

SUGARCREEK TOWNSHIP
RESOLUTION NO. 2014.09.15.05

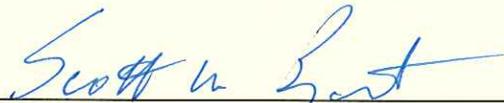
IN RE: Acceptance of Rates and Form for the Permit Application to Work Along, On and
Across Sugarcreek Township Roads within the Road Right-of-Way

WHEREAS, the Ohio Revised Code (ORC) 5571.16 (see attached) permits township's to require any person to obtain a permit application before installing a driveway culvert or making any excavation in a township highway or highway right-of-way within its jurisdiction, except an excavation to repair, rehabilitate, or replace a pole already installed for the purpose of providing electric or telecommunications service; and,

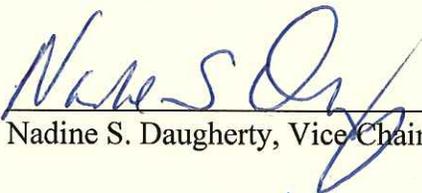
WHEREAS, in accordance with ORC 5571.16, permit applications shall be accompanied by a fee of fifty (\$50) dollars per application, which fee shall be returned to the applicant if the application is denied; and,

WHEREAS, except as otherwise provided in ORC 5571.16, no permit application or fee shall be required for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service, but the individual making that excavation shall provide verifiable notice of the excavation to the fiscal office at least three (3) business days prior to the date of the excavation,

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees hereby approves the attached permit application as well as the recommended fee of fifty (\$50) dollars per application.



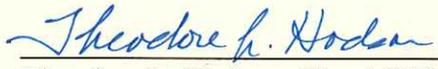
Scott W. Bryant, Chairperson



Nadine S. Daugherty, Vice Chairperson



Michael E. Pittman, Trustee



Theodore L. Hodson, Fiscal Officer

5571.16 Obtaining permit before installing driveway culvert or making excavation in township highway or highway right-of-way.

The board of township trustees, by resolution, may require any person to obtain a permit before installing a driveway culvert or making any excavation in a township highway or highway right-of-way within its jurisdiction, except an excavation to repair, rehabilitate, or replace a pole already installed for the purpose of providing electric or telecommunications service. The board, as a condition to the granting of the permit, may do any of the following:

- (A) Require the applicant to submit plans indicating the location, size, type, and duration of the culvert or excavation contemplated;
- (B) Specify methods of excavation, refilling, and resurfacing to be followed;
- (C) Require the use of warning devices it considers necessary to protect travelers on the highway;
- (D) Require the applicant to indemnify the township against liability or damage as the result of the installation of the culvert or as a result of the excavation;
- (E) Require the applicant to post a deposit or bond, with sureties to the satisfaction of the board, conditioned upon the performance of all conditions in the permit.

Applications for permits under this section shall be made to the township fiscal officer upon forms to be furnished by the board. Applications, including, but not limited to, a single application for an excavation project to install six or more poles for the purpose of providing electric or telecommunications service or to install a pole associated with underground electric or telecommunications service, shall be accompanied by a fee of fifty dollars per application, which fee shall be returned to the applicant if the application is denied. Except as otherwise provided in this section, no application or fee shall be required for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service, but the person making that excavation shall provide verifiable notice of the excavation to the township clerk at least three business days prior to the date of the excavation.

No person shall install a driveway culvert or make an excavation in any township highway or highway right-of-way in violation of any resolution adopted pursuant to this section, except that, in the case of an emergency requiring immediate action to protect the public health, safety, and welfare, an excavation may be made without first obtaining a permit, if an application is made at the earliest possible opportunity.

As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code, and "right-of-way" has the same meaning as in division (UU)(2) of section 4511.01 of the Revised Code.

