

**ORDINANCE NO. 2026-2**

Introduced by Sam Artino

**AN ORDINANCE AMENDING CHAPTER 901 (EXCAVATIONS) OF THE HURON CODIFIED ORDINANCES.**

**WHEREAS**, this Council hereby determines the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**Section 1.** That Chapter 901 (Excavations) of the Codified Ordinances of the City of Huron, Ohio, which currently reads (see Exhibit "A" attached hereto and made a part hereof), shall be and hereby is amended to read as follows (see Exhibit "B" attached hereto and made a part hereof).

**Section 2.** That a new revised and restated Chapter 901 (Excavations) of the Codified Ordinance of the City of Huron shall be, and hereby is, adopted and thereafter shall be in full force and effect.

**Section 3.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

**Section 4.** In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

ATTEST: *Jessie Weikener*  
Clerk of Council

*Monty Tapp*  
Monty Tapp, Mayor

ADOPTED: 14 APR 2026

**CODIFIED ORDINANCES OF HURON**  
**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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**TITLE ONE - Street and Sidewalk Areas**

Chap. 901.	Excavations.
Chap. 903.	Sidewalk Construction.
Chap. 905.	Culverts, Drains and Ditches.
Chap. 907.	Trees.
Chap. 909.	Assessments.

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**CHAPTER 901**  
**Excavations**

<b>901.01</b>	<b>Definitions.</b>	<b>901.07</b>	<b>Protection of openings.</b>
<b>901.02</b>	<b>Permit required; exception.</b>	<b>901.08</b>	<b>Deposit return; deficiency.</b>
<b>901.03</b>	<b>Permit fee; deposit required.</b>	<b>901.99</b>	<b>Penalty.</b>
<b>901.04</b>	<b>Liability insurance required.</b>		
<b>901.05</b>	<b>Conditions of permit issuance.</b>		
<b>901.06</b>	<b>Backfill and restoration supervision by City; cost borne by permittee.</b>		

**CROSS REFERENCES**

Power to establish and care for streets - see Ohio R.C. 715.19,  
717.01, 723.01  
Division of Streets and Parks - see ADM. Ch. 149  
Driving on street posted as closed for repair - see TRAF.  
331.26  
Barricades and warning devices - see GEN. OFF. 521.03  
Sidewalk construction - see S.U. & P.S. Ch. 903  
Culverts, drains and ditches - see S.U. & P.S. Ch. 905  
Grading and paving in subdivisions - see P. & Z.  
1117.05 et seq.  
Street pavements in subdivisions - see P. & Z. 1119.01 et seq.

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**901.01 DEFINITIONS.**

Wherever the words "street", "alley" and "sidewalk" are used in this chapter, such words shall mean that land lying between private lot lines and dedicated for public use. (Ord. 1962-20. Passed 7-23-62.)

**901.02 PERMIT REQUIRED; EXCEPTION.**

Before any person other than a duly authorized City officer or employee makes any opening in any street, boulevard, avenue, alley, highway or other public grounds in the City, or removes the surface of any sidewalk or any part thereof, or opens any sidewalk in the City, such person shall file with the Division of Utilities, a written or the printed application therefor. Such application shall set forth and accurately indicate location, kind and extent of the proposed opening or removal of sidewalk, and the number, purpose and size of the openings or excavations which are desired or necessary.

Nothing herein contained shall be deemed applicable to any contracts with the City with respect to street openings. (Ord. 1962-20. Passed 7-23-62.)

**901.03 PERMIT FEE; DEPOSIT REQUIRED.**

If any openings or excavations are for a purpose other than pursuant to a contract with the City, the applicant shall pay to the Division of Utilities, or its duly appointed designee, a permit fee of fifty dollars (\$50.00) and shall post either five hundred dollars (\$500.00) cash or a surety bond in the amount of five thousand dollars (\$5,000) to cover the cost and supervision of backfilling, repairing, restoring and relaying the pavement to its former condition. The amount of the deposit may be increased when the nature, size and location of the proposed opening warrants such increase, which shall be determined by the Service Director. (Ord. 2004-7. Passed 5-10-04.)

**901.04 LIABILITY INSURANCE REQUIRED.**

Before any permit is issued, the applicant shall also deposit with the Division of Utilities, or its duly appointed designee, an insurance policy, issued by a company authorized to write insurance in the State of Ohio, designating the City as an additional insured therein, by the terms of which the City is saved harmless from any and all claims for bodily injury and property damage within the limits of one million dollars (\$1,000,000) for each accident arising or growing out of the street opening or removal of the surface of any sidewalk or opening in any sidewalk, or the prosecution of the work for which the permit is obtained, or in any manner arising or growing out of the work necessary or incident to the issuance of the permit or that may be occasioned by reason of any opening or anything else done pursuant to the permit. (Ord. 2004-7. Passed 5-10-04.)

