



100 Dayton Street, Yellow Springs, OH 45387
(937) 767-1702

**INFORMATION FOR APPLICANTS FOR PERMIT TO WORK
ALONG, WITHIN OR ACROSS VILLAGE STREET RIGHTS-OF-WAY**

The construction and major alteration of any and all driveways to allow access to residences, property, or businesses fronting on Village maintained streets shall be done only with the written permission of the Villager Manager or their designated representative.

Applications for permission to work within the Village street rights-of-way are available at the Yellow Springs Zoning office located at 100 Dayton Street. This application covers excavations, curb cuts and driveway connections, plantings, construction or repair work of any kind, sidewalks, bike paths, curbs or gutters, alteration of the right-of-way for vehicle parking, drainage of storm water, and any installation of any overhead facilities (wires, cables, masts, banners, etc.) within the public right-of-way. The application form must be filled out in its entirety and presented to the Yellow Springs Zoning office for review. A fee of \$50.00 is required.

Requirements for inspection are:

1. Prior to the issuance of the permit and the inspection, the applicant shall clearly mark the location of the proposed excavation, curb cut and/or driveway connection, plantings, construction or repair work of any kind, sidewalk, bike path, curb and/or gutter, alteration of the right-of-way for vehicle parking, drainage of storm water, and any installation of any overhead facilities (wires, cables, masts, banners, etc.) within the public right-of-way and at the site of the property.
2. The applicant shall obtain all necessary utility permits prior to applying for the Application for Permit to Work Along, Within or Across Village Street Rights-of-Way.
3. The minimum sight distance required at the access point will be determined by the Village Manager or their representative prior to the issuance of the permit.
4. The applicant shall submit a site plan showing the proposed location when applying for the permit.
5. Trenches under the pavement shall be backfilled according to the direction given by the inspector to avoid settlement.
6. Proof of Liability Insurance is required and should accompany this form.

The following is the Codified Ordinance of Yellow Springs, Ohio regulation in regards to 'Use and Maintenance of Village Rights-of-way'.

Section 1020.01 – STATEMENT OF PRINCIPLE AND PURPOSE

The public rights-of-way within the Village are held in trust by Village government to serve the needs and promote the welfare and safety of the residents of the Village as a whole. To that end, all private use of such rights-of-way, whether temporary or permanent, existing or future, shall be subject to review and approval of the officers of the Village. In considering any request for private use or occupancy of the public rights-of-way, any such proposition which does not adversely affect the public interest, or have the potential to do so, may be permitted. (Ord. 82-10. Passed 9-7-82)

Section 1020.02 - PERMIT REQUIRED

No person shall engage in any act which affects the public rights-of-way without first securing the written permission of the Village Manager, or the Manager's designee, to do so. Any such permission may be granted only upon the conditions that:

(a) The permittee accepts all liability for the consequences of his or her acts and indemnifies the Village from any adverse action arising from such use of the right-of-way. A bond or surety may be required of the permittee.

(b) All work performed upon or within the right-of-way shall be in conformance with standard plans and specifications published by the Village, subject to such amendments or additional conditions as may be stipulated in the permit. Plans, standards and specifications may be promulgated by the Village Manager and shall take effect ten days after notice to Council and filing with the Clerk of Council, in the absence of objection or revision by Council. Where practicable, such standards shall be the same as provided in the Greene County Subdivision Regulations.

(c) All work shall be performed with due care and caution, and the physical plant of the Village, such as streets, sidewalks, utility lines and related facilities, shall be protected from harm or restored to standards prescribed by the Village.

(d) Any work performed within a right-of-way shall be conducted in such a manner as to minimize the danger or inconvenience to the public. Where use of traffic control devices is indicated, such devices shall conform to the Manual for Uniform Traffic Control Devices.

(e) The Village shall have the right to inspect, oversee, regulate and direct the work, or at any time revise the conditions of a permit when it appears, in the judgment of the inspecting officer, that such is necessary to preserve the public health, safety or welfare.

(Ord. 82-10. Passed 9-7-82.)

