

# RECORD OF ORDINANCES

Ordinance No. 3-27-2017-1

Passed APRIL 10 2017

## AN ORDINANCE AMENDING CHAPTER 1002 (STREETS, UTILITIES AND PUBLIC SERVICES CODE - STREET AND SIDEWALK AREAS - EXCAVATIONS) OF THE BALTIMORE CODIFIED ORDINANCES

WHEREAS, the Village desires to amend Chapter 1002 of the Baltimore Codified Ordinances (Streets, Utilities and Public Services Code - Street and Sidewalk Areas - Excavations) regarding excavations in street and sidewalk areas within the Village; and,

WHEREAS, Service Committee has reviewed the proposed amendments and recommends adoption of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

SECTION 1: That Section 1002.01 (Written Consent Required), which currently reads as follows:

### **“1002.01 WRITTEN CONSENT REQUIRED.**

All public service companies and corporations, persons and individuals wishing to dig into or open up holes, ditches, or trenches in the sidewalk or roadway of any of the improved or unimproved streets, alleys or public ways in the Village, for the purpose of placing or extending or repairing therein any pipes, conduits or wires, or for any other purpose, shall, at least five days before proposing or proceeding to do so, submit an application for a utility permit. The permit application shall be reviewed and acted upon by the Village’s Service Superintendent and Village Engineer. A record of the approved or denied application shall be maintained by the Village.”

is hereby amended to read as follows:

### **“1002.01 WRITTEN CONSENT REQUIRED.**

All public service companies and corporations, persons and individuals wishing to dig into or open up holes, ditches, or trenches in the sidewalk or roadway of any of the improved or unimproved streets, alleys, easements or public ways in the Village, for the purpose of placing or extending or repairing therein any pipes, conduits or wires, or for any other purpose, shall, at least five (5) days before proposing or proceeding to do so, submit an application for a right of way permit. The permit application shall be reviewed and acted upon by the Village’s Service Superintendent and Village Engineer. A record of the approved or denied application shall be maintained by the Village.”

SECTION 2: That Section 1002.03 (Protection of Opening), which currently reads as follows:

### **“1002.03 PROTECTION OF OPENING.**

All public service companies and corporations, persons and individuals who have made any opening in any street, alley or sidewalk, after having complied with Section 1002.01 of this chapter, shall carefully backfill each day, secure open cuts with safety fence, lights, metal travel plates, etc., all or any of the above, as needed as determined by the Village. All equipment shall be secured at the end of each work day. All protection of any opening shall be performed in such manner as to prevent accidents and be plainly visible to pedestrian and vehicular traffic.”

is hereby amended to read as follows:

### **“1002.03 PROTECTION OF OPENING.**

All public service companies and corporations, persons and individuals who have made any opening in any street, alley, right of way or easement, after having complied with Section 1002.01 of this chapter, shall carefully backfill each day, secure open cuts with safety fence,

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lights, metal travel plates, etc., all or any of the above, as needed as determined by the Village **Engineer**. All equipment shall be secured at the end of each work day. All protection of any opening shall be performed in such manner as to prevent accidents and be plainly visible to pedestrian and vehicular traffic.”

SECTION 3: That Section 1002.04 (Restoration Specifications), which currently reads as follows:

**“1002.04 RESTORATION SPECIFICATIONS.**

Any street or alley to be open cut shall be excavated to a minimum depth of 12 inches below finish grade. Pavement restoration shall conform to the latest Village of Baltimore specifications. For the open cutting of existing asphalt pavements, asphalt replacement shall be a minimum of one and one-half inches of intermediate course and one and one-half inches of surface course, and otherwise meet the Village of Baltimore specifications. The minimum width shall be 24 feet for street and 12 feet for alleys. The Village shall choose when to pave a newly opened street or alley. If someone other than the Village wishes to pave a newly opened street or alley, they may do so at their own expense. Said paving shall be a minimum of three inches thick, consisting of a minimum of one two-inch lift 301 base asphalt, and a minimum of one one-inch finish coat 404 asphalt. The Service Superintendent, or designee, shall inspect all work performed to determine whether the above requirements have been met.”

is hereby amended to read as follows:

**“1002.04 RESTORATION SPECIFICATIONS.**

Any street, alley or easement to be open cut shall be excavated to a minimum depth of 12 inches below finish grade. Pavement trench restoration shall meet the Village standard specifications for utility, street and sidewalk trench repair. All pavement and sidewalk repair or replacement shall meet the Village of Baltimore standard specifications. The minimum width shall be 24 feet for streets and 16 feet for alleys. The Village shall choose when to pave a newly opened street or alley. If someone wishes to pave a newly opened street or alley without Village approval, they shall do their own expense. All new street pavement shall meet the minimum standards set forth in Section 1214.04, latest revision, of the Village subdivision regulations. The Service Superintendent, or Village Engineer, shall inspect all work performed to determine whether the above requirements have been met.