**901.05 CONDITIONS OF PERMIT ISSUANCE.**

A condition of the issuance of any street opening permit shall be that the applicant agrees to abide by all the provisions of any City ordinance or State law, and agrees, in the event of default, to reimburse the City for any additional costs incurred by the City, beyond the deposit required for such opening, in restoring the pavement to its former condition. (Ord. 1962-20. Passed 7-23-62.)

**901.06 BACKFILL AND RESTORATION SUPERVISION BY CITY;  
COST BORNE BY PERMITTEE.**

All openings made within the street lines or sidewalk removed shall be subject to the directions of and under the supervision of the Service Director. All paving, material, flagging, curbing and ballasting shall be carefully removed and preserved. After the work is done, as contemplated by the application for the permit herein referred to, the trench or opening shall be refilled and the flagging, concrete, paving or other paving material shall be properly replaced under the supervision and direction of the Service Director. Any costs incurred therefor shall be at the sole expense of the permit holder.

(Ord. 1962-20. Passed 7-23-62.)

**901.07 PROTECTION OF OPENINGS.**

All openings, obstructions or areas where the sidewalk is removed shall be carefully guarded, protected or barricaded at all times, and during the night season shall be defined by lights and such other precautions as shall be necessary to guard against accidents. The Service Director may issue any additional orders as he deems proper which shall be implicitly and promptly complied with. At all times the work shall be done so as to cause the least inconvenience to property owners and the general public. (Ord. 1962-20. Passed 7-23-62.)

**901.08 DEPOSIT RETURN; DEFICIENCY.**

When any work under any permit is completed and all the mandates of this chapter have been complied with as certified by the Service Director, the Director of Finance shall issue a warrant to return the deposit or any portion thereof to the permittee. If the deposit is insufficient to reimburse the City for any work performed by the City in the event of default, the Director of Finance shall certify the deficiency to the City Manager who shall notify the permittee of the deficiency and cause the same to be collected.

(Ord. 1962-20. Passed 7-23-62.)

**901.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

EXHIBIT "B"

**CODIFIED ORDINANCES OF HURON**

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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**TITLE ONE - Street and Sidewalk Areas**

- Chap. 901. Excavations.  
Chap. 903. Sidewalk Construction. Chap.  
Chap. 905. Culverts, Drains and Ditches.  
Chap. 907. Trees.  
Chap. 909. Assessments.

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**CHAPTER 901**

**Excavations**

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|---------------|---|---------------|------------------------------------|
| <b>901.01</b> | <b>Definitions.</b>   | <b>901.07</b> | <b>Protection of openings.</b>     |
| <b>901.02</b> | <b>Permit required; exception.</b>  | <b>901.08</b> | <b>Deposit return; deficiency.</b> |
| <b>901.03</b> | <b>Permit fee; deposit required.</b>  | <b>901.99</b> | <b>Penalty.</b>                    |
| <b>901.04</b> | <b>Liability insurance required.</b>  |               |                                    |
| <b>901.05</b> | <b>Conditions of permit issuance.</b>   |               |                                    |
| <b>901.06</b> | <b>Backfill and restoration<br/>supervision by City; cost borne<br/>by permittee.</b> |               |                                    |

**CROSS REFERENCES**

- Power to establish and care for streets - see Ohio R.C. 715.19,  
717.01, 723.01  
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1117.05 et seq.  
Street pavements in subdivisions - see P. & Z. 1119.01 et seq.

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**901.01 DEFINITIONS.**

Wherever the words "street", "alley" and "sidewalk" are used in this chapter, such words shall mean that land lying between private lot lines and dedicated for public use. (Ord. 1962-20. Passed 7-23-62.)

**901.02 PERMIT REQUIRED; EXCEPTION.**

Before any person, other than a duly authorized City officer or employee, performs any work within the City right-of-way or other public grounds in the City, such work including but not limited to: making an opening in, or excavation of, or removing, any surface within the City right-of-way, including any tree lawn, sidewalk, street, boulevard, avenue, alley, highway, driveway apron, such person shall file with the Service Director or his duly appointed designee, an application for a permit therefor. Such permit application shall include a site plan which will accurately reflect property lines, setbacks, and the location, kind, purpose and extent of the proposed work within the City right-of-way, and the number, purpose and size of any openings or excavations which are desired or necessary. No work within the City right-of-way shall be performed without application for and issuance of a permit by the City. A penalty fee of fifty-five dollars (\$55.00) shall be charged for work performed in the City right-of-way without such issuance of a permit.

