

Ordinance No. 2024-009 Passed August 27, 2024

ORDINANCE ESTABLISHING STREET OPENING, ROAD CUT, AND BORING REGULATIONS AND STANDARDS WITHIN THE VILLAGE OF RISINGSUN, OHIO AND DECLARING AN EMERGENCY

WHEREAS, pursuant to RC §723.01, *et. seq.*, the Council of the Village has the authority to regulate the use of the streets, curbs, sidewalks, and rights of way within the Village; and

WHEREAS, the Council of the Village of Risingsun has determined that in order to preserve the public health, welfare, and safety, along with that of the motoring public, the promulgation of certain rules, regulations, and standards for street opening, road cuts, and road bores within the Village is necessary and appropriate, and

WHEREAS, after careful deliberation and consideration, the Council of the Village of Risingsun has determined that it is necessary for the preservation of the public peace, health, and welfare that the Village enact such regulation.

IT IS THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF RISINGSUN, STATE OF OHIO, WITH TWO-THIRDS OF ALL MEMBERS VOTING IN FAVOR THEREOF THAT:

SECTION 1. APPLICABILITY

A. The terms, conditions, rules, requirements, and procedures set-forth hereinbelow shall apply to all applications over, under, through, and adjacent to all streets, highways, alleys, and rights of way located within the Village or within any such area of the Village's jurisdiction.

B. Notwithstanding the foregoing, any such State highway shall be concurrently governed by the laws and rules of the State of Ohio.

SECTION 2. Definitions

The terms used herein shall be construed to comport with the typical use of such term, unless the context specifically indicates otherwise, then the meaning of such terms used in this Ordinance shall be as specified herein.

SECTION 3. Permit Required

A. No person, company, or other entity shall make any opening or excavation in or under a street, alley, sidewalk, or other public way or ground without first obtaining a permit

therefor from the Village Zoning Inspector and making such deposit of money as may be required by the street opening regulations of the Village. Permits shall be issued only to contractors or corporations covered by adequate public liability insurance.

B. Permits required by subsection (A) of this section shall be issued only on applications made in writing to the Zoning Inspector. Each application shall contain all information required by the Zoning Inspector. A permit shall be issued only after payment of the required permit fee(s) as established by Village Council. Such fee(s) shall be commensurate with the costs of administering permits, performing inspections, and other related services.

1. The state, the county, or any public utility corporation holding a franchise from the Village may obtain necessary street opening permits without prepayment, but shall be charged for necessary street restoration work and inspections.
2. A public utility corporation may be licensed by the Zoning Inspector on an annual basis to do its own restoration work in connection with the opening of streets for maintenance and construction work, but shall be charged a sufficient sum to cover inspection costs.

C. Exemptions from Permit

1. Any person performing work under this section and within any right-of-way shall be required to obtain all necessary permits except that work performed by the Village shall not require permits.

2. Emergency Work

There are times when emergency situations cause damage to utility facilities located in the highway right of way and work needs to be performed immediately to repair the damage. The type of work being performed is normally handled under the Village's permitting process and could not be started until the permit is approved. However, because the affected utility facilities need immediate fix, the utility can perform the work and a permit does not have to be in hand at the time.

A permit is not required for work considered emergency maintenance of utility facilities when damaged by a vehicle, weather related causes or other uncontrolled incident. For all emergency work performed on all highway rights of way, by or for the utility, the utility is responsible for installing and maintaining traffic control devices in accordance with the provisions of the Ohio Manual on Uniform Traffic Control Devices and immediately notifying the Village. In all cases, the emergency work needs to be performed in a prudent manner and a permit must be issued afterwards to address the situation which occurred.

3. Utility Maintenance

A. All utility companies perform day-to day maintenance activity to ensure their systems provide good and efficient service to their customers. In accordance with this intent, all such utilities are hereby granted a non-perpetual license to perform such maintenance work consisting of the following:

Any work done to repair, replace, or maintain existing utility facilities within the Village right of way that does NOT involve pavement work. The work must be done within the same footprint as the original installation.

