

Perry Township Right-Of-Way Permit Policy

(Adopted Pursuant to R.C. §5571.16)

1. Purpose and Authority: This Policy establishes uniform standards, application procedures, and restoration requirements for any excavation, driveway culvert, or utility installation within Perry Township's public rights-of-way.

It is adopted pursuant to Ohio Revised Code §5571.16, which authorizes the Board of Trustees to require permits, bonds, and restoration standards for any person or entity performing such work.

This Policy is intended to:

- Protect township roadways and infrastructure;
- Ensure safe and coordinated construction;
- Provide for cost recovery and restoration of affected areas; and
- Support enforcement under the Perry Township Right-of-Way Enforcement Resolution.

2. Scope and Applicability: A Right-of-Way (ROW) Permit shall be required for any activity involving excavation, boring, trenching, or installation of structures, conduit, poles, or culverts within the right-of-way of any township-maintained road, including:

- Utility construction (fiber, gas, electric, water, telecommunications);
- Installation or replacement of driveway culverts or other culverts;
- Road crossings or subsurface boring; and
- Any excavation or obstruction affecting roadway drainage or access.

Township, City, County, or State agencies performing work within their statutory authority are exempt from fees but must coordinate notice with the Public Works Director.

3. Definitions:

Right-of-Way (ROW): Land or easement under the jurisdiction of the Township used for roads, drainage, or utilities.

Applicant: Any individual, contractor, company, or utility performing work in the ROW.

Permit: The written authorization to perform work under this Policy.

Administrator: The Township Administrator or designee.

Director: The Township Public Works Director or designee.

4. Permit Application Process

A. Submission.

Applications must be submitted to the Fiscal Office or Administrator's Office at least ten (10) business days before the anticipated start of work.

B. Required Information.

Applicants shall provide:

- 1) Project location, scope, and purpose;
- 2) Plans showing length, depth, and type of excavation or installation;
- 3) Traffic control and safety measures;
- 4) Start and completion dates;
- 5) Proof of liability insurance and required bonds; and
- 6) Public Utilities Commission of Ohio (PUCO) registration, if applicable.

C. Approval.

No work may begin until the permit is approved by the Administrator and Public Works Director.

Emergency repairs may proceed under R.C. §5571.16, provided that a permit application is submitted within three (3) business days following the emergency.

5. Permit Types and Fees

| Permit Type | Purpose / Scope | Fee |
|--|--|--------------------------------|
| Standard Permit – Minor Work – open road | Maintenance ≤100 ft trench or boring | \$50 |
| Standard Permit – Major Work – open road | Excavation or new installation >100 ft to cover increased inspection costs | \$150 |
| Master Permit – Multi-Street or Townshipwide Project | Fiber/utility installation affecting multiple streets requiring administrative management and inspection costs | \$500 base + \$150 per segment |
| Driveway Culvert or Excavation Permit | Installation or replacement of culvert or ditch pipe | \$50 |
| Registration Fee (for utilities) | Annual registration per company for administrative tracking | \$200 |
| Annual Administrative Fee | Ongoing ROW management per active segment | \$100 |

Actual inspection costs exceeding standard fees may be billed separately when justified by staff time or materials.

6. Bonding and Deposits

A. Requirement.

Applicants shall post a performance bond or refundable deposit conditioned upon satisfactory completion and restoration.

B. Amount.

- \$1,000 per street or segment for single-location projects;
- \$25,000 blanket bond plus \$1,000 per affected street (not exceeding \$100,000) for large or townshipwide projects;
- Bond waived for Township-performed work.

C. Release.

Bonds are released upon final inspection and written approval of restoration by the Public Works Director.

7. Restoration Standards

- All disturbed areas shall be restored within ten (10) days of completion unless otherwise authorized.
- Pavement, curb, ditch, and landscape restoration must meet Township specifications and match adjacent materials.
- Sod or seeding must establish full cover before bond release.

- The Township may withhold or draw from the bond or deposit if restoration is incomplete or defective.

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8. Inspection Requirements

- All permitted work is subject to inspection by the Public Works Director or designee.
- No excavation shall be backfilled until inspected and approved.
- A final inspection report will be issued documenting approval or deficiencies.

9. Emergency Work

When an emergency requires immediate excavation to protect life, property, or public safety, the applicant shall notify the Township Administrator or Fiscal Officer as soon as possible and file a permit within three (3) business days of commencing work.

10. Enforcement

Violations of this Policy, including unpermitted work or failure to restore, are subject to enforcement and penalties under the Perry Township Right-of-Way Enforcement Resolution.

The Township may issue stop-work orders, assess fines, or pursue civil action to recover costs and damages.

11. Coordination and Recordkeeping

The Township Administrator and Public Works Director shall jointly maintain permit records, inspection reports, and restoration documentation.

The Township Fiscal Officer shall retain copies of bonds and deposits until released.

12. Severability

If any provision of this Policy is found invalid, the remaining provisions shall continue in effect.

Adopted by motion of the Board of Trustees on _____, 2025.

(Referenced by the Perry Township Right-of-Way Enforcement Resolution, 2025.)