

Jefferson Township

Right-of-Way Excavation

Rules & Regulations

1. **PERMIT REQUIRED:** A right-of-way excavation permit is required when placing, extending, or repairing any pipes, cables, wires, roadway structure or appurtenances, or for any other purposes requiring the use of or connection to a Township road right-of-way. (U.S. Postal Service approved mailboxes on breakaway posts are exempted from permit requirements) Failure to obtain a permit may result in the imposition of a fine equal to the permit and inspection fees (listed below) that would have been charged had the work been properly permitted and inspected. Further penalties may also apply, including the opening of the construction site for inspection and/or prosecution under Ohio Revised Code §5571.99.
2. **LIABILITY:** The issuance of a permit does not relieve the agency and its contractor from any liability, and the permit holder shall at all times indemnify and save harmless Jefferson Township and its employees and officials against all claims from injury or damage to persons and property that may be asserted by any firm, person or corporation arising out of the use and occupancy of any part of the road and/or road right-of-way. The attached indemnification agreement must be completed and submitted with permit application.
3. **PERMIT PLANS:** Whenever excavation is to be performed within the right-of-way, all permit requests shall be accompanied by a plan of suitable size and clarity to show the nature of the work to be performed. Such plan shall show all existing utilities and topographic features, existing right-of-way and adjacent property lines. The utilities shall be shown on the plans as to horizontal and vertical alignment based on a diligent search of records. All conflicts with any utility facility shall be resolved to the satisfaction of the utility owner. Trench data is to include length, width and depth dimensions and indicate fill material to be used. Method of closure must also be shown. (Please request a copy of current filling and closing materials and procedures). Indicate if excavation is in pavement, sidewalk, driveway or grass areas. Make notation if a trench, push, bore or tunnel method is involved. Proposed work should be highlighted for easy identification. **NOTE: *Jefferson Township discourages the practice of enclosing natural or man-made swales and ditches with storm pipe in the Township. In most cases, permits will not be granted for such excavation work.***
4. **ROAD CLOSURE:** Whenever the full closure of a road is needed, the agency or its contractor shall provide the Jefferson Township Service Department with a set of plans showing the proposed traffic control signs, detour route maps, notes, etc. Upon approval of plans, contractor must notify Jefferson Township Service Department and Fire Department five (5) working days prior to actual closure of road.
5. **RESTORATION:** Whenever any person or agency has a permit to excavate in any roadway or right-of-way of any road or public way, the person or agency causing such excavation shall restore the same in such a manner and by the time as required by Jefferson Township. All road and driveway repairs shall conform to current county standards and specifications. Permanent repairs to any road, open-cut for the purpose of installing, extending or repairing any pipe, utility, wire, cable, conduit or any other repair shall be made in accordance with current specifications approved by the Franklin County Engineer.
6. **EMERGENCY REPAIRS:** When any public agency, private utility company or contractor must excavate within the roadway to make emergency repairs for the safety and convenience of the public, the same shall request a permit the following working day. All permanent repairs shall conform to these regulations.
7. **INSPECTION:** Personnel of Jefferson Township shall do inspection and acceptance of work performed under these permits. It is the permit holder's responsibility to request inspections. If, in the opinion of the Jefferson Township Service Department Superintendent or the Jefferson Township Administrator, additional inspections are needed due to the size or nature of the work, the contractor shall place on deposit funds necessary to pay for said inspection services. If a deposit is required, the amount will be negotiated with the contractor.

8. **TRAFFIC CONTROL:** If traffic control devices are required, all such devices shall be furnished, erected, maintained and removed by the contractor in accordance with the Ohio Uniform Manual of Traffic Control Devices with current revisions. Copies are available at the Ohio Department of Transportation, 25 S. Front Street, Columbus; or ODOT District 6, Delaware, Ohio.
9. **NEW PAVEMENT OR REPAVEMENT:** No permit will be granted to open-cut new pavement or repavement of a road, except for the purpose of emergency repairs, until after three years from the completion of such new pavement or repavement. When any emergency repairs are necessary. The Franklin County Engineer's specifications shall be followed when making permanent pavement repairs after open cutting.
10. **FEES:** A permit fee of **\$50.00** shall be charged (ORC §5571.16). In addition, plan review and inspection fee of **\$200** will be charged for all new work. See Application for fee schedule. No permit or fee is required if work involves only the installation of U.S. Postal Service approved mailboxes on breakaway posts. If full stand-by inspection is requested by the contractor, a fee will be negotiated which must be deposited with Jefferson Township Fiscal Officer prior to commencement of work.
11. **CONSTRUCTION DEPOSIT:** In addition to permit fee, plans review and inspection fee, a deposit shall be required for the following: open-cutting of pavement; work in right of way outside of paved area; new residential structures accessing a Jefferson Township roadway; or existing residential structures seeking a new or additional curb cut; installation of culvert pipes; construction of a commercial structure or structures with entry onto a Jefferson Township roadway. No deposit shall be required for replacement of existing driveway culvert pipe so long as the replacement is the same diameter and alignment as the existing culvert pipe (application and permit still required).

