

TEMPORARY ORDINANCE NO. 8-13*

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ADOPT AMENDED CHAPTER 901 EXCAVATIONS AND
REPEAL EXISTING 901 IN ITS ENTIRETY, AND TO DECLARE AN
EMERGENCY

WHEREAS, the management of street excavation needed to be updated to protect
and maintain the City streets; and

WHEREAS, the Public Works Committee has recommended changes to Chapter
901;

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

SECTION 1. That Chapter 901 be amended pursuant to Exhibit A.

SECTION 2. That existing Chapter 901 be repealed in its entirety.

SECTION 3. This Ordinance is declared to be an emergency measure necessary
for the immediate preservation of the public peace, health and safety of the City, and for the
further reason that this Ordinance is required to be immediately effective in order regulate
street excavation as spring construction season begins, wherefore this Ordinance shall be in
full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Public Works Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____,
2013 and _____, 20_____ the Lancaster Eagle Gazette
published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

CHAPTER 901
Excavations

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901.01 GENERAL PROVISIONS.

A. Authority. Chapter 901 of the Lancaster City Code requires any person or agency desiring to excavate in or to occupy Public Right-of-way for any purpose whatsoever to first obtain a permit. Such permits are issued by and through the **Service-Safety Director or designee** in accordance with the provisions of this regulation.

B. Type of Permits. There are three types of permits: Excavation, Occupancy and Blanket.

- (1) Excavation permits: This type of permit is required when excavating within the right-of-way of any public street or alley. The work covered by this permit includes excavations in street or alley pavement, sidewalk or driveway, or the non-paved area within the right-of-way for any purpose whatsoever.
- (2) Occupancy permits: This type of permit is required when it is necessary to occupy, limit access to, or close the right-of-way of any public street or alley with vehicles, equipment or materials for an extended period of time for the purpose of providing services to any privately owned utility, building or property. Planned activities, demonstrations or similar event requiring the partial or complete closure of the right-of-way under LCO 311.02
- (3) Blanket permits: This type of permit is only available to applicants that routinely utilize public right-of-way for the maintenance, repair, or service of privately owned and operated utilities. Any significant expansion of or repair to an existing private utility system requires a separate excavation permit. Blanket permits may be issued at the discretion of the City to other businesses, e.g. tree planting/trimming operations, street light installations etc., which frequently work within the right-of-way in multiple locations and over an extended period of time with minimal impact to traffic. Blanket permits require the establishment of a minimum fifteen thousand dollars (\$15,000) bond, letter of credit, or other surety acceptable to the Service-Safety Director and are issued for a one-year period beginning January 1st of each year. If the Service-Safety Director or designee determines that the repair shall exceed more than \$15,000 the bond shall be equivalent to the repair costs as estimated by the Service-Safety Director or designee. In all cases, recipients of blanket permits are subject to the traffic maintenance requirements of Section 901.08 and responsible for notifying the City of the proposed work and schedule.

C. Permit Required. Permits are required when placing, extending, or repairing any pipes, conduits, wires, meter pits, roadway structure or appurtenances, working on or in a building or for any other purpose requiring the use of public right-of-way. Right-of-Way permits are not for, nor will they be issued for street vendors acting independently or as part of a large planned activity or for routine service to mail boxes or newspaper distribution boxes. The City of Lancaster departments are required to file a Pavement Excavation Report with the Service-Safety Director or designee but are otherwise exempt from this section.

D. Application and Review. Requests for excavation or occupancy permits shall be made through the **Service-Safety Director or designee**. All requests shall be on approved forms and shall conform to Section 901.02. No work may begin until a permit has been approved, except as provided for in Section 901.05.

(1) Occupancy permits.

- a. Unimproved street, alley, or right-of-way. Requests to place equipment, supplies or materials into or otherwise occupy or barricade the right-of-way of any improved or unimproved street, alley or public way shall be subject to approval at the time of application provided required fees are paid in

full.

