



Ohio Revised Code

Section 5571.16 Obtaining permit before installing driveway culvert or making excavation in township highway or highway right-of-way.

Effective: September 28, 2016

Legislation: House Bill 413 - 131st General Assembly

The board of township trustees, by resolution, may require any person to obtain a permit before installing a driveway culvert or making any excavation in a township highway or highway right-of-way within its jurisdiction, except an excavation to repair, rehabilitate, or replace a pole already installed for the purpose of providing electric or telecommunications service. The board, as a condition to the granting of the permit, may do any of the following:

- (A) Require the applicant to submit plans indicating the location, size, type, and duration of the culvert or excavation contemplated;
- (B) Specify methods of excavation, refilling, and resurfacing to be followed;
- (C) Require the use of warning devices it considers necessary to protect travelers on the highway;
- (D) Require the applicant to indemnify the township against liability or damage as the result of the installation of the culvert or as a result of the excavation;
- (E) Require the applicant to post a deposit or bond, with sureties to the satisfaction of the board, conditioned upon the performance of all conditions in the permit.

Applications for permits under this section shall be made to the township fiscal officer upon forms to be furnished by the board. Applications, including, but not limited to, a single application for an excavation project to install six or more poles for the purpose of providing electric or telecommunications service or to install a pole associated with underground electric or telecommunications service, shall be accompanied by a fee of up to fifty dollars per application, which fee shall be returned to the applicant if the application is denied. Except as otherwise provided in this section, no application or fee shall be required 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 business days prior to the date of the excavation.

No person shall install a driveway culvert or make an excavation in any township highway or highway 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 an application is made at the earliest possible opportunity.

As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code, and "right-of-way" has the same meaning as in division (UU)(2) of section 4511.01 of the Revised Code.