

**ORDINANCE NO. 101-15**

**AN ORDINANCE AMENDING CHAPTER 901 OF THE  
CODIFIED ORDINANCES OF THE CITY OF MEDINA,  
OHIO RELATIVE TO STREET OPENINGS AND  
EXCAVATIONS, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Chapter 901 of the City of Medina, Ohio Codified Ordinances relates to Street Openings and Excavations and is limited in its scope to curb cuts and concrete street openings; and

**WHEREAS:** Section 901.01 of the Codified Ordinances of the City of Medina, Ohio presently reads as follows:

**901.01 APPLICATION REQUIRED.**

(a) Any person, firm or corporation which desires to cut an opening in any curb for the purpose of facilitating ingress or egress or for any other purpose, or desires to make a street opening in any concrete street, shall file an application with the City Engineer on forms provided by the City stating all dimensions required, the specific location and the purpose of the cut and stating the date that such work is to be done.

(b) Any person, firm or corporation which does not apply for the required application, shall be billed double the cost, sixty dollars (\$60.00) of the application fee

**WHEREAS:** Section 901.02 of the Codified Ordinances of the City of Medina, Ohio presently reads as follows:

**901.02 INSPECTION FEES.**

(a) The fee for inspecting the cutting of such a depression or opening shall be as follows:

- (1) Thirty-dollar (\$30.00) charge.
- (2) Twenty-four hours notice shall be given prior to inspection.
- (3) Area to be cut shall be marked out prior to cutting of curb or street opening.
- (4) Upon completion of the curb cut or street opening, a final inspection shall be made to assure that only the specific area designated in the application has been cut.

(b) Such fee shall be tendered and paid at the time of filing the application hereinabove provided, and such fee shall be returned to the applicant within ten days after the date of rejection in the event such application may be rejected. All charges collected pursuant to the provisions of this chapter shall be deposited in the Street Maintenance and Repair Fund.

(c) Any person, firm or corporation which fails to apply for the required inspection, shall be billed double, sixty dollars (\$60.00) the cost of an inspection fee.

**WHEREAS:** Based upon the recommendation of the City Administration it has been deemed in the best interest of the City and its residents to amend the appropriate sections of

Chapter 901 to expand its application so as to regulate use of the public rights of way, as well as temporary construction and installation of physical facilities therein.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

**SEC. 1:** That Section 901.01 of the Codified Ordinances of the City of Medina, Ohio shall be amended to read as follows:

**901.01 APPLICATION AND PERMIT REQUIRED.**

(a) Any person or entity which desires to use a public right-of-way within the corporate limits of the City for construction or installation of any physical facilities, or to cut an opening in any curb of a public street for the purpose of facilitating ingress or egress or for any other purpose, or desires to make a street opening in any ~~concrete~~ paved street, shall file an application with the City Engineer on forms provided by the City ~~stating all dimensions required, the specific location and the purpose of the cut and stating the date that such work is to be done~~ and provide the information required by the application form.

~~(b) Any person, firm or corporation which does not apply for the required application, shall be billed double the cost, sixty dollars (\$60.00) of the application fee.~~ The City Engineer shall review all complete applications submitted to the City pursuant to this section and determine whether the subject matter of the application complies with all City ordinances and regulations, and whether the proposed work or permanent installation of the proposed physical facilities will be adverse to the public health, safety and general welfare. Provided the application complies with all City ordinances and regulations and will not be adverse to the public health, safety and general welfare, as reasonably determined by the City Engineer, the City Engineer shall issue a permit for the work, construction or installation that is the subject of the application.

**SEC. 2:** That Section 901.02 of the Codified Ordinances of the City of Medina, Ohio shall be amended to read as follows:

**901.02 REVIEW AND INSPECTION FEES.**

(a) The fee for review of the application and ~~inspecting the cutting of such a depression or opening shall be as follows~~ any of the work performed under a permit issued pursuant to Section 901.01 by the City Engineer's Office shall be at the rate of forty dollars (\$40.00) per hour that shall be charged in minimum one-half hour increments.

~~(1) Thirty-dollar (\$30.00) charge.~~

~~(2) Twenty-four hours notice shall be given prior to inspection.~~

~~(3) Area to be cut shall be marked out prior to cutting of curb or street opening.~~

~~(4) Upon completion of the curb cut or street opening, a final inspection shall be made to assure that only the specific area designated in the application has been cut.~~

(b) ~~Such~~ **The estimated review and inspection fees, as determined by the City Engineer in the Engineer's sole discretion,** shall be tendered and paid at the time of filing the application hereinabove provided **for in Section 901.01,** and ~~such~~ **any portion of the fee collected that is not used by the City Engineer** shall be returned to the applicant within ten days after the date of rejection in the event such application may be rejected **final inspection of the work.** **Any and all fees that are required for the review and inspection required by this section that are not covered by the initial payment of fees as required by this subsection (b) shall be paid by the applicant upon the final inspection.** All ~~charges~~ **fees** collected pursuant to the provisions of this chapter shall be deposited in the Street Maintenance and Repair Fund.

(c) ~~Any person, firm or corporation which fails to apply for the required inspection, shall be billed double, sixty dollars (\$60.00) the cost of an inspection fee.~~

**SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

**SEC. 4:** That is Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the City has received recent inquiries by various entities to access its public rights of way for permanent uses thereof and for temporary installations and construction and these amendments are immediately necessary to allow the City to appropriately regulate the rights of way; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**