

## ORDINANCE 16 - 24

### AN ORDINANCE AMENDING CHAPTER 901 OF THE PORT CLINTON CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, Section 3 of Article XVIII of the Ohio Constitution provides authority to the City of Port Clinton to exercise all powers of local self-government and to adopt and enforce within its limits regulations pertaining to safety, as are not in conflict with general laws; and

WHEREAS, Chapter 723 of the Ohio Revised Code provides the legislative authority of a municipal corporation shall have the care, supervision, and control of the public highways, streets, avenues, alleys, sidewalks, and public grounds within the municipal corporation; and

WHEREAS, this Council last passed ordinances pertaining to street excavation in 1951 and 1959 providing for the regulation of excavations described in Chapter 901 of the Port Clinton Codified Ordinances; and

WHEREAS, this Council seeks to amend Chapter 901 to modernize the regulation of excavations including but not limited to costs and preserving and maintaining roads, sidewalks, utilities and right of way enhancements resulting from the City of Port Clinton Infrastructure Improvement Project and other City improvements.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Port Clinton, State of Ohio:

**Section 1.** Chapter 901 of the Port Clinton Codified Ordinances is hereby amended to read as follows:

#### **Chapter 901 – Street, Sidewalk, and Right of Way Excavations**

##### **901.01 PERMIT REQUIRED.**

No person shall make, cause or permit to be made, for the purpose of installing, laying or constructing any pipe line, sewer line, cable line or any other installation or construction within, upon, under or across any of the public streets, sidewalks, parks or tree lawns within the corporate limits, any excavation, except upon permit first applied for and received from the City Auditor, except as hereinafter provided.

##### **902.02 PERMIT & INSPECTION FEES.**

No such permit shall be granted or issued by the Auditor or designee unless and until the City is first paid a fee in an amount not less than two hundred fifty dollars (\$250.00). The fee shall be non-refundable. Inspection fee in an amount not less than two hundred fifty dollars (\$250.00) shall be paid if more than one inspection

is necessary during or after excavation and restoration. Fees shall be set at a dollar amount as determined by the Auditor.

**901.03 CASH DEPOSIT OR BOND.**

No such permit shall be granted or issued by the Auditor or Council unless and until the City is first properly secured, to the satisfaction of the Auditor or Council, by either a cash deposit or a good and sufficient bond, conditioned that such permittee will, within thirty days after the completion of such installation, construction or excavation work, restore the premises, including excavated pavement, to as near the appearance and condition previous to such excavation and construction as is practically possible. The bond or deposit is to remain in full force and effect for a period of one year from the date such excavation or construction is completed, and the bond or deposit shall be in an amount of not less than one hundred dollars (\$100.00) per linear foot or equivalent; based upon the estimated length or dimension of any trench or excavation, but in no event less than hundred dollars (\$500.00). Bond or deposit shall be set at a dollar amount as determined by the Auditor. No bond or deposit shall be cancelled or returned to the permit holder until such excavation, installation, construction and restoration shall have been inspected and approved by the Director of Safety and Service or designee.

**901.04 LOCATION OF INSTALLATION.**

No pipe, cable, conduit, wire or other installation shall be placed, located or maintained between any fire hydrant and the fire hydrant watch valve of such fire hydrant.

**901.05 WAIVER.**

Full and/or partial waiver may be issued by the Director of Safety and Service at the discretion of the Director.

**901.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Beginning with the day when a permit is required, each day's violation shall constitute a separate offense.

**Section 2.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for further reason that the City needs implement promptly regulations to preserve and maintain roads, sidewalks, utilities and right of way enhancements resulting from the City of Port Clinton Infrastructure Improvement Project and other City improvements; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2024

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor