

DRIVEWAY, CURB CUT AND / OR SIDEWALK PERMIT

FEE AMOUNT \_\_\_\_\_ DATE PAID \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

OWNER LARRY LYNE CONTRACTOR \_\_\_\_\_

ADDRESS 670 SHEFFIELD ADDRESS \_\_\_\_\_

PHONE (419) 599-8210 PHONE ( ) \_\_\_\_\_

DATE \_\_\_\_\_ CONTRACTOR'S REGISTRATION NO. \_\_\_\_\_

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

PROJECT ADDRESS OF PROPOSED WORK 670 Sheffield

THIS WORK WILL BE COMPLETED BY THIS DATE Spring 1990

AGREEMENT (WORK SHALL NOT BEGIN UNTIL THE PERMIT IS RECEIVED)  
I, \_\_\_\_\_ have applied to the City of Napoleon, Ohio for a permit to repair \_\_\_\_\_; reset \_\_\_\_\_; reconstruct \_\_\_\_\_; or construct \_\_\_\_\_; a \_\_\_\_\_ in the public right-of-way adjacent to \_\_\_\_\_ street for the purposes described in this application. In consideration of the City's issuance of the permit, I, as owner/contractor responsible for the work, do hereby agree as follows:

- 1) That all work, including barricading the work area to protect pedestrians and the traveling public, and all backfill and repair to pavement and lawn areas disturbed by the work, will be done in conformity with applicable law and regulations, specifically, the provisions of Napoleon Code, Chapter 90, and the regulations of the City Engineer.
- 2) That all work, as indicated above, will be performed in the time provided, and in conformity with lawful conditions, and standard drawings included in the permit, and to protect the public health, safety and welfare.
- 3) That I, as owner/contractor responsible for the work, hereby agree to indemnify the City of Napoleon, Ohio for all damage to its property, and hold the City harmless from all claims suits, losses, and expenses it may incur to persons not a party to the Agreement arising out of the activities of the applicant, his agent, employees, or contractors, in connection with a permit issued on the basis of this application.
- 4) That this Agreement shall not be construed as a limitation of the authority of the City Engineer to revoke this permit because of the applicant's or his agent's or contractor's failure to comply with state and local laws; regulations or conditions in this permit; or any other lawful basis of revocation.
- 5) That the statements made in the application are true and correct, to the best of my knowledge.

APPLICANT: [Signature] DATE: 11-20-89

INSPECTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

NOTES: <sup>OWNER</sup> Property agrees to install walk when street <sup>is</sup> completed

Eldon: This purse was in to talk with us and when <sup>20 Nov 89</sup>

# City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010  
NAPOLEON, OHIO 43545-0151



We understood the problem better, we granted him an extension until the street project is done so we can work out the grade & drainage better

November 16, 1989

Mr. Larry Lyne  
620 Sheffield  
Napoleon, Ohio 43545

ROF

Re: Sidewalk along Welsted Street  
Lot #93 & #94 Adam Stout's Addition

Ps. We have his Signature on

Dear Mr. Lyne:

the driveway

This letter shall inform you that your actions, specifically (removing or covering your sidewalk along Welsted Street) are in violation of Section 90.01 of the Napoleon City Code of Ordinances entitled Streets and Sidewalks, in that you failed to obtain the proper permit prior to starting the work. In addition, you did not post a bond as required per Section 90.03. This is also a violation. Finally, you have failed to restore the sidewalk as required in Section 90.04 a third violation. Section 90.99 specifies a penalty of \$50.00 per day per violation.

Permit

to show

What our agreement was

You are hereby directed to take the following corrective actions:

The Original is filed in

- 1) Obtain the proper permits within 48 hours of receiving this notice.
- 2) Post a bond in an amount determined by the City of Napoleon Engineering Department within 48 hours of your receipt of this notice.
- 3) Replace the sidewalk within 30 days of your receipt of this notice.

the driveway permit book

If you fail to take these corrective actions, the City Administration will have no alternative but to take injunction actions against you thru the Municipal Courts as specified in Section 90.99 (Penalties).

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Steven Lankenau

Members of Council  
Lawrence Haase, President  
Donald Stevens  
James Hershberger  
Terri A. Williams  
John E. Church  
Randy J. Bachman

City Manager  
Terry Dunn

Finance Director  
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Law Director  
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Assistant Law Director  
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November 16, 1989

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620 Sheffield  
Napoleon, Ohio 43545

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If you fail to take these corrective actions, the City Administration will have no alternative but to take injunction actions against you thru the Municipal Courts as specified in Section 90.99 (Penalties).

See attached copies of the appropriate  
sections of the City Code.

