

CODIFIED ORDINANCES OF ROCKY RIVER

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Streets and Sidewalks

- Chap. 901. Street Openings
- Chap. 903. New Streets and Sidewalks
- Chap. 904. Sidewalk Maintenance
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Ordinance No. 47-89. Passed by the Rocky River City Council on July 10, 1989

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CHAPTER 901
Street Openings

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| 901.01 Permit required. | 901.07 Plate covering; barricades and warning lights. |
| 901.02 Hazardous openings prohibited. | 901.08 Permit expiration; time limits for work. |
| 901.03 Permit fee and deposit. | 901.09 Special utility inspection services. |
| 901.04 Liability for damages. | 901.99 Penalty. |
| 901.05 Temporary filling. | |
| 901.06 Restoration; deposit refund. | |
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CROSS REFERENCES

- Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01
 - Openings by the City - see Ohio R.C. 723.02
 - Surface treatment - see Ohio R.C. 723.23
 - Excavation liability - see Ohio R.C. 723.49 et seq.
 - Compulsory service connections - see Ohio R.C. 729.06, 743.23, 743.37
 - Street obstructions - see TRAF. 311.01
 - Driving on street posted closed for repair - see TRAF. 331.26
 - Disturbing the peace; construction hours - see GEN. OFF. 509.08
 - Barricades and warning lights - see GEN. OFF. 521.03
 - Permit to obstruct tree lawns, streets and sidewalks - see S.U. & P.S. Ch. 909
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901.01 PERMIT REQUIRED

No person shall make any excavation, trench or other opening in the vehicular traveled portion of any street, alley or other public roadway or tunnel under such roadway from one side to another, without first obtaining a permit from the Director of Public Safety-Service. (Ord. 185-62. Passed 11-12-62.)

901.02 HAZARDOUS OPENINGS PROHIBITED.

No permit shall be issued for any excavation, trench or other opening in any street which will seriously impair the use of the street by the public or create a serious traffic or other like hazard. (Ord. 2766. Passed 7-26-54.)

901.03 PERMIT FEE AND DEPOSIT.

The fee and deposit required for the issuance of such permit shall be as set forth in Section 1321.05 of the Codified Ordinances. The deposit shall be for the purpose of covering the cost to replace any pavement removed and/or restore the street, alley or roadway to its original condition. (Ord. 38-76. Passed 6-14-76.)

901.04 LIABILITY FOR DAMAGES.

The full primary responsibility of any excavation, trench or other street opening shall be that of the permit applicant who shall at all times keep the same properly guarded and enclosed so that the safety of persons and vehicles using the street, alley or roadway will be assured. This responsibility shall continue until permanent replacement of the pavement or the roadway surface to its original status is made, and shall include the defense, settlement and payment of any and all claims actions and court judgments for damages or injuries to anyone, arising in any way, out of the creation or maintenance of the excavation, trench or other street opening by the permit holder. (Ord. 2766. Passed 7-26-54.)

901.05 TEMPORARY FILLING.

All temporary filling of such excavation, trench or other street opening shall be the responsibility of the permit holder until the permanent replacing of the paving or other road surface over the street opening is completed. All temporary fills shall be of such quality and composition as may be required by the City and shall at all times be kept even with the existing road surface level. (Ord. 185-62. Passed 11-12-62.)

901.06 RESTORATION; DEPOSIT REFUND.

In the event the permittee or his agent desires to replace and restore the pavement to its original condition, the deposit shall be returned to the permittee only after the work is completed to the full satisfaction of the Director of Public Safety-Service and according to City plans and specifications. In the event the City replaces and restores the pavement to its original condition, the charge for such services shall be in accordance with Section 1321.05 of the Codified Ordinances. The balance of the deposit shall be returned to the permittee after completion of the work by the City and upon application from the permittee. (Ord. 38-76. Passed 6-14-76.)

901.07 PLATE COVERING; BARRICADES AND WARNING LIGHTS.

The City may require that all open trenches or unfilled openings be covered by a metal plate sufficient to maintain uninterrupted vehicular traffic and may further specify the type and number of barricades and warning lights as may be necessary to reasonably and adequately protect pedestrian and vehicular traffic against accidents. (Ord. 185-62. Passed 11-12-62.)

901.08 PERMIT EXPIRATION; TIME LIMITS FOR WORK.

Unless otherwise extended by the Director of Public Safety-Service, all permits shall be effective for a maximum period of thirty (30) days. All work shall be promptly commenced and performed without any unnecessary or undue delay. Openings or trenches shall not be allowed to remain in an open condition for any period longer than is reasonable or necessary to expeditiously complete the work. (Ord. 185-62. Passed 11-12-62.)

901.09 SPECIAL UTILITY INSPECTION SERVICES.

No permit fee shall be charged under this Chapter to East Ohio Gas, Cleveland Electric Illuminating or Ohio Bell Telephone for street openings. However, each of these utilities shall be required to have the services of the City Inspector available at all times for the supervision of work within the street right of way, and shall compensate the City for the services of this Inspector in accordance with Section 1321.03 of the Codified Ordinances. (Ord. 38-76. Passed 6-14-76.)

901.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.
(Ord. 7-82. Passed 2-8-82.)