal sum of five thousand dollars (\$5000.00) conditioned that the contractor will replace any road surfaces or installations of public utilities in the streets/roads or public ground to the condition they were before the work. The bond shall also provide that the County be held harmless of any claims by any person as a result of such work or blasting activities and that contractor will pay any and all damages for which the contractor is legally liable as a result of such work or blasting activities. The bond requirement will be waived for a property owner who will only be constructing a drive into their property. The owner must personally preform all the work. The bond requirement will be waved for public utilities franchised within Cerro Gordo County.
- c. Insurance: The applicant shall file with the Engineer evidence of public liability insurance acceptable to the county to be in full force and effect for the full period of the license. Liability insurance shall be written by an insurance company qualified to do business in Iowa. The minimum coverage by such insurance is as follows:

General Liability, Including:

Public Liability Insurance: Each occurrence	\$500,000
Bodily Injury:	
Each Person	\$250,000
Each occurrence	\$500,000
Property damage insurance: Each occurrence	\$250,000
Workers’ Comp and Employer’s Liability:	\$100,000

In addition to the above limits, a \$1 million Umbrella is also required. The insurance requirement will be waved for public utilities franchised within Cerro Gordo County.

Contractors that are sole proprietors and have no legal requirement to carry workers' comp insurance can sign a declaration stating that they are the type of the business that does not require workers' comp insurance and therefore do not need the workers' comp and employers' liability. The declaration also acknowledges that if the contractor's business plan changes and they become required to carry workers' comp insurance, their license is suspended until their insurance coverage on file is updated.

- d. Term of License: Excavator's license shall expire 12 months after approved application; if Bond or Insurance term is shorter than 12 months the License shall match the shortest term.

SECTION 4. PERMIT REQUIRED

- A. No work within the limits of any street, alley, or other County right-of-way by any excavator, contractor or any other person shall be initiated without first securing a permit for the performance of such work from the County Engineer's office. No charge shall be made for such permit except in the case of cutting into a paved surface as noted in Section 4, Subsection C of this section.
- B. Any person cutting or opening any road shall replace the surfacing, whether concrete, asphalt, or otherwise, under the supervision of and in accordance with the plans and specifications of the County Engineer and in accordance with the provisions of this ordinance.
- C. Fees. When the road surface has been paved with permanent pavement, such as concrete or asphalt, within twenty (20) years of the application for the permit to cut such road, no permit shall be issued until the applicant has paid a permit fee of one hundred dollars (\$100.00)

SECTION 5. REPEALER: All ordinances, resolutions or parts of ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY: If any section, provision, or part of this ordinance shall be adjudged to be unconstitutional or otherwise invalid, such an adjudication shall not affect the validity of the ordinance as a whole or any section thereof.

SECTION 7. EFFECTIVE: This ordinance shall be effective upon its final passage, approval and publication as required by law.

First Consideration: May 31, 2022

Second Consideration: Waived May 31, 2022

Third Consideration: Waived May 31, 2022

PASSED AND APPROVED this 31st day of May 2022

AYES: Latham, Callanan, Watts

NAYS: None

ABSENT/NOT VOTING: None

Chairman Chris Watts
Board of Supervisors

ATTEST:

Bob Peshak, Deputy Auditor