

VILLAGE OF RUSSELLS POINT
INDIAN LAKE, OHIO
433 STATE ROUTE 708
P.O. BOX 30
RUSSELLS POINT, OH 43348-0030
937-843-2245 (PHONE)
937-843-9956 (FAX)

STREET CUT AND EXCAVATION APPLICATION

Date Received: _____

Date Permit Issued : _____

Amount Paid: _____

Receipt No.: _____

PROPERTY ADDRESS OF
EXCAVATION: _____

PROPERTY OWNER (Name): _____

PROPERTY OWNER (Address) _____

PROPERTY OWNER (Phone #):: _____

CONTRACTOR (Name & Address): _____

CONTRACTOR (Phone): _____

PURPOSE OF EXCAVATION: _____

APPROXIMATE SIZE OF EXCAVATION: _____

ANTICIPATED DATE(S) OF EXCAVATION, BACKFILL, AND ROAD RESTORATION:

FEES: \$25.00 Non-Refundable Processing Fee

DEPOSITS: \$150.00 for three (3) square yards or less of surface to be disturbed.
\$ 30.00 for additional square yard disturbed.
\$ 25.00 for each linear foot of curb or gutter to be removed or broken.

(The Village shall refund the cash deposit within ten (10) days after satisfactory completion of the work.)

- **Three work days before any excavation can begin, OUPS must be contacted:**

OUPS (Ohio Utilities Protection Service) 1-800-362-2764

Date Contacted: _____ Control # _____

- The applicant must comply will all provisions of Russells Point Codified Ordinances. Chapter 905 (Excavations) is attached with this application.
- Notice must be given to the Russells Point Street Superintendent to schedule the inspection prior to excavation. Notice should be called into the Russells Point Municipal Building at 1-937-843-2245.
- All excavation must be barricaded.
- The Village shall make such inspections as are reasonably necessary.
- Replacement paving shall be completed as listed in Ordinance 905 Excavations.

TEMPORARY RESTORATION REQUIREMENTS PRIOR TO FINAL ASPHALT RESTORATION:
 Back fill to be #57 stone to within five (5) inches of existing pavement surface. Remaining fill to be k-crete or approved low density fill, up to the surface of pavement. The street cut must be maintained until permanent asphalt is placed in the spring.

Contractor may follow specifications for restoration as stated in Section 905.13 of the attached Ordinance 905 (Excavations).

- If Village storm water drainage lines are disturbed, part or all of the deposit will be retained for one year to ensure the proper repair.
- If damage to streets, lands, storm water drainage lines, sewage lines, or any utility lines, the applicant is responsible for any damage and repair costs. In the event of utility line damage, the applicant is responsible to contact the appropriate utility company.
- The Village of Russells Point does not make any representations that the proposed excavation is free from obstacles, water lines or other obstructions. The applicant seeking the excavation permit shall remain responsible to ascertain the location of all buried lines, pipes or other obstructions.

 Property Owner Signature

 Date

 Contractor Signature

 Date

 Street Superintendent Signature

 Date

 Mayor Signature

 Date

AFTER PROJECT COMPLETION:

All work has been completed to the satisfaction of the Street Superintendent of the Village of Russells Point.

Final Inspection Date: _____

Street Superintendent Signature _____

CHAPTER 905

Excavations

- 905.01 Excavation permit.
- 905.02 Application for permit.
- 905.03 Permit fee and deposit.
- 905.04 Exceptions.
- 905.05 Revocation of permit.
- 905.06 Emergency repairs.
- 905.07 Liability of Village.
- 905.08 Relocation and protection of utilities.
- 905.09 Protection of adjoining property.
- 905.10 Protective measures; routing of traffic.
- 905.11 Excavations in newly paved streets.
- 905.12 Inspections.
- 905.13 Specifications for restoration.
- 905.99 Penalty.

CROSS REFERENCES

- Liability for damage - see Ohio R.C. 723.49 et seq.
- Barricades and warning lights - see GEN. OFF. 521.03

905.01 EXCAVATION PERMIT.

No person shall disturb or remove any portion of a Village street, curb, gutter, sidewalk or area located between the sidewalk and the curb or tunnel into the Village street without first obtaining a permit from the Mayor except as otherwise provided in this chapter. As used in this chapter, "person" includes an individual, corporation, business trust, partnership, and association. (Ord. 611. Passed 4-2-84.)

905.02 APPLICATION FOR PERMIT.

No excavation permit shall be issued unless a written application (on a form provided by the Village) for the issuance of an excavation permit is submitted to the Mayor. Such application shall be signed by the person for whom the permit is desired and if the applicant is not the owner of the abutting property, then such owner must join in the application and sign same. However, permits for gas and other utilities services shall be issued only to the person duly authorized by license or franchise to make such installation, and the owner of the abutting property shall not be required to join in the application. The application, when approved, and signed by the Mayor or his representative shall constitute a permit. (Ord. 611. Passed 4-2-84.)

