

AN ORDINANCE AMENDING ORDINANCE 2025-02 & CHAPTER 97 RIGHT-OF-WAY PERMIT SECTION 97.06 FEES AND EXPENSES OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SWANTON, OHIO AND DECLARING AN EMERGENCY

WHEREAS, Chapter 97 of the Codified Ordinances sets forth certain definitions and regulations regarding the use of right-of-way within the Village of Swanton; and

WHEREAS, Council desires to amend Section 97.06 of Chapter 97 of the Codified Ordinances to clarify the Fees and expenses of permitting utilities within the right-of-way of the Village of Swanton;

NOW, THEREFORE, BE IT ORDAINED by Council of the Village of Swanton, Fulton County, Ohio, that:

Section 1. That Chapter 97 of the Codified Ordinances of the Village of Swanton shall be amended to read as follows:

See Exhibit A attached hereto and incorporated herein by reference.

Section 2. That it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Village Council, and that all deliberations of this Village Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3 That this ordinance shall be declared an emergency measure necessary for the immediate preservation of public health, safety and welfare of the Village of Swanton and shall be in full force and effective immediately upon passage.

Motion to Suspend the Rules and Declare an Emergency

Moved: Westhoven Second: Schmidt YEAS: 5 NAYS: 0

Vote on Passage

Moved: Westhoven Second: Schmidt YEAS: 5 NAYS: 0

Date of Passage: February 10, 2025



Neil Toeppe, Mayor

Attest:

I, Holden Benfield, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2025-06, passed on February 10, 2025



Holden Benfield, Fiscal Officer

Exhibit A

§ 97.06 FEES AND EXPENSES.

(A) The required right-of-way permit(s) is to ensure that all activities within the right-of-way are properly managed and maintained. The associated fees cover the costs of inspection, administration, maintenance, and any necessary repairs to the streets and right-of-way property due to usage. These permits help us maintain the safety and integrity of public infrastructure while ensuring that all parties are held accountable for their impact on the right-of-way. Additionally, the application fees support the resources required to review and process each permit, ensuring compliance with local regulations and minimizing disruptions to the community.

(B) Each applicant for a construction permit shall include with its application an application fee in the amount of \$2,000. This fee is directly related to the village's costs in reviewing the application and determining time, place and manner restrictions on the construction activity. If the application for a construction permit is denied, this fee shall not be refunded. If the application is granted, then the applicant shall pay, within 30 days of the presentation of a statement, the village's actual costs based on the hourly rate established by the Village Administrator. Such actual costs include, but are not limited to, costs of disruption and rerouting of traffic, inspection costs and administrative costs.

(C) Extraordinary expenses. In addition to the fees set forth above, a permit holder shall pay, within 30 days of the presentation of a statement, any extraordinary or unusual expenses reasonably incurred by the village as a result of the permit holder's use of the rights-of-way, provided that the village notifies the permit holder of the expected expenses prior to them being incurred and provides the permit holder with an opportunity to mitigate such expenses. Examples of extraordinary or unusual costs include, but are not limited to, the cost of obtaining and operating a backhoe, dump truck or other heavy equipment used to repair the right-of-way, overtime or special pay for police officers or other emergency services. The statement of such expenses presented to the permit holder shall be directly related to the village's actual costs.

(D) In the event that payment of any of the fees identified above is not made upon submission of the application or by the date due, the applicant or permit holder shall pay a late payment penalty of simple interest at 10% annual percentage rate of the total amount past due. Such a penalty shall be in lieu of any other monetary penalty. Acceptance of payment under this section shall not in any way limit or waive the village's right to suspend or terminate the permit according to the terms of this chapter.

(Ord. 2016-63, passed 12-12-2016)