

**Requirements for Working Within
Street Rights-of-Way**

City of Steubenville - Public Works

Street Opening Permit Requirements

The applicant shall submit a drawing showing the dimension of the proposed street opening, arrow showing the north direction, location of opening including street name, address and reference to nearest intersecting street, purpose of excavation and approximate depth.

Before any work is started the contractor shall call the "OHIO UTILITIES PROTECTION SERVICE" at 1-800-362-2764, 48 hours in advance of the work. If any existing utility is damaged during construction, the existing utility shall be replaced in-kind and at the contractors expense.

The contractor shall notify the City Engineer at 740-283-6000 ext. 3300, 48 hours in advance of the work to arrange for inspection.

All work including trench restoration, backfill, compaction and pavement replacement shall be inspected by the city and shall conform to the City of Steubenville standard details.

After final inspection is complete, the City Engineer will compare the actual size of the street opening with the original permit dimensions. At this time if the original permit dimensions exceed the actual dimensions, the Director of Finance shall return the excess amount to the person who made the deposit. If the actual dimensions exceed the original permit dimensions, the City shall notify the applicant of the deficiency and proceed to collect the excess amount.

WORKING WITHIN THE STREET RIGHT OF WAY?



FOR FURTHER INFORMATION

Obtain a copy of Chapter 901 of the City's
Codified Ordinances
or call 740-283-6000 ext. 3300

GUIDELINES FOR OBTAINING A PERMIT

THE CITY OF STEUBENVILLE
ENGINEERING DEPARTMENT
115 SOUTH THIRD STREET, SUITE 107
STEUBENVILLE, OHIO 43952
740-283-6000 Ext. 3300

Planning to replace your water, gas, or sewer lines?

First check to find out if it goes through public right of way because you will need a permit if it does.

WHAT YOU NEED TO KNOW IF YOU ARE WORKING WITHIN CITY STREET RIGHTS OF WAY.

Below is a list of definitions which will be helpful in understanding this pamphlet.

- (1) "Work" means any opening or repair of an opening in the street right-of-way.
- (2) "Right-of-Way" means the total width of land reserved as a street or alley, which may include pavement, shoulder, sidewalks, tree lawn, drainage, or easements.
- (3) "Street" means a strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian transportation.
- (4) "Sidewalk" means a walk constructed along the edge of a pavement or tree lawn.
- (5) "Tree Lawn" means the grassed or landscaped area between the edge of pavement, shoulder, or sidewalk and the street right-of-way line.
- (6) "Opening" means any act in which earth, sand, gravel, rock, pavement, sidewalk, or any other material is dug into, cut, or removed and includes the condition resulting therefrom.
- (7) "Pavement" means the improved surface of a street right-of-way which is available for vehicular traffic, including parking lanes but excluding shoulders or drainage swales.
- (8) "Curb" is a barrier along the edge of the pavement made of concrete or asphalt that is either a separate or integral part of the pavement. Curb is considered pavement for fee purposes.
- (8) "Shoulder" is the area along the edge of pavement which may be paved or graveled.

Why is a permit required?

A permit is required for work within the street right of way to insure,

- 1) that all work is done according to City standards
- 2) to make sure the motoring public is protected, and
- 3) that those doing the work are properly insured.

When is a permit required?

A permit is required for ANY opening within the street right-of-way. This includes the opening of the street surface, the opening of the tree lawn area, the opening of the sidewalk, or other grassy area in the street right-of-way.

Who can obtain a permit?

Individual property owners may obtain a permit for areas other than the street or shoulder areas. However, in order for the permit to be granted the individual must meet certain requirements. The requirements are that you have proof of insurance and that you leave a deposit with the City (Specifications of the deposit are outlined below). General Liability Insurance must be in the amount of \$100,000 for each person, \$300,000 for each accident, and \$10,000 for property damage arising out of the street opening (See section 901.03 of the Codified City Ordinances).

When opening the street or shoulder area a permit may only be obtained by a contractor licensed with the City of Steubenville.

How do you obtain a permit?