- b. Permit not required. Permits are not required for motorized service vehicles (e.g. lawn care, delivery or other service related businesses) legally parking or occupying any parking zone. Construction related equipment making limited deliveries such as the off-loading of landscaping or building materials, masonry block, stone or concrete deliveries do not require a permit but must adhere to the traffic control requirements as set forth in Section 901.08.
- c. Construction equipment. Construction equipment or materials requiring the stationary occupancy of the right-of-way such as the use of cranes or other hoisting equipment or stockpiling or storage of materials or supplies must obtain an occupancy permit in accordance with this section.
- d. Waste containers/dumpsters. Waste containers or other trash collection receptacles placed within a public roadway, alley or sidewalk require an Occupancy Permit and are subject to the requirements of Section 901.13.
- e. Full road closure. When the Occupancy Permit is for a full road closure, permit request shall be submitted at least 20 working days in advance.
- f. Full road closure-major event. When a full closure is for a major planned event requiring the establishment of traffic detours or other special measures to ensure proper traffic circulation, the submittal shall be a minimum of 20 working days in advance.
- g. Review. All occupancy permit applications shall be submitted in accordance with subsection (D) hereof shall be reviewed by the Fire, Certified Building Department, Department of Engineering, Department of Transportation and Police Department, if it is determined that police involvement is required for the requested work.

(2) Excavation permits.

- a. Unimproved road, alley, right-of-way. Requests to work within or to dig into or open holes, ditches or trenches within the right-of-way, but outside of any paved roadway, shall be subject to approval at the time the application is submitted and required fees or deposits are paid in full.
- b. Improved street, alley or right-of-way. Requests to work within or to dig into or open holes, ditches or trenches in the roadway pavement of any improved street, alley, or public way shall be submitted, allowing up to 96 hours for approval in order to provide opportunity for review.
- c. Multiple excavations. A single application can be submitted for multiple excavations however all work is to be completed within 180 days and each excavation site is subject to the advance notification requirements of subsection (F)(1) hereof.
- d. Permit submittals. The permit request shall include all plans, details and specifications as set forth in Section 901.03 for all work being applied for in the permit. When the request requires partial or complete closure of a road, a proposed traffic control/detour plan shall be submitted with the permit application.
- e. Lane restriction. Work requiring lane restrictions or road closures is subject to the additional advance notification requirements of subsection (F)(2) hereof. Submitted plans shall be reviewed by the Fire, Certified Building Department, Department of Engineering, Department of Transportation and Police Department if it is determined that police involvement is required for the requested work.
- f.

E. Permit Issuance and Reissued Permits. A permit may be issued by the Service-Safety Director or designee after a permit application has been reviewed and approved within the time frames

established in subsection (D) hereof. Permits shall be issued for a maximum period of 180 days. It will be the applicant's responsibility to resubmit for another permit in the event an approved permit has expired. Fees for a reissued permit are in Section 901.07(A). The Service-Safety Director or designee may approve permits for extended time periods for major construction areas, highway improvement plans or ongoing maintenance operations.

F. Advance Notification Requirements for Approved Excavation Work. This notification is in addition to the time required for initial permit review and shall apply to all work requiring excavation within the public right of way. Acceptable notification shall be by electronic notification to the Service-Safety Director or designee. Electronic notifications must include the approved permit number, contractor name and telephone number and the proposed work schedule. Work commencing without appropriate notification shall be subject to the City ordering the work to cease until all required notifications and meetings have occurred.

- (1) Minimum notification. A minimum 96 hour advance notification shall be made to the Service-Safety Director or designee for all projects requiring any excavation work whatsoever within the public right-of-way except for sidewalk and driveway approach work that must meet the requirements of Section 901.06(a).
- (2) Lane closures. Prior to beginning a lane closure of any roadway, a minimum of 96 hours advance notice shall be provided by contacting the Service-Safety Director or designee as indicated on the permit.
- (3) Full closure. Prior to implementing the complete closure of a street, a minimum of (20) working days advance notice shall be provided by contacting the Service-Safety Director or designee as indication on permit which shall be provided to allow for proper notification of Safety and Emergency Forces, local industry and businesses as deemed necessary by the City. The permittee or his agent shall contact the Engineering Department as indicated on the permit to establish the construction schedule.
- (4) Emergency Exceptions. Pursuant to 901.05.

G. Liability. The issuance of an Excavation or Occupancy Permit does not relieve the agency or agent requesting the permit from liability for any damage that might occur to the roadway, the public, or personal property while performing work authorized by the permit. The Permit holder shall indemnify the City against all claims, costs, and attorney fees arising from permit holders project. Permit holder shall add the City of Lancaster as an insured party during the scope of the project and provide the City of Lancaster with a copy of the Certification of Coverage.

