

Chapter 903 EXCAVATION/OCCUPANCY REGULATIONS

903.01 Director's of Public Service or their designee's approval consent required.

- (a) All ~~public service agencies, companies or corporations,~~ persons and individuals wishing to dig into or open holes, ditches or trenches in the sidewalk, bikeway or roadway or to occupy the right-of-way of any streets, alleys or public ways of the city in order to place, extend or repair therein any pipes, conduits or wires, or for any other reason, shall at least ten (10) working days before proposing or preceding to do so, obtain a permit from ~~the consent of the Ddirector public service and/or their designee.~~ All such permit requests shall be submitted, reviewed, and approved, and all appropriate fees and deposits paid to the city, before such permit consent shall become effective. All such fees shall be credited to the Street Construction Maintenance and Repair Fund and submitted by the Ddirector of Public Service and/or their designee to the Ceity Treasurer. All deposits shall be returned upon completion and acceptance of the work. A record of permits issued ~~such written consent~~ shall be maintained by the Department of public service.
- (b) All ~~public service agencies, companies or corporations,~~ persons and individuals wishing to occupy the public right-of-way of any street, alley, sidewalk, bikeway, public way or paving of the city in order to repair, replace, renovate, extend, refurbish, alter, mark, decorate, install, or maintain any building, structure, surface, pole, conduit, pipe, wires, sign or graphic, cable, sewer or drain structure or building connection of any kind above, near or adjacent to said right-of-way shall, at least five (5) working days before proposing or preceding to do so, obtain a permit from ~~the consent of the Ddirector of public service and/or their designee.~~ All such permit requests shall be submitted, reviewed and approved, and all appropriate fees paid to the city, before such permit consent shall become effective. All such fees shall be deposited by the Director of public service or their designee with the Ceity Treasurer to the credit of the Street Construction Maintenance and Repair Fund. A record of permits issued ~~such written consent~~ shall be maintained by the Department of public service.
- (c) ~~Strict liability is intended for this section.~~

903.02 Supervision of Director of Public Service or their designee.

The Director of public service shall promulgate reasonable rules and regulations to carry out the provisions of this chapter. The Director public service and/or their designee shall supervise and control the work ~~done thereon~~ in the way and manner provided for the digging in and opening up of holes, trenches and ditches in any street, alley or public way of the city, in the sidewalk, bikeway or the roadway or to occupy the right-of-way thereof. The plan and manner of such work shall be as described by the Director of public service and/or their designee.

903.03 New pavement or repavement.

Upon the passage by the city council of any ordinance determining to proceed with the paving of any roadway, no permit will be granted to any person to make any opening in any new pavement or re-pavement of any street or alley, except for the purpose of repairing leaks in pipes, until after three (3) years from the date of the completion of such new pavement or re-pavement.

903.04 Restoration—Traffic obstructions—Damages.

Whenever any person shall have authority, as provided for by a permit issued pursuant to ~~in~~ C.C. Section 903.01, to excavate or dig in or to occupy the right-of-way of any street, alley, sidewalk, bikeway or public way, the person causing such excavation, digging or occupancy to be done shall complete the same such excavation or digging with all possible dispatch. The person shall fill in and cover over such excavation or digging in such manner, and by such time as may be required by the Director ~~public service and/or their designee~~, or shall be liable to the city for the expense thereof, if it be filled in or covered by the city. During the progress of any such work at least one-half (½) of the street or alley shall be kept open and free for the passage of vehicles, except when in the opinion of the Director ~~public service and/or their designee~~ the street or alley must be closed to facilitate the work to be done. The person so causing any such excavation, digging, or occupancy to be done shall be liable for all damages to persons or property which in any way result therefrom.

- (a) Wherever work within the public right-of-way creates an obstruction or hazard to pedestrian or vehicular traffic, temporary traffic control measures shall be installed and maintained in accordance with any maintenance of traffic plans approved by the Director and required by the permit.
- (b) Permit related roadway, and/or travel lane closures shall be reported in accordance with the rules and regulations promulgated by the Director.
- (c) When steel plates are used to protect open excavations they shall be secured and maintained in accordance with the Department's standard drawing 1441, which outlines those requirements. The locations of where steel plates are installed shall be reported in accordance with the rules and regulations promulgated by the Director.

