CHAMPION TOWNSHIP RESOLUTION NO. R2025-149

WHEREAS, Ohio Revised Code Section 5571.16 permits townships to adopt a Resolution requiring any person to obtain a permit before making any excavation in a township highway or highway right-of-way or before installing a driveway culvert in a township highway or highway right-of-way within its jurisdiction, except as specifically excepted by statute; and,

WHEREAS, Ohio Revised Code Section 5571.16 requires that permit applications shall be accompanied by a fee of fifty ($50) dollars per application, which fee shall be returned to the applicant if the application is denied; and,

WHEREAS, the Champion Township Board of Trustees adopted Resolution Z2025-29 and Z2025-30 requiring permits for work in the township highway or highway right-of-way, and has determined that it is in the best interest of the Township and its residents to amend this process.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Champion Township, Trumbull County, Ohio, as follows:

1. Champion Township hereby adopts the Right-of-way or Excavation permit form and the Regulations for Excavations in Champion Township Roads or Rights of Way of Champion Township Roads, attached hereto.
2. Any person or entity seeking to make any excavation, including placing, extending, or repairing any pipes, cables, wires, fiber optic cables, poles, roadway structure or appurtenances, or boring or tunneling in or under any Champion Township public highway (which includes the road surface, its sub-surface, and right-of-way) must obtain a permit for each such excavation prior to the commencement of the work. All work must be done in accordance with Ohio law, the Township Regulations, and the conditions of the permit.
3. Each application shall be accompanied by a fee of Fifty Dollars ($50.00) for each permit. Each proposed borehole or pavement cut requires a separate permit and fee. The fee shall be returned to the applicant if the application is denied.
4. In addition, the fee for plan review and inspection of all work is $50.00 per hour. The Applicant shall pay $150.00 per project as an initial plan review and inspection fee. If, in the opinion of the Champion Township Road Supervisor, additional review and inspection is needed due to the size of the project or nature of the work, the Permit holder shall pay such additional costs at the rate of $50.00 per hour within 30 days of invoicing.
5. In addition to the permit fee and the plan review and inspection fee, to obtain a permit, the Applicant shall provide a deposit to guarantee that damage from the excavation is restored, and to insure satisfactory compliance with all terms and conditions of the permit. A cash deposit of Five Hundred Dollars $500.00 per permit shall be deposited with the Champion Township Board of Trustees and shall be held by the Township Fiscal Officer. If the required amount of the deposit is over Ten Thousand Dollars, the Applicant shall provide an irrevocable letter of credit in the required amount rather than a cash deposit. The cash deposit or letter of credit shall be returned to the Permit holder one year after completion of the work under the permit, the full restoration of

the worksite to the satisfaction of the Champion Township Road Superintendent, and full compliance with the conditions of the excavation permit and Ohio law. The Board of Township Trustees may direct its Fiscal Officer to retain the deposit beyond one year and use the funds if necessary to restore the excavation site, repair any damage to the roadway or right-or-way, including damage that appears after the initial repairs, or to otherwise fulfill the terms, conditions and restrictions of the permit. Substandard or incomplete construction or restoration will result in the forfeiture of the deposit in the amount required for Champion Township to complete, repair or restore the excavation as required. The retention or deduction of any such costs from the deposit or letter of credit shall not be construed to be liquidated damages, and the Applicant is responsible for any and all damages that flow from the excavation or any failure to comply with the terms of the permit or Ohio law, even if the damages exceed the amount of the deposit.

6. The permit holder shall be responsible for any claims for injury or damage to persons or property arising out of the permit holder's work or use and occupancy of any part of the road and/or road right-of-way. Applicant must indemnify and hold harmless Champion Township against liability or damages occurring as the result the work, and execute the Indemnification and Hold Harmless Agreement.

7. No permit fee or application shall be required for an excavation to repair, rehabilitate, or replace a pole already installed for the purpose of providing electric or telecommunications service or for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service, but the person making that excavation shall provide verifiable notice of the excavation to the township fiscal officer at least three (3) business days prior to the date of the excavation.

