

ORDINANCE NO. O-18-25

AMENDING CHAPTER 901 STREET OPENINGS OF THE WILMINGTON
CODIFIED ORDINANCES

WHEREAS, Chapter 901 Street Openings of the Wilmington Codified Ordinances was last updated in 1980.

WHEREAS, City Council desires to amend certain sections of Chapter 901 Street Openings of the Wilmington Codified Ordinances, in order for permit fees and right-of-way opening procedures to conform to current standards.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

[Additions to the CODIFIED ORDINANCES are in **bold** and deletions are lined through or noted below]:

Section 1. That Chapter 901 STREET OPENINGS be, and hereby is, amended to read in full as follows:

901.01 PERMIT REQUIRED

No person shall make an opening in or dig up or into any of the streets, alleys, public places or sidewalks, or disturb in any way the surface or subsurface of any street, alley, public place or sidewalk within the City, without having first obtained from the Director of Public Service a written permit therefor. Applications for openings permits shall be made on forms provided by the Director and shall state the size and location of the proposed opening and the ~~kind of paving~~ **proposed restoration technique**.

901.02 FEES

An applicant for a permit shall pay a fee of ~~two dollars (\$2.00)~~ **fifty dollars (\$50.00)** per **hard surface** opening and **\$20.00 per soft surface opening** to the Service Director, upon which a permit will be issued if the applicant furnishes a performance bond, pursuant to agreement with the Service Director, to secure satisfactory workmanship in opening and closing the street, and ensures that all work is done and completed in accordance with and to the satisfaction of the Service Director.

901.03 EMERGENCY WORK

Where, because of a leak in a water or gas main, or a break in an electric conduit, or other serious accident, the public safety requires immediate action, the work may be commenced and may proceed without a permit, but the permit shall be obtained as soon after the accident as possible.

901.04 LIMITATION ON OPENING.

During a period of three years from the completion and acceptance of a new pavement or top on any street or sidewalk, no permit for making an opening in such pavement shall be issued, except by special permission of ~~Council~~ **the Planning Commission**, or except in the case of casualty in subsurface pipes, mains or ducts. Lack of foresight in not installing service connections prior to the laying of a new surface shall not be considered as an adequate reason for the abrogation of the three-year restriction.

901.05 TEST HOLES

In the case of openings commonly designated as "test holes", a fee of ~~two dollars (\$2.00)~~ **fifty dollars (\$50.00)** per series of openings shall be paid and, not later than three days after the drilling of such holes, the same shall be ~~filled with sand and sealed with hot tar or asphalt~~ **restored in conformity with current City of Wilmington Standard Plans and Specifications** by the permit holder.

901.06 RESTORATION OF PAVEMENT

In all cases other than test holes, the permit holder shall, immediately upon completion of the work, ~~refill all trenches within the street right of way with pit run gravel to within ten inches of the top of the trench, and in any street, curb, driveway or sidewalk area, the top ten inches shall be filled with crushed gravel or limestone; in other areas the top ten inches shall be filled with dirt suitable for seeding. The trench so refilled shall be maintained by the permit holder for a period of fourteen days after completion, whereupon the permit holder shall then pave and restore any such street, curb, driveway or sidewalk area~~ **restore all pavement, sidewalks, and soft surface areas in conformity with the current City of Wilmington Standard Plans and Specifications.**

(Ord. 1314. Passed 1-7-71.)

901.07 WARNING SIGNAL REQUIRED

Any person who shall make an excavation in, beneath or upon any sidewalk, street, public place or grounds, or place any obstruction thereon, shall supply such obstruction or excavation, during the hours of darkness each night, with a yellow light so placed at or about such excavation or obstruction as to serve as a danger signal.


901.99 PENALTY

Any person who violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both.

Section 2. That each and every section of Chapter 901, Street Openings, of the Codified Ordinances, except those sections identified and amended in Section 1 of this ordinance, are hereby ratified and republished and incorporated herein by reference as though fully rewritten herein.

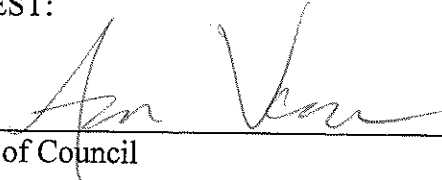
Section 3. That this ordinance shall be effective from the earliest period allowed by law.

Passed this 19th day of April, 2018



President of Council

ATTEST:



Acting Clerk of Council

Approved by me this 19th day of April, 2018



Mayor