

# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 20-23

ORDINANCE NO. 23-23

AN ORDINANCE AMENDING CHAPTER 903.02, "PERMIT FEES" OF THE CODIFIED ORDINANCE OF THE CITY OF NILES, IN PART, TO UPDATE THE FOLLOWING SECTIONS FOR STREET OPENING PERMITS;

WHEREAS, Council desires to amend the Niles Codified Ordinance 903.02 et seq to reflect current Street Opening Permits.

WHEREAS, Section 903.02 Permit Fees currently reads as follows:

Residential Streets	Normal Rate
Pavement Area	\$10.00
Sidewalk or Driveway area	\$6.00
Tree Lawn or Open Area	\$3.00
Major Streets	Two Times normal rate
Central Business District Streets	Four Times Normal Rate
Long line permit	Six Times Normal Rate

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Section 903.02 Permit Fees shall read as follows:

Residential Streets	\$25
Major Streets	\$50
Central Business District	\$100
Long Line Permit	\$150
Standard Driveway Approach/Sidewalk Permit	\$25
Tree Lawn Area	1x Normal Rates listed above
Sidewalk or Driveway Area	2x Normal Rate listed above
Pavement Area	3x Normal Rate listed above

1. Any openings after hours, the Police Department will be notified. Street opening permits shall be valid for the time limit shown on the permit and a penalty of twenty dollars (~~\$20.00~~) per day shall be assessed for each day beyond the time permitted for the street opening. A permit time limit may be extended upon request, due to inclement weather or adverse conditions.
2. The Central Business Area shall consist of an area bounded by East State Street, Robbins Avenue, North Main Street, Maple Street, North and South Chestnut Street and West State Street.
3. Major streets are designated as North and South Main Streets, Warren Avenue, Park Avenue, Belmont Avenue, Summit Avenue, East Park Avenue, Robbins Avenue, Vienna Avenue, Vienna Road, E. Federal Street, Warren-Youngstown Road and North Road.
4. A "long line" permit shall be issued by the Public Utilities Infrastructure Coordinator to cover work considered to be of a continuous nature over a relatively long length of right of way, specifically in the case of the installation of new lines, piping or conduits or maintenance or the replacement of line, piping or conduits where the length of the work exceeds fifty feet or where there are three or more openings per 100 feet. The rate of the "long line" permit shall be governed by the location of the majority of the area disturbed. Additional permits will be required for each additional one foot to four hundred feet.

5. Surface or subsurface landscaping shall require a permit. The fee for such permit shall be at the determination of the Director of Public Service or Public Utilities Infrastructure Coordinator, but subject to a maximum fee of ten dollars (\$10.00) per opening.
6. The permit fee shall be due at the time of issuance of permit or payable upon invoice by the Public Utilities Infrastructure Coordinator and shall be kept current. Failure to maintain a current account will be just cause for the refusal of all future permits of any type. Detailed plans governing "long line" work shall be submitted at least ten days prior to permit application for approval by the Public Utilities Infrastructure Coordinator. No permit governing this work will be issued prior to approval of detailed plans. Plan approval shall include location of work, methods of construction, types of materials, pedestrian and vehicular traffic control, types of pavement restoration, lawn restoration, time limits and any other requirement deemed necessary to insure the health, safety and welfare of the public.
7. The City reserves the right to repair or replace any restored area which is not deemed acceptable by the Public Utilities Infrastructure Coordinator and assess all costs to the applicant.  
 New pavements shall be considered those pavements which have been newly constructed in part, or in total, or newly resurfaced in part, or in total in the two-year period prior to the permit application date.  
 In the case of "long line" permits in new pavements, the fee shall be ten times the fee in Section 903.02 and permits shall be issued only after approval of detailed plans and with written approval by the Public Utilities Infrastructure Coordinator.
8. The salary of the Inspector in the Department of Engineering shall be supported by the permit fees collected.
9. In the event of an emergency, or where the health, safety and welfare of the public are involved, street excavations may be made immediately by the proper authority provided that notification within twenty-four hours is given to the Director of Public Service, Public Utilities Infrastructure Coordinator, Mayor, or the safety forces. The intent of this section is the waiver of prior application and approvals by the City Engineer; but in no case is it intended that permit fees, restoration fees or inspection fees be waived. These shall be computed and levied as previously described in the various sections upon passage of the emergency. (Ord. 10019-72. Passed 9-20-72.)

SECTION 2: All other sections within Chapter 903.02 shall remain the same.

SECTION 3: This amendment shall preempt any previous Ordinance or Resolution inconsistent with this amendment but only to the extent of the inconsistency.

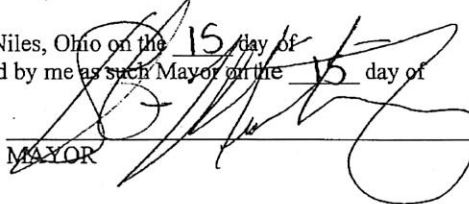
SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: February 15, 2023

ATTEST: Nusa Bacak  
 \_\_\_\_\_  
 CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the 15 day of February, 2023 and signed by me as such Mayor on the 15 day of February, 2023.

  
 \_\_\_\_\_  
 MAYOR