H. High Impact Areas. For purposes of this regulation, High Impact Areas are defined below. High impact areas may require the additional approval of other government agencies as well as special construction and restoration materials, specifications and procedures.

- (1) Memorial Drive.
- (2) Downtown Improvement Areas.
- (3) All State and Federal routes and all high traffic areas as defined in the City's Access Management Plan.

901.02 FORM OF PERMIT APPLICATION.

A. Excavation or Occupancy Permit requests shall contain but not be limited to the following information:

- (1) Name of applicant or agent making request.
- (2) Address of applicant or agent.
- (3) Contact Name and phone number (a 24-hour emergency number is needed if not the same).
- (4) Location of work-be specific-provide street name and specify limits (house number as applicable); lane requirements, sidewalk, etc.
- (5) Anticipated dimensions of trench (width, length, and depth)

- (6) How long permit is needed (maximum 180 days).
- (7) Proposed work hours if applicable, state if a complete closure is desired.
- (8) Purpose of request (Utility placement, working in roadway structure, working on or in a building, etc.), provide address when appropriate.
- (9) When work is to begin and completion date (required to issue permit).
- (10) Traffic control needs (full closure, number and location of lanes to be closed, etc.) in accordance with the OMUTCD, provide adequate maintenance of traffic notes/details.
- (11) Plans as required by Section 901.03.
- (12) If used for vehicle occupancy, type and number of vehicles at site.
- (13) Haul Route detail (if applicable).

901.03 PERMIT PLANS.

A. Whenever an excavation is to be performed within the right-of-way, the permit application shall be accompanied by detailed work plans. The plans shall be of suitable size, clarity and scale to show the nature of the work to be performed. The City utilities shall be shown on the plans in as much as information is available from searching City records. All conflicts with any City facility shall be resolved to the satisfaction of the owner Division. The following information shall be included in all plans:

- (1) Provide the property/street address of the proposed work location.
- (2) Utility trench data is to include estimated length, width, and depth dimensions.
- (3) Indicate if excavation is in pavement, sidewalk, driveway, or grass areas.
- (4) Make notation if a trench, push or bore method is involved.
- (5) Show distance off R-O-W or centerline.
- (6) Show edge of pavement and existing pavement markings.
- (7) Show details of proposed utility taps or other improvements.
- (8) Indicate type/model/manufacturer of all materials to be utilized for public utility repairs.
- (9) Ohio Utilities Protection Services ticket number once obtained.

901.04 RESTORATION.

A. Whenever any person or agency has the authority to excavate in any sidewalk, roadway or right-of-way of any improved or unimproved street, alley or public way, the person or agency causing such excavation shall be required to return, in accordance with current City standards, the right-of-way to essentially the same condition it was prior to the excavation or restore the same in such a manner and by such time as required by the City Engineer. All street, alley, sidewalk and driveway repairs shall conform to current City standards and specifications as specified by the City Engineer and on file in his/her office.

B. Restoration of any sidewalk, tree lawn, curb, street pavement, etc. shall occur no later than thirty (30) days after the conclusion of any utility repair or installation activity except in high impact areas per Section 901.01(h) which requires pavement restoration be completed within seven (7) days. Construction activity completed December through April shall have all permanent grading and seeding issues resolved no later than May 31st. Additional permits shall not be issued to the permittee until the violations are corrected to the satisfaction of the City Engineer. In addition, each violation may be dealt with in accordance with Section 901.99.

C. Any person making any pavement cuts with in the Right of Way exceeding 50 square feet or 25 lineal feet in the direction of travel within (5) years of the completion of a contract for the resurfacing of such pavement shall provide for the resurfacing of the entire width of the travel lane within which the pavement was cut. The resurfacing of the lane shall be accomplished within (30) days of when the pavement was cut. The resurfacing shall consist of planning and paving of the surface course of asphalt for a minimum length of (25) feet measured in the direction of travel. The new pavement shall be placed by an asphalt paving machine and compacted with a double steel drum

roller and shall be in accordance with the City standards and specifications. In all instances, the permit holder, where the roadway surface has been successfully repaired will be required to warranty repair area from sinking or other defects until the road or street has been resurfaced. At that time, the permit holder will be relieved of liability from that repair. A sufficient maintenance bond in an amount determined by the City Engineer shall be kept during the period from successful repair to resurfacing.