B. Utility work that is not covered by the license is as follows:

1. Maintenance work done that requires boring under pavement, open cuts in the pavement, and pavement milling will require individual right of way use permits and cannot be done under the license.
2. Maintenance work done outside of the footprint of the original installation, but still within road right of way, will require individual right of way use permits and cannot be done under the license.
3. Any work associated with the installation of additional utility facilities within the Village right of way will require individual right of way use permits and cannot be done under the license.

The license covers all maintenance activity and individual permits are not required. However, the utility must notify the Village on all maintenance work that will be performed and all of the work activity must meet the requirements that are generally outlined in a permit. The license remains in effect until the Village or the utility company make the decision to cancel or revoke the license.

C. Tree and Brush Removal, etc.

The utility shall apply for and receive an annual permit that will cover all future spraying, cutting, trimming, or removal of brush or trees on Village highway rights of way. After the permit is issued, the utility shall notify the Village in advance of each time these activities are scheduled to be performed. The work shall be performed in accordance with the provisions incorporated into the permit.

D. Conditions That Would Cause Revoking of the Permit

1. If the party to whom the permit is issued does anything contrary to the orders of the Village Zoning Inspector and, after due notice, fails to correct the work as ordered, the Village may, with or without notice, correct such work or remove such structure or material, and the party whom the permit is issued to shall reimburse the Village for any expenses incurred in correcting the work or removing the structure or materials.
2. At any time, a permit may be revoked or annulled by the Village Zoning Inspector for noncompliance with any of the conditions, restrictions, or regulations herein.
3. The granting of a permit does not, in any way, abridge the jurisdiction of the Village over the streets located therein. If, during any future work benefiting the traveling public, it becomes necessary for the Village to order

removal, reconstruction, relocation or repair of utility facilities or work performed under the permit, the removal, reconstruction, relocation or repair shall be wholly at the expense of the utility and be made as determined by the Village.

E. Permit Application Information Permit Requests

Regardless of whether the permit application for a crossing or longitudinal utility installation is being submitted by the permittee during a highway construction project or for an installation in the existing right of way, all of the information needed from the permittee for review and approval is the same. The permittee shall furnish the following:

1. General Information

- a. One copy of the permit plan and permit application.
- b. Specific highway location.
- c. Right of way plan or plan/profile sheet of the highway covering the permittee request

2. Permit Plan Information

- a. Centerline stationing of any highway crossing.
- b. A profile view and/or elevation points covering areas of possible conflict for both aerial and/or underground utility installations.
- c. The type of materials that will be used for the installation must be specified. For underground installations, this will include the type and size of pipe, conduit, cable, etc..
- d. Provide plans for the proposed installation, including profiles and representative cross sections, relating the installation to the highway stationing. Depending on the proposal, cross sections may not be required for an aerial installation.
- e. For underground installations, a profile shall be provided to address points of possible conflict with other subsurface features.

3. Construction

- a. Method of installation to be used.
- b. State the length of time necessary to install the facilities.
- c. If applicable, construction details for both excavation and backfilling of trenches shall be provided for all underground installations.
- d. If the installation affects any portion of the highway slopes, an explanation will be required as to the method and materials to be used for protecting the slope from erosion. When sheeting is used, the material details and construction method must be provided.

- e. All highway right of way which is disturbed by the proposed construction must be restored to the original or better condition.
- f. In some instances, the utility installation may affect trees or other types of mature growth. Where this occurs, selective tree removal or necessary tree trimming will be permitted. In these situations, plans must be provided showing the selective removal and/or trimming required along with schematic plan depicting the necessary replacement plants to be installed. However, it must be clearly documented in their plan that neither the facility nor the construction of the facility will be detrimental to the natural growth in the area of the proposed utility installation.
- g. The permittee shall place permanent markers (i.e. fluorescent markers, fluorescent pedestals) identifying the location of the underground utilities to avoid damage to the facility during Village seasonal maintenance activity. Non-metallic underground lines shall be accompanied by a trace wire, metallic tape or other method to locate and mark the underground facility.
- h. A review of necessary highway restoration processes must be made. This review shall include the restoration of drainage, fence, guardrail, right of way and the pavement/shoulder areas. In conjunction, consideration must also be given to the possible use of specific restoration materials such as permanent sheeting/shoring or control density backfill. Furthermore, an evaluation shall be made as to the use of full time inspection and/or the bonding of the applicant or the applicant's contractor.

