

ORDINANCE NO. 22-048

AN ORDINANCE TO AMEND CODE REFERENCES TO THE CONSTRUCTION SERVICES ADMINISTRATOR POSITION TO THE DIRECTOR OF CONSTRUCTION SERVICES POSITION

WHEREAS, the Mayor of the City of Canal Winchester is the chief executive and administrative officer of the City, with the power to appoint and promote employees, and to direct and supervise the administration of all departments; and

WHEREAS, the Council of the City of Canal Winchester is the legislative authority of the City, with power to establish or authorize the number of employees of the various departments of the City, and to establish the rate of their compensation, fringe benefits, and other conditions of employment; and

WHEREAS, the Mayor has determined to revise the title of the position of Construction Services Administrator to Director of Construction Services, consistent with the position's existing functions and duties and the other director positions within the service of the City; and

WHEREAS, various references within the Codified Ordinances of the City of Canal Winchester reference the position of Construction Services Administrator, and should be updated to reflect the revised title of said position;

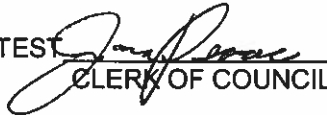
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO, THAT:


Section 1. That all references to the Construction Services Administrator, Administrator of Construction Services, or like title, as set forth in the sections of Codified Ordinance identified in the attached Exhibit A, shall be revised to refer to the "Director of Construction Services."

Section 2. That this Ordinance shall take effect and be in force at the earliest date provided by law.

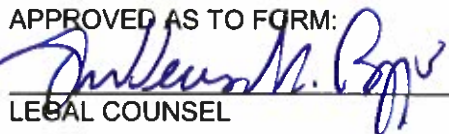
DATE PASSED 11-2-22


PRESIDENT OF COUNCIL

ATTEST 
CLERK OF COUNCIL


MAYOR

DATE APPROVED 11-21-22

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.


Clerk of Council

905.01 DEFINITIONS.

(b) "Director of Public Works," "Director of Construction Services," "Urban Forester" and "Planning and Zoning Administrator" means that the Director of Public Works, Director of Construction Services, Urban Forester and Planning and Zoning Administrator of the City of Canal Winchester or his/her duly authorized agent.

905.04 INSPECTION CRITERIA.

The inspection criteria to be utilized by the Director of Public Service, Director of Construction Services or designated representative for the shall include inspection of any condition deemed by such official to be potentially detrimental to the public health, safety and welfare and shall include, at a minimum, the examination of the following which, if such condition exists, shall necessitate repair or replacement:

- (a) Any block or section having cracks or joints 1' or wider.
- (b) Adjoining blocks or portions thereof whose edges differ vertically 1" or more.
- (c) Block or sections that have excessive cracks, creating pieces smaller than two feet.
- (d) Block or sections having a cross slope greater than 1" per foot.
- (e) Block or sections having surface deterioration greater than 3/8" deep over 25% or more of the surface area.
- (f) Blocks or sections that do not match the existing grade and cause the ponding of water.
- (g) Sidewalk material placed without prior approval of the City unless the Director of Public Service, Construction Administrator or designated representative determines such repair or replacement to be in satisfactory condition and in accordance with the standards and specifications for such repairs or replacements adopted by the City.
- (h) Stumps, stones, private sign posts or any other unauthorized obstruction in the sidewalk space.
- (i) Trees, bushes or shrubs that overhang the sidewalk. Trees, bushes or shrubs located on private property will be trimmed to at least eight feet above the sidewalk, with bushes and shrubs trimmed so as to not overhang the sidewalk even after a rain.
- (j) Water valve boxes, gas valve boxes, or manholes, etc. that are not to proper grade. The recommendation of the Director of Public Works or Director of Construction Services or designated representative that any block or section be condemned to safeguard public health, safety, and welfare.

(Ord. 15-43. Passed 12-21-15.)

905.05 PROCEDURE FOR REPAIR OR REPLACEMENT.

(7) If the property owner(s) chooses to "opt-out," the City-approved methods of sidewalk, integral approach/apron construction, repair or replacement must meet the specifications set forth in Sections 905.11, 905.12 and 905.13.
(Ord. 15-43. Passed 12-21-15.)

