



Application #: \_\_\_\_\_

# Right-of-way Work Permit Application

( Ordinance 905.03 through 905.05)

Company Name: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Construction Dates Start: \_\_\_\_\_ End: \_\_\_\_\_

Location of Work: \_\_\_\_\_

The above named company hereby requests a Right-of-way Permit to do the following work:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the location, alignment, and elevation as shown on the attached plans (3 sets required). Attach separate sheet if needed.

### Who should receive approved permit and/or engineer review comments? (Must Complete )

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Number of sheets included: \_\_\_\_\_ Email: \_\_\_\_\_

The above applicant agrees to restore all areas to like or better condition in compliance with rules, regulations, and specifications of The City of Grandview Heights as set forth in codified ordinance **905 and the City of Grandview Heights Right of Way Policy**. The applicant shall notify all affected, or potentially affected, permittees and franchisees, and adjoining property owners as to the work to be completed. Furthermore, the applicant shall comply with special conditions, if any, as listed below (attach separate sheet if required).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### This Work Application must be submitted with the following documents:

- Description of Right-of-way affected.
- Required street closure/blockage.
- Statement verifying notification of affected parties.
- Notification of any adversely affected consumer per PUCO Rules & Regulations.
- Project time table.
- 3 Sets of 11x17 To-Scale Plans and 2 CDs containing CAD files.
- Description of facility to be installed.
- Application fee of \$75.00 (if not part of Economic Development Package) or Resubmitted fee of \$50.00.
- Performance Bond (cash, money order, or certified check).
- Proof of general liability, automobile and worker's compensation insurance.
- Estimate of time to complete work.



**Contractor Information:(Must Complete )**

<b>Name:</b> _____	<b>Phone Number:</b> _____
<b>Email:</b> _____	<b>Emergency 24 Hour Number:</b> _____
<b>Address:</b> _____	
(Street No ) ( Street Name)	(City) ( State and Zip)

**Sub-Contractor Information:(Must Complete )**

<b>Name:</b> _____	<b>Phone Number:</b> _____
<b>Email:</b> _____	<b>Emergency 24 Hour Number:</b> _____
<b>Address:</b> _____	
(Street No ) ( Street Name)	(City) ( State and Zip)

**48 HOURS PRIOR TO EXCAVATION, ALL PERMITEES SHALL NOTIFY THE OHIO UTILITIES PROTECTION SERVICE AT 1-800-362-276 AND THE CITY OF GRANDVIEW HEIGHTS SERVICE DEPARTMENT AT 614-488-4728**

**If during construction any fiber/inner duct is damaged the contractor shall notify Ohio Utilities Protection Service (OUPS) by dialing 811.**

**Permit Approved**

**Permit Denied**

**This permit expires on the "end construction" date listed on page one unless otherwise noted.**

\_\_\_\_\_  
**Director of Service OR**  
**Authorized City of Grandview Heights Representative**

\_\_\_\_\_  
**Approval Date**

**City of Grandview Heights Ordinance 905.01 - PURPOSE AND SCOPE OF CHAPTER.**

(a) The purpose of this chapter is to provide requirements for the use or occupation of any and Rights-of-Way and Public Property in the City, the issuance of Permits to Persons for such use or occupancy and to set forth the policies of the City related thereto.

(b) This chapter does not take the place of any franchise, license, or permit which may be additionally required by law. Each Permittee shall obtain any and all such additional franchises, licenses or permits necessary to the operations and conduct of its business.

(c) No person shall use, occupy, own or operate facilities in, under or over any Right-of-Way within the City unless such Person first obtains a Franchise and/or Permits conforming to the requirements set forth therein and in this chapter.

(d) The policy of the City with regard to Rights-of-Way is hereby declared to be:

(1) To promote public safety and protect public property;

(2) To promote the utilization of Rights-of-Way in a manner which best protects the public health, safety and welfare and which promotes economic development in the City;

(3) To promote the availability of a wide range of utility, communication and other services, including the rapid deployment of new technologies and innovative services, to the City's citizens and taxpayers at reasonable rates;

(4) To promote cooperation among the City and Franchisees and Permittees in the occupation of Rights-of-Way, and work therein, in order to minimize public inconvenience during work in the Rights-of-Way and avoid uneconomical, unneeded and unsightly duplication of facilities;

(5) To ensure adequate compensation for the private use of the Rights-of- Way and the regulation thereof; and

(6) To promote and require reasonable accommodation of all uses of Rights of Way and to establish the following priority of use of Rights-of-Way, when all requested usage of Rights-of-Way by Permittees cannot be accommodated:

A. Use by the City shall have first priority;

B. Use by another governmental entity with City's concurrence or other uses required by law, and Utility Permittees and Franchisees shall have second priority;

C. Telecommunications Permittees and Franchisees shall have third priority;

D. Special Permittees shall have fourth priority; and

E. Residential Permittees shall have fifth priority;

provided, however, that the Director of Service may reasonably require Right-of-Way Permittees and Franchisees to cooperate to accommodate use by other Permittees and Franchisees and provided further that the Director may alter these priorities when the Director reasonably determines a deviation herefrom to be in the public interest.

