

VILLAGE OF BUCKEYE LAKE, OHIO
ORDINANCE 2017-09

AN ORDINANCE AMENDING ORDINANCE 2016-16 REGULATING THE USE OR OCCUPATION OF ALL PUBLIC RIGHT-OF-WAYS, THE ISSUANCE OF RIGHT-OF-WAY PERMITS TO PERSONS FOR SUCH USE OR OCCUPANCY AND TO SET FORTH THE POLICIES OF THE VILLAGE RELATED TO ITS PUBLIC RIGHTS-OF-WAYS (ROW) FOR THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO.

WHEREAS, Ordinance 2016-16 was adopted on December 12, 2016 by a majority vote of council; and

WHEREAS, It has become necessary to amend this ordinance; and

WHEREAS, the Mayor and Council have created such rules and regulations necessary for the regulating of the public right-of-ways; and

WHEREAS, Council has given prior notice to the Public Utilities Commission of Ohio (PUCO) of its intention to adopt a right-of-way ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, STATE OF OHIO, that

Section 1: The Village of Buckeye Lake hereby amends such rules and regulations necessary for the orderly and effective occupancy and use of the public right-of-ways, Attachment A incorporated herein by reference and further known as Section 97 of the municipal code. The following items listed below are amendments:

Section 97.01 (A) 5. In the interest of equity and uniformity specific utilities and their uses are not singled out in this ordinance. The Village recognizes the inherent differences between aerial and underground utilities and that some rules and regulations may pertain to one and not the other. Where there is a question of applicability, the ordinance shall be applied in the least restrictive way for the occupant, providing the municipalities primary goal of maintaining and managing the right of way is not negatively impacted.

97.04 (B) With the filing of its Application for a Certificate of Registration, a Provider may voluntarily provide such mapping data to demonstrate accurately the general location of its system within the public right of way. The municipality reserves the right to create its own public way inventory map and may recover the cost of creation through the Registration process.

Section II. This Ordinance shall become effective and be in force at the soonest date provided by law.

ADOPTED this 12th day of June, 2017

Attest: Valerie L. Hans Council Clerk, Valerie L. Hans
Catherine O. Zwissler Council President, Catherine Zwissler

Date filed with Mayor: 6-12, 2017

Date Approved by Mayor: 7-13, 2017

Clay Carroll
Mayor, Clay Carroll

Approved as to Form: _____
Mark Gardner, Solicitor