

ORDINANCE: 03-2013

ADOPTED: March 6, 2013

AN ORDINANCE AMENDING SECTION 901.08(a) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF KIRKERSVILLE (RIGHT OF WAY PERMIT FEES) AND DECLARING AN EMERGENCY

WHEREAS, in 2010, Council for the Village of Kirkersville, recognizes the need to provide requirements for the use or occupation of any and all Rights-of-Way and Public Property in the Village; and

WHEREAS, with Ordinance ____, Council for the Village of Kirkersville enacted Chapter 901 of the Codified Ordinances, thereby establishing formal right-of-way guidelines and regulations. These regulations included a right-of-way permit fee schedule, and

WHEREAS, after much thought and careful consideration, Council for the Village of Kirkersville now wants to amend the permit fee schedule.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KIRKERSVILLE, OHIO THAT:

SECTION 1: Section 901.08(a) of the Kirkersville Codified Ordinances, "Permit Fee," shall be amended to read as follows:

(a) In addition to any fees charged pursuant to this Chapter, all Right-of-Way Permittees shall pay an annual permit fee, for each calendar year, based upon the miles of right-of-way which the Permittee occupies or desires to occupy in said year as follows:

Years	For the first 15 miles, or any part thereof (up to 15 miles)
1 – 2	\$5,000.00/year
3 – 4	\$4,750.00/year
4 – 5	\$4,500.00/year
6 – 7	\$4,250.00/year
8 and beyond	\$4,000.00/year

For any part of the right-of-way Permittee occupies or desires to occupy beyond the first 15 miles, an additional \$1,500/year will be added to the amounts listed above.

All annual permit fees shall be paid within 10 days after the Permit is issued, but before any work is commenced in the right-of-way. Partial year annual permit fees shall be prorated for the initial year, if applicable. Thereafter, the full annual permit fee shall be paid no later than December 31st each year.

- SECTION 2: All other Sections and Subsections of Section 901.08 of the Codified Ordinances of the Village of Kirkersville shall remain unchanged, in effect, and enforceable.
- SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.
- SECTION 4: All prior Ordinances and Resolutions, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereto.
- SECTION 5: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that Village Council needs to, without due delay, establish the new right-of-way permit fee schedule. Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

Passed in Council this 6th day of March, 2013.

First Reading: March 6, 2013
Second Reading: waived
Third Reading: waived


Terry Ashcraft, Mayor

ATTEST:


Clerk of Council

APPROVED:

Approved as to form this 25th day of February 2013.

A handwritten signature in cursive script, appearing to read "Brian M. Zets".

Brian M. Zets
Village Solicitor