(e) Nothing in this chapter should be construed to apply the provisions of this chapter to facilities owned or operated by the City or any of its operations.

(f) Unless otherwise specifically stated in a Permit, all permits or Franchises granted hereunder shall be non-exclusive.

(g) If an existing Permit conflicts with the requirements enacted by the amendments to this chapter, then this chapter shall have no effect on said Permit until the expiration of

said Permit. Said Permits shall be governed by the laws or rules under which they were issued.

(Ord. 97-36. Passed 12-1-97.)

#### 905.02 DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense. Words in the plural form include the singular form, and words in the singular form include the plural form. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in the Chapter 905. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(a) "Applicant" means any Person applying for a Permit hereunder.

(b) "Approved" means approval by the City pursuant to this chapter or any Regulations adopted hereunder.

(c) "Best Efforts" means the best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expedition, available technology and human resources and cost.

(d) "Cable Television Service" means the one-way transmission to subscribers of video programming or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or any other programming service.

(e) "Chapter" or "this chapter" means Chapter 905 of the Codified Ordinances of the City, as amended from time to time, and any Regulations adopted hereunder.

(f) "City" means the City of Grandview Heights, Ohio, or, as appropriate in the case of specific provisions of this chapter, any board, bureau, authority, agency, commission, department of, or any other entity of or acting on behalf of, the City of Grandview Heights, or any officer, official, employee, representative or agent thereof, the designee of any of the foregoing, or any successor thereto.

(g) "Council" means the Council of the City of Grandview Heights.

(h) "Director" means the Director of Service.

(i) "Emergency" means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

(j) "Force Majeure" means a strike, acts of God, acts of public enemies, orders of any kind issued by the government of the United States of America or of the State of Ohio or any of their departments, agencies, or relevant political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent the disabled party notifies the other party as soon as practicable regarding such Force Majeure and then for only so long and to the extent that, the Force Majeure prevents compliance or causes noncompliance with the provisions hereof.

(k) "Franchise" means the nonexclusive right, pursuant to the Constitution and laws of Ohio and/or the United States, granted by the City pursuant to Chapter 705 to operate a cable communications system or provide cable television service to consumers within the City.

(l) "Permit" means the nonexclusive grant of authority to use or occupy all or a portion of City's Rights-of-Way granted pursuant to this chapter.

(m) "Permittee" means any person issued a Permit pursuant to this chapter to use or occupy all or a portion of the Rights-of-Way in accordance with the provisions of this chapter and said Permit.

(n) "Person" means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

(o) "Regulation" means any rule adopted by and pursuant to the authority of this chapter.

(p) "Residential Related Purposes" shall mean residential use of Right-of-Way for mailboxes, residential sewer and water lines, fences, decorative purposes, curb cuts, driveways, irrigation systems and other uses permitted in the Right-of-Way by ordinance.

(q) "Right of Way" or "Rights-of-Way" means the surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement or right-of-way now or hereafter held by the City which shall, within its proper use, entitle a Permittee, in accordance with the terms hereof and of any Permit, to the use thereof for the purpose of installing or operating any facilities as may be ordinarily necessary and pertinent to the provision of utility, cable television, communications or other services as set forth in any Permit. Right-of-Way shall also include publicly owned property, but only to the extent the use or occupation thereof is specifically granted in a Permit or by Regulation.

(Ord. 97-36. Passed 12-1-97.)

#### 905.03 TYPES OF PERMITS.

(a) The following types of Permits and Franchises are available for use of the Rights-of-Way:

(1) Cable television franchise. Granted to providers of Cable Television Service. The specific terms and conditions of a Cable Television Franchise shall be contained within such franchise. This chapter shall be applicable to such franchises to the extent specified within the franchise;

(2) Telecommunication or utility permit. Granted to persons who desire and are granted authority to utilize Rights-of-Way to provide a public utility and/or telecommunications service, other than Cable Television Service;

(3) Special permit. Granted to Persons for a specific, limited use of the Rights-of-Way or a specific portion thereof;

(4) Residential permit. Granted to an adjacent or proximate residential landowner to occupy or use a portion of the Right-of-Way for Residential Related Purposes; and

(Ord. 97-36. Passed 10-1-97.)