905.06 CONSTRUCTION BY OWNER (OPT OUT).

(c) Notify the Director of Public Service or Director of Construction Services or designated representative in writing the identity of the contractor(s) who will perform the work

(d) Identify the proposed method(s) of construction, repair or replacement so the Director of Public Service or Director of Construction Services or designated representative may determine the appropriateness. The City-approved methods of sidewalk, integral approach/apron construction, repair or replacement are set forth in Sections 905.11, 905.12 and 905.13.

(Ord. 15-43. Passed 12-21-15.)

905.07 CONSENT.

Every owner of real property in the City of Canal Winchester is:

(a) Deemed to have consented to the entry upon private property as considered appropriate by the Director of Public Service or the Director of Construction Services or designated representative for any of the purposes set forth in this chapter.

905.09 RESOLUTION OF NECESSITY.

(a) The Director of Public Service or Director of Construction Services or designated representative shall from time to time prepare a list of all properties in need of construction, repair or replacement of sidewalks, integral approaches/aprons. Such list shall be submitted to Council and at a time it deems appropriate, Council may adopt a Resolution of Necessity reciting the necessity to repair or replace or construct those sidewalks, integral approaches/aprons as indicated by the public official. Upon adoption of such Resolution of Necessity:

(1) The Director of Public Service or Director of Construction Services or designated representative may proceed to prepare solicitations for bids for completing the public improvements and/or repairs for all properties not opting out of the City program or for any property in which the property owner fails to comply with any opt-out procedures set forth herein.

sidewalks or driveway aprons; such embankment shall be placed in four inch layers to a width as directed by the Construction Service Administrator, with each layer thoroughly rolled or tamped to a compaction satisfactory to the Construction Administrator. Topsoil or other organic material shall not be used as embankment under proposed sidewalk or drive. After the sidewalks or driveway aprons are laid, the areas on each side shall be filled and finished graded as directed by the Director of Construction Services.

(c) Portland Cement Concrete Sidewalks.

(1) Excavation for the sidewalks shall be made to subgrade and to width of three inches more on each side than the width of the proposed walk. All tree roots exposed by excavation shall be cut off at least three inches outside the lines of the new walk and three inches below the subgrade, provided such approval has been received from the Urban Forester as identified under Section 905.08(b) above. After having been evenly fine graded, the subgrade shall be thoroughly compacted. If springs are encountered, drains shall be laid to the nearest storm outlet as directed by the Director of Construction Services.

(2) Driveway aprons on improved streets shall conform to Canal Winchester Standard Drawings.

(3) For new driveway apron installations, combined curb and gutter and separate curbing shall be entirely removed for the full width of the driveway aprons opening at the curb line. Such curb removal shall be done so as to avoid any injury to the curb remaining in place, which shall be rounded off and finished under the supervision of the Director of Construction Services or his authorized representative. Saw cutting of the curb may be permitted at the direction of the Director of Construction Services.

(e) Asphalt Cement Concrete Driveway Aprons.

(1) Excavation for the driveway aprons shall be made to subgrade, and to a width of three inches or more on each side than the width of the proposed driveway aprons. All tree roots exposed by excavation shall be cut off at least three inches outside the lines of the new driveway aprons and three inches outside the lines of the new driveway aprons and three inches below the subgrade, provided such approval has been received from the Urban Forester as identified under Section 905.08(b) above. After having been evenly fine graded, the subgrade shall be thoroughly compacted. If springs are encountered, drains shall be laid to the nearest storm outlet as directed by the Director of Construction Services.

(2) Asphalt driveway aprons shall conform to Canal Winchester Standard Drawings. Asphalt driveway aprons are permitted only on unimproved streets, unless previously installed or approved by the Director of Construction Services.

(3) No driveway aprons shall be so constructed as to interfere with the drainage of the adjoining streets or as to permit the forming of pools of water in the driveway aprons.

(4) Minimum culvert diameter shall be twelve inches. Larger diameter culverts may be required as directed by the Director of Construction Services. Culvert material shall be approved by the Director of Construction Services. Culvert shall be bedded with granular

1109.02 TECHNICAL REVIEW GROUP.

(a) The Technical Review Group is established as the Municipality's review body of engineering construction plans for private and public development projects and consists of, but not be limited to, the Planning and Zoning Administrator, Director of Public Works, Municipal Engineer, Manager Division of Water, Manager Division of Water Reclamation, Manager Division of Streets, Director of Construction Services, Urban Forester, School Superintendent, and police and fire safety services. The Technical Review Group will meet on an as needed basis to provide for a forum at which proposed developments at any state in the regulatory process may be discussed. These meetings are intended to minimize conflicts with various regulatory requirements and to provide coordination of various requirements and procedures. The Technical Review Group also provides the Planning and Zoning Commission technical expertise in matters that come before the Commission.

