

ORDINANCE NO. 22-56

By Mr. Hunt

To provide that permits must be obtained prior to the construction of general improvements and to declare an emergency.

Whereas, the availability of public utilities and services for the provision of water, light, communication, sanitation, drainage, transportation, power and similar or related purposes is of the utmost importance to the public health, peace, safety and general welfare of the residents of this city, and

Whereas, it appears probable that one or more of said services or functions now being performed, in whole or in part, by organizations or agencies other than this city may, at some future time, be required to be provided by this City, and

Whereas, it is essential that the necessary locations, rights-of-way and facilities be available to this City at such time as it may undertake to furnish said services, and

Whereas, there is danger of the appropriation to purposes other than the public uses of this City of certain locations, rights-of-way and facilities which will be required by the City in the performance of contemplated services and functions for its residents, and

Whereas, the construction and operation of electric transmission lines, pipe lines, sewers and other physical structures and improvements are associated with such potential hazards to the public health and safety as to require strict supervision and regulation of their design, specification and operation.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. That no storm or sanitary sewer, gas, water, electric power or telephone line or other structure or facility constructed or intended for use in connection with such lines shall be constructed above, below or upon the surface of the ground within the limits of the City of Bexley, until permission therefor shall have been granted by the council of this City. The person, firm or agency seeking such permit shall make application therefor to the Service Director and shall file with such application, detailed plans and specifications, which plans shall show the proposed locations of all lines, structures or other improvements, together with information as to the purpose of said construction, the area to be served thereby and such other information as the City Engineer may deem pertinent. Such application and related information shall be submitted to the City Engineer for his study and recommendation to council from an engineering standpoint, and shall also be submitted to the Planning Commission for its study and recommendation as to the effect of said construction on city planning and development. The permit shall be denied if the Council finds that such construction and operation will constitute a hazard to the public health or safety, or will have a seriously adverse effect on city planning and development, or will preempt a location, right-of-way or facility that may be reasonably necessary to the future provision of streets, public utilities, functions or services by the City which may reasonably be anticipated to be required of the City. In passing upon the application for a permit, the Council shall take into consideration the availability to the applicant of other means of extending its services, by alterations of its plans, specifications or locations, should the granting of such permit be deemed to conflict with the interests of this City.

Section 2. The provision of this ordinance shall apply to all persons, firms, corporations, municipalities or agencies, public or private, other than the City of Bexley and persons, firms and corporations contracting with the City for such construction, and shall apply whether the proposed construction is to be undertaken

on public property or privately owned land, provided however, that the construction of private or domestic service lines from an existing service or transmission line to service a parcel of ground or building thereon shall be exempt from the provisions of this ordinance. The Council may adopt regulations relative to such proposed construction and delegate to the City Engineer or other public officer or employee the right to grant such permits upon a finding that the proposed construction complies with such regulations in all respects.

Section 3. Any person, firm, partnership, corporation or corporations who shall violate any of the provisions of this ordinance, or any section, or any clause or provision of any section of this ordinance, or who shall fail to comply with any of the requirements thereof, or shall assist in any such violation shall, for each and every violation and non-compliance, be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not less than ten dollars nor more than two hundred dollars or imprisoned not more than one month, or both, at the discretion of the court.

Section 4. The continued violation of any provision of this ordinance shall constitute a separate offense, under this ordinance, for each and every day such violation or any of the violations of this ordinance shall continue.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City of Bexley for the reason that various uses of property inconsistent with the plan of the city development are believed to be imminent and such uses would nullify such orderly plan of development, and said ordinance shall go into immediate force and effect.

Passed: May 9, 1956

Attest: *R. Russell*  
Clerk of Council

*[Signature]*  
President of Council

Approved: May 9<sup>th</sup> 1956

*[Signature]*  
Mayor