Sincerely,

*Eldon Huber*

Eldon Huber  
Building Inspector

cc: Terry Dunn, City Manager  
Malcolm Helberg

CHAPTER 90: STREETS AND SIDEWALKS

Section

- 90.01 Excavations
- 90.02 Permit
- 90.03 Deposit
- 90.04 Refilling and restoration
- 90.05 Barriers and lights
- 90.06 Exceptions
- 90.07 Costs for vacation of streets and alleys
- 90.08 Fees retained by city
- 90.09 Curbs, driveways, and sidewalks required to be kept clean and clear; snow and ice removal
- 90.10 Temporary closing of streets, alleys, and parking lots
  
- 90.99 Penalty

**§ 90.01 EXCAVATIONS.**

No person shall make any excavation, opening, or otherwise break into any street, sidewalk, alley, or public grounds for the purpose of connecting any water or gas line, sewer or drain, cable or conduit, or for any other purpose, without first having obtained a permit in writing from the city engineer. ('65 Code, § 50.01) Penalty, see § 90.99

**§ 90.02 PERMIT.**

Each permit shall be confined to a single project and application shall be made giving the exact location of the proposed opening, the kind of paving, area and depth to be excavated, and the purpose. ('65 Code, § 50.02) Penalty, see § 90.99

**§ 90.03 DEPOSIT.**

The permit shall be issued only after a cash deposit has been posted, sufficient to cover the cost of restoration and conditioned upon prompt and satisfactory refilling and restoration of all surfaces disturbed. ('65 Code, § 50.03) Penalty, see § 90.99

**§ 90.04 REFILLING AND RESTORATION.**

All work shall be performed under the direction and to the satisfaction of the superintendent of public works and, upon failure to refill the excavation and restore the surface and remove all excess materials within the time specified or within a reasonable time after commencement of the work, the superintendent may proceed without notice to make such fill and restoration, and all or such part of the deposit as shall be required to cover the cost thereof shall be deemed forfeited. ('65 Code, § 50.04) Penalty, see § 90.99

**§ 90.05 BARRIERS AND LIGHTS.**

Such excavations or openings shall be kept fully barricaded at all times, and during the nighttime shall be illuminated to the satisfaction of the superintendent. ('65 Code, § 50.05) Penalty, see § 90.99

**§ 90.06 EXCEPTIONS.**

The provisions of this chapter shall not apply to persons in the employ of the city or engaged by the city in making public improvements in such streets and public grounds. ('65 Code, § 50.06)

**§ 90.07 COSTS FOR VACATION OF STREETS AND ALLEYS.**

All applications for vacation of streets and alleys filed shall be accompanied by a fee computed as follows:

(A) The full cost of publication of the ordinances for vacation of said street or alley, and all legislation costs.

(B) Petitions for vacating streets, avenues, ways, places, alleys, and the like shall be accompanied by a fee as follows: The owners of benefited property must pay, as part of the expenses involved, the larger of the following 2 amounts per square foot vacated:

## Napoleon - General Regulations

(1) The amount of \$.10 per square foot vacated, or

(2) That amount per square foot vacated which is equal to twice the average tax value per square foot of the land only which immediately abuts the vacated portion upon both sides; together with the costs of restoring or moving paving, curbing, sidewalks, grading, and the like. Until these charges are paid, council shall not enact legislation to vacate. ('65 Code, § 50.07)

#### § 90.08 FEES RETAINED BY CITY.

Such fees shall be retained by the city pending action of the council thereon, and if the street or alley is vacated, the city shall retain the moneys as fees, and if vacation of the street or alley is not granted, the fees shall be returned to the applicant or depositor of the fees. ('65 Code, § 50.08)

#### § 90.09 CURBS, DRIVEWAYS, AND SIDEWALKS REQUIRED TO BE KEPT CLEAN AND CLEAR; SNOW AND ICE REMOVAL.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **ABUTTING.** Bordering or adjoining.

(2) **CURB.** A constructed border along the paved portion of the right-of-way used by vehicles.

(3) **DRIVEWAY.** A private roadway or storage area for vehicles, connected with the paved portion of the street and providing ingress to and egress from private property.

(4) **LOT.** A parcel of land having fixed boundaries.

(5) **PERSON.** Any individual, corporation (excluding a municipal corporation), association, partnership, estate, trust, firm, company, or any combination thereof.

(6) **RIGHT-OF-WAY.** An area of land duly dedicated or held by the city for the free and unobstructed passage of citizens, including paved streets, parking strips, curbs, driveways, sidewalks, alleys, or other public thoroughfares within its limits.

(7) **SIDEWALK.** The paved portion of the right-of-way intended for use by pedestrians.

(8) **SIDEWALK.** The entire paved width between the boundary lines of a right-of-way open for vehicular traffic.