901.05 EMERGENCY REPAIRS.

A. When any public agency, or any private utility company or corporation must excavate in any improved or unimproved street in order to make emergency repairs necessary for the safety of the public, the same shall request a street excavation permit no later than the following working day and be responsible for the payment of all associated fees. In the event the repair work poses any safety hazard to surrounding residents or businesses, the agency making the repair shall be responsible for notifying the City of Lancaster Police Department at the commencement of any emergency repair activity. All permanent repairs shall conform to Section 901.04. Excavations shall not be backfilled until the repair area and excavation is inspected and approved by the City. Inspections can be arranged by contacting the Service-Safety Director or designee on the next business day or through the City Police Department during evening and weekend hours.

901.06 INSPECTIONS.

A. Inspection of work performed under all excavation permits shall be done by personnel of Service-Safety Director or designee. All excavation and paving activities within the public roads or right-of-way, excluding sidewalk and driveway approach repairs, require a minimum 24-hour advance notification to the Service-Safety Director or designee. An approved copy of the Right-Of-Way permit and accompanying Excavation/Compaction Requirement notes must be present with the contractor on the job site at all times. Failure to comply with any of these provisions may result in the temporary shut down of all construction activities.

- (1) Sidewalk, Driveway or Curb. Form inspection required before placement of concrete. The permittee shall call the Service-Safety Director or designee by 9:00 a.m. to schedule a required inspection for that day. Specific times are not guaranteed.
- (2) Utility Connections. Connections or repair to any public water line, sanitary or storm sewer requires inspection before backfill operation begins.
- (3) Backfill Compaction. Backfill installation shall be performed in accordance with City specifications and is subject to inspection and testing as directed by the City Engineer.
- (4) Final Inspection. When all work is complete. Upon a successful final inspection, deposits will be processed and returned to the permit holder.
- (5) Final Residential Lot Grade. Upon completion of all construction activities on a new or substantially modified residential home site, the City Service-Safety Director or designee Inspector shall perform a final grade inspection of both the property and surrounding right-of-way to verify for conformance with current construction regulations and to check for any damage to existing public infrastructure attributable to the associated construction activities.
- (6) It is the permit holder's responsibility to request inspections. Failure to obtain an inspection will result in requiring re-excavation of the location and replacement with approved materials in the presence of proper inspection personnel. In addition, this action may result in the forfeiture of 100% of all deposits, permits and fees on account and denial by the City of any future permit applications.

901.07 FEES AND DEPOSITS.

All private companies, corporations or individuals shall pay, at the time of permit application, certain fees as set forth below to cover the administrative costs of issuing the permit(s) and performing the required inspection(s). The actual fees are listed on the current fee schedule available at the Service-Safety Director or designee as established by administrative order of the Mayor.

A. Permit Fees: Permit fees shall be charged for the following permit applications and administrating, and inspection and are due at the time an application is submitted:

- (1) Excavation permits: Separate fee for each individual permit submitted.
- (2) Occupancy Permits: Separate fee for each individual permit submitted.
- (3) Blanket Occupancy Permits: Annual fee expiring on December 31st.
- (4) Dumpster/Container Fees: Separate fee for each individual permit submitted.
- (5) Parking Sign Fees: Fee per each sign affected.

B. Street Excavation Bond: The Contractor Registration Bond required under LCO 1341 shall serve as the Street Excavation Bond for purposes of this section. If the project scope exceeds the amount of the Contractor Registration Bond as determined by the Service-Safety Director or designee, an additional bond above and beyond the Contractor Registration Bond required in LCO 1341 shall be required. A corporation may register under LCO 1341 for purposes of this section. If the project scope exceeds the amount of the contractor registration bond as determined by the Service-Safety Director or designee an additional bond above and beyond the contractor registration bond required in LCO 1342 shall be required. A corporation may register under LCO 1341 for purposes of this section.(c).

