

CHAPTER 901

Excavations

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CHAPTER 901 Excavations — Chapter Overview

CHAPTER 901 Excavations

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Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01

Openings by the Municipality - see Ohio R.C. 723.02

Change of name, vacating and narrowing streets - see Ohio R.C. 723.04 et seq.

Excavation liability - see Ohio R.C. 723.49 et seq.

Changing established grade - see Ohio R.C. 727.07

Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10

Vacating of streets and alleys listed - see Prelim. Unit, Table B

Protection of trees while excavating - see S.U. & P.S. 907.07

Building permit required for excavations - see P. & Z. 1113.02

901.01 PERMIT REQUIRED.

No person shall dig, trench, excavate, grade, tunnel or do any work in, over or under any public street, sidewalk, tree lawn, traveled berm or other public ground within the Municipality without first obtaining a permit therefor from the Director of Public Service. (Ord. 104-73. Passed 10-9-73.)

901.02 PERMIT REQUIREMENTS.

No permit shall be issued by the Director of Public Service for doing or performing any of the work referred to in Section 901.01 unless and until the applicant has complied with the following requirements:

(a) Application. The applicant shall file an appropriate application with the Director for permission to do the work referred to in Section 901.01 which, in addition to such other information as the Director requests, shall contain:

- (1) The area where the work is to be performed;
- (2) The name and address of the owner; and
- (3) The name of the person who will be doing the work.

(b) Insurance Policy. The applicant shall deposit with the Municipality, or show evidence of, a public liability insurance policy insuring the Municipality as well as the person doing the work against any loss or damage to persons or property resulting from the work being done, the policy having limits of liability in the amount of one hundred thousand dollars (\$100,000) for each person; three hundred thousand dollars (\$300,000) per accident for bodily injury and fifty thousand dollars (\$50,000) for property damage, and being in a form acceptable to the Director of Law. The insurance policy shall be in force when the work begins and shall remain continuously in force while the work is being done and for a period of eight months thereafter.

(c) Permit Fee. The applicant shall pay a permit fee of ten dollars (\$10.00) for any one of the various work projects for which permission of the Director of Public of Public Service is being requested.

(d) Deposits. The applicant shall make the following deposits in connection with the various types of work for which a permit application has been filed:

- (1) One hundred dollars (\$100.00) with each application for permission to open a tree lawn;
- (2) Two hundred dollars (\$200.00) with each application for permission to open a traveled and/or graveled berm and any dedicated but unpaved street in the Municipality;
- (3) Three hundred dollars (\$300.00) with each application for permission to open any traveled portion of any secondary street (i.e. cinder, gravel or chip and seal surfaces); and
- (4) Five hundred dollars (\$500.00) with each application for permission to open the traveled portion of a concrete or asphaltic concrete street.

It shall be incumbent upon the applicant to restore any area opened by him to an equal or better condition that such area was originally and to perform such restoration in accordance with such specifications and conditions as may from time to time be established by the Director of Public Service. The deposits shall be held and used by the Municipality to cover the cost of such restoration in the event that such restoration is not completed by the applicant in accordance with the specifications and conditions established by the Director within thirty days from the opening date.

Deposits shall be made only by certified check made payable to the Municipality, or cash. Such deposits shall be returned to the applicant upon evidence of satisfactory completion of all restoration work by the applicant to the satisfaction of the Director. In addition, the Municipality shall be reimbursed for any expenses incurred by it in connection with seeing to the performance of any restoration not completed by the applicant.

(e) In the event a road opening permit is obtained and an adjacent tree lawn or berm will be

opened in connection with such road opening, only one permit, i.e. a permit for the road opening, shall be needed and only one permit deposit, i.e. a deposit for the road opening, shall be required.

(f) The applicant for the opening permit shall provide adequate protection for both pedestrian and vehicular traffic in and around the road opening area. Such protection is to be of a type and kind specified by the Director of Public Service.

(g) In the event that any portion of this section is in conflict with the laws of the State or is deemed to be unlawful by a court of competent jurisdiction, such determination shall in no way affect the remaining portions of this section.

(Ord. 105-73. Passed 10-9-73.)

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901.01 PERMIT REQUIRED.

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Changing established grade - see Ohio R.C. 727.07

Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10

Vacating of streets and alleys listed - see Prelim. Unit, Table B

Protection of trees while excavating - see S.U. & P.S. 907.07

Building permit required for excavations - see P. & Z. 1113.02

901.01 PERMIT REQUIRED.

No person shall dig, trench, excavate, grade, tunnel or do any work in, over or under any public street, sidewalk, tree lawn, traveled berm or other public ground within the Municipality without first obtaining a permit therefor from the Director of Public Service. (Ord. 104-73. Passed 10-9-73.)

