

CERTIFICATE OF POSTING

I, Kenneth E. Poff, Clerk of the Council of the Village of Centerville, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of Ordinance Number -12-1959 was duly made by posting true copies thereof at five of the most public places of said municipality, as determined by the Council, as follows:

Centerville Pure Oil
Village Market
Centerville Post Office
Shell Service Station
Stage Coach Inn

each for a period of fifteen days, commencing on the 7th day of December, 1959.

Dated: December 7th, 1959.

(Signed) Kenneth E. Poff
Clerk-Treasurer of the Council of the
Village of Centerville, Ohio

ORDINANCE NUMBER 13-1959
VILLAGE OF CENTERVILLE, OHIO

AN ORDINANCE TO CONTROL THE EXCAVATION INTO ANY STREET, SIDEWALK, SIDEWALK SPACE, ALLEY, OR PUBLIC WAY IN CONNECTION WITH THE INSTALLATION OF LATERAL WATER SERVICE FOR ANY OTHER PURPOSE WHATEVER, AND TO PROVIDE FOR PERMITS FOR SUCH DIGGING AND EXCAVATION.

BE IT ORDAINED by the Council of the Village of Centerville, State of Ohio:

Section 1. It shall be unlawful for any person, firm or corporation to do or permit to be done by his or its agents, servants or employees, without having first obtained from the Village Council a permit so to do any of the following acts:

(a) Make any excavations or dig into any street, sidewalk, alley, public way or place in any manner or direction,

(b) Install, place or join together any pipes or conduits of any kind for the conduct of water, gas, electricity, drainage or seepage, or for any other purpose whatever, upon or beneath the surface of said street, sidewalk, alley, public way or place.

Section 2. The person, firm or corporation desiring to acquire such a permit shall apply to the Chairman of the Street Committee of the Village Council and, if the applicant is not the owner of the abutting property in connection with which the privilege or license in the street or public way is desired, then such owner must join in the application and also sign it. Before the Street Committee shall issue such permit, the applicant shall be required to pay a permit fee of Twenty Dollars (\$20.00) to cover necessary administrative and engineering expenses and to deposit the sum of One Hundred Dollars (\$100.00), or a sum computed at the rate of Two Dollars (\$2.00) per lineal foot proposed by the applicant to be excavated, which ever sum is greater. The permit fee and the deposit so required shall be paid in cash, certified check or postal money order to the Chairman of the Street Committee of the Village Council who shall, in turn, transfer the deposit to the Clerk-Treasurer of the Village Council and thereafter the permit shall issue.

Section 3. The applicant shall be required to restore the sidewalk, public way or alley thereafter excavated under such permit to its original pavement condition, subject to the further regulation, specification and control by said Street Committee for such restoration, which restoration and reconstruction shall be completed within Thirty (30) days from the date of issuance of the said permit. Upon completion as so required, the applicant shall immediately notify the Chairman of the Street Committee that such restoration and reconstruction have been made. Thereafter, the Clerk-Treasurer shall retain deposit made upon the issuance of said permit for a period of Ninety (90) days beginning with the date of notification by the applicant of completion as heretofore required. If at the end of said Ninety (90) Day period, the restoration and reconstruction in connection with such excavation shall be finally approved upon inspection by the said Street Committee or its appointed authority, then the said deposit as hereinbefore required shall be returned to the grantee of the permit. If the restoration and reconstruction is not approved and is adjudged unsatisfactory by said Street Committee upon inspection, then the Village Council shall expend such amounts out of said sum so deposited to complete the restoration and reconstruction in accordance with the standards and specifications adopted by said Street Committee, and the balance remaining after such expenditure shall then be returned to the grantee of the permit. The purpose of the additional Ninety (90) Days period provided above shall be to provide a period for proving the reconstruction by the grantee of the permit against settling or faulty workmanship. If the grantee of the permit shall fail to complete the restoration and reconstruction of said excavated portion within the Thirty (30) Day period provided for herein, then the deposit so required as aforesaid shall be forfeited to the village of Centerville unless said Street Committee shall extend the period for good cause shown.

Section 4. Any permit granted shall be subject to the obligation on behalf of the grantee of the permit to indemnify and hold harmless the Village of Centerville from and against any claims, demands, law suits or judgments arising out of any exercise of the privilege granted by such permit, to reimburse the Village of Centerville for any expenses incurred by it by reason thereof, and to defend any such claim, demand, law suit or judgment.

