

# RESOLUTION NO. \_\_\_\_\_

## *A RESOLUTION ESTABLISHING RIGHT-OF-WAY ENFORCEMENT PROCEDURES, PERMIT REQUIREMENTS, AND PENALTIES UNDER LIMITED HOME RULE AUTHORITY*

*Stark County, Ohio*

**Be It Resolved** *by the Township Trustees of Perry Township*

**WHEREAS**, Perry Township is a limited home rule township organized under Chapter 504 of the Ohio Revised Code and is authorized to exercise powers of local self-government and to adopt regulations not in conflict with general law; and

**WHEREAS**, under O.R.C. §5571.16, the Township may require permits, bonds, and restoration standards for any excavation, driveway culvert, or utility installation within township highways or rights-of-way; and

**WHEREAS**, under O.R.C. §504.04, the Township may regulate and recover reasonable costs for the use and occupancy of its rights-of-way by telecommunications, fiber-optic, and other utilities; and

**WHEREAS**, the Township desires to ensure uniform right-of-way management, preserve roadway integrity, and establish enforcement provisions for unpermitted or non-compliant work.

**NOW, THEREFORE, BE IT RESOLVED** that:

### **Section 1. Purpose and Scope**

This Resolution establishes procedures for enforcement, inspection, and penalties associated with any work performed within Township rights-of-way, including but not limited to utility installations, driveway culverts, fiber-optic construction, and other excavations.

All permitting and technical standards are governed by the Perry Township Right-of-Way Permit Policy, adopted separately pursuant to O.R.C. §5571.16.

### **Section 2. Permit Requirement**

No person or entity shall perform any excavation, utility placement, boring, trenching, or related activity within a Township right-of-way without first obtaining a Right-of-Way Permit approved by the Township Administrator and Public Works Director.

Emergency work may proceed without prior approval only as authorized in O.R.C. §5571.16, provided that a permit application is filed at the earliest possible opportunity thereafter.

### **Section 3. Bonding and Deposits**

Each permit applicant shall furnish a performance bond or cash deposit as set forth in the Right-of-Way Permit Policy, conditioned upon proper completion, restoration, and correction of deficiencies for one year following final inspection.

The Township may draw upon the bond or deposit to remedy defective work or damage to public infrastructure.

## **Section 4. Inspection and Restoration**

All work is subject to inspection by the Public Works Director or designee.

Restoration of pavement, curbs, ditches, or other affected areas shall meet Township standards and be completed within ten (10) days of project completion unless otherwise authorized in writing.

Failure to restore within the specified timeframe may result in Township restoration at the permittee's expense.

## **Section 5. Violations and Penalties**

### **(A) Unpermitted Work.**

Any person or company performing work within a Township right-of-way without an approved permit shall be subject to a civil fine of up to \$1,000 per occurrence, plus restitution for any damage or staff costs.

### **(B) Non-Compliance.**

Failure to follow approved permit conditions, restoration standards, or inspection requirements may result in suspension or revocation of current and future permits.

### **(C) Stop-Work Orders.**

The Township Administrator or Public Works Director may issue a written stop-work order for any unpermitted or unsafe activity within the right-of-way. Work may not resume until the violation is corrected and all fees are paid.

### **(D) Additional Remedies.**

Civil penalties are cumulative and do not limit the Township's right to pursue damages, injunction, or cost recovery in any court of competent jurisdiction.

## **Section 6. Coordination with Right-of-Way Permit Policy**

This Resolution shall be read and enforced in conjunction with the Perry Township Right-of-Way Permit Policy, which sets forth application procedures, fee schedules, inspection requirements, and technical specifications.

The Policy may be updated from time to time by motion of the Board of Trustees without re-adoption of this Resolution.

## **Section 7. Administration**

The Township Administrator and Public Works Director are jointly responsible for implementing and enforcing this Resolution, maintaining permit records, and coordinating inspections.

They may delegate administrative duties as necessary to ensure compliance and cost recovery.

## **Section 8. Severability**

If any provision of this Resolution is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions that can be given effect without the invalid portion.

## Section 9. Emergency Clause and Effective Date

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety in order to regulate and coordinate right-of-way construction activities currently underway.

It shall take effect and be in force immediately upon its adoption.

The recitals set forth above are deemed material provisions of this resolution for all purposes.

Trustee \_\_\_\_\_ seconded the Motion, and thereupon, the votes in favor of this resolution were recorded and reflected by the signatures hereto.

**BE IT FURTHER RESOLVED:** that it is hereby found and determined that all formal actions of this Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees that resulted in such formal action, were in a meeting open to the public.

*Adopted the   2nd   day of  September , 2025.*

\_\_\_\_\_  
*Trustee Miller*

\_\_\_\_\_  
*Trustee Nelligan*

\_\_\_\_\_  
*Trustee DeChiara*

*Attest:* \_\_\_\_\_  
*Township Fiscal Officer*

*Approved as to form:*

\_\_\_\_\_  
*Township Law Director*