901.02 PERMIT REQUIREMENTS.

No permit shall be issued by the Director of Public Service for doing or performing any of the work referred to in Section 901.01 unless and until the applicant has complied with the following requirements:

(a) Application. The applicant shall file an appropriate application with the Director for permission to do the work referred to in Section 901.01 which, in addition to such other information as the Director requests, shall contain:

- (1) The area where the work is to be performed;
- (2) The name and address of the owner; and
- (3) The name of the person who will be doing the work.

(b) Insurance Policy. The applicant shall deposit with the Municipality, or show evidence of, a public liability insurance policy insuring the Municipality as well as the person doing the work against any loss or damage to persons or property resulting from the work being done, the policy having limits of liability in the amount of one hundred thousand dollars (\$100,000) for each person; three hundred thousand dollars (\$300,000) per accident for bodily injury and fifty thousand dollars (\$50,000) for property damage, and being in a form acceptable to the Director of Law. The insurance policy shall be in force when the work begins and shall remain continuously in force while the work is being done and for a period of eight months thereafter.

(c) Permit Fee. The applicant shall pay a permit fee of ten dollars (\$10.00) for any one of the various work projects for which permission of the Director of Public of Public Service is being requested.

(d) Deposits. The applicant shall make the following deposits in connection with the various types of work for which a permit application has been filed:

- (1) One hundred dollars (\$100.00) with each application for permission to open a tree lawn;
- (2) Two hundred dollars (\$200.00) with each application for permission to open a traveled and/or graveled berm and any dedicated but unpaved street in the Municipality;
- (3) Three hundred dollars (\$300.00) with each application for permission to open any traveled portion of any secondary street (i.e. cinder, gravel or chip and seal surfaces); and
- (4) Five hundred dollars (\$500.00) with each application for permission to open the traveled portion of a concrete or asphaltic concrete street.

It shall be incumbent upon the applicant to restore any area opened by him to an equal or better condition that such area was originally and to perform such restoration in accordance with such specifications and conditions as may from time to time be established by the Director of Public Service. The deposits shall be held and used by the Municipality to cover the cost of such restoration in the event that such restoration is not completed by the applicant in accordance with the specifications and conditions established by the Director within thirty days from the opening date.

Deposits shall be made only by certified check made payable to the Municipality, or cash. Such deposits shall be returned to the applicant upon evidence of satisfactory completion of all restoration work by the applicant to the satisfaction of the Director. In addition, the Municipality shall be reimbursed for any expenses incurred by it in connection with seeing to the performance of any restoration not completed by the applicant.

(e) In the event a road opening permit is obtained and an adjacent tree lawn or berm will be opened in connection with such road opening, only one permit, i.e. a permit for the road opening, shall be needed and only one permit deposit, i.e. a deposit for the road opening, shall be required.

(f) The applicant for the opening permit shall provide adequate protection for both pedestrian and vehicular traffic in and around the road opening area. Such protection is to be of a type and

kind specified by the Director of Public Service.

(g) In the event that any portion of this section is in conflict with the laws of the State or is deemed to be unlawful by a court of competent jurisdiction, such determination shall in no way affect the remaining portions of this section.

(Ord. 105-73. Passed 10-9-73.)

901.03 BARRICADES, WARNING SIGNS, ETC.

Any person who performs any of the work referred to in this chapter shall maintain, to the satisfaction of the Superintendent of Roads and Sanitation and Chief of Police, barricades, warning signs, lights or other proper safety precautions during the entire period that the work referred to is being done.

(Ord. 57-58. Passed 7-22-58.)

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901.02 PERMIT REQUIREMENTS.

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901.01 PERMIT REQUIRED.

No person shall dig, trench, excavate, grade, tunnel or do any work in, over or under any public street, sidewalk, tree lawn, traveled berm or other public ground within the Municipality without first obtaining a permit therefor from the Director of Public Service. (Ord. 104-73. Passed 10-9-73.)

901.02 PERMIT REQUIREMENTS.

No permit shall be issued by the Director of Public Service for doing or performing any of the work referred to in Section 901.01 unless and until the applicant has complied with the following requirements:

(a) Application. The applicant shall file an appropriate application with the Director for permission to do the work referred to in Section 901.01 which, in addition to such other information as the Director requests, shall contain:

- (1) The area where the work is to be performed;
- (2) The name and address of the owner; and
- (3) The name of the person who will be doing the work.

(b) Insurance Policy. The applicant shall deposit with the Municipality, or show evidence of, a public liability insurance policy insuring the Municipality as well as the person doing the work against any loss or damage to persons or property resulting from the work being done, the policy having limits of liability in the amount of one hundred thousand dollars (\$100,000) for each person; three hundred thousand dollars (\$300,000) per accident for bodily injury and fifty thousand dollars (\$50,000) for property damage, and being in a form acceptable to the Director of Law. The insurance policy shall be in force when the work begins and shall remain continuously in force while the work is being done and for a period of eight months thereafter.