1109.03 ENGINEERING CONSTRUCTION PLANS, SUBMITTAL AND REVIEW.

(c) Preliminary Review Procedure:

(1) Civil engineering construction plan review with Director of Public Works, Director of Construction Services, Division of Streets Manager, Division of Water Manager, Division of Water Reclamation Manager, and Urban Forester within one week of submission.

(2) Review any approval conditions by the Planning and Zoning Commission.

(3) Review General Notes.

(4) Review compliance with Chapter 1115 Required Improvements.

(5) Hold preliminary engineering construction plan meeting with the Planning and Zoning Administrator, Director of Public Works, Director of Construction Services, Municipal Engineer, and, as applicable, the appropriate local school district and fire department within two weeks of distribution to compile comments to be forwarded to the developer for revision and/or clarification.

(d) Final Review Procedure:

(1) All updated engineering construction plans and supporting information submitted for review shall include all revisions and/or clarifications as previously requested. The developer also shall return all annotated review plans along with a mylar cover sheet for signatures and construction cost estimate. No updated submittal shall be reviewed by the Technical Review Group until all requested revisions have been made and/or clarifications have been provided.

(2) Civil engineering construction plan review with Director of Public Works, Director of Construction Services, Division of Streets Manager, Division of Water Manager, Division of Water Reclamation Manager, and Urban Forester within one week of submission.

(a) All improved areas within dedicated street rights-of-way shall be graded, friable soil, and seeded in accordance with current standards of the municipality and in a manner approved by the Director of Construction Services.

1117.02 BONDING REQUIREMENTS.

(c) Term of Performance Bond Extension. The Director of Construction Services may extend the term of the performance bond upon a written request from the subdivider when good cause for delay is shown and the surety company agrees to the extension.

(d) Maintenance Bond. Prior to the release of a performance bond, the subdivider shall present a maintenance bond in an amount as stipulated by ordinance based on the value of the public and private improvements required by the approved improvement plans and the subdivision regulations. The developer or designated representative shall contact the Director of Construction Services to schedule a meeting with Municipal officials during the eleventh (11th) month of the first year of the maintenance bond to perform an inspection of the improvements. Any deficiencies shall be documented in writing and provided to the developer who shall take appropriate action in addressing said deficiencies.

After all deficiencies, if any, have been addressed to the satisfaction of the municipality, the maintenance bond may be reduced in an amount determined by the Director of Construction Services to cover street improvements for an additional four (4) years.

No Certificate of Zoning Compliance or Building Permit shall be issued in the approved subdivision, or section thereof, until the required maintenance bond is accepted.

(f) Bond Instructions.

(1) The bond form obtainable from the Director of Construction Services is the only one acceptable to the municipality.

1117.04 FEES.

In addition to the required fees for processing a subdivision application, said fees as stipulated by ordinance, the subdivider shall be responsible for the following:

(a) Payment to the municipality of a retainer for inspection, monitoring and the testing of materials consisting of (1) an amount as stipulated by ordinance of the construction cost of the required improvements based on the subdivider's engineer's detailed estimate of said costs as reviewed by the municipal engineer, and (2) an amount as stipulated by ordinance multiplied by the number of months of land disturbing activities set forth in the OEPA NPDES Phase II Permit. Any retainage remaining at the completion of the construction will be returned to the subdivider. If the inspection, supervision and testing fees are anticipated to exceed the original retainage amount, the subdivider shall be required to deposit additional fees to the municipality. The Director of Construction

Certificate of Occupancy with such a condition shall be issued for a period of no more than six (6) months, during which period any remaining work shall be completed. A Temporary Certificate of Occupancy shall require the signatures of the Chief Building Official, Planning and Zoning Administrator, Public Works Director, and Director of Construction Services and shall require the receipt of a bond equal to twice the cost of the remaining improvements plus a fee as stipulated by the adopted development fee schedule. Upon completion of all necessary improvements, a Certificate of Occupancy shall be issued as previously indicated in Section 1135.07(b).

