

CODIFIED ORDINANCES OF SPRINGFIELD

PART NINE—STREETS, UTILITIES, AND PUBLIC SERVICES CODE

TITLE ONE—Streets and Sidewalk Areas

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CHAPTER 901

Excavations in the Right-of-Way

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CROSS REFERENCES

- Improvements, contracts—see CHTR. Sec. 41 to 46
- Power to establish and care for streets—see Ohio R.C. 715.19, 717.01, 723.01
- Openings by municipality—see Ohio R.C. 723.02
- Surface treatment—see Ohio R.C. 723.23, 723.31
- Excavation liability—see Ohio R.C. 723.49 et seq.
- Digging, excavating and piling earth on streets—see Ohio R.C. 5589.10

901.01 DEFINITIONS.

(a) As used in this Chapter 901, “right-of-way” includes all streets, roads, alleys, sidewalks, tree lawns, or other rights-of-way ways dedicated for public use within the City of Springfield.

(b) As used in this Chapter 901, “excavation” includes digging, boring, and any act that disturbs surface or subsurface conditions. Installing cable, wire, or other material into an existing conduit is not “excavation.”

(c) As used in this Chapter 901, "Engineer" means the City Engineer or the City Engineer's designee.
(Ord. 16-332, passed 12-6-16.)

901.02 APPLICATION FOR PERMIT.

(a) Except for persons employed by or under contract with the City of Springfield, and persons issued a permit under Chapter 903 of these Codified Ordinances, no person shall make any opening or excavation in any right-of-way or remove any pavement from any right-of-way unless that person has applied for and been issued a permit by the City Manager or his duly authorized agent.

(b) When an excavation or opening in any right-of-way must be made immediately due to an emergency, including an interruption in the provision of utility services, the application for the permit must be made as soon as is practicable.

(c) The application shall be signed by the person who is to do such work, and shall set forth the location, kind, and extent of any excavation, and the name and address of the person for whose benefit the same is to be done. The application shall state the means and methods by which the excavation will be restored. The application shall state when the work will be performed and when the restoration will be completed. The application shall also describe how pedestrian and vehicular traffic will be controlled during the excavation and restoration work.

(d) By signing the application, the applicant agrees to:

- (1) pay the fees imposed by this Chapter 901,
- (2) perform the work described in the permit in accordance with the permit,
- (3) indemnify and save the City harmless from any claim, loss, or damage arising in any way out of such work, or which may result, directly or indirectly, to persons or property by reason of any such improvement, or by reason of the same not being properly guarded or protected by lights, barriers, or otherwise, so as to prevent injury to users of the right-of-way, and
- (4) repair or replace any work that, in the reasonable opinion of the Engineer, has been shown to be deficient.

(Ord. 16-332, passed 12-6-16.)

901.03 CONDITIONS FOR ISSUANCE OF PERMIT.

(a) No permit under this Chapter shall be issued until the applicant has paid a permit fee and a restoration deposit to the City.

- (1) The permit fee shall be \$100 plus \$2.00 for each lineal foot of pipe or conduit to be installed.
- (2) The restoration deposit shall be in a sum of money sufficient to restore the street or alley as nearly as is reasonably possible to a condition as good or better as existed prior to the opening or excavation of the street or alley. The City Manager shall from time to time prepare and place on file in his office and in the office of the Service Department and Engineer, schedules of the estimated costs relating to surface restoration related to permitted excavations or disturbances. The deposit required shall be based upon such schedules, provided that the City Manager may in any instance make

special estimates for work or materials or costs not covered by his general schedules.

- (3) Public Utilities, as defined in Section 902.02(p), shall not be required to pay a restoration deposit.

(b) Applicant must be licensed pursuant to Chapter 902, 915, 1327, or 1367 of the Codified Ordinances of the City of Springfield.

(c) If the Engineer determines that means, methods, and timing described in the application are appropriate, that the required fees are paid, the deposit made, and that the applicant is not in default of any of its obligations under this Chapter or Chapter 903, the Engineer shall issue a permit to the applicant to proceed with such work.
(Ord. 16-332, passed 12-6-16.)

901.04 PROCEEDING WITH THE WORK.

Upon issuance of a permit, the applicant shall proceed diligently with the work until completed. No excavation in a street or alley or other right-of-way shall remain open longer than is reasonably required for such purpose.

Each applicant shall keep any opening or excavation at all times properly barricaded and guarded and maintain each traffic control device in place during any time that the excavation remains open, and shall save and protect the City from any or all claims, losses, or damages resulting, directly or indirectly, to persons or property from the opening or excavation in any street or alley or other right-of-way of the City.

Each applicant shall, after the backfilling of any such opening or excavation in any such unpaved street or alley, cause the same to be maintained free from hillocks or depressions so that the street or alley or other right-of-way shall be free from defects as a result of such opening or excavation and shall be safe for travel and use by the public, until such time as the backfilling is settled and compacted and all restoration work under the permit shall have been completed.

In the event of an applicant's failure to complete the restoration work as set forth in the permit, the City shall cause the work to be done and all the costs and expenses thereof charged to such applicants. The costs will be charged against the restoration deposit. If the deposit is insufficient, the City may pursue collection of the deficiency by all lawful means. If, after having deducted all restoration costs, a balance remains on deposit, that balance shall be refunded to the applicant.

(Ord. 16-332, passed 12-6-16.)

901.05 DETERIORATION FEE.

Upon completion of the work, the Engineer shall compute the total surface area of all excavations and openings made in any surface that had been paved for vehicular use in connection with the work and issue to the applicant an invoice for the deterioration fee. The deterioration fee shall be \$100 plus \$25 per square yard for each excavation or opening. The deterioration fee shall be paid by the applicant within 20 days of the issuance of the invoice.

(Ord. 16-332, passed 12-6-16.)

901.06 FUNDS RECEIVED.

All money received under the provisions of this chapter (except those received under Section 901.05) shall be deposited with the Director of Finance and shall be placed in the General Fund. All money received under the provisions of Section 901.05 shall be deposited with the Director of Finance and shall be placed in the Street Fund.

(Ord. 16-332, passed 12-6-16.)

901.99 PENALTY.

Whoever makes any opening, or excavation in any street or alley, or removes any pavement therefrom, without first having complied with the provisions of this chapter, is guilty of a misdemeanor of the third degree.
(Ord. 16-332, passed 12-6-16.)