4. Maintenance of Traffic

- a. A maintenance of Traffic Plan must be provided, including points of access for both the utility construction phase and future maintenance of the facility.

5. Bond Protection

- a. If the permit applicant is not a utility that submits a significant number of requests for use of the highway right of way or there is installation concerns regardless of what utility is requesting the permit, the Village can request the applicant provide a bond to cover any damage that may occur as a result of the installation.
- b. The bond amount will be established based on the physical characteristics of the roadway or bridge structure that has the potential for damage.
- c. The bond is to be in place for five (5) years from the completion date of the installation and, if the permit holder does not make any needed repairs, the funds will be used to cover any costs the Village uses to make those repairs.

SECTION 4. Standards Established

A. Boring Required

1. The installation of underground facilities by open cutting or trenching pavement will not be considered unless it is demonstrated that there is no reasonable alternative method available. Casing, pipe, or conduit crossings of the highway shall be installed by auguring, driving, boring, jacking, or tunneling without disturbing the pavement or paved shoulder.
2. Unless, upon the opinion of the Zoning Inspector, boring under the road and/or right of way is not practicable based upon geological conditions, all such excavations under any roadway within the Village shall be made by boring.

B. Open Trenching

1. If, upon the determination of the Zoning Inspector, an exception exists pursuant to paragraph A(1), above, any such open trenching of the roadway must adhere to the standards described herein.

C. Standards Generally

1. Location

- a. All underground installations are permitted subject to the conditions outlined herein. Longitudinal lines may be permitted as long as the installation is located as close to the right of way line as possible. In cases of narrow rights of way and severe terrain features, consideration may be given to locating the utility between the ditch and pavement. In this regard, the utility facility shall be located so that the distance between the edge of the pavement (or paved or stabilized shoulder) and the inside edge of the trench is greater than the depth of the trench. Buried cable shall not be installed within the shoulder area where lines for highway lighting, illuminated signs or other installations are typically located.

2. Pipeline Design

Pipeline installations in a Village right of way cover a variety of products and the physical characteristics of the pipe, the product being moved by the pipeline and the pressure contained in the pipe varies significantly. The Village's permitting process for approving both crossings and longitudinal underground installations of these pipelines must meet the following design guidance.

- a. Material Strength of Crossing Installation

Utilities crossing under a highway shall be of durable materials designed to meet conditions found at the site and shall be installed to preclude disturbing the roadway when performing maintenance or expansion operations.

b. Crossing Extensions

Conduits or casings shall extend beyond either the outer edge of the ditch or the embankment slope if a ditch is not present. When the highway is constructed in deep cut, conduit or casing may be terminated beyond the shoulders. Generally, open cutting of the median is prohibited. However, where there is extremely wide medians, traffic lanes at different elevations or other physical conditions that make a continuous bore impractical, opening of the median may be permitted. Since the open cutting of the median is primarily a safety issue, any request must be clearly justified by addressing construction, traffic control, and restoration issues.

c. Installation Protection

The grade of the crown of the pipeline, conduit, casing, or unprotected facility shall be established based on what product is being transferred. Additional depth of cover may be required to meet existing field conditions. In those instances where less than minimum cover is authorized, additional protection of the utility facility may be required.

d. "Public Utility" Requirements

A pipeline owned by a Gas Company that is defined as a "Public Utility" and provides natural gas that is fully regulated by the PUCO and sold to the general public must meet these following guidelines:

A gas pipeline of any size or pressure and made of any material (steel, iron, plastic, etc.), generally, will not need to be cased but the company must certify it meets all rules, regulations and pipeline inspection criteria contained in 49 CFR 192 and/or 49 CFR 195. If the pipeline installation is a crossing under an interstate or an interstate look-alike and is less than 12 feet in depth, the company must provide certification that the pipe design meets the "Class 4" requirements of 49 CFR 192 which establishes the thickness of the pipe. If the installation depth is 12 feet or more, the company must meet the "Class 3" design requirements. All other "Class Thickness" requirements associated with longitudinal and crossing installations will be based on the location description outlined in the Federal Code. If the District has some concerns about the physical location of a crossing installation, the "Class Thickness" can be established which meets the District's concerns. In addition, if the pipeline installation will be located within any fill material around Mechanically Stabilized Earth

(MSE) Walls or within two feet of any structure foundation (i.e. bridges, culverts, etc.), the pipeline must be cased. All other installation requirements must be met.

e. Oil & Gas Company and Interstate/Intrastate Pipeline Company Requirements

A pipeline owned by an Oil & Gas Company or an Interstate/Intrastate Pipeline Company must meet these following guidelines:

A gas and/or petroleum pipeline of any size or pressure and made of any material (steel, iron, plastic, etc.), generally, will not need to be cased but must meet all rules, regulations and pipeline inspection criteria contained in 49 CFR 192 and/or 49 CFR 195. If the pipeline installation is a crossing under an interstate or interstate look-alike and is less than 12 feet in depth, the company must provide certification that the pipe design meets the "Class 4" requirements of 49 CFR 192 which establishes the thickness of the pipe. If the installation depth is 12 feet or more, the company must meet the "Class 3" design requirements. All other "Class Thickness" requirements associated with longitudinal and crossing installations will be based on the location description outlined in the Federal Code. If the District has some concerns about the physical location of a crossing installation, the "Class Thickness" can be established which meets the District's concerns.

The company's design plans of the pipeline installation must be certified as meeting 49 CFR 192 and/or 49 CFR 195 regulations with an Ohio Registered Engineer's review stamp and signature. In addition, if the pipeline installation will be located within any fill material around Mechanically Stabilized Earth (MSE) Walls or within two feet of any structure foundation (i.e. bridges, culverts, etc.), the pipeline must be cased. All other installation requirements, as outlined in Section 8106 of the Department's Utility Manual, must be met.

If the pipeline company decides, on its own, to provide casing for the installation, the installation plan does not require two design engineering signatures but, as outlined, does require one signature that certifies the pipeline design meets all federal regulations.

f. Federal Criteria

The federal criteria which establishes the pipeline design is part of the gas and petroleum industries' licensing process and is applied to all pipeline size and material types. All of their installations are required to meet these standards and casing will not be needed unless the installation is close to an MSE wall or any structure.

3. Casing of Pipelines

Casing of an underground installation of a utility facility is a requirement that will be established by the Village based on what product the pipeline is carrying and the physical characteristics of where the installation is being made.

a. Oil, Gas, & Petroleum Pipelines

The thickness of pipelines that carry these products is controlled by the federal regulations. Because of the work this industry has done with FHWA and ASSHTO to protect the life expectancy of their pipelines, casing, for the most part, will not be required. However, the Village does require casing if the pipeline is within two feet of MSE walls or structures and, depending on other physical characteristics of where the pipeline is being installed, the Village can require casing if it is felt that such an installation has to be made in order to prevent damage to the roadway.

b. Water & Sanitary Sewer Pipelines

Pipelines of these types, particularly those that carry product under pressure, have to be cased. However, there are situations where the utility can provide pipelines of increased thickness and the Village can approve such an installation without casing.