C. Additional Inspection Fees: If, in the opinion of the Service-Safety Director or designee, additional inspections are necessary in the form of a stand-by construction inspector being assigned to monitor the associated construction activity, the permittee shall be notified prior to approval of the permit application to discuss the inspection requirements. The permittee shall be responsible to pay for the cost of such stand-by inspection services at the current city hourly rate for construction inspection services. The permittee shall be invoiced for the total stand-by construction inspection fees, once it has been determined that the work has been completed in a satisfactory manner.

901.08 TRAFFIC CONTROL.

Traffic control devices shall be furnished, erected, maintained, and removed by the permittee in accordance with guidelines published in the manual of Ohio Uniform Traffic Control Devices most current version. Any specific condition attached to the permit by the Service-Safety Director or designee shall take precedence over both the manual and plan notes. All traffic control devices used for night work including barrels, cones, barricades, etc., must be equipped with high intensity reflective film.

901.09 EXCAVATION IN NEW PAVEMENT.

Permits granted to any person or agency's to make any opening in the new pavement or repavement of a street or alley that is less than five years old shall be subject to the provisions of Section 901.04 and any additional restoration requirements deemed necessary by the Service-Safety Director or designee including but not limited to pavement heat welding, additional milling and paving and re-striping.

901.10 FAILURE TO PERFORM REQUIRED WORK/STOP WORK ORDER.

Failure of any permit applicant to complete all of the approved work within the allotted time frame or to City Specification may result in the City issuing a stop work order and contracting out the remaining construction activities and repairs as required. The applicant will be responsible for all administrative, material and labor costs associated with the repair in addition to any fines as identified in Section 901.99. The City may utilize the Street Excavation Bond described in Section 901.07(B) to offset costs of making repairs.

901.11 STEEL ROADWAY PLATES.

The City requires that all companies, corporations, or individuals placing steel roadway plates

in the right-of-way of any street, alley, or public right-of-way notify the **Lancaster Department of Transportation** upon placement and removal of any plate. The contractor name, employee contact name with a 24-hour emergency telephone number, location and number and size of plates, and the approximate number of days planned for placement shall be submitted by telephone during business hours 7:30 a.m. - 4:00 p.m.. Any plates set outside of business hours must be reported to the Lancaster Police Department. All plates over open excavations shall be held in place by the use of four pins or placement of bituminous asphalt continuously on all four edges, and must be marked by signage per the OMUTCD.

901.12 EMERGENCY PHONE NUMBER POSTING.

The permit holder shall post in a conspicuous place at the job site a sign with a 24-hour emergency phone number. This shall be required whenever any travel portion of a lane or a sidewalk is barricaded, steel plates are placed, or temporary pavement backfill has been placed.

901.13 DUMPSTERS/CONTAINERS.

All dumpsters or containers placed within the public right-of-way must have an occupancy permit. This regulation does not apply to the trash containers placed or approved by the Sanitation Division. Occupancy permits for dumpsters or containers may be issued to the vendor who supplies them or the permittee requesting the use of one. The vendor shall be responsible for providing a dumpster or container in compliance with current City of Lancaster regulations when placed in a roadway. Each dumpster or container shall be equipped with reflectorized hi-intensity barricade tape (minimum 8 inches wide, standard orange and silver). A minimum of two bands each are required for dumpsters or containers less than four feet in height and three bands for dumpsters and containers over four feet in height. Each band shall be spaced evenly around the perimeter of the dumpster or container. In lieu of reflectorized tape, traffic control barrels with reflectorized tape may be used at 4-foot maximum spacing around the entire dumpster. The company's name and a 24-hour telephone number shall be placed on each side so that it is clearly visible. A weatherproof 9"x 12" plastic envelope shall be affixed to the dumpster or container to provide a means of posting the permit. The permittee shall be responsible for the placement of advance warning traffic control devices. The requirement of such shall be evaluated at the time of permit application or when a hazard develops.

901.14 HAUL ROUTES.

The permit holder shall at the time of filing a permit to excavate in the Right-of-Way or use the Right-of-Way as a haul route shall submit a haul route map/plan for approval. A haul route shall be identified for the delivery or removal of building site materials as well as oversized equipment requiring special transport for a project. All approved maps/plans shall show ingress and egress of the excavation site both loaded and unloaded. The person or contractor that has been issued a permit shall be responsible for any excessive degradation or injury due to activities as described in the permit. Said repairs to the Right-of-Way shall be made in accordance with 901.04 and at the expense of the permittee.