(5) Right-of-way work permit. Granted for construction, improvements, upgrades and maintenance to the system as authorized in this chapter.

(Ord. 2007-14. Passed 6-18-07.)

(b) All Permits shall specify the use or uses for which such Permit or Franchise is granted and contain such other non-discriminatory terms and conditions as are appropriate and as are set forth in this chapter or as negotiated and agreed to by the City and the Permittee to provide for the public health, safety or welfare.

(c) Permits and the rights of Permittees thereunder are not transferable without the express written approval of the City. Any such decision shall be made in accordance with the provisions of this chapter.

(Ord. 97-36. Passed 12-1-97.)

#### 905.04 APPLICATION PROCESS AND FEES; TERMS.

(a) Applications for Cable Television Franchises shall be processed and granted or denied pursuant to Chapter 705 of the Codified Ordinances: provided, however, that a Cable Franchise shall only entitle the Franchisee to utilize the Rights-of-Way, in accordance with Chapter 705, for purposes directly related to the provision of the Cable Television Service. Any other Right-of-Way use by such Franchisee shall require a separate Permit, unless specifically contained in an existing franchise agreement.

(b) Applicants for Telecommunication or Utility Permits or renewals thereof, shall file an application therefor, in such form as the Director may require, along with an application fee of one thousand dollars (\$1,000). The Director shall determine if the application is in order, and, if so, forward the application to Council to determine, as expeditiously as is reasonably possible, whether or not, in accordance with the criteria set forth in this chapter, the Applicant should be granted a Permit hereunder. Council shall make a final determination as to whether or not such Permit should be granted, and, if so, upon what terms and conditions. Telecommunications and Utility Permits shall be granted for a term not to exceed ten years.

(c) Applicants for Special Permits, or renewals thereof, shall file an application therefor, in such form as the Director requires along with an application fee of three hundred dollars (\$300.00). The Director shall determine if the application is in order, and, if so, and if the Director also finds, in accordance with the criteria set forth in this chapter, that the application should be granted, the Director shall grant or renew such Permit. The Director shall determine the appropriate amount of insurance coverage required relative to each Special Permit. The terms of Special Permits shall be determined by the Director but shall not, in any event, exceed ten years.

(d) Applicants for Residential Permits shall file an application therefor, in such form as the Regulations require, along with an application fee of twenty-five dollars (\$25.00). The Director shall determine if the application is in order and, if so, shall grant the application so long as the Director also finds, in accordance with the criteria set forth in this chapter, that the application should be granted. Residential Permits shall be valid until canceled by

the Director upon sixty days written notice to the Permittee, provided, however, that upon a finding by the Director that an emergency exists, the Director may cancel any such Permit upon such lesser notice as is necessary under the circumstances.

(e) Applications for Right-of-Way Work Permits are governed by Sections 905.07 through 905.09 of this chapter.

(f) Any Applicant may appeal the failure of the Director to grant a Permit or to recommend it to be granted upon terms and conditions acceptable to the Applicant. In order to perfect such appeal, the Applicant shall file, within ten days of the Director's determination or recommendation or ninety days of the filing of the application if the Director has taken no action, an appeal to Council. Council shall then review the matter and render a final determination after affording the Applicant an opportunity to be heard either in person or in writing. Except to the extent otherwise appealable by law, Council's decision shall be final.

(g) A Permittee that desires to renew its Permit under this Chapter shall, not more than 180 days nor less than 90 days before expiration of the current Permit, file an application with the City for renewal of its Permit which shall include the information required in the original application plus any additional information reasonably required by the Director. Within ninety days after receiving a complete application under this section, the City shall use its Best Efforts to issue a written determination granting or denying the renewal application in whole or in part, applying the criteria set forth in this Chapter. If the renewal application is denied, the written determination shall include the reasons for nonrenewal. No Permit shall be renewed until any ongoing violations or defaults in the Permittee's performance of the Permit, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the Permittee has been approved by the City.

(Ord. 97-36. Passed 12-1-97.)

#### 905.05 CRITERIA FOR GRANTING PERMITS.

(a) Cable Television Franchises shall be granted pursuant to Chapter 705 of the Codified Ordinances.