(c) Permit Fee. The applicant shall pay a permit fee of ten dollars (\$10.00) for any one of the various work projects for which permission of the Director of Public of Public Service is being requested.

(d) Deposits. The applicant shall make the following deposits in connection with the various types of work for which a permit application has been filed:

- (1) One hundred dollars (\$100.00) with each application for permission to open a tree lawn;
- (2) Two hundred dollars (\$200.00) with each application for permission to open a traveled and/or graveled berm and any dedicated but unpaved street in the Municipality;
- (3) Three hundred dollars (\$300.00) with each application for permission to open any traveled portion of any secondary street (i.e. cinder, gravel or chip and seal surfaces); and
- (4) Five hundred dollars (\$500.00) with each application for permission to open the traveled portion of a concrete or asphaltic concrete street.

It shall be incumbent upon the applicant to restore any area opened by him to an equal or better condition that such area was originally and to perform such restoration in accordance with such specifications and conditions as may from time to time be established by the Director of Public Service. The deposits shall be held and used by the Municipality to cover the cost of such restoration in the event that such restoration is not completed by the applicant in accordance with the specifications and conditions established by the Director within thirty days from the opening date.

Deposits shall be made only by certified check made payable to the Municipality, or cash. Such deposits shall be returned to the applicant upon evidence of satisfactory completion of all restoration work by the applicant to the satisfaction of the Director. In addition, the Municipality

shall be reimbursed for any expenses incurred by it in connection with seeing to the performance of any restoration not completed by the applicant.

(e) In the event a road opening permit is obtained and an adjacent tree lawn or berm will be opened in connection with such road opening, only one permit, i.e. a permit for the road opening, shall be needed and only one permit deposit, i.e. a deposit for the road opening, shall be required.

(f) The applicant for the opening permit shall provide adequate protection for both pedestrian and vehicular traffic in and around the road opening area. Such protection is to be of a type and kind specified by the Director of Public Service.

(g) In the event that any portion of this section is in conflict with the laws of the State or is deemed to be unlawful by a court of competent jurisdiction, such determination shall in no way affect the remaining portions of this section.

(Ord. 105-73. Passed 10-9-73.)

901.03 BARRICADES, WARNING SIGNS, ETC.

Any person who performs any of the work referred to in this chapter shall maintain, to the satisfaction of the Superintendent of Roads and Sanitation and Chief of Police, barricades, warning signs, lights or other proper safety precautions during the entire period that the work referred to is being done.

(Ord. 57-58. Passed 7-22-58.)

901.04 CURB CUTTING; PERMIT; FEE.

No person shall cut any curb on any of the streets or highways within the Municipality without first having secured a permit to do so. The permit shall be issued by the Superintendent of Roads and Sanitation and shall be conditioned on the restoration by the owner of the curb to its former condition in the event that the driveway or other use for which the curb was cut is abandoned or discontinued. A fee of one dollar (\$1.00) per lineal foot shall be charged for the cutting of any curbs.

(Ord. 57-58. Passed 7-22-58.)

901.05 SURVEY BEFORE OPENING.

From and after the effective date of this section, any streets or roads that are opened within the City shall be surveyed prior to their opening. Such survey shall be from the existing official survey monument within the City. The exact location and placement of any street or road opened within the City shall be determined and established in accordance with the survey conducted pursuant to the provisions of this section.

(Ord. 28-92. Passed 4-14-92.)

901.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree and each day's violation shall be considered a separate offense.

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901.02 PERMIT REQUIREMENTS.

No permit shall be issued by the Director of Public Service for doing or performing any of the work referred to in Section 901.01 unless and until the applicant has complied with the following requirements:

(a) Application. The applicant shall file an appropriate application with the Director for permission to do the work referred to in Section 901.01 which, in addition to such other information as the Director requests, shall contain:

- (1) The area where the work is to be performed;
- (2) The name and address of the owner; and
- (3) The name of the person who will be doing the work.

(b) Insurance Policy. The applicant shall deposit with the Municipality, or show evidence of, a public liability insurance policy insuring the Municipality as well as the person doing the work against any loss or damage to persons or property resulting from the work being done, the policy having limits of liability in the amount of one hundred thousand dollars (\$100,000) for each person; three hundred thousand dollars (\$300,000) per accident for bodily injury and fifty thousand dollars (\$50,000) for property damage, and being in a form acceptable to the Director of Law. The insurance policy shall be in force when the work begins and shall remain continuously in force while the work is being done and for a period of eight months thereafter.

(c) Permit Fee. The applicant shall pay a permit fee of ten dollars (\$10.00) for any one of the

various work projects for which permission of the Director of Public of Public Service is being requested.