905.03 PERMIT FEE AND DEPOSIT.

A permit fee shall be collected by the Mayor for the issuance of an excavation permit. The fee for each permit shall be twenty-five dollars (\$25.00). The permit shall be issued upon payment of the fee and upon compliance with the following requirements:

(a) The applicant for the permit shall state the name and address and principal place of business of the applicant, the location and approximate size of the excavation to be made, the purpose of the work and the approximate time which will be required to complete such work, including backfilling the excavation and removing all obstructions, material and debris. An extension of time may be granted by the Mayor for good and sufficient reasons.

(b) A deposit of monies in the form of cash or certified check shall be placed with the Mayor, to insure that the street surface, curb, gutter, sidewalk or area located between the sidewalk and

the curb shall be satisfactorily restored. The deposit shall be a minimum of one hundred fifty dollars (\$150.00) for three square yards or less of surface to be disturbed, plus thirty dollars (\$30.00) per square yard for each additional square yard disturbed. For each lineal foot of curb or gutter to be removed or broken, a deposit of twenty-five dollars (\$25.00) per lineal foot of curb or gutter shall be required. The Village shall refund the cash deposit within ten days after completion of work in a satisfactory manner. The Village may use any or all of such deposits to pay the cost of any work the Village performs to restore or maintain the public place as herein provided in the event the applicant fails to perform such work in which event the amount refunded to the permittee shall be reduced by the amount thus expended by the Village.

(1) Also, such costs as may be incurred by the Village, either for providing adequate protective devices, maintaining a clean work area, repairing damages to Village utilities, shall be retained by the Village.

(2) The applicant shall be permitted to establish a running account by making an initial deposit of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000) to be replenished by the applicant voluntarily or upon request by the Village. No permit shall be issued under this provision unless there is an unencumbered amount in the applicant's account sufficient to cover the deposit requirement on the permit applied for. The unencumbered balance in the running account may be refunded at any time at the request of the applicant.

(c) The applicant shall agree to restore the disturbed area in accordance with the specifications provided herein. All costs of restoration shall be borne by the applicant.

(d) If deemed necessary by the Mayor, the applicant may be required to provide a plat or drawing showing the location of the desired subsurface structure and a description of the work involved.

(Ord. 611. Passed 4-2-84.)

905.04 EXCEPTIONS.

The provisions of Section 905.01 shall not required an Excavation Permit for planting of shade trees or for grading or sodding of the lawn space located between a property line or sidewalk line and the curb, or for repairing sidewalks, or for the improvement of streets, sidewalks, curbs, gutters, or areas between the sidewalk and curb under a contract with the Village.

(Ord. 611. Passed 4-2-84.)

905.05 REVOCATION OF PERMIT.

Any permit granted by the Mayor pursuant to this chapter may be revoked by him and terminated at any time when in his opinion the terms of this chapter are being violated, or when the continued exercise of the privilege constitutes a menace to the public safety or is an unreasonable use of the public streets or ways.

(Ord. 611. Passed 4-2-84.)

905.06 EMERGENCY REPAIRS.

In cases of an emergency requiring immediate action to make repairs to gas, water or other lines or pipes, where time does not permit the making of an application and the securing of a permit from the Mayor as herein otherwise required, the person required to perform such repairs may proceed to do so, provided that the person making such excavation shall apply to the Mayor for such permit on the first working day after such work is commenced.

(Ord. 611. Passed 4-2-84.)

905.07 LIABILITY OF VILLAGE.

The permit holder shall indemnify and hold harmless the Village from and against any claim, demand, lawsuit, or judgment made by any person whatsoever, arising out of any exercise of privilege granted by such permit and based upon either property damage or personal injury, or both, and to reimburse the Village for any expense incurred by it by reason of such claim,

demand, lawsuit or judgment, and to assume responsibility for and defend any lawsuit which may arise therefrom. Any person accepting such permit shall be bound by the terms of this subsection without further contract or agreement. The permit holder shall procure and furnish satisfactory evidence that the applicant has procured and maintains in full force and effect a policy of liability insurance, with limits not less than three hundred thousand dollars (\$300,000) for any one person and not less than five hundred thousand dollars (\$500,000) for any one accident or personal injury or death, and not less than one hundred thousand dollars (\$100,000) for property damage, providing the permittee and the Village with indemnification against any claim, demand, lawsuit or judgment arising out of the exercise of any permit granted hereunder. The requirements of this subsection may be dispensed with or the required limits of liability insurance may be lowered when, in the opinion of the Mayor, the nature of the undertaking does not reasonably necessitate said requirements to enforce and carry out the intent of this chapter.

(Ord. 611. Passed 4-2-84.)

905.08 RELOCATION AND PROTECTION OF UTILITIES.

The permit holder shall not interfere with any existing facility without the consent of the Mayor and the owner of the facility. If it becomes necessary to relocate an existing facility this shall be done by its owner. No facility owned by the Village shall be moved to accommodate the permit holder unless the costs of such work be borne by the permit holder. The cost of moving privately owned facilities shall be similarly borne by the permit holder unless he makes other arrangements with the person owning the facility. The permit holder shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along, or across said work. The permit holder shall secure approval of method of support and protection from the owner of the facility. In case any of said pipes, conduits, poles, wires, or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permit holder shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permit holder. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The permit holder shall inform himself as to the existence and location of all underground facilities and protect the same against damage. (Ord. 611. Passed 4-2-84.)