4. Additional Guidance for Underground Utility Installations

These following items address design and location requirements for all types of pipeline and conduit installations:

a. Gallery Installation

For pipelines of the extreme importance to public convenience, safety, or business operations, galleries may be installed for the purpose of performing repair or replacement of pipelines and conduits. Galleries shall be designed so that most repairs or replacement of these utility facilities can be made without resorting to pulling the entire facility from the gallery. The gallery design shall include one or more entrance shafts of a size suitable for removal of one pipe or conduit section from the gallery. Shafts shall be sealed with a removal cap. Each cap shall have a manhole opening suitable for inspection access.

b. Casing & Gallery Material

Casings and galleries may be constructed of any materials permitted by the Village for use in roadway culverts, and shall be designed to meet all conditions found at the site.

c. Tunnels

Tunnels, if needed, shall be constructed of steel liner plates left in place or other materials acceptable to the Village. Voids remaining outside of the tunnel lining shall be filled with Portland cement grout. After installing the utility, the tunnel lining shall be filled with approved gravel aggregate or concrete rammed in place. Tunnel ends shall be sealed and provisions may be made for tunnel drainage if an outlet is available.

d. Pressure & Gravity Flow Pipeline Installation Requirements

Pipelines of any type carrying gas or liquid under pressure shall be equipped with valves which, when closed, will isolate the section of the line which includes the portion within the highway right of way. Gravity flow pipelines, such as sanitary sewers, shall be a type suitable for roadway culverts. Joints shall be compression type or an approved equivalent. Manholes should be located on gravity flow lines in a position that the facility can be inspected and cleaned without trespass on the right of way.

e. Underground Installation Determination

When a utility has an original position beneath a new highway improvement, a determination needs to be made regarding the need to strengthen or replace that existing facility. The determination shall be based on depth, strength and condition of the existing utility, the type of surrounding soil and the foundation soils. If a fill or surcharge is to be placed above an existing utility, a thorough investigation needs to be made and consideration given to installation of such treatments as a concrete cap, partial encasement, full encasement or replacement of the facility. If the determination indicates that it is feasible to leave an existing utility parallel under the pavement, extension for future service connections shall be made prior to the new pavement being placed.

5. Installations

The following situations related to the status of the right of way and physical characteristics of the installation location establishes how underground installations need to be made:

a. Embankment or Shallow Cut Installation

When the highway is currently located, or is to be constructed, on embankment or in a shallow cut, casing or galleries shall extend across the full width of the right of way. If significant savings would result, access is

not limited, safety is not compromised, and the Village approves, the casing or gallery may be terminated beyond the outer edge of the ditch flow lines, or the embankment slope if a ditch is not provided.

b. Deep Cut Installation

When the highway is currently located, or is to be constructed in a deep cut, casing or galleries shall extend across the roadway to include the effective width of the outside shoulders. Effective width is considered to be the offset distance between the edge of the pavement and the face of the guardrail as provided on the highway project. Overhead structures, either utility or highway, may be considered for the purpose of supporting utilities to span deep cuts when other locations prove difficult and costly.

6. Depth of Installations

The grade of the crown of conduit, casing or uncased pipeline facilities shall be established so that minimum depth of cover will be as follows:

| | <u>Water Lines</u> | <u>Other Facilities</u> |
|-----------------------------|--------------------|-------------------------|
| a. Under pavement surfaces: | 4 Feet | 3 feet |
| b. Under sod ditches | 3 feet | 3 feet |
| c. Under paved ditch | 2 feet | 2 feet |
| d. Under other surfaces | 3 feet | 3 feet |

e. Additional depth of cover may be required to meet existing field conditions. In those instances, where less than minimum cover is authorized, additional protection of the utility facility may be required.

D. Restoration of pavement.

1. Where openings have been or are to be made in a street, the permit shall direct the restoration of the street pavement in one of the following ways:

- a. The entire work of restoration, including both paving surface and paving base, may be performed directly by the Village Street Department after the permittee has completed the backfill;
- b. The paving surface may be installed by the Village Street Department after the permittee has made the backfill and installed the pavement base;
- c. The work may be done either completely as in subsection (1)(a) of this section or as to paving surface only as in subsection (1)(b) of this section, by a Village contractor duly authorized by a contract with the Village.

d. The entire work of restoration may be done by the permittee with the consent of the Village.

