

**TERMS, CONDITIONS AND RESTRICTIONS THAT APPLY TO THE ISSUANCE OF A
PERMIT FOR EXCAVATING IN ANY PLAIN TOWNSHIP ROAD OR ROAD RIGHT OF WAY**

This permit is issued under the authority of an April 3, 1972 resolution, as amended on September 14, 2001, by the Board of Trustees of Plain Township, Stark County, Ohio, requiring that any person or business making any excavation including but not limited to the installation of driveways, sidewalks, curb cuts and culvert in any Plain Township road and/or road right of way within its jurisdiction shall obtain a permit for each excavation prior to the commencement of the excavation. Any work performed at such excavation shall be done in accordance with Section 5571.16 of the Ohio Revised Code and the conditions contained in this permit. These conditions are binding upon the person or business, their heirs, successors, and assigns upon the granting of the permit authorized by the Board of Trustees of Plain Township.

1. The applicant for a permit shall submit detailed plans indicating the locations, size, type, and duration of the excavation contemplated **two weeks prior to issuing the permit. The fee will be \$50.00.**
2. **The applicant shall deposit with the Clerk of Plain Township the sum of One Thousand Five Hundred Dollars (\$1500.00), or 10% of the contract amount,** as deemed necessary by the Road Superintendent, with surety or sureties satisfactory to the Plain Township Board of Trustees and payable to the Plain Township Board of Trustees. Said deposit or bond shall be conditioned upon the restoration of the Township Street, road or highway to the condition prevailing at the time of the excavation or to condition in the case of an emergency as hereinafter provided. Said deposit shall be refunded or bond shall be released within sixty (60) days after the restoration of the township road and/or road right of way upon the approval by resolution of the Board of Trustees of Plain Township that the township road and/or road right of way has been restored to the condition prevailing at the time of the issuance of the permit or of the commencement of the excavation in the case of an emergency as hereinafter provided. Should the person or business to whom a permit has been issued fail to restore said township road and/or road right of way as provided herein within ninety (90) days of the issuance of the permit or the opening of the excavation, whichever date is later, then the deposit or bond shall be forfeited to the Plain Township Board of Trustees and the said Board shall take legal action to enforce said bond. No bond necessary for the installation of a driveway.
3. The applicant shall provide proper barricades, signs, lights, and other warning devices and uniformed officers or flag persons at its own expense to protect the public using the road during the period of the excavation and the restoration of the township road and/or road right of way. An inspector may be assigned to the job by the Township at the expense of the applicant to protect the interests of the Township.
4. The applicant shall restore the township road and/or road right of way as stated in the attached Addendum. In the event that the road or highway is not thus restored, the applicant shall be liable for the cost of such replacement and restoration to the Plain Township Board of Trustees.
5. The applicant shall provide suitable ingress and egress during the period of the excavation and resurfacing to the adjoining and adjacent property owners to their lands or lots.
6. The applicant shall notify the Plain Township Fire Department of the location of the excavation and the duration of the work within twenty-four (24) hours of the issuance of the permit or of the commencement of the excavation.
7. The applicant as a condition of this permit agrees to hold Plain Township harmless and to indemnify the same from any and all liability or damage arising to persons or property from the issuance of this permit and the work performed thereunder for the excavation, refilling, and resurfacing of the township road and/or road right of way. The applicant upon request shall furnish evidence that he has available liability insurance in the amount of Two Hundred Fifty Thousand/Five Hundred Thousand Dollars (\$250,000/\$500,000 Bodily Injury, and One Hundred Fifty Thousand/Five Hundred Thousand Dollars (\$150,000/\$500,000) property damage against liability or damage to persons or property arising from the excavation in a Plain Township road and/or road right of way.
8. No person shall make an excavation in any township road or road right of way in violation of any resolution adopted pursuant to this section; except that, 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, if such application is made at the earliest possible opportunity.
9. **The permit may be revoked and the performance bond forfeited by the Township at any time for non-performance or compliance with any of the provisions of the resolution.**
10. **Whoever violates Section 5571.16 of the Ohio Revised Code shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than thirty (30) days, or both.**

ADDENDUM TO PERMIT

General Provisions

1. The contractor shall be responsible for obtaining all required permits for construction. He shall be responsible for any damage to the street or roadway associated structures and shall make repairs as necessary to the satisfaction of the Plain Township Road Superintendent. The contractor shall also be responsible for the installation and maintenance of adequate signs and warning devices to inform and protect the public. The contractor shall be responsible for the maintenance of traffic throughout the construction period.
2. The length of open trenches shall be kept to a minimum and shall be protected by signs, barricades and lights as necessary and in conformance with the requirements of the Ohio Manual of Uniform Traffic Control Devices (MUTCD).
3. The function of existing traffic control devices shall be retained at all times. Existing signs that must be relocated laterally shall be placed in accordance with the Ohio MUTCD and such signs shall not be moved without the approval of the engineer. The contractor shall restore relocated signs to the position and condition, which existed prior to construction and pavement markings.
4. No "off the road" equipment with steel tires, treads, cleats or stabilizing pads will be permitted on pavement without proper planking.
5. The traveled portion of the road shall be kept free of debris and cleaned of mud at all times. The permit holder agrees to remove any mud or debris from Township roads, which have resulted from work done under the permit. In the event that the permit holder does not comply with the above, the Township will attempt to notify the permit holder, but when necessary to protect the public safety, the obstruction will be removed and the cost of such removal will be charged against the bond. Repeated problems may also result in the revocation of the permit.
6. Neither dumpsters nor any other type of obstructions can be placed in the right of way.
7. The proper flow of storm water drainage must be maintained in the road right of way.

New Construction

Regarding new construction on undedicated roads, no road will be accepted unless all specifications are met for all construction in the right of way. If you have any questions, please do not hesitate to call the Plain Township Road Department at 330-492-3423 between the hours of 7:00 a.m. – 3:30 p.m. or the Plain Township Administrator at 330-492-4689 between the hours of 8:00 a.m. – 4:30 p.m.

Restoration

Restoration of all area outside of the paved area shall be in accordance with the State of Ohio Department of Transportation Construction & Material Specifications manual, Item #659.

Received By

Date

WHITE - Office Copy

Witnessed By

Date

CANARY – Applicant's Copy

PINK – Contractor's Copy

Specifications for Backfilling Township Roads

- | | |
|----------------|---|
| 1. Item 404 | 1-1/2" Asphalt Concrete Surface |
| 2. Item 301 | 3" Bituminous Aggregate Base |
| 3. Item 408 | Bituminous Prime Coat |
| 4. Item | 203 Compacted Subgrade |
| 5. Item 499 | Low Strength Mortar Backfill Min. 18" |
| 6. Item 603.04 | Class B Bedding & Backfill Compacted in
8" Lifts |

Received By

Witnessed by

Date

Date