Directional Boring: Where a new underground utility line is approved to be installed by the directional boring method, the owners of the underground utility, or their designee, shall submit a frake-out plan to the Village Engineer for review, no less than three (3) days before boring operations begin.”

SECTION 4: That Section 1002.06 (Maintenance Bond/Security), which currently reads as follows:

**“1002.06 MAINTENANCE BOND/SECURITY.**

For any project incorporating more than one individual residential lot, or for all commercial and/or industrial projects, a maintenance bond or security in the amount of the estimated project costs must be deposited with the Village’s Fiscal Officer before any pavement or sidewalk is disturbed.”

is hereby amended to read as follows:

**“1002.06 MAINTENANCE BOND/SECURITY.**

For any project incorporating more than one individual residential lot, or for all

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commercial and/or industrial projects, a maintenance bond (cash, surety, or letter of credit) in an amount to be determined by the Village Administrator or his or her designee, shall be deposited with the Village's Fiscal Officer before any work begins."

SECTION 5: That Section 1002.08 (Disruption of Sidewalks), which currently reads as follows:

**"1002.08 DISRUPTION OF SIDEWALKS.**

Sidewalks shall be maintained at all times through the construction periods, as follows:

- (a) Temporary sidewalks, pedestrian detours and pedestrian and construction facilities shall be constructed as needed to maintain pedestrian traffic and business access, as shown on the plans or as directed by the Municipality;
- (b) Sidewalk access will be provided to abutting land users at all times, as approved by the Municipality and in accordance with Village specifications and ADA requirements;
- (c) Unobstructed walkways of four (4) feet minimum width, unless otherwise approved by the Municipality, will be provided at all times;
- (d) Temporary pedestrian walkways shall be separated from roadway and construction areas by barricades as approved by the Municipality;
- (e) The contractor shall construct a temporary walkway for any existing sidewalk closed due to construction outside of normal working hours of 7:00 AM to 6:00 PM, with all temporary sidewalks meeting ADA requirements;
- (f) In no instance will a sidewalk be closed for more than ten (10) consecutive days, without written authorization by the Baltimore Village Administrator;
- (g) Should the contractor/owner fail to provide temporary pedestrian walkways in the manner described above, the Village of Baltimore will provide such temporary walkways as required, with a cost to be borne by the contractor/owner of two and a half (2½) times the cost to provide the temporary walkway."

is hereby amended to read as follows:

**"1002.08 DISRUPTION OF SIDEWALKS.**

Sidewalks shall be maintained at all times through the construction periods, as follows:

- (a) Temporary sidewalks, pedestrian detours and pedestrian and construction facilities shall be constructed as needed to maintain pedestrian traffic and business access, as shown on the plans or as directed by the Village Engineer;
- (b) Sidewalk access will be provided to abutting land users at all times, as approved by the Village Engineer and in accordance with Village specifications and ADA requirements;
- (c) Unobstructed walkways of five (5) feet minimum width when adjacent to the curb or edge of pavement, and four (4) feet minimum width when adjacent to a tree lawn strip, unless otherwise approved by the Village Engineer, shall be provided at all times;
- (d) Temporary pedestrian walkways shall be separated from roadway and construction areas by barricades as approved by the Municipality;
- (e) The contractor may be instructed to construct a temporary walkway for any existing sidewalk closed due to construction outside of normal working hours of 7:00 AM to 6:00 PM, with all temporary sidewalks meeting ADA requirements;
- (f) In no instance will a sidewalk be closed for more than ten (10)

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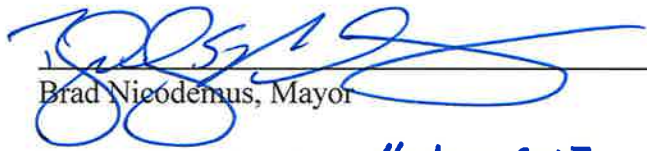
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consecutive days, without written authorization by the Baltimore Village Administrator;

- (g) Should the contractor/owner fail to provide temporary pedestrian walkways in the manner described above, the Village of Baltimore will provide such temporary walkways as required, with a cost to be borne by the contractor/owner of two and a half (2½) times the cost to provide the temporary walkway.”

SECTION 6: This ordinance shall become effective at the earliest period authorized by law.

  
Brad Nicodemus, Mayor

DATE OF PASSAGE: 4-10-2017

EFFECTIVE DATE: 4-10-2017

ATTEST:   
Kathryn E. Jenkins, Fiscal Officer

SPONSOR: HOCHRADEL

APPROVED AS TO FORM:   
Jeffrey Feyko, Village Solicitor