901.15 OVERSIZED LOADS AND OVERWEIGHT LOADS

A. No person, corporation or other entity shall operate a vehicle in excess of the maximum permitted weights established under 5577.04 Revised Code or in excess of the maximum overall dimensions established under 5577.05 Revised Code on any City street without first obtaining a permit to do so from the Service Safety Director or his designee. Application to operate said overweight or said over sized vehicle on City streets shall be made on the forms provided by the Service Safety Director and shall be submitted no less than five business days before the aforesaid travel date is to occur.

These restrictions shall not apply to those vehicles specifically exempted under 5577.05 Revised Code or 4511.04 Revised Code.

901.16 SPECIAL DUTY POLICE OFFICERS.

When required by the permit, or if required by the Service-Safety Director or designee, the permittee shall be responsible for hiring and paying for the services of Uniformed Special Duty Police Officers. Applicants shall be contacted prior to permit approval to discuss the necessity of the use of police officers. The City of Lancaster will determine the number of officers required. City of Lancaster officers are to be utilized when available, as their familiarity with local traffic patterns, issues and other City personnel will be beneficial to the project. An officer may be requested by calling the Lancaster City Police.

901.17 RIGHT TO DECLINE.

The City of Lancaster has reserved the right to decline additional permits for other projects if a violation exists. No permit shall be issued until the violations are corrected to the satisfaction of the Service-Safety Director or designee.

901.18 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET

A. No person shall place or knowingly drop upon any part of a street, highway or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such street, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

B. Any person who drops or permits to be dropped or thrown upon any street any noxious, destructive or injurious material shall immediately remove the same.

C. Any person authorized to remove a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

D. No person shall place any obstruction in or upon a street without proper authority.

- (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections A to D is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of subsections A to D of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates any provision of subsections A to D of this section is guilty of a misdemeanor of the third degree.
- (2) Whoever violates of this section is guilty of a misdemeanor of the first degree. (ORC 4511.74)

901.19 PAVEMENT PROTECTION DURING UNLOADING.

No person shall unload any heavy material in the City by throwing or letting the same fall upon the pavement of any street, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

901.20 LITTERING OF STREETS, ALLEYS OR PUBLIC GROUNDS

No person shall throw, deposit or cause to be thrown or deposited any dirt, paper, sweepings of any store, house or office, ashes, shavings, offal, straw, wood, stones, gravel, earth, yard waste, leaves, manure, refuse matter, rubbish of any kind, and any material of any kind, whatever upon any street, alley or public ground.

901.21 LITTERING OF STREETS BY CONTRACTORS.

No person doing excavating or hauling of material of any kind or any person, having a contract for excavating or hauling materials of any kind, shall litter or permit the littering of streets, alleys or sidewalks with dirt, sand, gravel, stones or any kind of material.

901.22 REMOVAL OF TRAFFIC CONTROL DEVICES AND OR WARNING BARRICADES

No unauthorized person shall remove any traffic control devices, barricades or other means placed on the streets or sidewalks and on construction projects, public or private, in the City as a warning or protection for the public, or willfully, carelessly or negligently destroy such devices or barricades.

901.23 UTILITY RELOCATION IN PUBLIC RIGHT-OF-WAY

Any utility permitted or unpermitted in the public right-of-way shall, upon written notification by the City, move said utility at no expense to the City within 45 days of written notice. If the utility service is not moved within 45 days the City shall, upon written notice, file a claim on the bond and enter into a contract to move the utility service at the expense of the owner.

901.24 STOP WORK ORDER.

The City may issue a Stop Work Order under this Chapter for violations of sections within this Chapter in addition to any other penalties. A Stop Work Order shall require person or agency to immediately cease work until the Stop Work Order is terminated in writing by the City.

901.99 PENALTY.

Any person, firm or corporation, failing to comply with any section thereof, shall be guilty of a misdemeanor of the first degree, and upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six (6) months, or both. The imposition of the penalties herein described shall not prevent the Director of Law from instituting appropriate action: to prevent an unlawful construction or restrain, correct or abate a violation; or to prevent illegal occupancy of the street; or to stop an illegal act, conduct of business or use of a public street. Each day a violation continues constitutes a new offense.