8. Resolutions Z2025-29 and Z2025-30 are hereby repealed and replaced by this Resolution.

9. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code

Trustee Fee moved to approve the resolution. Trustee York seconded the motion. Upon call of the roll, the vote resulted as follows:

Trustee Emerine: Yes

Trustee York: Yes

Trustee Fee: Yes

Douglas Emerine, Trustee Chairman _____

Dean "Rick" York, Vice-Chairman _____

Rex Fee, Trustee _____

Attest: Laurie Jo Miller, Fiscal Officer _____

Regulations for Excavations in Champion Township Roads or Rights-of-Way of Champion Township Roads

1. **PERMIT REQUIRED:** Under the Board of Champion Township Trustees, Resolution No._____, adopted _____, 2025, pursuant to Ohio Revised Code Section 5571.16, anyone who seeks to make any excavation, including placing, extending, or repairing any pipes, cables, wires, fiber optic cables, poles, roadway structure or appurtenances, or boring or tunneling in or under any Champion Township public highway (which includes the road surface, its sub-surface, and right-of-way) must obtain a permit for each such excavation prior to the commencement of the work. All work must be done in accordance with Ohio law, these Regulations, and the conditions of the permit.

   1. **Exceptions.** A permit is not required for:

      1) Mailboxes. Mailboxes that are approved by the U.S. Postal Service and mounted on breakaway posts.

      2) Emergency. In the case of an emergency requiring immediate action to protect the public health, safety, and welfare, an excavation may be made without first obtaining a permit, provided that an application is made at the earliest possible opportunity, pursuant to R.C. §5571..

      3) Certain Utility Poles. Pursuant to R.C. §5571.16, no application or fee shall be required for an excavation to repair, rehabilitate, or replace a pole already installed for the purpose of providing electric or telecommunications service, or an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service,; but notice shall be provided to the township fiscal officer no later than three business days prior to the date of excavation.

   2. **Failure to obtain a permit.**

      A person who fails to obtain a permit in advance of working in the Township roadway or right-of-way must pay a fee double the amount of the permit and inspection fees that would have been charged had the work been timely permitted and inspected. Further penalties may also apply, including requiring the opening of the construction site for inspection and/or prosecution under Ohio Revised Code §5571.99.

2. **LIABILITY:** The permit holder shall be responsible for any damage to the highway, any adjacent property, and any utilities occurring as a result of the permit holder's work, and issuance of a permit does not relieve the permit holder or its contractors from any liability. The permit holder shall at all times indemnify, defend and hold harmless Champion Township and its employees and officials against all claims from injury or damage to persons and property that may be asserted by any firm, person or corporation arising out the actions of the permit holder or its contractors, or from the use and occupancy of any part of the road and/or road right-of-way. The attached indemnification and hold harmless agreement must be completed and submitted with the permit application.

3. **APPLICATION AND PLAN:** A permit application must be filed with the Township Fiscal Officer on the form provided at least five business days prior to the proposed date of any excavation. The applicant shall at the same time submit to the Township Road Superintendent a copy of the application and a site plan of suitable size and detail to show the work to be performed. Plans may be submitted electronically. The plan shall show all existing utilities and topographic features, existing right-of-way and adjacent property lines.. All conflicts with any existing utility facility shall be resolved to the satisfaction of the utility owner. The plan must show if a trench, push, bore or tunnel method is involved, and trench and boring data shall include the location of all bores, the length, width and depth dimensions and indicate fill material to be used and method of closure. The plan shall show the location of all work to be performed, and whether it is in the pavement, sidewalk, driveway or grass areas.

NOTE: ***Except for driveway culverts, Champion Township discourages the practice of placing pipe and enclosing natural or man-made swales and ditches along Township roads. In most cases, permits will not be granted for such work.***

4. **NEW PAVEMENT OR REPAVEMENT: All Road crossings will be made by the directional boring method unless specific permission is granted to cut the pavement.** No permit will be granted to open-cut new pavement or a road that was repaved within the last three years, except for the purpose of emergency repairs.

5. **TRAFFIC CONTROL:** Traffic is to be maintained and protected with adequate barricades, lights and flaggers as needed. If traffic control devices are required, all such devices shall be furnished, erected, maintained and removed

by the contractor in accordance with the Ohio Manual of Uniform Traffic Control Devices (MUTCD). The function of existing traffic control devices shall be retained at all times during excavation. The permit holder shall restore relocated traffic and street signs to the positions and conditions that existed prior to construction and shall replace all paving markings in accordance with Ohio law and the Ohio MUTCD. The Applicant shall at all times provide and maintain suitable driveways to and from abutting properties so as to allow ingress and egress to and from such properties. The Applicant shall be responsible for any and all damages to any abutting property or any interference to the activities including the business activities of any such abutting property owner.

