

# RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1996-06

Passed September 17 1996

(D) In the event of an emergency or condition causing a serious hazard to the public, the Municipal Manager may cause such hazard to be immediately abated without notice to the person, firm, corporation, or utility that is excavating and the cost of such abatement shall be deducted from the performance bond or cash deposit.

SECTION III: That Section 93.99 be amended to read as follows:

SECTION 93.99 PENALTY

Any person, firm, corporation, or utility violating any provision of this Chapter shall be guilty of a misdemeanor of the fourth degree. Each day's violation shall constitute a separate offense.

SECTION IV: That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Municipality of Brookville by providing adequate financial protection to the Municipality in the event of excavation of public ways, and this Ordinance shall take effect and be in full force and effect from and after its passage by a two-thirds majority of Council as provided for in the Charter of the Municipality of Brookville, Ohio.

PASSED this 17th day of September, 1996

ATTEST:

  
E. Eugene Roeser, Clerk

  
Thomas L. Dafler, Mayor

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1996-06 passed by Council of said Municipality on the 17th day of September, 1996.

  
E. Eugene Roeser, Clerk

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## CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1996-06 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 17th day of September, 1996, to the 17th day of October, 1996, both days inclusive.



E. Eugene Roeser, Clerk

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AN ORDINANCE AMENDING CHAPTER 93, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has previously adopted Chapter 93, Streets and Sidewalks, of the Code of Ordinances of the Municipality of Brookville; and

WHEREAS, Council has determined that certain provisions of this Chapter are outdated and financially inadequate, and need to be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO:

SECTION I: That Section 93.01 be amended to read as follows:

## 93.01 REQUESTS FOR ADDITIONAL STREET LIGHTING

Requests for additional street lighting in areas and on streets where there are existing street lights shall be made in writing to the Municipal Manager, who shall determine the necessity and feasibility of the request for additional street lighting, and shall issue a decision approving or denying the request for additional street lights. Requests for new street lighting in new subdivisions shall be made by request to the Municipal Planning Commission. The Commission shall report the request with its recommendation to the Municipal Council, who shall approve or disapprove said recommendation.

SECTION II: That Section 93.02 be amended to read as follows:

## 93.02 STREET EXCAVATION REGULATIONS

(A) It shall be unlawful for any opening to be made in any street, alley, or public way of this Municipality for any purpose by any person, firm, corporation, or utility or their agent or agents, without first obtaining a written permit from the Municipal Manager. The Municipal Manager shall determine the necessity of the entrance into the street, alley or public way, and upon finding necessity shall issue a written permit. The Municipal Manager may require that said person, firm, corporation, or utility post a performance bond or cash deposit sufficient to guarantee the prompt and proper restoration of the street, alley or public way. Said person, firm, corporation or utility shall maintain a policy of liability or indemnity insurance, covering any personal injury or property damage that might arise from said excavation, and shall provide proof of insurance to the Municipal Manager upon request. In the event



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that the Municipal Manager determines that said insurance coverage is inadequate, the Municipal Manager may require said person, firm, corporation or utility to obtain additional insurance coverage. Such policy shall not be required from any State public utility company operating in the Municipality pursuant to a franchise wherein such company as a self-insurer agrees to indemnify the Municipality against such personal injury and property damage.

(B) Any person, firm, corporation or utility that commences excavation in the Municipality shall be responsible for properly guarding the area by suitable lights and barricades in accordance with provisions of the Ohio Manual of Uniform Traffic Control Devices. In the event that any excavation or opening is not properly barricaded and lighted at any time, the Police Department or the Municipal Manager may cause said barricading and lighting to be done. Any expense in connection with the material for proper barricades and lights and the labor of Municipal employees incurred by the Municipality in barricading and lighting the area shall be charged to the performance bond or cash deposit.

(C) Every excavation or opening shall be repaired and the pavement or surface restored to its previous condition in accordance with specifications to be established by the Municipal Engineer and Municipal Manager. Every excavation or opening shall be repaired and the pavement or surface thereof restored to its previous condition within a period of one week from the commencement of such opening or excavation, unless the Municipal Manager has authorized in writing an extension of the permit. If such opening or excavation is not filled and completed within a period of one week, or such additional time extension as approved by the Municipal Manager, the Municipal Manager may have such work performed by Municipal employees or an independent contractor and the cost thereof shall be charged to the performance bond or cash deposit. The performance bond or cash deposit shall not be released or refunded until the Municipal Manager and Municipal Engineer have determined that the excavation or opening have been properly repaired or restored to its previous condition, and that all damages arising from said excavation or opening have been paid. The performance bond or cash deposit, or a portion thereof, may be held as a maintenance bond for a period of two (2) years from the completion of the excavation or opening, in the event that the Municipal Manager determines that a maintenance bond is required.