(d) Deposits. The applicant shall make the following deposits in connection with the various types of work for which a permit application has been filed:

- (1) One hundred dollars (\$100.00) with each application for permission to open a tree lawn;
- (2) Two hundred dollars (\$200.00) with each application for permission to open a traveled and/or graveled berm and any dedicated but unpaved street in the Municipality;
- (3) Three hundred dollars (\$300.00) with each application for permission to open any traveled portion of any secondary street (i.e. cinder, gravel or chip and seal surfaces); and
- (4) Five hundred dollars (\$500.00) with each application for permission to open the traveled portion of a concrete or asphaltic concrete street.

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Deposits shall be made only by certified check made payable to the Municipality, or cash. Such deposits shall be returned to the applicant upon evidence of satisfactory completion of all restoration work by the applicant to the satisfaction of the Director. In addition, the Municipality shall be reimbursed for any expenses incurred by it in connection with seeing to the performance of any restoration not completed by the applicant.

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(f) The applicant for the opening permit shall provide adequate protection for both pedestrian and vehicular traffic in and around the road opening area. Such protection is to be of a type and kind specified by the Director of Public Service.

(g) In the event that any portion of this section is in conflict with the laws of the State or is deemed to be unlawful by a court of competent jurisdiction, such determination shall in no way affect the remaining portions of this section.

(Ord. 105-73. Passed 10-9-73.)

901.03 BARRICADES, WARNING SIGNS, ETC.

Any person who performs any of the work referred to in this chapter shall maintain, to the satisfaction of the Superintendent of Roads and Sanitation and Chief of Police, barricades, warning signs, lights or other proper safety precautions during the entire period that the work referred to is being done.

(Ord. 57-58. Passed 7-22-58.)

901.04 CURB CUTTING; PERMIT; FEE.

No person shall cut any curb on any of the streets or highways within the Municipality without first having secured a permit to do so. The permit shall be issued by the Superintendent of Roads and Sanitation and shall be conditioned on the restoration by the owner of the curb to its former condition in the event that the driveway or other use for which the curb was cut is abandoned or discontinued. A fee of one dollar (\$1.00) per lineal foot shall be charged for the cutting of any curbs.

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From and after the effective date of this section, any streets or roads that are opened within the City shall be surveyed prior to their opening. Such survey shall be from the existing official survey monument within the City. The exact location and placement of any street or road opened within the City shall be determined and established in accordance with the survey conducted pursuant to the provisions of this section.

(Ord. 28-92. Passed 4-14-92.)

901.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree and each day's violation shall be considered a separate offense.

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901.04 CURB CUTTING; PERMIT; FEE.

901.04 CURB CUTTING; PERMIT; FEE.

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(b) Insurance Policy. The applicant shall deposit with the Municipality, or show evidence of, a public liability insurance policy insuring the Municipality as well as the person doing the work against any loss or damage to persons or property resulting from the work being done, the policy having limits of liability in the amount of one hundred thousand dollars (\$100,000) for each person; three hundred thousand dollars (\$300,000) per accident for bodily injury and fifty thousand dollars (\$50,000) for property damage, and being in a form acceptable to the Director of Law. The insurance policy shall be in force when the work begins and shall remain continuously in force while the work is being done and for a period of eight months thereafter.

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901.05 SURVEY BEFORE OPENING.

901.05 SURVEY BEFORE OPENING.

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(Ord. 57-58. Passed 7-22-58.)

901.04 CURB CUTTING; PERMIT; FEE.

No person shall cut any curb on any of the streets or highways within the Municipality without first having secured a permit to do so. The permit shall be issued by the Superintendent of Roads and Sanitation and shall be conditioned on the restoration by the owner of the curb to its former condition in the event that the driveway or other use for which the curb was cut is abandoned or discontinued. A fee of one dollar (\$1.00) per lineal foot shall be charged for the cutting of any curbs.

(Ord. 57-58. Passed 7-22-58.)

901.05 SURVEY BEFORE OPENING.

From and after the effective date of this section, any streets or roads that are opened within the City shall be surveyed prior to their opening. Such survey shall be from the existing official survey monument within the City. The exact location and placement of any street or road opened within the City shall be determined and established in accordance with the survey conducted pursuant to the provisions of this section.

(Ord. 28-92. Passed 4-14-92.)

901.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree and each day's violation shall be considered a separate offense.

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- ordinance with such specifications and conditions as may from time to time be established by the Director of Public Service
- ordinance with the specifications and conditions established by the Director within thirty days from the opening date
- Ord. 105-73
- Ord. 57-58
- effective date of this section, any streets or roads that are opened within the City shall be surveyed prior to their opening
- ordinance with the survey conducted pursuant to the provisions of this section
- Ord. 28-92
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