6. **ROAD CLOSURE:** Whenever the full closure of a road is requested, the Applicant shall provide the Champion Township Road Department with plans showing the proposed traffic control signs, detour route maps, , etc. Five (5) working days prior to commencement of any excavation that will close the road or partially close a road that will affect the traffic pattern or limit access to only local traffic, the Applicant shall notify the Champion Township fire and police departments, the school system, and the post office located in and/or having jurisdiction over the area where the excavation is to occur of the date of commencement and the completion of said work.

7. **RESTORATION:** The permit holder shall restore the road and right-of-way to as good or better condition as prior to beginning work (reseeding grass, plantings, driveway, etc.). Materials may not be stockpiled on the roadways at any time. Dirt and debris, tracked or spilled on the pavement shall be removed promptly. Temporary repairs to the roadway shall be made immediately, and permanent repairs to the roadway, catch basins, curbs, sidewalks, tiles, etc. shall be made in conformance with current Trumbull County Engineer standards and specifications. Permanent restoration and repairs shall be completed within thirty days of the completion of boring or cutting work at that location.

8. **EMERGENCY REPAIRS:** When any public utility company or contractor must excavate within the roadway to make emergency repairs for the safety and convenience of the public, they must request a permit the following business day. If an emergency repair that requiring open cutting of a roadway is necessary, a temporary repair shall be made as soon as possible, and a permanent repair conforming to the specifications of the Trumbull County Engineer shall be made within thirty days.

9. **NOTIFICATIONS:** The Applicant is responsible for obtaining all other permits required for construction and must notify applicable utilities of the pending excavation, and for spotting, marking, and if necessary, having .utilities located in the area of excavation relocated at its sole cost prior to commencing excavation. Ohio Utilities Protection Service at 1-800-362-2764 for notification of member utilities, and non- members must be called directly. The Township Road Superintendent must be notified at least two (2) working days before starting construction at any location, so that inspections may be arranged. .

10. **INSPECTIONS:** Champion Township employees shall inspect the work performed under any permit issued, to protect the interests of the township, and the Permit holder shall be responsible for the cost of such inspections. It is the permit holder's responsibility to notify the Champion Township Road Superintendent whenever work is being done so that inspections can be conducted.

11. **FEES:**

1) The fee for a permit is: Fifty Dollars ($50.00) for each permit. Each borehole or pavement cut requires a separate permit and fee, even if the application covers multiple boreholes or cuts. The fee shall be returned to the applicant if the application is denied.

2) In addition, a fee for plan review and inspection of all work is $50.00 per hour. The Applicant shall pay $150.00 per project as an initial plan review and inspection fee. If, in the opinion of the Champion Township Road Supervisor, additional review or inspection is needed due to the size or nature of the work, the Permit holder shall pay such additional costs at the rate of $50.00 per hour within 30 days of invoicing.

12. **CASH DEPOSIT OR IRREVOCABLE LETTER OF CREDIT:** In addition to the permit fee and the plan review and inspection fee, to obtain a permit, the Applicant shall provide a deposit to guarantee that damage from the excavation is restored, and to insure satisfactory compliance with all terms and conditions of the permit. A cash deposit of Five Hundred Dollars $500.00 per permit shall be deposited with the Champion Township Board of Trustees and shall be held by the Township Fiscal Officer. If the required amount of the deposit is over Ten Thousand Dollars, the Applicant shall provide an irrevocable letter of credit in the required amount rather than a cash deposit. The cash deposit or letter of credit shall be returned to the Permit holder one year after completion of the work under the permit, the full restoration of the worksite

to the satisfaction of the Champion Township Road Superintendent, and full compliance with the conditions of the excavation permit and Ohio law. The Board of Township Trustees may direct its Fiscal Officer to retain the deposit beyond one year and use the funds to restore the excavation site, repair any damage to the roadway or right-of-way, including damage that appears after the initial repairs, or to otherwise fulfill the terms, conditions and restrictions of the permit. Substandard or incomplete construction or restoration will result in the forfeiture of the deposit in the amount required for Champion Township to complete, repair or restore the excavation as required. The retention or deduction of any such costs from the deposit or letter of credit shall not be construed to be liquidated damages, and the Applicant is responsible for any and all damages that flow from the excavation or any failure to comply with the terms of the permit or Ohio law, even if the damages exceed the amount of the deposit.