(b) Telecommunications and Utility and Special Permits shall be granted, or renewed, to Persons based upon a determination that the following criteria are met:

(1) The granting of the Permit will contribute to the public health, safety or welfare in the City;

(2) The granting of the Permit will be consistent with the policy of the City as set forth in this chapter;

(3) That the granting of the Permit will not have a material adverse effect on the use of the Right-of-Way by any other Permittee, Franchisee or the City;

(4) That the Applicant has and will continue to have liability insurance, which names the City as an additional insured, in effect in such amounts and for such liability as the City may require, or be self-insured pursuant to the terms of this chapter;

(5) That the Applicant is a proper Person to hold a Permit and will fulfill all its obligations hereunder;

- (6) That the Applicant possesses sufficient financial and technical ability;
- (7) That the application complies with applicable federal, state and local laws, rules and policies; and
- (8) For Permit renewals, that the Rights-of-Way possess a continuing capacity to accommodate the Applicant's existing facilities; the applicant's compliance with the requirements of this chapter and the Permit provision; and such other factors as may demonstrate that the continued grant to use the Rights-of-Way will serve the community interest.

(c) Residential Permits shall be granted if not inconsistent with the public health, safety and welfare.

(Ord. 97-36. Passed 12-1-97.)

(d) Right-of-Way Work Permit shall be granted in accordance with the criteria set forth in Sections 905.07 to 905.09 of this chapter.

(Ord. 2007-14. Passed 6-18-07.)

#### 905.06 OBLIGATIONS OF PERMITTEES.

(a) In addition to the other requirements set forth herein each Permittee shall comply with the following requirements:

(1) Use its Best Efforts to cooperate with other Franchisees and Permittees and the City for the best, most efficient, most aesthetic and least obtrusive use of Rights-of-Way, consistent with safety, and to minimize traffic and other disruptions including street cuts.

(2) Participate in joint planning and advance notification of Right-of-Way work, excepting such work performed in Emergencies or other exigent circumstances.

(3) Cooperate with other Permittees and Franchisees in utilization of, construction in and occupancy of private Rights-of-Way, but only to the extent the same is not inconsistent with the grant thereof or state or federal law.

(4) Upon written notice of and at the direction of the Director, and at the Permittees' sole cost, promptly remove or rearrange facilities as deemed necessary (e.g., during any construction, repair or modification of any street, sidewalk, City utility or other governmental uses, or if additional or subsequent City or other public uses of Rights-of-Way are inconsistent with then current uses of Franchisees and Permittees or for any other reasonable cause as determined by the Director).

(5) All Persons granted a Permit on or after the effective date of this chapter shall provide maps or other information in such form (including digital form) and at such times as the City may reasonably require. Said maps and information shall locate, describe and identify all structures and facilities of such Permittee, including pole attachments, above and in the Rights-of-Way.

(6) Perform all work, construction, maintenance or removal of structures and facilities within the Right-of-Way in accordance with good engineering and construction practice, including any appropriate safety codes and in accordance with the Best Efforts to repair and replace any street, curb or other portion of the Right-of-Way, or facilities or structure located therein, to a condition materially equivalent to this condition prior to such work, and to do so in a manner which minimizes inconvenience to the public, the City and other Franchisees and Permittees, all in accordance with all applicable Regulations.



(7) Register with all appropriate underground reporting services.

(8) Unless otherwise set forth in a Permit, not enter into leases or other agreements for physical space in or on Permittee's facilities located within the Rights-of-Way without prior notice to the Director to include a general description of the uses to be made of the facilities.

(9) Designate a single point of contact for all activities related to the Permit in the City.

(10) Assure subcontractor compliance with all permit provisions.

(Ord. 97-36. Passed 12-1-97.)

#### 905.07 CONSTRUCTION AND TECHNICAL STANDARDS.

(a) Upon grant of the Permit and in order to construct, operate, improve, upgrade and maintain a telecommunications system or utility in the City, a Permittee may enter into contracts with any public utility companies or any other owner or lessee of any poles or underground areas located within or without the City; obtain Right-of-Way permits from appropriate City, State, County, and Federal officials necessary to cross or otherwise use highways or roads under their respective jurisdiction; obtain permission from the Federal Aviation Administration to erect and maintain antennas; and obtain whatever other permits a City, County, State or Federal agency may require.

(Ord. 2007-14. Passed 6-18-07.)

