

VILLAGE OF CENTERVILLE

An Ordinance to amend Ordinance Number 10-1953, being 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 pipes, electricity, gas, or drainage lines, conduits, or 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 I. It shall be unlawful for any person, firm or corporation, excepting public utility firms or corporations, as hereinafter provided, 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 conduction of water, gas, electricity, drainage of seepage, or for any other purpose whatever, upon or beneath the surface of said street, sidewalk, alley, public way or place.

Section II. The person, firm or corporation required to have such a permit shall apply to the Chairman of the Street Committee of the Village Council, or to such other public officer as the Mayor may direct, 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 required, then such owner must join in the application. Before the permit shall be issued, the applicant or applicants shall be required to deposit the sum of Two Hundred Fifty Dollars (\$250.00), or a sum computed at the rate of Five Dollars (\$5.00) per lineal foot proposed by the applicant or applicants to be excavated, whichever sum is greater. This deposit so required shall be made in cash, certified check or postal money order, with the issuing authority who, in turn, shall deliver the deposit to the Clerk-Treasurer of the Village. Thereafter the permit shall issue.

Section III. The applicant shall be required to restore the said sidewalk, public way, or alley thereafter excavated under such permit to its original pavement condition, subject to the further regulation, specification and control by the Village for such restoration and reconstruction, 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 Village Engineer that such restoration and reconstruction have been made. Thereafter, the Clerk-Treasurer shall retain the sum so deposited 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 Village Engineer, 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 Village Engineer upon inspection, then the Village Council shall expend such amounts out of the said sum so deposited to complete the restoration and reconstruction in accordance with said standards and specifications, and the balance remaining after such expenditure shall then be returned to the grantee of the permit. The purpose of the additional ninety (90) day period provided above shall be to provide a period for proving the reconstruction by the grantee of the permit against settling or faulty workmanship.

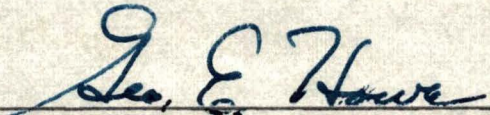
Section IV. During the entire period of excavation, construction and restoration, the grantee of the permit shall maintain guard lamps or warning lights of a kind and type which may be required by the Village Engineer and shall erect such barricades as may be required for the safety and protection of all users of the public way wherein such excavation and construction is in process.

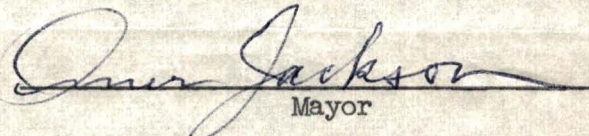
Section V. If the grantee of the permit shall fail to complete the restoration and reconstruction of said excavated portion within the thirty (30) day period provided in Section III, then the deposit so required as aforesaid shall be forfeited to the Village of Centerville unless the Village Council shall extend the period for good cause shown.

Section VI. Failure to first obtain the permit required before excavation in the manner herein provided, or any violation of Section IV above, shall constitute a misdemeanor and the offender may have a fine or penalty assessed against him in a sum not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Fifty Dollars (\$250.00).

Section VII. All Ordinances or parts of Ordinances inconsistent herewith shall be repealed and this Ordinance shall take effect immediately by reason of the emergency character of the same. An emergency is declared to exist because of the immediate necessity of preventing dangerous and unauthorized excavations in the public ways, prejudicial to the public safety and convenience.

Passed November 4, 1957.

  
Clerk-Treasurer

  
Mayor