Section 1020.03 - REGULATED ACTIVITIES

The standards required as a part of the permit process shall apply to any of the activities listed below, which are shown for illustrative purposes only and shall not be construed as limits on the regulatory authority of the Village governing uses of its right-of-way:

- (a) Excavations;
- (b) Curb cuts and driveway connections;
- (c) Plantings;
- (d) Construction or repair work of any kind;
- (e) Sidewalks, bike paths, curb and gutters;

- (f) Alteration of the right-of-way for vehicle parking;
- (g) Drainage of storm water;
- (h) Installation of any overhead facilities, such as wires, cables, masts, banners, etc.

SPECIFICATIONS FOR RIGHT-OF-WAY WORK

RESPONSIBILITY:

No openings shall be made or work done on, across, along or adjacent to the right-of-way of any Village street without a *Working in the Right-Of-Way* permit from the Village Office. Said permit shall be subject to the following regulations, except in specific cases when the Village may authorize a variance from these regulations.

REGULATIONS:

More than one application may be included on a single permit form if all are part of the same project. An applicant shall pay one (1) permit fee for the application and will provide proof of liability insurance. The applicant assumes responsibility for protection of Village owned water and sanitary sewerage facilities within the street right-of-way, and shall fully compensate the Village for the repair or replacement of any such facilities damaged as a result of this work.

The Village Manager, or their representative, is charged with the administration and enforcement of these regulations and provisions and shall receive written permit applications, issue permits, examine premises for which such permits have been requested or issued, and enforce compliance with the provisions of these regulations.

Any person, firm, corporation or governmental agency that performs work for which a permit is required:

1. Shall maintain traffic at all times, unless permission is granted by the Village to close the road. If a road must be closed, the follow steps shall be taken:
 - A. Applicant shall work with the Village Manager or their representative to establish a detour route.
 - B. Applicant shall place all 'Detour' and 'Road Closed' signs in approved locations. All signs, barricades, traffic cones and other traffic control devices necessary for safety shall be approved and comply with the Ohio Manual of Uniform Traffic Control Devices.
2. Shall keep the disturbance of the road surface and shoulders at a minimum and shall backfill the trenches as directed by the Village Manager or their representative.
3. Shall define the opening with saw cuts sufficiently deep and placed far enough apart so that the abutting road surface is not disturbed during work within the trench. The designated representative may approve a method of cutting other than sawing. Upon completion of backfilling and within forty-eight (48) hours thereof, the road surface at the trench shall be replaced as directed by the Village designated representative (minimum

thickness of 4” of 404 asphalt in two (2) courses) and the new surface shall conform to the grade of the undisturbed surfaces. Joints shall be sealed with liquid asphalt.

4. Shall place lights, signs, barricades, and if necessary, flaggers and watchmen on the job for the protection of traffic at all times, day and night during the time the work is being done, and instructions given by the Village Street Department as to handling of traffic shall be followed. If at any time the Village is required to place barricades, lights, and/or signs at the location stated on this application or related thereto, the applicant shall reimburse the Village for the costs involved.
5. Shall be responsible for and shall save the Village harmless from any and all claims for personal injuries and property damages, and shall defend any action that might be brought due to the work proposed in the application or carried out with the permit, and will provide proof of liability insurance in force during the prosecution of this work.
6. Shall follow all OSHA standards to complete work.
7. Shall inform the Village that the person, firm, corporation, or governmental agency is covered by insurance which is currently in force and will remain in force during the performance of this work.

Any person, firm, corporation, or governmental agency that performs work for which a permit is required by these regulations without first having secured such a permit, or fails to comply with the conditions under which the permit was obtained, thereby shall be deemed in violation of these regulations and subject to the penalties provided by law.

The acceptance of a permit or the doing of any work there under shall constitute an agreement by the Party or Parties to whom the permit is granted to comply with all the conditions and restrictions printed or written herein.

The permit may, at any time, be revoked or annulled by the Village Manager or their representative for non-performance of or non-compliance with any of the conditions, restrictions, and regulations hereof, at which time the deposit will be forfeited.

FINANCIAL OBLIGATIONS:

A fee for the permit shall be collected by the Village of Yellow Springs. The amount of the fee shall be fifty dollars (\$50.00) and no refund of this fee will be made to the applicant.