A permit may be obtained by filing an application with the City Engineer at the Public Works Building. Contractors and Property Owners must provide a deposit with the City for the purpose of insuring proper restoration of the opening. The deposit amount will be determined by the City Engineer. The deposit can be made in the form of cash, irrevocable letter of credit made out to the City of Steubenville, cashiers check drawn on a solvent bank, or a performance bond issued by an insurance company. Public Utilities must provide a performance bond in an amount determined by the City Engineer. The City maintains the right to adjust this amount during the year.

How much does a permit cost?

Permit fees are based on the square feet (S.F.) of opening as measured at the excavation surface (Neat square holes must be provided).

Pavements and Shoulders newly paved using Hot-Mix Asphalt or Portland Cement Concrete.

Within 1 year	\$12.00 per S.F.
1 to 2 years after	\$8.00 per S.F.
2 to 3 years after	\$4.00 per S.F.
After 3 years	\$2.00 per S.F.

Pavements and Shoulders newly sealed using Slurry Seal or Full Seal Material

Within 1 year	\$8.00 per S.F.
1 to 2 years after	\$4.00 per S.F.
After 2 years	\$2.00 per S.F.

Sidewalks	\$1.00 per S.F.
-----------	-----------------

Tree Lawns and Other Grassed Areas	\$25.00 Flat Fee
------------------------------------	------------------

What is the penalty for not obtaining a permit or for improper repair?

Any violation of the regulations is a first degree misdemeanor. A separate offense is committed each day a violation occurs or continues. Failure to obtain a permit will result in the following:

First Offense- The permit fee is doubled.

Second Offense- The permit fee is tripled and the right to make street openings is revoked for up to one year.

CHAPTER 901 Excavations

- 901.01 Definitions.**
- 901.02 Permit required; fees; deposit.**
- 901.03 Insurance required.**
- 901.04 Supervision by City Engineer.**
- 901.05 Protection of openings.**
- 901.06 Return of deposit.**
- 901.07 Exception.**
- 901.08 Curb and sidewalk repair.**
- 901.09 City to make repairs; recovery of cost.**
- 901.10 Liability.**
- 901.11 City to make repairs; recovery of costs.**
- 901.99 Penalty.**

CROSS REFERENCES

- Liability for damages - see Ohio R.C. 723.49 et seq.
- Abandoned excavations - see GEN. OFF. **521.03**
- Sidewalks, driveways and curb cuts - see BLDG. Ch. **1311**
- Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10

901.01 DEFINITIONS.

For the purpose of this chapter, certain words and terms used herein shall be interpreted or defined as follows:

- (a) "Council or City Council" means the governing body of the City of Steubenville.
- (b) "Driveway" means a private means of vehicular access from a public or private street to a single lot.
- (c) "Easement" means a right granted for the use of private land for certain public or semi-public purposes, such as utilities, drainage, access or other purposes, and also the land to which such right pertains.
- (d) "Engineer, City" means a professional engineer employed by the City or any consultant designated by City Council to perform the duties of the City Engineer.
- (e) "Excavation" means any artificial or mechanical act by which earth, sand, gravel, rock or any other material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and includes the condition resulting therefrom.
- (f) "Manager, City" means a professional employed by the City who directs all departments of the City.
- (g) "Pavement" means the improved surface of a street right of way which is available for vehicular traffic, including parking lanes but excluding shoulders or drainage swales.
- (h) "Public ground" mean any land which is owned by the City.
- (i) "Public street" means a street which has been ordained or maintained or dedicated and accepted by the City, the County, the State or the Federal Government, and open to public use.
- (j) "Right of way" means the total width of any land reserved or dedicated as a street, alley, or for other public or semi-public purposes, including, but not limited to, the area reserved for pavement, shoulder, sidewalks, tree lawn, drainage and easements.
- (k) "Shoulder" means the area along the edge of pavement which may be paved or unpaved.

(l) "Sidewalk" means a walk which is constructed along the edge of a pavement, shoulder or tree lawn.

(m) "Street" means a strip of land, including the entire right of way, intended for use as a means of vehicular and pedestrian circulation.

(n) "Tree lawn" means the grassed or landscaped area between the edge of pavement, shoulder or sidewalk and the street right-of-way line.

(Ord. 1996-71. Passed 8-27-96.)