No deposit shall be refunded if the construction does not meet the required standards, is in violation of these regulations, or is not carried out according to the application and approved permit. Deposits will be refunded if work is corrected within 30 days of initial inspection and the correction meets the standards and regulations. It is the applicant's responsibility to request both the inspection fee and refund of deposit.

12. **MATERIALS TO BE USED:** All materials to be used shall be listed on the application for excavation in the right-of-way and shall be approved by the Jefferson Township Service Department Superintendent and/or the Franklin County Engineer.
13. **SUBSTANDARD OR INCOMPLETE WORK:** Substandard or incomplete construction or restoration will result forfeiture of deposit in the amount required for Jefferson Township to complete, repair or restore the excavation at a rate of **\$50.00** per hour plus materials. Severe nonconformance with these standards may result in the issuance of a stop work order by the Zoning Inspector.

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Application for Right-of-Way Excavation Permit

Permit #: **ROW – --** Total Due \$

Applicant: Phone #:

(Property owner or authorized agent)

Mailing address:

Contact name: Phone #:

(Must include 24-hour emergency number)

Location of excavation/construction site:

(Address of site, or if no address, provide location map showing exact location of site)

Subdivision: Lot #:

Construction dates: Estimate start date: Estimate completion date:

Nature of excavation and work to be undertaken:

Applicant has read the Jefferson Township Right-of-Way Excavation Permit Regulations and agrees to or is providing the following:

1. Applicant agrees to provide and place such warning devices as are necessary to protect travelers on the road and to ensure their safety.
2. Applicant agrees to complete all work to be performed under this application as soon as reasonably possible and to completely restore the entire road and right-of-way to the condition that existed before such work was undertaken, in accordance with the Jefferson Township Right-of Way Excavation Regulations.
3. Applicant agrees to notify the Jefferson Township Service Department and Jefferson Township Fire Department and all applicable utility providers of the right-of-way excavation and to obtain all required permits including, but not limited to, a road excavation permit from the Franklin County Engineer and prior to the commencement of any work or excavation in the road right-of-way.
4. Applicant agrees to indemnify and hold harmless Jefferson Township, its board of trustees, and all officers, employees and agents of Jefferson Township, for any loss or cost, liability, damage, claim, demand or cause of action arising from, under or connected with the excavations and work covered by this application, and has properly executed the attached indemnification and hold harmless agreement.
5. This application is accompanied by a **\$50.00** fee (ORC 5571.16), as well as plan review and inspection fees of **\$200.00**.

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6. Plans, as required by Jefferson Township, are attached to this application.
7. If constructing water/sewer or other utility lines, a permit from Jefferson Township Water and Sewer District, 6455 Taylor Road, (614-864-0740) has been obtained and is attached to this application.
8. A list of materials to be used is attached to this application.
9. A security deposit in the amount of \$_____ accompanies this application.

Deposit required:

- a) For all new driveway access points to new or existing residential structures, \$1,000.00 for curb/gutter- \$500.00 for open swale
- b) If open-cutting pavement: \$150.00 per square yard of pavement to be cut; (minimum deposit- \$500.00)
- c) If constructing new subdivision: \$20,000.00
- d) If constructing new roadway/driveway to a commercial structure: \$20,000.00
- e) If working in right of way but outside pavement: \$75 per linear foot of work area length
- f) If setting new poles for utilities (6 or more for overhead utility lines, 1 or more for underground utility lines [ORC. Section 5571.16]): \$50 per pole.

Security deposits shall not be refundable if it has been determined by inspection that the applicant has not met all conditions, standards and requirements contained in this application and in the Jefferson Township Right-of-Way Excavation Regulations. It is the responsibility of the applicant to notify Jefferson Township when ready for inspection. No refund will be granted until inspection has taken place and it has been determined by the responsible Jefferson Township official that the work has been completed to the required standards.

10. Persons failing to comply with the standards and regulations, or failing to obtain a permit, shall be notified in writing by Jefferson Township that they have 30 days from the date of notification to eliminate the violation and return the right-of-way to its original condition.

Persons failing to come into compliance within the 30-day period will forfeit their deposit and may be prosecuted in Franklin County Environmental Court pursuant to Section 5571.99 of the Revised Code. The Jefferson Township Trustees will recommend to the Court that violators be ordered to eliminate the violation at the violator's expense; or that the Court appoint a qualified company to remove the violation, and the costs of same be placed on the tax duplicate as lien, to be collected with other taxes.

