

SUBSTITUTE ORDINANCE NO. 28-93BY: Richard F. Weber

An Ordinance to amend Sections 1020.01 through 1020.03 of the Codified Ordinances of the City of Bexley to reflect current practice with regard to excavations on City-owned property.

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

Section 1. That Sections 1020.01 through 1020.03 of the Codified Ordinances of the City of Bexley be amended to read as follows:

1020.01 PERMIT REQUIRED.

No person shall excavate any well, sink, cistern, hole, pit, trench, ditch or drain or otherwise dig in any street, alley, sidewalk, ~~gutter or public ground~~ TREE LAWN, CITY PARK, OR OTHER CITY RIGHT-OF-WAY to a depth in excess of twelve inches for any purpose, or cause or assist the same to be done, unless he first obtains a written permit therefor from the Superintendent of Buildings CITY OF BEXLEY for that purpose.

1020.02 DUTY TO REPORT DAMAGE.

Any property owner or other person, either by himself or through his agent, servant, EMPLOYEES or by contract with any other person, who excavates or digs in any street, alley, sidewalk, ~~gutter or public ground~~; TREE LAWN, CITY PARK OR OTHER CITY RIGHT-OF-WAY for any purpose, or who causes or assists the same to be done and who damages or injures any electric wiring, cable, sewer, drain, WATERLINE or other underground improvement belonging to the City, shall immediately report such damage to the Superintendent of Buildings of the City SERVICE DEPARTMENT and shall be responsible to the City for the damages so done.

1020.03 ~~USE OF STEAM OR POWER SHOVELS~~ USE OF POWER EQUIPMENT.

(a) Except as hereinafter provided, no person shall use or operate, or cause to be used or operated, any ~~steam shovel or other digging appliance or machine~~ EQUIPMENT for digging or excavating below the established or existing curb grade in any street, or below the established or existing grade of any alley, in the City, OTHER THAN CITY EMPLOYEES, WITHOUT FIRST OBTAINING AN EXCAVATION PERMIT AND A STREET OPENING BOND. However, this section shall not apply in the case of the construction and repair of public improvements, REQUESTED AND APPROVED BY THE CITY, in such streets or alleys.

~~(b) -- Due to the problems of getting hand labor, owners of such power operated machines may apply at the City offices to permit the use of such machines outside of the lot line. -- If permission is given, it will be necessary for such owner to deposit with the City a minimum of twenty-five dollars (\$25.00) to insure the cost or part thereof to replace or repair any damage to any or all of the utilities and property named in subsection (d) hereof.~~

(e)(B) The permit AND BOND referred to in subsection (b)(A) hereof must be obtained ~~from the Superintendent of Buildings CITY~~ before any work is started ~~outside of the lot line~~ and the issuance of the same does not in any way relieve the owner or operator or such ~~machine~~ EQUIPMENT from the payment for any damage to any of the utilities and property named in subsection (d)(C) hereof.

(d)(C) Utilities and property to be protected; ~~as provided in subsections (b) and (c) hereof~~, are sewers, water lines, gas lines, ELECTRIC LINES, cables, trees, lamp standards, signs, sidewalks, curbs, street pavement and any other utility or facility that may be within the area above mentioned. When excavation is in progress, it is the duty of the owner or operator to protect the same with barricades and warning lights, the latter to be used at night. WHEN NECESSARY, THE OWNER OR OPERATOR SHALL PROVIDE UNIFORMED SPECIAL DUTY OFFICERS TO CONTROL TRAFFIC. Trenches that have been filled and then settled are within the scope of this section.

~~(e) The deposit of twenty-five dollars (\$25.00) or more or any portion thereof shall be returned to the depositor upon presentation of the receipt therefor after all liability and responsibility cease to exist in the opinion of the Mayor.~~

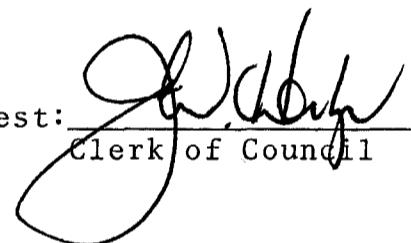
Section 2. That existing Sections 1020.01 through 1020.03 of the Codified Ordinances of the City of Bexley are hereby repealed.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

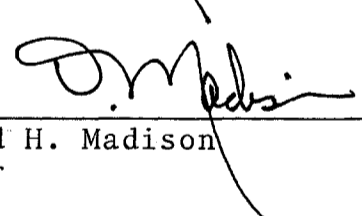
Passed: June 8, 1993



President of Council

Attest: 

Clerk of Council

Approved: June 8, 1993


David H. Madison
Mayor

085/excavate

1st reading - May 11, 1993
2nd reading - May 25, 1993
3rd reading - June 8, 1993
Substituted & Adopted