903.05 Restoration regulations.

(a) It is the duty of each and every owner of real estate, and of the agent or lessee of such owner, and of any and all persons ~~and every other person~~ who shall, under pursuant to the authority provided for in CC. Section 903.01, open, excavate or occupy the right-of-way or cause or permit the same, whether under contract with the city or otherwise, any street, alley, sidewalk, bikeway or other public way within the corporate limits, for any lawful purpose whatsoever, immediately upon completion of such work, to cause it to be put back and placed in reasonably close conformity to the condition existing before such work began. This work shall include, but is not limited to the following:

(1) For the purpose of laying or repairing any:

Water pipe for the conveyance of water;

Gas pipe for the conveyance of gas; or

Sewer pipe for the conveyance of drainage or sewerage;

Construction of any kind of sewer or other drain structure;

Electric or cable type conduit of any kind; or

(2) For the purpose of making house connections of any kind whatsoever; or

(3) For placing or repairing any overhead lines or other similar facilities; or

(4) For opening, excavating or occupying the right-of-way, or cause or permit to be opened, be excavated in or to occupy the right-of-way, of any such street, alley, sidewalk, bikeway or other public way, for any lawful purpose whatsoever.

(b) The aforesaid work shall include the proper and thorough compacting and settling of the earth displaced, replacement of backfill, subbase or pavement as required by current city standards and in accordance with the current Construction and Material Specifications of Columbus (CMSC). The top of any such opening shall be laid with the same or nearly the same kind of material(s) as the CMSC permit as composed the surface thereof before such opening and in the same manner and upon the same level as it lay before such opening was made.

(c) All of the aforesaid shall be done before leaving such work, and immediately after the accomplishment of the purpose of such opening or occupancy of the right-of-way, so that the street, alley, sidewalk, bikeway or other public way so opened shall, immediately after such work is done, be placed in reasonably close conformity to the original condition in every respect, as it was before such work was commenced. The duty of so closing up such openings or excavations is also imposed upon any contractor and any officer and upon any and all other persons under whose direction, supervision or oversight such opening is made, or upon whose request, permission or cooperation such opening is made.

(d) It is the duty of the ~~D~~irector of ~~public service and/or their designee~~ to require and see that the provisions of this section are strictly, promptly, fully and carefully carried out and enforced.

(e) All work performed pursuant to this section shall be done in accordance with any applicable permit conditions and restrictions, required inspections, and the rules and regulations for this chapter.

903.06 Protection and lighting required.

(a) Whenever any excavation or trench work or vault grating or other opening in any street, alley, sidewalk, bikeway or public way of the city shall be opened for use, or otherwise, it shall be carefully protected in such manner as to prevent accidents. If opened during nighttime, the opening shall be protected with a yellow steady burning lamp.

(b) No person having charge or control over any vault, area, cellarway or other opening in any street, alley, sidewalk, bikeway or public way of the city, or of the house or building to which the same is attached, shall permit the same to remain open and unprotected, at any time, or to become out of order or repair.;

(c) Such protection, including traffic control devices, shall meet current standards and specifications. All traffic control devices used for maintenance of traffic shall conform to the state of Ohio Department of Transportation's "Manual of Traffic Control for Construction and Maintenance Operations" or similar standards in effect at the time.

903.07 – Annual Blanket Right-of-Way Occupancy Permit.

(a) A holder of a current right-of-way permit issued in accordance with Chapter 910, and the holder's contractor, may apply and obtain separate Annual Blanket Right-of-Way Occupancy Permits. This permit may be used for the purpose of performing the maintenance, installation, and/or removal of the holder's facilities that do not require any excavation within the public right-of-way. Said permits shall be issued on an annual basis and expire at midnight on December 31st of each year.

(b) Annual Blanket Right-of-Way permits may be duplicated and distributed within the permit holder's company as necessary to support aforementioned activities. Copies shall not be distributed to contractors working for the holder. If such permit is necessary for a contractor, that contractor shall obtain that contractor's own permit, which may then be shared throughout that contractor's company as necessary. A

valid permit, in the name of the person at each right-of-way occupancy location, must be available and on display at each job site location.

903.99 Penalty.

(a) ~~Whoever~~ Subject to the provisions of Section 908.02, ~~a~~Any person who violates any provision of this chapter shall be ~~deemed~~ guilty of a misdemeanor of the first degree ~~misdemeanor and fined not exceeding one thousand dollars (\$1,000.00), or imprisoned for not more than six (6) months, or both. Each successive day of~~ Any such violation shall constitute a separate offense ~~on each successive day continued.~~

(b) Strict liability is intended for violations of this chapter.

(c) Organization criminal liability as provided for in City Code Section 2301.23, is intended for violations of this chapter.