2. In all cases, the entire work shall be carried out under the direction and to the satisfaction of the Village and in accordance with the rules, regulations, and specifications approved by the Zoning Inspector. The permittee shall be responsible for the condition of all restorations made by him for a period of five years and upon notice shall repair any subsidence or defect therein. On failure to repair, the Village may make necessary repairs and charge the cost to the permittee.

E. Openings in newly paved surfaces.

1. Prior to the new paving or reconstruction or resurfacing of any street, the Village shall cause notices to be sent to all public utility corporations to install all necessary mains, conduits, service branches, and structures. Public utility corporations shall be allowed a reasonable time for completing the aforesaid installations before the new pavement or resurfacing is laid. The Zoning Inspector may require that similar notices be sent to abutting owners, in the same manner.

2. Thereafter, during the period of four years from the final completion and acceptance of the new pavement, no permit for making an opening in such pavement shall be issued to any person or department so notified if the need for making such opening could reasonably have been anticipated, except on payment of an additional charge in excess of the amount otherwise chargeable in the amount of two percent of the restoration cost for each month of the unelapsed part of the four-year period and in no event less than ten percent. Before a permit is issued for making an opening in such pavement, notice shall be given to the Zoning Inspector for his review. Such additional charges shall be payable whether restoration work is to be done by the Village or by the permittee. Such charges shall not be considered as penalties, but as compensation for loss of useful life caused by avoidable openings in new surfaces. The determination of the Zoning Inspector as to such charges shall be final.

F. Restoration of brick paving.

1. Where excavation within a street right-of-way involves the removal of brick paving or decoration, the permittee shall replace the same with brick in accordance with specifications provided by the Zoning Inspector.

G. General Provisions Applicable To All Permits

The following list of information is in place to provide guidance on how the permit applicant is to perform the work associated with the utility installation and how, if needed, the permit would be revoked.

1. Maintenance of Traffic Plan

The permittee is responsible for the development and design of a Maintenance of Traffic Plan any time work is proposed on the highway right of way. The permittee shall also be responsible for the implementation of the plan and the use of necessary traffic control devices or personnel in accordance with the approved plan. Furthermore, the traffic control plan and the use of traffic control devices must be in compliance with the Ohio Manual on Uniform Traffic Devices.

2. Traffic Control Responsibility

Under the Maintenance of Traffic Plan, the permit request must address factors which can also have an impact on the flow of traffic and safety within the permit work zone. Consideration must be given to the applicability of lane closures, maintaining two way traffic at all times and the use of uniformed patrol or other personnel to assist with the control of traffic.

All open trenches must be plated, temporarily backfilled or protected during hours of no construction in a manner that will not impede the plowing of snow or the safe flow of traffic.

Finally, work schedules must be addressed. It may be prudent or necessary to restrict work to off peak hours or take into consideration, such concerns as rush hour traffic, local festivals, shift changes for companies, school schedules or holidays.

3. Conditions of the Permit

- a. Except as authorized under the permit, no excavation shall be made or obstacles placed within the limits of the highway in such a manner as to interfere with travel over the road
- b. If any grading or other work done under the permit interferes with the drainage of the highway in any manner, catch basins and outlets shall be constructed to properly handle the highway drainage.
- c. All the work contemplated under the permit shall be done under the supervision and to satisfaction of the Village and the entire expense shall be borne by the party to whom the permit is issued.
- d. Upon completion of the work under the permit, the highway is to be left clear of all rubbish, excess materials, temporary structures or equipment. In addition, all parts of the highway right of way is to be restored to a condition which is equal to, or better than, that which originally existed.
- e. The permit applicant will abide by current State and/or local laws pertaining to storm water pollution prevention and/or erosion control.
- f. The right is reserved by the Village to appoint an inspector who shall represent the interests of the Village during the installation of the facility. Any compensation arranged for such inspection service shall be paid wholly by the permit holder.
- g. Prior to any excavation in the highway right of way, the permit holder must contact the Ohio Utilities Protection Service (OUPS) and the Oil and Gas

Producers Underground Protection Service (OGPUPS) and request all existing underground utility facilities be marked.