Section 5. Any permit granted shall be subject to the obligation of the grantee of the permit to procure and furnish satisfactory evidence that the said grantee has procured and is keeping in full force and effect a policy of liability insurance providing said grantee and the Village of Centerville with indemnification against any claims, demands, law suits, or judgments arising out of any exercise of the privilege granted by such permit, and which provides for the defense on behalf of the Village of Centerville against any such claim, demand, law suit or judgment. The requirements of this Section may be waived when in the opinion of the Street Committee the nature of the undertaking does not require it.

Section 6. In case of emergency occasioned by a breach or a sudden discontinuance

in service of unknown cause in any public utility line lying in the Village of Centerville, a public utility firm or corporation operating under franchise with the Village of Centerville, Ohio, and under authority of the Public Utilities Commission of Ohio shall not be required to first obtain a permit to make lawful excavation but may, in order to repair such line which may require emergency attention, immediately make such excavation and shall take all steps necessary to continue complete and adequate service to the property owners of Centerville, Ohio. As soon as practicable a permit shall be obtained for such excavation.

Section 7. By reason of the extensive lines, pipes and conduits within the Village of Centerville, Ohio, such public utility firm or corporation, may, at its option, be expected from that part of Section 2 hereof which requires a cash, certified check or postal money order security deposit. If such public utility firm or corporation shall elect to be so expected, then it shall forthwith deposit, with the Clerk-Treasurer of the Village of Centerville, Ohio, a performance bond in the sum of not less than \$1,000.00 with corporate surety acceptable to the Village Council to insure the restoration to its original pavement condition of any street, sidewalk space, sidewalk, alley or public way which may be excavated in pursuance of a permit issued under this Ordinance.

Section 8. The performance bond of \$1,000.00 set forth in Section 7 above shall provide that in the event such public utility firm or corporation shall for any reason fail to reconstruct and restore such street, sidewalk, sidewalk space, alley or public way within a reasonable period of time, in accordance with the standards and specifications of street construction heretofore adopted by the Village Council of Centerville, Ohio, then the sum of said performance bond shall be forfeited and paid over to the Village of Centerville, Ohio.

Section 9. By reason of the extensive and careful supervision of public utility firms or corporations operating under the authority of Public Utilities Commission of Ohio and by reason of the substantial assets of such public utility firms or corporations, the requirements of Section 5 above shall not apply to such public utility firms or corporations.

Section 10. During the entire period of excavation, construction and restoration, the grantee of a permit or a public utility firm or corporation operating under the provisions of Section 6 above shall maintain guard lamps or warning lights of a kind and type which may be required by the said Street Committee, and shall erect such barricades as may be required by the Street Committee for the safety and protection of all the users of the public way wherein such excavation and construction is extant.

Section 11. Any person, firm or corporation doing any of the acts enumerated in Section 1 hereof without having a permit as required by the foregoing sections or without being within the exception provided by Section 6 hereof, or permitting such acts to be so done by his or its agents, servants or employees, shall be guilty of a misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00) or less than Twenty-Five Dollars (\$25.00) for each offense. Each opening made in violation of the provisions hereof shall constitute a separate offence.

Section 12. Ordinance No. 10-1953 and Ordinance No. 3-1954 shall be, and are hereby repealed.

Section 13. This Ordinance shall take effect immediately by reason of the emergency character and nature of the same. An emergency is declared to exist because of the immediate necessity of adequately controlling and securing proper excavations and the protection thereof within the Village of Centerville, Ohio, in order to assure that the public peace, health and safety will be preserved.

PASSED this 1st day of September, 1959.

(Signed) Omer Jackson
Mayor

ATTEST:

(Signed) Kenneth E. Poff
Clerk-Treasurer

C E R T I F I C A T E

I, Kenneth E. Poff, Clerk-Treasurer of the Council of the Village of Centerville, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 13-1959 passed and adopted by the Village of Centerville, Ohio, this 1st day of September, 1959.

(Signed) Kenneth E. Poff
Clerk-Treasurer

C E R T I F I C A T E O F P O S T I N G

I, Kenneth E. Poff, Clerk of the Council of the Village of Centerville, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of Ordinance No. 13-1959 was duly made by posting true copies thereof at five of the most public places of said municipality, as determined by the Council, as follows:

Centerville Pure Oil
Village Market
Centerville Post Office
Shell Service Station
Stage Coach Inn

each for the period of fifteen days, commencing on the 1st day of September, 1959.

Dated: September 1st, 1959.

(Signed) Kenneth E. Poff
Clerk-Treasurer