Date:

Signature:

(Must be signed by property owner or owner's authorized agent)

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

Now comes the undersigned being _____,
(hereinafter the "Undersigned,") and the Board of Township Trustees of Jefferson Township,
Franklin County, Ohio, (hereinafter the "Township") and enter into this Agreement on this
_____ day of _____, 20____.

WHEREAS, The Undersigned desires to engage in excavation or construction activities within a
Township roadway, pursuant to an application for such authority submitted to the Township, and

WHEREAS, the Township agrees to permit such excavation or construction activities but re-
quires the execution of this Agreement pursuant to the Ohio Revised Code §5571.16,

NOW, THEREFORE, the Undersigned and the Township, in consideration of the mutual cove-
nants and agreements, hereby agrees as follows:

The Undersigned agrees to indemnify and hold harmless the Township and each member of the
Board of Trustees of the Township and each officer of said Board (and their heirs, executors,
administrators and assigns) who is made a party or is threatened to be made a party to any litiga-
tion, action, suit or proceeding, whether civil, criminal, administrative or investigative by reason
of the fact that he is or was a trustee, officer, employee or agent of the Board or is or was serving
at the request of the Board against expenses, attorney's fees, judgments, fines and amounts paid
in settlement actually and reasonably incurred by him in connection with such action, suit or pro-
ceeding in connection with any activity by the Undersigned, or his designee, employee, agent,
assign or contractor permitted under this agreement including, but not limited to, any negligent
or intentional act which results in any harm or damage to another or to property of another. The
foregoing right of indemnification shall not be exclusive of other rights or remedies to which
such Board or Township official, or their heirs, executors and administrators may be entitled.

IN WITNESS WHEREOF, we have set our hands on the date set forth above.

The Undersigned:

Jefferson Township Board of Trustees

By: _____

Title: _____

Authorized Representative of the Undersigned

JEFFERSON TOWNSHIP BOARD OF TRUSTEES

RESOLUTION No. 05-01-14

TO REQUIRE A TOWNSHIP PERMIT BEFORE AN EXCAVATION IS MADE IN A TOWNSHIP ROAD AND ADOPTING GUIDELINES, STANDARDS AND AN APPLICATION FORM FOR SUCH PERMITS

WHEREAS, Section 5571.16 of the Ohio Revised Code permits a Board of Township Trustees to enact a resolution requiring a permit before an excavation is made in a Township road right-of-way, and

WHEREAS, pursuant to Section 5571.16 of the Ohio Revised Code, the Jefferson Township Board of Trustees ("the Board") has enacted regulations requiring a permit before an excavation is made in a Township road right-of-way, and

WHEREAS, the Board desires to amend the existing regulations governing excavation in the right-of-way of Township roads.

NOW, THEREFORE BE IT RESOLVED BY THE TRUSTEES OF JEFFERSON TOWNSHIP, FRANKLIN COUNTY, OHIO,

1. The Board hereby adopts the Jefferson Township Right-of-Way excavation regulations, as amended, and which is attached hereto and incorporated as if fully reproduced herein.
2. The Board further adopts the "Application for Right-of-Way Excavation Permit," attached hereto and incorporated as if fully reproduced herein. Compliance with the Regulations is required. No permit to proceed with work within a Township right-of-way shall be issued unless the applicant has completed the Application, the application has been reviewed and the applicant has been given permission to proceed with the work.
3. Notwithstanding the above, in case of an emergency requiring immediate action to protect the public health, safety and welfare, an excavation may be made in a Township road or road right-of-way without first obtaining a permit from the Township, provided that a permit application shall be made at the earliest possible opportunity after such an emergency excavation has been made.
4. Any emergency excavation, as described in the preceding paragraph, shall be made in conformance with the "Franklin County Engineer's Permit Guidelines" as amended and incorporated by this Resolution or the excavation shall be brought into conformity with those guidelines as soon as reasonably possible after the excavation.
5. That all resolutions adopting the existing right-of-way policy, passed before January 11, 2005, by the Jefferson Township Board of Trustees, Franklin County, Ohio and all other resolutions or parts of resolutions in conflict herewith, are hereby repealed.
6. It is found and determined that all formal actions of this Board concerning and pertaining to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of the Board and any of its committees that resulted in such formal action were in compliance with all legal requirements including §121.22 of the O.R.C.

Motion for adoption by Finn, seconded by Flanagan, this 11th day of January, 2005.

Voting Aye thereon: Rowan, Finn, Flanagan

Attest: Ken Jones, Clerk