- h. The acceptance of a permit, or the performance of any work under the permit, constitutes an agreement between the Village and the party to whom the permit is granted. Compliance with all conditions and restrictions included with the permit is mandatory.

4. Ancillary Conditions Under the Permit

- a. At the discretion of the Zoning Inspector, a Performance Bond may be a prerequisite to the issuance of a permit.
- b. The issuance of a permit is not a substitute for satisfying the rights of any other party who may have an interest in the underlying fee.
- c. The party to whom the permit is issued shall be responsible for all damages to persons or property due to, or resulting from, any work performed under the permit.
- d. When highway improvement contracts are awarded by the Village at or near the area covered by the permit, the party to whom the permit is issued shall cooperate with the highway contractor.

SECTION 5. Costs/Fees

A. In addition to any other fees imposed, the permit fee for a permit issued hereunder for auguring, driving, boring, jacking, or tunneling without disturbing the pavement or paved shoulder shall be \$100.00.

B. In addition to any other fees imposed, the permit fee for a permit issued hereunder which includes the trenching or cutting of the roadway shall be \$1,000.00.

SECTION 6. Indemnification

Any person obtaining a permit pursuant to this chapter agrees as a condition of the permit to indemnify the Village and hold the Village harmless from any expenses, including but not limited to attorney's fees, litigation costs, and judgments, incurred as a result of claims made for damages arising out of the permitted activity.

SECTION 7. Appeals

Appeals concerning the interpretation or application of administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision hereunder of the Zoning Inspector. Such appeals shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Village Council, a notice of appeal specifying the

grounds upon which appeal is being taken. The Zoning Inspector shall transmit to the Village Council all of the papers constituting the record upon which the action appealed from was taken.

SECTION 8. Penalty

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, make any opening or excavation in or under a street, alley, sidewalk, or other public way or ground without first obtaining a permit therefor in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Council. Any person, firm, or corporation violating any regulation in or any provision of this Ordinance or any amendment or supplement thereto, shall be deemed guilty of a fourth degree misdemeanor, and upon conviction thereof, shall be subject to fines and or jail. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use is continued may be deemed a separate offense.

The Zoning Inspector, the legal representative of the municipality, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

SECTION 9. Adoption of ODOT Policy

For any type of work contemplated hereunder that involves a State Highway, the Village hereby adopts the Ohio Department of Transportation's Policy for Accommodation of Utilities (the version effective as of the enactment date hereof) and appoints the Village Zoning Inspector as its representative for all matters concerning the same.

SECTION 10. Replacement Ordinance:

The Ordinance shall replace and supersede any and all other parts of ordinances inconsistent or conflicting with any part of this Ordinance, which are hereby repealed to the extent of such inconsistency or conflict.

SECTION 11. Emergency Ordinance

This Ordinance constitutes an emergency and is necessary to protect the health, welfare, and safety of the Village, as many potential projects are currently looming that require the orderly and purposeful management of work in the Village's rights of way, and without such structure and policy in place, the infrastructure of the Village could be irreparably harmed.

SECTION 12. Effective Date:

This Ordinance shall become effective from and after its passage at the earliest period allowed by Law.

SECTION 13. Public Meetings:

All formal actions of Council relating to the adoption of this Ordinance and all deliberations of Council and any of its committees leading to such action were held in meetings open to the public, as required by Law.

Passed: 8.27.24

[Signature]
President of Council

Absent
Mayor

Attest:

[Signature]
Village Fiscal Officer

Approved:

[Signature]
Village Solicitor