

**ORDINANCE NO. 99-66**

**AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON,  
OHIO, TO AMEND CHAPTER 931 CUTTING PAVED SURFACES; WORK  
IN RIGHT-OF-WAY; EXCAVATIONS GENERALLY**

**WHEREAS**, the City of Mason has recently reviewed Chapter 931 of the City Code of Ordinances regarding the procedures under which an individual can obtain a permit to work in the right-of-way and cut paved surfaces within the City; and

**WHEREAS**, the City Council has determined that it is advisable and in the best interests of the City to modify the existing procedures under which an individual can obtain a permit and complete such work.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Mason, Ohio **seven (7)** members thereto concurring:

Section 1: That Chapter 931 Cutting Paved Surfaces; Work in Right-of-Way; Excavations Generally is hereby amended as provided in Exhibit "A" attached hereto.

Section 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 26th day of April, 1999.

  
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Mayor

**ATTEST:**

  
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Clerk of Council

5/10/99

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## CHAPTER 931

### Cutting Paved Surfaces; Work in Right-of-Way; Excavations Generally

- 931.01 Permit required.
- 931.02 Compliance with specifications.
- 931.03 Fee,
- 931.04 Bond.
- 931.05 Restoration.
- 931.06 Barriers around excavations.
- 931.07 Warning lights.
- 931.99 Penalty.

### CROSS REFERENCES

- Tracking mud, dropping loads on streets - see TRAF. 339.08
- Excavation Barricades and warning lights - see GEN. OFF. 521.03, S. U. & P. S. 931.07
- Obstruction of sidewalks - see GEN. OFF. 521.04
- Excavation standards - see S. U. & P. S. 903.02, 903.03
- Excavation and construction of combined curbs and gutters – see S. U. & P. S. Ch. 915
- Driveway approaches and curb cuts - see S. U. & P. S. Ch. 937

### 931.01 PERMIT REQUIRED

Whenever any person intends to do any work in the City's right-of-way, including cutting or boring under any paved surface (roads, streets, alleys, sidewalks, curbs, gutters or any other paved surface) he or she shall first obtain a permit from the City Engineer under the terms and conditions set forth in this Chapter. The City Engineer may waive any or all sections of this chapter for any projects undertaken by, or on behalf of, the City of Mason or the Ohio Department of Transportation, including maintenance and/or repair projects.

"Person" means any individual, firm, company, association, society, corporation or group, including public utilities, gas companies, electric companies, telephone companies, Municipal authorities and other governmental bodies or officers. (Ord. G-88. Passed 10-12-64.)

### 931.02 COMPLIANCE WITH SPECIFICATIONS.

Any work done in the right-of-way shall be done in accordance with the standards and requirements of the latest edition of the City of Mason, "Construction Standards" and the State of Ohio, Department of Transportation, "Construction and Materials Specifications",

except that all cuttings shall be backfilled as specified by the City Engineer. Pavement used shall be of the same material as the surface cut. Plans for the proposed cutting shall be attached to the permit application and submitted for approval to the City Engineer. (Ord. G-88. Passed 10-12-64.)

#### 931.03 FEE.

A fee of twenty five dollars (\$25.00) shall be paid to the City with each permit application required under Section 931.01 herein. (Ord. G-88. Passed 10-12-64.)

#### 931.04 BOND.

To insure that any work done within the right-of-way is completed according to the plans submitted and the specifications required by Section 931.02 and that the right of way is properly restored, any applicant for a permit under Section 931.01 shall furnish a performance bond in an amount as to be determined by the City Engineer, but in any event, no less than ten thousand dollars (\$10,000.00) which bond must be furnished prior to the issuance of any permit. Such bond shall be a performance bond or surety acceptable by the City and shall be filed with the City Engineer. (Ord. G-88. Passed 10-12-64.)

#### 931.05 RESTORATION.

The opening and restoration of a pavement, sidewalk, curb, driveway, or other surface shall be performed under the direction and to the satisfaction of the City Engineer, and in accordance with rules, regulations and specifications approved by Council.

All restoration work outside of a paved area shall require seed and mulch, hydroseeding, or sod replacement and shall be performed to the satisfaction of the City Engineer. The restoration work will not be deemed to be completed and the performance bond shall not be released until a full stand of grass is established over the disturbed area. Sediment and erosion control devices shall be installed to protect adjacent properties as well as the City's rights-of-way from the effects of sediment and erosion.

Upon failure or refusal of the permit holder to satisfactorily fill the excavation, restore the surface and/or remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the City may declare that the work has not been properly performed and may proceed without notice to complete the restoration of the property. In such case, the City may call upon the performance bond required under Section 931.04. The City shall use such funds to complete the restoration of the right of way. If additional funds remain after the restoration is complete, the remaining funds shall be remitted to the permit holder. If the amount of such services performed by the City should exceed the amount of the performance bond the City Manager or other proper administrative officer shall proceed to collect the remainder due from the permit holder.

#### 931.06 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, bore pit,

trench, sidewalk, alley or other public way, shall have such excavation or opening fully barricaded at all times to prevent injury to persons or animals. Such barricades shall be in conformance with ODOT Item 614 and ODOT Location & Design Manual, Section 500. Road closures, lane closures and/or sidewalk closures are not permitted without written permission from the City Engineer.(Ord. 2-1969. Passed 3-10-69.)

931.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one thousand dollars (\$1,000.00) for each offense.