

1st reading 4-12-23
2nd reading 5-3-23
3rd reading 5-10-23
Voted On 5-10-23
Ayes: 5 Nays: 0
PASSED X DEFEATED

04/03/2023

ORDINANCE NO. 2023-5

AN ORDINANCE AMENDING SECTION 901.09 OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE TO CLARIFY THE WAIVER PROCESS FOR SINGLE RESIDENTIAL UTILITY CONNECTIONS AND TO ENACT A NEW SUBSECTION (B), TO AUTHORIZE THE WAIVER OF THE PERMIT PROCESS FOR TELECOMMUNICATIONS SERVICE CONNECTIONS AND DECLARING AN EMERGENCY.

WHEREAS, the Orange Village administration has advised this Council of challenges that have been caused by having to obtain permit waivers for utility service connections for private residences; and

WHEREAS, the Orange Village administration has recommended reasonable modifications to existing regulations to ensure all its residents ease in the installation of utility service connection to their private residences; and

WHEREAS, this Council desires to adopt the aforementioned reasonable regulations, based upon the recommendations of the Orange Village administration, to help facilitate this process for both its residents and the utility companies.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:

SECTION 1. That existing Section 901.09, Waiver of Permit Process for Single Residential Utility Connection of the Codified Ordinances of Orange Village is hereby amended to provide, in its entirety, as follows:

“901.09 WAIVER OF PERMIT PROCESS FOR SINGLE RESIDENTIAL UTILITY OR TELECOMMUNICATIONS SERVICE CONNECTIONS.

(a) In the event that a utility connection for a single residence is to be made in the Village right of way, the person performing the work may obtain a waiver or a partial waiver from the requirements of this Chapter by submitting to the Building Department a plan noting the location of the proposed connection and adjacent facilities in the right of way (e.g., location of road, location of utility poles in vicinity, etc.). In the event the Village Engineer determines that a waiver or a partial waiver of the requirements of this Chapter ~~may be~~ is appropriate, ~~because if~~ there are no facilities in the right of way which are likely to be adversely impacted by the proposed utility connection, the Village Engineer ~~may~~ shall grant the requested waiver or partial waiver and ~~may~~ establish terms and conditions which must be met by the person ~~so that public or private property is adequately protected or restored~~. The Village Engineer shall establish a form which permits for such waiver or partial

waiver and states the conditions (e.g., pavement and lawn restoration requirements) upon which the waiver is granted. A failure to comply with the conditions of the waiver is a violation of this section.

(b) For a telecommunications service connection that is predominantly located on private property, the telecommunications service provider shall provide not less than twenty-four (24) hours' notice to the Building Department that the work will be performed and shall show the approximate location of the work to be performed. The Building Department shall supply forms for telecommunications providers that provide space for the required information. For the purposes of this section, a "Telecommunication service connection" means technology and facilities which enable information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems from and/or to a user of private property."

SECTION 2. That Section 901.09, and any Ordinance or any part of any Ordinance that conflicts with this Ordinance, is repealed to the extent of the conflict.

SECTION 3. That the actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this 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 Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further, that this ordinance needs to be effective immediately in order to facilitate private residential utility connection without the necessity of having to obtain a permit waiver; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor, provided it receives the affirmative vote of five (5) members of Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

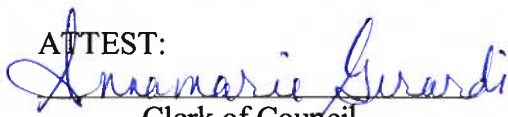
PASSED: May 10, 2023



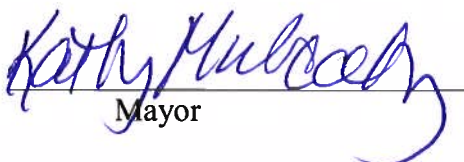
Council President

Submitted to the Mayor for
approval on this 10th day of May, 2023

Approved by the Mayor this
10th day of May, 2023

ATTEST:


Clerk of Council



Mayor