Cite as R.C. § 5571.16

History. Effective Date: 03-31-2003; 12-20-2005



Application Fee \$50.00
Date Paid: _____
<input type="checkbox"/> Cash
<input type="checkbox"/> Check # _____

Sugarcreek Township Roads and Service Department
Application to Work Along, On and Across Sugarcreek Township Roads Within the
Road Right-of-Way
 (Authority: Ohio Revised Code Section 5571.16)

Date: _____ Job #: _____

Name of Applicant: _____

Telephone number: _____ Emergency number (24 Hours a day): _____

The following is a complete description of the location, road and the type of work that is being proposed and to be completed by the applicant along with two sets of plans, which include cross sections of work.

Work shall commence on _____ and shall be completed on _____
 (Date and Time) (Date and Time)

In consideration of Sugarcreek Township granting a work permit to undertake work along, on or across a road right of way, the undersigned covenants to be bound by and agrees to the following conditions:

1. That traffic shall be maintained at all times; if it is deemed necessary to close the roadway for safety reasons, the applicant must first notify the Emergency Services and Schools.
2. That disturbance of road surface shoulders and ditches shall be kept to a minimum. Trenches shall be backfilled with Controlled Density Fill (flowable fill) from 12 inches above pipe to within the bottom of the blacktop, or 4 inches, whichever is greater, or clean 304 limestone material and tamped in lifts of 12 inches so that settlement of the area does not take place. If settlement of the area does occur, additional materials of the same type shall be put into place and compacted. C.D.F. to be used in an area determined by Inspector.
3. That the road surface removed or damaged shall be replaced with 304 and 301 Base Asphalt plus 448 type 2 and 448 type 1 Finish Coat to a depth that was removed or a minimum of 3" 301 plus 5" of 301 for your base and 1 1/2" of 448 type 2, plus 1 1/2" of 448 type 1 finish coat whichever is greater, and the new surface shall be feathered onto and conform with the grade of the undisturbed surface and shall be repaired within four (4) working days.
4. That lights, signs, barricades, and if necessary flagmen, watchmen and workers shall be placed on the job for the protection of traffic at all times, day and night, during the time this work is being done.

5. That I/we assume the responsibility for and shall save Sugarcreek Township Trustees harmless for any and all claims for personal injuries and property damages, and shall defend any action that might be brought due to this work. To cover the responsibility, I/we have the following insurance which is now in force and shall remain in force during the prosecution of this work (minimum of a \$1,000,000 liability policy document enclosed and the company to provide proof of approval to do business in Ohio:

Amount	For	Policy Number	Insurance Policy
\$			

6. That the responsibility for work done under this permit shall remain in force and include the maintenance of the road for one (1) year after the surface has been replaced.

7. That all OSHA Standards shall be followed to complete the work.

8. That a performance bond by a surety company licensed to do business in the State of Ohio, in favor of Sugarcreek Township be provided to Sugarcreek Township. The amount of the Bond shall be \$5,000 to cover the excavation and replacement of up to 650 square feet of pavement. If additional pavement is removed, an additional Bond shall be provided at the rate of \$15 per square foot. The cut in the pavement plus six (6) feet in length shall be used in determining the square footage for figuring the amount of Bond rounded upward to the nearest \$100. The Bond for work in unpaved areas of the road right of way shall be figured at the rate of \$4 per square foot, culverts and bridges excluded. Copy of Bond shall be filed with application. BONDS SHALL REMAIN IN FORCE FOR ONE (1) YEAR FROM COMPLETION OF PROJECT OR UPON RELEASE BY THE TRUSTEES. Boring under the road must be a minimum of 42 inches within road right of way (according to location)

There is a \$50.00 permit application fee due at the time the permit is obtained and prior to the inspection.

I acknowledge the aforementioned conditions of this application.

Applicant Signature

Date

.....
This application was received and reviewed on _____.

The application is Approved Rejected

Comments:

Township Administrator or Designee

Date

.....
To be completed by the Township Fiscal Officer

PERFORMANCE BOND: \$ _____
(Amount)

Bond Expiration Date: _____

Theodore L. Hodson, Fiscal Officer

Date Approved

.....
The aforementioned work has been completed, inspected, and approved.

Township Administrator or Designee

Date

.....
The Bond has been released effective _____.

Theodore L. Hodson, Fiscal Officer

Date