13. **REFUND POLICY.** No deposit shall be refunded if the construction and restoration does not meet the required standards, is in violation of these regulations, or is not carried out according to the application and approved permit. Deposits will be refunded if defective work is corrected within 30 days of initial inspection and the correction meets the standards and regulations. It is the applicant's responsibility to request the inspection.

14. **TERM.** A permit shall be effective when all fees have been paid, the deposit or letter of credit has been received, and the permit has been approved by the Champion Township Road Superintendent. The permit shall be effective for one year from the date of approval.

Indemnification and Hold Harmless Agreement

Now comes the undersigned Applicant for a Road Right of Way Permit in Champion Township, Trumbull County, Ohio, and enters into this Indemnification and Hold Harmless Agreement on the date executed below.

WHEREAS, The Applicant desires to engage in excavation or construction activities within a Township road and/or right of way, pursuant to an application submitted to the Township, and

WHEREAS, Champion Township agrees to permit such excavation or construction activities and as a condition of said permit requires the Applicant to indemnify the township against liability or damage as the result of the installation of the culvert or as a result of a permitted excavation or activities within the road right-of-way, as provided in Ohio Revised Code §5571.16,

NOW, THEREFORE, the Applicant hereby agrees as follows:

The Applicant shall indemnify and hold harmless Champion Township and each member of the Board of Trustees of Champion Township and each officer, employee,, agent and insurer of Champion Township (and their heirs, successors, executors, administrators and assigns) from any and all claims and damages, whether civil, criminal, administrative or investigative including all expenses, attorney's fees, judgments, fines and amounts paid in settlement, arising out of or directly or indirectly connected with, relating to or in any manner resulting from any activity by the Applicant, or thee Applicant's designee, employee, agent, or contractor related in any way to the work contemplated by the road right of way permit requested, including, but not limited to, any negligent or intentional act which results in any harm or damage to another or to property of another. This indemnification obligation shall be enforced to the fullest extent permitted by law, for the benefit of Champion Township, regardless of the causes or alleged cause of the claim.

The individual signing this Indemnification and Hold Harmless Agreement represents and warrants that he/she is authorized to sign this Indemnification and Hold Harmless Agreement and bind the Applicant.

Applicant (Individual or Company) Name:_____

Signature of Authorized individual: _____

Printed Name: _____

Title: _____

Date: _____

Champion Township

240 Marshall Ave. NW Warren, Ohio 44483 (330)-847-6117

APPLICATION FOR PERMIT TO WORK ALONG OR ACROSS CHAMPION TOWNSHIP ROADS INCLUDING PIPELINE RELATED WORK

Date of Application: _____ **REF:** _____

Type of Application and Fee:

Make checks payable to Champion Township

- ☐ Road Bore or R/W Work
- ☐ Driveway Access
- ☐ Open Road Cut

Fifty Dollars ($50.00). Each borehole or pavement cut requires a separate permit fee.
In addition, the Applicant shall pay $150 per project as an initial plan review and inspection fee. Additional time shall be billed at $50.00 per hour. A cash deposit of Five Hundred Dollars ($500.00)per permit shall be made to guarantee that damage is restored.

Applicant Information:

Company Name	
Contact Person	
Street Address	
City, State, Zip Code	
Phone	
E-Mail Address	

Explanation of Work to be undertaken

At the following described location (include footage from nearest intersection) in _____

Champion Township, Trumbull County, Ohio and along/across _____

Enclose with this application; the appropriate fee, the plans for the project, and the required Cash Deposit or Irrevocable Letter of Credit for the work proposed herein.

Work will commence on or about _____ and will be complete by _____
The applicant must notify Champion Township of any changes to these dates.

Agreement and Signature

I,_____ , as a duly authorized representative of the applicant for this permit, have read, understand and agree to comply with all the Regulations and laws applicable to this permit.

Name/Title	
Signature	
Date	

Permit approved: _____ Date: _____