901.02 PERMIT REQUIRED; FEES; DEPOSIT.

No person, other than a duly authorized City officer or employee, shall make any opening in any street, boulevard, avenue, highway or other public ground in the City or remove the surface of any sidewalk or any part thereof, or open any sidewalk in the City, without first filing with the City Engineer a written or printed application therefor, setting forth and accurately indicating therein the location, kind and extent of the proposed opening or removal of sidewalk and the number, purpose and size of the openings or excavations which are desired or necessary, and such application shall be approved by the City Engineer.

If any openings or excavations are for a purpose other than for public utility purposes or a contract with the City, the applicant shall pay to the City of Steubenville a permit fee as set forth in the schedule herein and shall deposit with the City of Steubenville an additional amount sufficient to cover the cost and supervision of backfilling, repairing, restoring and relaying the pavement or hard surface or the sidewalk, as the case may be, together with the cost of any new material, as the same is estimated by the City Engineer and approved by the City Manager. The deposit may be in the form of cash, irrevocable letter of credit made out to the City of Steubenville, cashiers check drawn on a solvent bank, or a performance bond issued by an insurance company authorized to perform business in the State of Ohio.

Any applicant wishing to open a public street pavement or shoulder shall be a licensed contractor with the City of Steubenville.

Public utility corporations are required to post a performance bond, the amount of which shall be to the satisfaction of the City Engineer, with the approval of the City Manager.

PERMIT FEE SCHEDULE

Fees shown are for each square foot of opening as measured at the excavation surface. Neat squared holes shall be provided.

Pavement and Shoulders - Newly paved or newly constructed using hot-mix asphalt or Portland cement concrete.

Within one year	\$12.00 per S.F.
One to two years after	8.00 per S.F.
Two to three years after	4.00 per S.F.
After three years	2.00 per S.F.

Pavement and Shoulders - Newly sealed using slurry seal or other full seal material.

Within one year	\$8.00 per S.F.
One to two years after	4.00 per S.F.
After two years	2.00 per S.F.
Sidewalks *	1.00 per S.F.

- See **901.07** Exception

Tree lawns and other grassed areas 25.00 flat rate

When an application is filed which will require an excavation in any combination of pavement, shoulder, sidewalk, tree lawn or other grassed areas, the permit fee will be the sum of the respective fees for each area type excavated. (Ord. 1996-71. Passed 8-27-96.)

901.03 INSURANCE REQUIRED.

Before any permit is issued, the applicant shall deposit with the City Manager an insurance policy issued by a company authorized to write insurance in the State, designating the City as the insured therein, by the terms of which the City is saved harmless from any and all claims for bodily injury and death within the limits of one hundred thousand dollars (\$100,000) for each person and three hundred thousand dollars (\$300,000) for each accident and for property damage claims in the amount of ten thousand dollars (\$10,000) for each accident arising or growing out of the street opening or removal of the surface of any sidewalk or opening in any sidewalk or the prosecution of the work for which the permit is obtained or in any manner arising or growing out of the work necessary or incident to the issuance of the permit or that may be occasioned by reason of any opening or anything else done pursuant to the permit. (Ord. 1996-71. Passed 8-27-96.)

901.04 SUPERVISION BY CITY ENGINEER.

All openings made within the street lines or sidewalk removed shall be subject to the direction of and be under the supervision of the City Engineer. All paving, material, flagging, curbing and blasting shall be carefully removed and preserved, and after the work is done, as contemplated by the application for the permit heretofore referred to, the trench or opening shall be refilled, in accordance with drawings and specifications on file at the office of the City Engineer and the flagging, concrete, paving or other paving material shall be properly replaced under the supervision of the City Engineer, but at the applicant's expense.

(Ord. 1996-71. Passed 8-27-96.)

901.05 PROTECTION OF OPENINGS.

All openings and obstructions, as well as the area where the sidewalk is removed, shall be carefully guarded, protected or barricaded at all times, and during the night season shall be defined by red or amber lights and such other precautions shall be taken as are necessary to guard against accidents, and in this respect the City Manager may issue any additional orders as he may deem proper, which orders shall be implicitly and promptly complied with. At all times the work shall be done so as to cause the least inconvenience to property owners and the general public.