(b) In those areas of the City where telephone and electric services are provided by underground facilities, all new facilities of a Permittee shall be placed underground. In all other areas, the Permittee, upon request of the City, shall use its Best Efforts to place facilities underground. However, the term "facilities" as used in the preceding sentence shall not include equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities (e.g., splice and terminal pedestals, equipment cabinets and transformers). Where not otherwise required to be placed underground by this chapter, the Permittee's system shall be located underground at the request of the adjacent property owner, provided the placement of such system shall be consistent with the Permittee's construction and operating standards and provided that the excess cost over the aerial location shall be borne by the property owner making the request. All cable to be installed under the roadway shall be installed in conduit. In no circumstance shall a new pole be located in any area of the City where it is not replacing an existing pole without written approval of Director, which approval shall not be unreasonably withheld.

(c) The Permittee shall construct, install, operate and maintain its system in a manner consistent with all laws, ordinances, construction standards, governmental requirements, FCC technical standards, and those standards are incorporated by reference herein.

(d) The Permittee shall comply with the City's normal permitting process prior to commencing any work in the Rights-of-Way except for emergencies or as otherwise provided in this Chapter. No work in the Rights-of-Way shall be commenced until such time as any and all required permits have been issued by the City. The City shall not unreasonably withhold the granting of any permit.

(Ord. 97-36. Passed 12-1-97.)

(e) Any contractor utilized for construction, installation, operation, improvement, upgrade, maintenance or repair of system equipment must be properly licensed under laws of the State, and all local ordinances. The Contractor's or Permittee's system and associated equipment erected by the Permittee with the City to operate or improve a system shall be so located as to cause minimum interference with the proper use of the rights-of-ways, streets, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. No pole or other fixtures placed in any public way by the Permittee shall be placed in such a manner as to interfere with normal travel on such public way.

(Ord. 2007-14. Passed 6-18-07.)

(f) The City does not guarantee the accuracy of any maps showing the horizontal or vertical location of existing substructures. In Rights-of-Way, where necessary, the location shall be verified by excavation.

(Ord. 97-36. Passed 12-1-97.)

(g) Construction, installation, operation, improvement, upgrade and maintenance of the utility or telecommunications system shall be performed in an orderly and workmanlike manner. When consistent with the safety codes and standards set forth in this chapter, all cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple configurations shall be arranged in parallel and bundled with due respect for engineering considerations.

(Ord. 2007-14. Passed 6-18-07.)

(h) The Permittee shall at all times comply with applicable National Electrical Safety Code requirements (National Bureau of Standards); applicable National Electrical Code requirements (National Bureau of Fire Underwriters); applicable FCC or other Federal, State and local regulations; and, all standards set forth in the Permit.

(i) In any event, the system shall not endanger or interfere with the safety of persons or property in the Permit area or other areas where the Permittee may have equipment located.

(Ord. 97-36. Passed 12-1-97.)

(j) All worker facilities, conditions and procedures that are used during construction, installation, operation improvement, upgrade, and maintenance of the utility or telecommunications system shall comply with the applicable standards of the Federal Occupational Safety and Health Administration.

(Ord. 2007-14. Passed 6-18-07.)

(k) The Permittee shall provide either a Performance Bond (or self bonding by a Permittee having capitalization in excess of fifty million dollars (\$50,000,000), as determined by the Director), an Irrevocable Letter of Credit acceptable to the Director, or a Certified Check, in an amount determined by the Director, which is sufficient to pay the cost of restoration of the Right-of-Way should the Permittee fail to perform any restoration required by this chapter or the Permit or to pay for the cost of removal or relocation of the system as required by this chapter should the Permittee fail to perform said removal or relocation.

(l) All Permittees shall obtain a Right-of-Way Work Permit from the Director prior to beginning the erection, installation, improvement, upgrade or maintenance, including tree trimming, to its utility or telecommunications system. A Right-of-Way Work Permit shall not be required for emergency repairs or the routine placement of equipment where there is no change to the location of the equipment or enlargement of the equipment. The Permittee, and/or its subcontractors, shall leave the Right-of-Way where such work is done in as good condition or repair as they were before such work was commenced and to the reasonable satisfaction of the City. Such Right-of-Way Work Permit shall be issued in writing upon compliance with the criteria set forth in Sections 905.07 to 905.09 of this Chapter and subject to such conditions that may be attached by the Director including, but not limited to, requirements concerning traffic control, safety, scheduling, notification of adjoining property owners, and restoration with seed, sod or specific plant materials as directed by the Director and reasonable screening of equipment and facilities as directed by the Planning Commission.

