

ORDINANCE NUMBER 84-4

BY

Catie Kalls - Donna Braig

AN ORDINANCE ESTABLISHING PROCEDURES FOR HOLDERS OF EASEMENTS WHO DESIRE TO EXCAVATE IN OR ON A PUBLIC STREET TO REPAIR, REPLACE, OR SERVICE UTILITY LINES UNDER THE SURFACE OF THE PUBLIC STREETS OR PUBLIC RIGHTS-OF-WAY OF THE VILLAGE OF BUCKEYE LAKE, OHIO AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Council wishes to regulate the indiscriminate excavation of public streets in the Village; and

WHEREAS, said excavations have resulted in the worsening conditions of many public streets; and

WHEREAS, Council wishes to prohibit entirely individuals who have no legal easements to excavate upon the surface of the streets.

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

- Section 1: No person, corporation, partnership, or other legal entity shall construct, dig, excavate, or otherwise disrupt the public streets of the Village without first obtaining a permit from the Village Code Enforcement Officer.
- Section 2: The Code Enforcement Officer ^{or pa} shall only issue permits for excavation to those entities who are the holders of legal easements which would otherwise permit the entity to have access to the subsurface below the grade of the public streets in the Village of Buckeye Lake, Ohio.
- Section 3: Prior to excavation, the Code Enforcement Officer shall inspect the area upon which the permit holder wishes to excavate. The Code Enforcement Officer shall note the street conditions in the area of the purposed site. This notice shall be given to the holder of the permit so as to inform him of the conditions which the Village expects the street to be returned to after the excavation is complete.
- Section 4: Following excavation, the holder of the permit shall cause the street to be repaired to a condition equal to or greater than the condition described in the notice referred to in Section 3 above.
- Section 5: Repair of the excavaton site shall be done immediately following excavation. At this time, the entity or its agent shall inform the Code Enforcement Officer of the repairs and the Code Enforcement Officer or his agent shall inspect the premises to determine if the street has been returned to its condition prior to the excavation project. If the Code Enforcement Officer determines the street is not in the same condition or better, he shall inform the entity in writing, stating therein the reasons why the repairs are not satisfactory, and give the entity ten (10) working days to meet the obligations of this notice. If the entity believes that the conditions are unreasonable or capricious, he may appeal the Code Enforcement Officers decision to the Board of Building Appeals. The Board of Building Appeals may modify, amend, or uphold the decision or the Code Enforcement Officer. The Board of Building Appeals shall hear appeals from the Code Enforcement Officer's rulings in the ordinary course of its business.

Failure to repair the street in the proper manner shall result in the bond posted by the entity being forfeited and no further permits being issued.

Section 6: Prior to issuing a permit, the Code Enforcement Officer shall require the entity to post a certified check, payable to the Village of Buckeye Lake, Ohio, for five hundred dollars (\$500.00). This amount shall be bond to insure all conditions of this Ordinance are complied with in full.

Section 7: It shall be illegal for any entity to excavate on any public street without a permit. No permit will be issued for a grade level excavation unless the entity has an easement for so doing. Violations of this Section shall be punished by a fine of not less than \$200.00 nor more than \$1,000.00.

Section 8: Entities who do not hold easements shall not disturb the street service, however, they may apply for a subsurface permit from the Code Enforcement Officer. The issuance of a subsurface permit will permit the non-easement holder to bore under the public street in such a manner that the street surface or its subsurface is not materially affected.

Section 9: It is the intent of this Ordinance to encourage individuals who by necessity have to run gas or water lines under the street surface, to do so in the manner described in the previous section. It is not the policy of the Village of Buckeye Lake to grant easements to individuals to do so however, recognizing the special needs of certain areas of the Village, it is Council's intent to grant permission for entities to bore under the surface of the street, so as to protect the streets from undue damage and also to enable people and entities to have an opportunity to obtain needed utilities.

Section 10: This Ordinance shall go into full force and effect from and after the earliest period allowed by law.

Adopted this 18th day of June, 1984.

Charles E. Slater
MAYOR

ATTEST:

Patricia E. Yarnan
CLERK/TREASURER

FORM APPROVED:

DIRECTOR OF LAW

The undersigned, Clerk/Treasurer of the Village of Buckeye Lake, Ohio, hereby certifies that this Ordinance 84-04 was posted pursuant to Section 731.25 of the Ohio Revised Code and was posted in at least six (6) designated public places from the 19th day of June, 1984 until the 3rd day of July, 1984.

Patricia E. Yarnan
CLERK/TREASURER OF THE VILLAGE
OF BUCKEYE LAKE, OHIO

Ordinance or Resolution Number: 84-04
Introduced By: _____
Motion to Suspend Rules _____ Second _____

	<u>Ayes</u>	<u>Nayes</u>
Mrs. Braig	_____	_____
Mrs. Motts	_____	_____
Mr. Nimocks	_____	_____
Mr. Wilson	_____	_____
Mr. Wolf	_____	_____
Mr. Swartzwalder	_____	_____

Total: _____

Motion to Adopt Kathie Motts Second Donna Braig

	<u>Ayes</u>	<u>Nayes</u>
Mrs. Braig	<u>✓</u>	_____
Mrs. Motts	<u>✓</u>	_____
Mr. Nimocks	<u>absent</u>	_____
Mr. Wilson	<u>✓</u>	_____
Mr. Wolf	<u>✓</u>	_____
Mr. Swartzwalder	<u>✓</u>	_____

Total: _____

Date Posting Began 6/19/84
Effective Date 6/18/84

Certification

I hereby certify the above to be an accurate account of the action of Council on the above matter.

Stu Bennett
CLERK/TREASURER