Excavations left unattended during non-working hours shall be protected by one of the following methods:

- (a) Backfilled to level with surrounding surface with material acceptable to the City Engineer,
- (b) Covered with steel plate(s) of sufficient size and design to support expected traffic loads, or
- (c) Other method acceptable to the City Engineer.

(Ord. 1996-71. Passed 8-27-96.)

901.06 RETURN OF DEPOSIT.

When any work under any permit is completed and all the mandates of this chapter have been complied with and all orders of the City have been fulfilled with respect to the work or the object for which the permit was obtained, the Director of Finance shall issue a warrant to return the excess of the cost to the person who made the deposit. If the deposit is insufficient to reimburse the City, as herein provided, the Director of Finance shall certify the deficiency to the City Manager who shall thereupon notify the applicant of the permit of the deficiency and proceed to collect the same from the permit applicant.

(Ord. 1996-71. Passed 8-27-96.)

901.07 EXCEPTION.

Nothing herein contained shall be deemed applicable to any contracts with the City with respect to street excavations.

When an excavation is necessary because of emergency to protect the health, safety and welfare of the public, the excavation may occur without first obtaining a permit. However, an application for a permit shall be filed with the City Engineer no later than the next working day.

Sidewalk replacement or rehabilitation work is not applicable under the street opening permit requirements. Sidewalk replacement or rehabilitation requires a standard building permit. (Ord. 1996-71. Passed 8-27-96.)

901.08 CURB AND SIDEWALK REPAIR.

(a) No owner, agent, lessee or other person who may have a vested or contingent interest in any lot or parcel of ground in the City shall fail to repair the sidewalk or curb which abuts on such lot or parcel of ground after having been notified to do so by either the sidewalk inspector or City Manager, and after having been given ten days to commence the required repairs as specified by the sidewalk inspector or City Manager.

(b) For purposes of this section, a sidewalk or curb or any part thereof is deemed unsafe and in need of repair when any one of the following conditions exists herein:

(1) When the sidewalk contains a hole which is one inch or more in depth and four or more square inches in surface area;

(2) When there is a differential settlement in the sidewalk at a crack or joint therein, or an abrupt elevation or depression in a crack or broken sidewalk or at a joint, causing the one portion of the sidewalk to be one inch or more higher or lower than the portion of the sidewalk or curb contiguous thereto;

(3) When in a brick sidewalk one half or more brick is missing, or when the condition of the sidewalk falls within subsections (b)(1) or (2) above;

(4) When a concrete sidewalk is crushed and/or broken to the extent that there are five or more pieces within the average size square of that sidewalk or eight square feet, whichever is smaller;

(5) When the surface of a concrete sidewalk is spalled to present a rough texture of stone or gravel and covers an area of the average size square of that sidewalk or eight square feet, whichever is smaller;

(6) Whenever a concrete curb is cracked or broken to the extent that the curb has portions missing of a width one inch or more in any one section of the curb.

(c) For purposes of the notice to the owner, agent, lessee or other person having a vested or contingent interest in the property in the notice requirement set forth in subsection (a) hereof, the service of notice shall be done by personal service, residence service or by certified mail, return receipt requested at the election of the sidewalk inspector or City Manager. (Ord. 1978-156. Passed 8-15-78.)

901.09 CITY TO MAKE REPAIRS; RECOVERY OF COST.

(a) In the event any owner, agent, lessee or person in control of property fails, neglects or refuses to comply with the notice to repair, and fails to commence repairs within the time given by the sidewalk inspector or City Manager, or in the event that the owner, agent, lessee or person having a vested or contingent interest in property cannot be located so as to give notice as set forth in Section **901.08** then the City Manager shall cause such repairs to be made by the City, and cause the cost incurred to be recovered as hereinafter set forth.

(b) Any cost incurred by the City of Steubenville under subsection (a) hereof shall be paid out of the City Treasury on certification of the City Manager. Such cost shall be charged to the owner,

agent, lessee or person in control of such property, and if the City is not immediately reimbursed for such cost, the Director of Finance, shall certify to the Auditor of Jefferson County, Ohio the cost incurred in making the necessary repairs, including the cost of service or publication of notice, and any reasonable administrative cost, together with a proper description of the premises, and such costs shall become a lien against such premises to be collected as other taxes and returned to the Municipality. (Ord. 1978-156. Passed 8-15-78.)