The Permittee, and/or its subcontractors shall endeavor to complete, in an expeditious manner, repairs to the Right-of-Way. All workmanship and materials used by the Permittee, and/or its subcontractors to repair the streets and roadways shall be subject to inspection and approval by

the Director or his authorized agent and shall be warranted for a period of one year from the date of completion for any failure due to workmanship or quality materials.

(Ord. 2007-14. Passed 6-18-07.)

(m) Permittee shall furnish the City "as built" drawings not later than 120 days after construction has been completed. Drawings shall show ownership of conduits, ducts, poles and cables used for the telecommunications or utility system. Drawings shall be drawn to a scale of one inch equals one hundred feet using the standard format adopted by the City. Permittee shall provide one set of such diskettes and one set of blue or black line "as built" drawings to the Director. State plane coordinates shall be shown for benchmarks, curb lines, and structures. Drawings shall show horizontal dimensions from the curb line and elevations.

(Ord. 97-36. Passed 12-1-97.)

#### 905.08 ANNUAL PERMIT FEES AND WORK PERMIT FEES.

(a) Telecommunication and Utility Permittees shall pay an annual fee of one thousand dollars (\$1,000). Such fee shall be paid in advance for each year prior to January 31. Partial year permits shall be prorated.

(b) Special Permittees shall pay an annual fee of one dollar (\$1.00) per linear foot of Right-of-Way used or occupied up to a maximum amount of three hundred dollars (\$300.00). Such fee shall be paid in advance for each year prior to January 31 of such year. Partial year permits shall be prorated. This fee may be waived by the Director or Council when the Permit pertains to signs, fences or other limited and unique uses.

(c) Residential Permittees shall pay no annual fee.

(d) In addition to the annual fees set forth in Sections 905.08(a) and (b), Permittees shall pay a work permit fee in the amount of Twenty-Five Dollars (\$25.00) for each street opening or cut and shall post a performance bond in an amount determined by the Director. Said fees are payable at the time the notice set forth in Section 905.09 hereof is filed. Fees for work done without prior notice under Section 905.09 shall be paid within seven business days of the initiation of any such work.

(Ord. 97-36. Passed 12-1-97.)

#### 905.09 NOTICE OF RIGHT-OF-WAY WORK AND JOINT PLANNING.

(a) All applicants for Right-of-Way Work Permits shall file a written notice with the Director at least seven days before working in the Right-of-Way, unless waived by the Director, except in the case of Emergency. In addition to such other information as this chapter shall require, this notice shall contain or indicate, to the extent applicable, the following:

(1) The Right-of-Way affected;  
(Ord. 97-36. Passed 12-1-97.)

(2) A description of the facilities to be installed, constructed, improved, upgraded or maintained and the proposed location of such facilities in the Right-of-Way;  
(Ord. 2007-14. Passed 6-18-07.)

(3) Whether or not any street will be opened or otherwise needs to be restricted, blocked or closed;

(4) An estimate of the amount of time needed to complete such work;

(5) A description and timetable of any remedial measures planned relative to closing any street cut or opening or repairing any damage done;

(6) A statement verifying that other affected or potentially affected Permittees and Franchisees have been notified; and

(7) A statement that any consumers of any utility, cable television, communications or other service which will be adversely affected by such work have been or will be notified in conformance with applicable rules and regulations of the Public Utilities Commission of Ohio.

(Ord. 97-36. Passed 12-1-97.)

(8) A plan to screen any ground mounted cabinetry from view of the traveling public and adjoining residential property owners.

(Ord. 2007-14. Passed 6-18-07.)

(b) All applicants for Right-of-Way Work Permits shall submit a bond guaranteeing completion of restoration work as required by the Director.

(c) A Permittee may, under Emergency or other exigent circumstances, work in the Right-of-Way so long as the Permittee uses its best efforts to provide the City the notice required by this Section at the earliest possible time.

(Ord. 97-36. Passed 12-1-97.)

(d) Upon receipt of the Application, the Director shall review the Application to make sure that it complies with the requirements of Sections 905.07 to 905.09 of this Chapter. The Planning Commission shall be provided a copy of the Application and determine

whether the proposed screening requirements adequately screen the facilities. If it Application complies with all of the applicable requirements and the Planning Commission approves the screening plan, the Director shall issue the Right-of-Way Work Permit. The Director may impose any other conditions in the Right-of-Way Work Permit the Director deems necessary to protect the public health, safety, and welfare.

(Ord. 2007-14. Passed 6-18-07.)