905.09 PROTECTION OF ADJOINING PROPERTY.

The permittee shall at all times and at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for this purpose. Whenever it may be necessary for the permit holder to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas without first obtaining the consent of the Village.

(Ord. 611. Passed 4-2-84.)

905.10 PROTECTIVE MEASURES; ROUTING OF TRAFFIC.

The permit holder will be responsible for the safeguarding of all excavations and obstructions in the street, sidewalk, curb, gutter, or area between the sidewalk and curb. He shall place around the same a substantial rail or guard to prevent accidents, and conspicuously place and maintain one or more red or amber lights. The permit holder shall take appropriate measures to assume that during the performance of the excavation work, traffic conditions as near normal as possible

shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

(a) When traffic conditions permit, the Mayor may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him, if in the Mayor's opinion it is either reasonably necessary for the protection of public safety or it will substantially decrease the time or cost of performance without unreasonable inconvenience to the general public. The written approval may require that the permit holder give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

(b) Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street and cones or other approved devices shall be placed to channel traffic, in accordance with the instructions of the Mayor.

(Ord. 611. Passed 4-2-84.)

905.11 EXCAVATIONS IN NEWLY PAVED STREETS.

(a) It shall be unlawful for any person or corporation to excavate, dig into or make an opening for any purpose, in a street or roadway for a period of two years after completion of the construction, surfacing or re-surfacing of same without first obtaining permission from Council to do so, except under emergency conditions as provided in Section 905.06.

(b) No official of any Village department shall issue a permit for an excavation into any street as described in this section, without written statement from the Clerk of Council stating that, by a majority of Council, such permission was granted.

(c) At least ninety days prior to the paving or resurfacing of any street with concrete or asphaltic concrete, a notice shall be mailed to the property owners, private utilities or other entities having utility lines or stubs underneath the street to be paved, indicating that said paving or resurfacing will be done and advising said property owners that no pavement cuts shall be permitted for two years without Council's expressed approval, after such re-surfacing or paving is completed except in cases of emergency.

(Ord. 611. Passed 4-2-84.)

905.12 INSPECTIONS.

The Village shall make such inspections as are reasonably necessary in the enforcement of this chapter. The Mayor shall have the authority to establish and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter. Upon completion of the work, the permit holder shall notify the Mayor of the fact of its completion, and the Mayor shall make a final inspection thereof. If such inspection is to the satisfaction of the Mayor, he shall so notify the permit holder and thereupon return the guarantee deposit. If the inspection discloses a defect or unsatisfactory work that substantially fails to meet the intent of one or more requirements of this chapter, the Mayor shall in writing notify the permittee of the nature of the defective condition. The permittee shall have twenty-four hours in which to rectify he same or the Village shall thereupon complete the restoration work.

(Ord. 611. Passed 4-2-84.)

905.13 SPECIFICATIONS FOR RESTORATION.

The permit holder shall comply with the following specifications for restoration of the disturbed area:

(a) Excavation. In any street opening the width of the bottom of the excavation shall be less than the width of the opening at the surface. In the event the sides of the opening cave-in during the excavation, and such an opening is in a paved street, the pavement shall be removed to conform to the size of the caved-in-area.

(b) Backfilling. The excavated material shall be removed from the site and the excavation shall be backfilled with a bank run gravel which shall meet the State Department of

Transportation Construction and Material Specifications. Each layer shall be thoroughly compacted by approved power tamping equipment.

For street openings, the backfill shall be brought to within eight inches of the street surface or all types of pavement when either Portland cement concrete or asphaltic concrete is used for a base. When an aggregate base is used, the excavation shall be backfilled to within ten inches of the street surface.

(c) Pavement Restoration. The pavement in the disturbed area shall be completely restored not later than one day after backfilling is complete except as otherwise provided herein.

(1) The restoration of asphaltic pavements shall consist of a base and a surface course.

(2) The base shall be either bituminous aggregate base (Specification #301), asphalt concrete (Specification #301), aggregate base (Specification #304), or Portland cement concrete (Specification #305). All base courses will be six inches in depth, except for aggregate base which will be eight inches in depth. The time specified for complete restoration shall be extended three days when Portland cement concrete base is used to allow for curing. The surface course shall consist of asphalt concrete (Specification #404) compacted to a depth of two inches. The surface of the base course and the walls of the adjacent pavement shall be covered with a bituminous tack coat before the surface course is placed.

(3) The restoration of Portland cement concrete pavements shall consist of a two inch aggregate base (Specification #304) under a six inch course of Portland cement concrete (Specification #452) screeded flush with the adjacent pavement surface and broomed for a rough, skid-resistant surface.

(4) In case the weather does not permit permanent restoration, a temporary restoration adequate for carrying traffic may be approved by the Mayor. The Mayor will establish the specifications for the temporary restoration work in accordance with the existing conditions.

(Ord. 611. Passed 4-2-84.)

905.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and fined not more than one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense.

(Ord. 611. Passed 4-2-84.)

