

AN ORDINANCE ENACTING SECTION 11 OF CHAPTER 1419, “ENGINEERING STANDARDS FOR INFRASTRUCTURE CONSTRUCTION,” AND AMENDING SECTION 1016.04(p) AND SECTION 1 OF CHAPTER 1419 OF THE CODIFIED ORDINANCES.

WHEREAS, the City of Hudson and this Council are authorized under Article XVIII, Section 3 of the Ohio Constitution, applicable provisions of state law, and the Charter of the City of Hudson to exercise powers of local self-government and to adopt and enforce reasonable local regulations for the protection of the public health, safety, and welfare; and

WHEREAS, the City and this Council recognize that the increasing demand for access to high-speed telecommunications and broadband services has resulted in a recent influx of contractors and construction crews performing excavation, underground drilling, boring, trenching, and related activities to install fiber-optic and other telecommunications infrastructure throughout the City and the region, often on accelerated construction schedules; and

WHEREAS, the City and this Council further recognize that the increased volume and pace of such activities, if not performed in accordance with clear and consistently applied engineering, permitting, inspection, safety, restoration, and site-protection standards, may dramatically increase the risk of damage to public rights-of-way, streets, sidewalks, utilities, drainage facilities, public infrastructure, and adjoining properties, as well as significant risks to the safety of persons and property beyond the immediate work site; and

WHEREAS, the City and this Council recognize that work performed in violation of applicable standards, or work conducted under conditions presenting an immediate and substantial risk of harm to persons, property, public infrastructure, or the public right-of-way, may require prompt corrective measures, and, therefore, seek to provide the City Manager with the authority to order appropriate corrective action or cessation of work in those limited scenarios when reasonably necessary to address such conditions; and

WHEREAS, the City and this Council have determined that reasonable minimum standards governing such activities are necessary to protect public and private property, preserve and maintain public infrastructure, maintain safe and functional rights-of-way, protect drainage facilities and adjoining properties, and reduce foreseeable risks to persons and property; and

WHEREAS, the City and this Council recognize that construction methods, excavation and drilling practices, engineering standards, development conditions, and the City’s infrastructure have evolved since the adoption of certain existing requirements, and that the City’s regulations should be updated accordingly; and

WHEREAS, the City and this Council find that establishing and enforcing clear, objective and reasonable minimum standards for such activities is necessary to address these foreseeable risks, protect public and private property, preserve public infrastructure, maintain safe and functional rights-of-way, and ensure that the benefits of expanded telecommunications infrastructure are achieved in a manner consistent with the public health, safety, and welfare;

WHEREAS, the City and this Council find that the regulations adopted herein are reasonably related to legitimate municipal interests, establish reasonable minimum standards for activities that may affect persons, property, public rights-of-way, utilities, drainage facilities, and public infrastructure, and are intended to protect and preserve the public health, safety, and welfare of the City of Hudson and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hudson, Summit County, Ohio, that:

Section 1. That Section 11 of Chapter 1419 of the City of Hudson Engineering Standards for Infrastructure Construction be enacted to provide as set forth in Exhibit “A,” which is attached hereto and incorporated herein.

Section 2. That Section 1 of Chapter 1419 of the City of Hudson Engineering Standards for Infrastructure Construction be amended to provide as provided in Exhibit “B,” which is attached hereto and incorporated herein, with additions being underlined and deletions being ~~stricken~~.

Section 3. That Section 1016.04(p) of the Codified Ordinances of the City of Hudson be amended and replaced to now provide as follows:

The City retains the right to cut, alter, or relocate any facilities, and to immediately suspend any permit or stop any construction, reconstruction, installation, operation, or excavation within the City, whenever it deems such action necessary or useful to safeguard public health, safety, or welfare. The City shall incur no liability, costs, or damages, including claims for service interruption, business loss, or consequential damages, resulting from the exercise of these rights.

Section 4. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 5. It is 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 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 Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

Jeffrey L. Anzevino, Mayor

ATTEST:

Aparna Wheeler, Clerk of Council

I certify that the foregoing Ordinance No. 26-115 was duly passed by the Council of said Municipality on _____.

Aparna Wheeler, Clerk of Council