

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 09 - 19 - 13

AN ORDINANCE APPROVING AMENDMENTS TO CLAYTON CODIFIED ORDINANCE CHAPTER 901 (“USE OF PUBLIC RIGHTS-OF-WAY, PUBLIC LAND AND PUBLIC EASEMENTS”) AND DECLARING AN EMERGENCY

WHEREAS, City staff has reviewed Chapter 901 (“Use of Public Rights-of-Way”, Public Land and Public Easements”) of the Clayton Codified Ordinances and has recommended specified amendments thereto in order to advance the public health, safety and welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Clayton Codified Ordinance Chapter 901 (“Use of Public Rights-of-Way”, Public Land and Public Easements”) is hereby approved to add the following two definitions thereto in appropriate alphabetical order *and re-numbered as necessary* (Additions in **bold** and deletions in ~~strikethrough~~):

901.03 DEFINITIONS

...

“Mid-span pole” means a pole that is located approximately half-way between two existing poles where the new utility is attached to all three poles and the Mid-span pole is installed in order to maintain proper clearance(s) or to reduce load on the two existing poles.

“Single Use Pole” means a utility pole which is added to an existing line of utility poles, for the sole purpose of installation of a new utility, in lieu of upgrading the existing pole(s) or installing the utility underground.

...

901.19 RIGHT-OF-WAY PERMITS

...

(o) New Utilities Above Ground. New utilities installed above ground must attach to existing utility poles, where they exist. If the existing pole(s) are at maximum capacity, they shall be upgraded with a replacement pole or a Mid-span pole in order to accommodate the new utility or the new utility shall be located underground. The installation of Single Use Poles that are not Mid-span poles is not permitted between existing utility poles, within the Right-of-Way.

2. That all other provisions of Chapter 901 which have not been modified as set forth in Section 1 of this Ordinance shall remain in full force and effect.
3. *That those provisions of Section 901.03 ("Definitions") which require re-numbering as a result of the amendments adopted herein, shall be renumbered accordingly.*
4. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
5. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
6. That unless this Ordinance is immediately passed the public peace, health, safety and welfare will be detrimentally affected because immediate enactment of this Ordinance will assist the City in proper management and occupancy of the Rights-of-Way and will aid in management of reasonable access to and conservation of the physical capacity of the Rights-of-Way held in trust by the City for the benefit of the public. Accordingly, pursuant to Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON SEPTEMBER 5, 2019.

AUTHENTICATION:

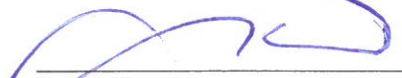


Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Brookville Star September 18, 2019

Barbara Seim

CLERK