

2025-002
7/2/2025

McDonald County, Missouri
An Ordinance Governing County Roads – Utility Crossings
Ordinance No. 2025-002

An Ordinance Requiring Utility Companies to Obtain Assent from the County Commission and Provide a \$60,000 Performance Bond for each project prior to construction through County Roadways.

WHEREAS, McDonald County, Missouri, has the authority to regulate the use of its county roadways under Section 229.100, RSMo; and

WHEREAS, the County Commission recognizes the need to ensure the safety, integrity, and maintenance of county roadways when utility companies propose construction through such roadways; and

WHEREAS, the County Commission desires to implement a consistent and enforceable process for utility companies seeking to construct through county roadways.

NOW, THEREFORE, BE IT ORDAINED by the McDonald County Commission as follows:

Section 1. Definitions:

For the purposes of this ordinance:

"Utility Company" refers to any entity providing services such as electricity, gas, water, telecommunications, or other public utility services.

"County Roadway" refers to any road, right-a-way, or street under the jurisdiction and maintenance of McDonald County.

"Performance Bond" refers to a financial guarantee provided by the utility company to ensure the proper restoration and repair of the county roadway following construction activities.

Section 2. Requirements for Assent

Assent Required: No utility company shall commence construction through a county roadway without first obtaining a written assent from the McDonald County Commission and obtaining a permit.

Application for Assent: The utility company must submit a written request to the County Commission detailing the proposed construction, including:

- A description of the proposed utility installation plans
- The specific location and extent of the construction within the county roadway.

- The anticipated start and completion dates.
- Any potential impacts on traffic flow or public safety.

Review and Approval: The County Commission shall review the application and may approve, deny, or approve with conditions. The decision shall be based on considerations of public safety, road integrity, and other relevant factors.

Section 3. Performance Bond Requirement

Bond Amount: Prior to commencing construction, the utility company must provide a performance bond in the amount of \$60,000.

Purpose of Bond: The performance bond shall serve to ensure the proper restoration and repair of the county roadway following construction activities.

Conditions for Release: The bond shall be released upon:

Completion of construction.

Restoration of the county roadway to its original condition or better.

Inspection and approval by the County Engineer or designated representative.

Section 4. Compliance with County Specifications

Adherence to Specifications: The utility company shall comply with all applicable county specifications and standards for construction within county roadways.

Inspection: The County Engineer or designated representative shall have the right to inspect the construction activities to ensure compliance with county specifications.

Section 5. Enforcement and Penalties

Violation of Ordinance: Any utility company that commences construction through a county roadway without obtaining the required assent or fails to provide the performance bond shall be in violation of this ordinance.

Penalties: Upon determination of a violation, the County Commission may impose penalties, including but not limited to:

Fines.

Suspension or revocation of assent.

Requirement to cease construction activities.

Legal Action: The County Commission may seek legal remedies to enforce the provisions of this ordinance.

Section 6. Severability

If any provision of this ordinance is found to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

Section 7. Effective Date

This ordinance shall take effect immediately upon its adoption

Approved and Adopted by the McDonald County Commission on this 25th day of June
2025.

Commission Order #2025-002





Bryan Hall, Presiding Commissioner


Jamey Cope, Eastern Commissioner


Rick Lett, Western Commissioner

Attest:


Jessica Cole, County Clerk

McDonald County Utility Construction Permit Application

Pursuant to Ordinance No. 2025-002

1. Applicant Information

Utility Company Name: _____

Address: _____

City, State, ZIP: _____

Contact Person: _____

Phone: _____ Email: _____

2. Project Description

Provide a detailed description of the proposed utility installation, including the type of utility (electric, gas, water, telecom, etc.) and construction method:

3. Location of Construction

Include exact location(s) where construction will occur through or along the county roadway(s):

Road Name(s): _____

Log Points or GPS Begin-End: _____

Speed Limit: _____ mph

Located on County Road Right-of-Way: ☐ Yes ☐ No

_____ side. _____ Feet _____ from _____
(county road, city, street, county line..)

Construction method (Buried conduit, aerial cable, directional boring, etc.):

Attach a detailed map or diagram of proposed construction area.

4. Construction Schedule

Anticipated Start Date: _____

Anticipated Completion Date: _____

Will this affect traffic flow or public safety?

☐ Yes ☐ No

If yes, explain and provide traffic control plans:

5. Performance Bond Requirement

A \$60,000 performance bond is required prior to beginning construction.

Bond Provider Name: _____

Bond Number: _____

Attached Copy of Bond: ☐ Yes (Required)

REVIEWED
McDONALD COUNTY COMMISSION
JUL 02 2025
PRESIDING RL
EASTERN RL
WESTERN RL

6. Compliance and Signature

By signing below, the applicant certifies that all information provided is true and accurate and agrees to:

- Abide by all county specifications and standards.
- Allow inspection by the County Foreman or authorized personnel.
- Restore the roadway to its original or better condition upon completion.
- Not commence construction until written assent and permit are granted.

Authorized Signature: _____

Print Name and Title: _____

Date: _____

FOR COUNTY USE ONLY

☐ Approved

☐ Approved with Conditions (see below)

☐ Denied

Conditions/Notes:

Reviewed by County Representative:

Name: _____ Date: _____

Approved by McDonald County Commission:

☐ Bryan Hall, Presiding Commissioner

☐ Jamey Cope, Eastern Commissioner

☐ Rick Lett, Western Commissioner

Date of Approval: _____

Permit Number: _____