Nothing herein contained shall be deemed applicable to any contracts with the City with respect to street openings. (Ord.. Passed.)

**901.03 PERMIT FEE, AND SURETY BOND OR DEPOSIT, REQUIRED.**

If any work is to be performed within the City right-of-way for a purpose other than pursuant to a contract with the City, the applicant who is to perform the work shall pay to the City of Huron a non-refundable permit fee of fifty-five dollars (\$55.00), which permit fee will cover the City's cost of reviewing such permit application, issuing a permit (if any), and performing two (2) inspections of the work site.

A Contractor who is to perform the work shall also have on file with the City the Ten Thousand Dollar (\$10,000) surety bond as required for Contractor registration under Section 901.04 and Chapter 1323.

Any applicant, other than a Contractor, who is to perform the work shall make a deposit with the City in the amount of ten dollars (\$10.00) for each square foot of surface affected by such work or one thousand dollars (\$1,000), whichever is more.

The surety bond or deposit, as the case may be, will cover the City's cost and supervision of restoring the surface to its former condition if the applicant fails to do so in a reasonable amount of time, and will be released or returned to the applicant, subject to any deductions thereof pursuant to Sections 901.05, 901.06 and 901.08, upon the completion of the work to the full satisfaction of the Service Director. The amount of the deposit may be increased when the nature, size and location of the proposed work warrants such increase, which shall be determined by the Service Director or his duly appointed designee.  
(Ord. Passed.)

**901.04 CONTRACTOR REGISTRATION REQUIRED.**

All Contractors who are to perform such work shall be registered with the City pursuant to Chapter 1323 of the Codified Ordinances and hold a valid City-issued Certificate.  
(Ord.. Passed)

**901.05 CONDITIONS OF PERMIT ISSUANCE.**

As a condition of the issuance of any permit under this Chapter, which issuance is not guaranteed and is at the discretion of the Service Director, the applicant agrees to abide by all the provisions of any City ordinance and State law, and agrees, to take full responsibility and liability for any damages arising from such work, and agrees to reimburse the City for any additional costs incurred by the City for the defense of all lawsuits and settlement and payment of any and all claims, actions or judgments for damage to persons or property arising out of the work, and in restoring the pavement to its former condition as necessitated by applicant's failure to do so. Such additional costs will first be taken from the surety bond or deposit submitted by applicant, and any excess costs will be billed directly to the applicant. Any remaining balance of the surety bond or deposit shall be released or returned to the applicant.  
(Ord.. Passed.)

**901.06 BACKFILL AND RESTORATION SUPERVISION BY CITY;  
COST BORNE BY PERMITTEE.**

All work performed within the City right-of-way under Section 9.02 shall be subject to the directions of and be performed under the supervision of the Service Director or his duly appointed designee as part of the required inspections under Section 9.03. All material removed from the opening or excavation during such work shall be carefully removed and handled to ensure proper containment, future reuse, and/or transport from the work site for disposal. After the work is done, as contemplated by the application for the permit herein referred to, the trench or opening The surface modified by such work shall be restored to its former condition under the supervision and direction, and to the satisfaction, of the Service Director or his duly appointed designee. Any costs incurred therefor shall be at the sole expense of the permit holder.

(Ord.. Passed)

**901.07 PROTECTION OF OPENINGS.**

All openings, excavations, obstructions or surfaces modified during such work shall be carefully guarded, protected or barricaded at all times, and during the night hours shall be defined by lights and such other precautions as shall be necessary to guard against accidents. The Service Director or his duly appointed designee may issue any additional orders as he deems proper which shall be implicitly and promptly complied with. At all times the work shall be done to cause the least inconvenience to property owners and the general public. (Ord. Passed.)

**901.08 FINAL INSPECTION; DEFICIENCY.**

A final inspection of the work shall be conducted by the Service Director or his duly appointed designee, to ensure proper completion of such work, including compliance with 901.06. Should the applicant fail, refuse or neglect to properly complete such work to the satisfaction of the Service Director or comply with Section 901.06, the City shall cause the work to be so completed and the surface restored to its former condition. Payment for all such work ordered or performed by the City shall be applied against the applicant's surety bond or deposit. Should the cost of the labor and materials involved for such work by the City exceed the amount of the surety bond or deposit, the applicant shall be billed the balance due. If the invoice for such balance due is not paid within thirty (30) day safter billing, any balance due shall be recovered by legal action.

(Ord.. Passed.)

**901.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.