1135.14 TECHNICAL REVIEW GROUP.

The Technical Review Group is established as a technical review body for the Municipality and may consist of, but not be limited to, the Planning and Zoning Administrator, Municipal Engineer, Public Works Director, Water Manager, Water Reclamation Manager, Street Manager, Director of Construction Services, and Urban Forester. The Technical Review Group will meet on an as needed basis to provide a forum at which proposed developments at any stage in the regulatory process may be discussed. These meetings are intended to minimize conflicts with various regulatory review requirements and to provide coordination of various requirements and procedures. The Technical Review Group provides the Planning and Zoning Commission technical expertise in evaluating development proposals. The Planning and Zoning Administrator shall chair the Technical Review Group and shall coordinate the review process. Prior to the Planning and Zoning Commission meeting, the Planning and Zoning Administrator shall notify the applicant or the applicant's representative in writing of comments and recommendations made by the Technical Review Group. (Ord. 04-11. Passed 1-18-11.)

1141.09 FINAL APPROVAL PROCESS.

(e) Site infrastructure improvements for the area proposed under the site plan may proceed following (1) the approval and signing of the engineering construction plans by the Mayor and applicable member of the Technical Review Group, and (2) the holding of a preconstruction meeting with the municipality. The property owner or applicant is responsible to contact the municipality's Director of Construction Services to schedule the preconstruction meeting.

(Ord. 53-07. Passed 9-4-07.)

1197.01 PURPOSE AND SCOPE.

(d) The policy of Canal Winchester with regards to rights of way is hereby declared to be:

(c) Right-of-way Work Permit Required. All permittees shall obtain a right-of-way work permit from the Director of Construction Services prior to beginning the erection, installation or maintenance including tree trimming, of any lines or equipment. Prior Municipal approval shall not be required for emergency repairs, routine maintenance and repairs, operation which do not require excavation in the public right-of-way, blockage of any street or alley or material disruption to any landscaping or structures and/or irrigation systems. The permittee, and/or its subcontractors shall leave the streets, alleys, and other public places where such work is done in as good condition or repair as they were before such work was commenced and to the reasonable satisfaction of the Municipality. Such right-of-way work permit shall be issued in writing and is subject to conditions that may be attached by the Director of Construction Services including, but not limited to, requirements concerning traffic control, safety scheduling, notification of adjoining property owners, and restoration with seed, sod or specific plant material as directed by the Municipality. The permittee and/or its subcontractors shall endeavor to complete in a timely manner repairs to the right-of-way. All workmanship and materials used by the permittee and/or its subcontractors to repair the streets and roadways shall conform to the current Municipal standards and specifications and be subject to the inspection and approval of the Director of Construction Services or authorized agent and shall be warranted for a period of two years from the date of completion for any failure due to workmanship or quality of materials. Permittees shall provide the Municipality with a work permit fee in an amount set forth in subsection (d) hereof and shall post a performance bond in an amount determined by the Mayor. Said fees are payable at the time application is made for the work permit, or in the case of an emergency repair, at the earliest time possible.

1197.06 NOTICE OF RIGHT-OF-WAY WORK; JOINT PLANNING

(a) All applicants for right-of-way work permits under Section 1197.05 of this chapter shall file a written notice with the Director of Construction Services at least seven days before working in or on the right-of-way, unless waived by the Director of Construction Services, except in the case of emergency as determined by the Director of Construction Services. In addition to such other information this chapter shall require, this notice shall contain or indicate, to the extent applicable:

- (1) The right-of-way affected;
- (2) A description of any facilities to be installed, constructed or maintained;
- (3) Whether or not any street will be opened or otherwise need to be restricted, blocked or closed;
- (4) An estimate of the amount of time needed to complete such work;
- (5) A description and timetable of any remedial measures planned to close any street opening or repair any damage done to facilitate such work;

an opportunity to be heard in person or in writing, the Council may revoke the permit. (Ord. 53-05. Passed 7-18-05.)

1197.15 NONENFORCEMENT AND WAIVERS BY MUNICIPALITY.

The permittee or franchisee shall not be relieved of its obligation to comply with any of the provisions of this chapter due to any failure of the Municipality to enforce prompt compliance. However, the Director of Construction Services may in individual instances and upon a request in writing establishing hardship and for good cause shown waive, in writing, any requirements of this chapter. (Ord. 53-05. Passed 7-18-05.)