901.10 LIABILITY.

Any person, upon receiving notice to make necessary repairs as provided within the provisions of this chapter to sidewalks and curbs abutting property in which they have an interest, shall be liable to the City for any cost incurred by the City for damages that may be sustained by any person as a result of the maintenance of sidewalks or curbs in the state of disrepair as set forth herein. (Ord. 1978-156. Passed 8- 15-78.)

901.11 CITY TO MAKE REPAIRS; RECOVERY OF COST.

(a) In the event any permittee fails, neglects or refuses to properly repair any excavation within the time given by the City Engineer, or in the event that any permittee cannot be located so as to give notice of a deficiency in the excavation repair, then the City Manager shall cause such repairs to be made by the City and cause the cost incurred to be recovered as herein set forth.

(b) Any cost incurred by the City of Steubenville under subsection (a) hereof shall be paid out of the deposit filed with the permit application.

(Ord. 1996-71. Passed 8-27-96.)

901.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Failure to obtain a permit as described in Section **901.02** will result in the following:

First offense - The permit fee is doubled .

Second offense - The permit fee is tripled and the right to make street openings is revoked for up to one year. (Ord. 1996-71. Passed 8-27-96.)



The City of Steubenville

Engineering Department

Steubenville City Hall • 115 South Third Street, Suite 107 • Steubenville, Ohio 43952-2158 • Phone: 740.283.6000 ext 3300
Fax: 740.283.6082 • Website: www.cityofsteubenville.us • mdolak@cityofsteubenville.us

April 19, 1999 original letter
March 1, 2007 revised

TO: All Contractors and Homeowners

RE: Additional Street Opening Permit Requirements

The purpose of this letter is to identify the additional procedures required for contractors to acquire a street opening permit within the City of Steubenville.

- The applicant shall submit a drawing showing the dimension of the proposed street opening, arrow showing the north direction, location of opening including street name, address and reference to nearest intersecting street, purpose of excavation and approximate depth.
- Before any work is started the contractor shall call the "OHIO UTILITIES PROTECTION SERVICE" at 1-800-362-2764, 48 hours in advance of the work. If any existing utility is damaged during construction, the existing utility shall be replaced in-kind and at the contractors expense.
- The contractor shall notify the City Engineer at 740-283-6000 ext. 3300, 48 hours in advance of the work to arrange for inspection.
- All work including trench restoration, backfill, compaction and pavement replacement shall be inspected by the city and shall conform to the City of Steubenville standard details.
- After final inspection is complete, the City Engineer will compare the actual size of the street opening with the original permit dimensions. At this time if the original permit dimensions exceed the actual dimensions, the Director of Finance shall return the excess amount to the person who made the deposit. If the actual dimensions exceed the original permit dimensions, the City shall notify the applicant of the deficiency and proceed to collect the excess amount.

If you have any questions please do not hesitate to call.

Sincerely,

Michael F. Dolak, P.E.
City Engineer

MFD/dd

PERMIT NUMBER _____

PERMIT DATE _____

CITY OF STEUBENVILLE
STREET OPENING BONDS & PERMITS

APPLICANT:

NAME: _____

ADDRESS: _____

CITY: _____

TELEPHONE: _____

PERMIT FEE: _____

BOND: _____

Estimated Cost of Restoring Street

KIND AND EXTEN OF OPENING: _____

LOCATION OF OPENING: _____

SKETCH LOCATION FROM NEAREST INTERSECTION:

I, _____, applicant, am fully aware of the provisions of the
Codified Ordinances of the City of Steubenville, Chapter Number 901.

I have received a copy of the "Typical Trench Section in Street" from the Office
of the City Engineer. YES _____ NO _____

DATE JOB TO START _____ DATE JOB TO BE COMPLETED _____

APPROVED: _____ APPROVED: _____
CITY ENGINEER

COMMENTS OF INSPECTOR: _____

NAME OF INSPECTOR _____ DATE _____

BOND REFUNDED _____

BOND BILLED _____