(B) Every person who is an owner or occupant of abutting lots and lands in the city shall keep the curbs, driveways, and sidewalks clean and free from all accumulations of dirt, rubbish, and debris.

(C) Every person who is an owner or occupant of abutting lots and lands in the city shall keep the curbs, driveways, and sidewalks clean and free from all accumulations of ice, snow, and all combinations thereof within 24 hours after cessation of the accumulation. If, for any reason, such person cannot remove, or cause to be removed, all of the ice, snow, or combination thereof which adheres to the curb, driveway, or sidewalk, such person shall cover the surface of the curb, driveway, or sidewalk with a coating of sand, ash, or other substance as may be necessary to render travel safe and convenient. (Ord. 19-88, passed 4-4-88)

#### § 90.10 TEMPORARY CLOSING OF STREETS, ALLEYS, AND PARKING LOTS.

The City Manager is authorized to establish procedures for and to grant the temporary closing of streets, alleys, highways, and parking lots, or designated portions thereof, in the city upon determination by the City Manager that the public peace and safety will not be adversely affected thereby and, in the event such closing prevents or limits the use of public parking, that a substantial portion of adjacent property owners and/or users consent thereto. (Ord. 60-88, passed 10-3-88)

#### § 90.99 PENALTY.

(A) Any person making or causing an opening to be made, without having obtained a permit as required herein or failing to sufficiently barricade or illuminate such opening, shall be guilty of a misdemeanor and shall be fined not more than \$50 for each offense.

(B) Whoever violates § 90.09 (B) or (C) is guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than \$100. Each day that a violation exists or continues to exist shall constitute a

**separate offense and shall be punishable accordingly.  
(Ord. 19-88, passed 4-4-88)**

FIELD CORRECTION NOTICE

LOCATION 620 SHEFFIELD PERMIT NO. NONE ISSUED

ISSUED TO PERMIT HOLDER AND/OR ALL RESPONSIBLE PARTIES.

NOTICE DELIVERED TO 620 SHEFFIELD LEFT IN MAIL BOX

Upon inspection, violations of the \_\_\_\_\_ Sec. \_\_\_\_\_ were in evidence.

The following orders are hereby issued for their correction: I HAVE NOTED THAT YOU HAVE REMOVED OR COVERED YOUR WALKED ST. SIDEWALK. A PERMIT IS REQUIRED FOR WORK ON ANY SIDEWALK ON CITY RIGHT OF WAY. PLEASE CONTACT EITHER SONNY HELBERG OR MYSELF AT THE MUNICIPAL OFFICE BUILD. REGARDING THIS MATTER. APPLICATIONS FOR PERMIT ARE AVAILABLE AT THE ENGINEER'S OFFICE

PLEASE CALL FOR INSPECTION WHEN CORRECTIONS HAVE BEEN COMPLETED. ACCEPTANCE AND APPROVAL BY AN INSPECTOR OF THIS DEPARTMENT IS REQUIRED AND MUST BE CORRECTED

ON OR BEFORE A.S.A.P.

DATE 4-22-89

BY ELDON HOBER  
INSPECTOR

PINK - ORIGINAL COPY    WHITE - FIELD COPY    YELLOW - FILE COPY



Eldon: This person was in to talk with us and when <sup>20 Nov 89</sup>

# City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010  
NAPOLEON, OHIO 43545-0151



We understood the problem better, we granted him an extension until the street project is done so we can work out the grade & drainage better

November 16, 1989

Mr. Larry Lyne  
620 Sheffield  
Napoleon, Ohio 43545

R.C.F.

Re: Sidewalk along Welsted Street  
Lot #93 & #94 Adam Stout's Addition

P.S. We have his Signature on

Dear Mr. Lyne:

This letter shall inform you that your actions, specifically (removing or covering your sidewalk along Welsted Street) are in violation of Section 90.01 of the Napoleon City Code of Ordinances entitled Streets and Sidewalks, in that you failed to obtain the proper permit prior to starting the work. In addition, you did not post a bond as required per Section 90.03. This is also a violation. Finally, you have failed to restore the sidewalk as required in Section 90.04 a third violation. Section 90.99 specifies a penalty of \$50.00 per day per violation.

the driveway permit to show what our agreement was

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- 1) Obtain the proper permits within 48 hours of receiving this notice.
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DRIVEWAY, CURB CUT AND / OR SIDEWALK PERMIT

FEE AMOUNT \_\_\_\_\_ DATE PAID \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

OWNER LARRY LYNE CONTRACTOR \_\_\_\_\_

ADDRESS 670 SHEFFIELD ADDRESS \_\_\_\_\_

PHONE (419) 599-8210 PHONE ( ) \_\_\_\_\_

DATE \_\_\_\_\_ CONTRACTOR'S REGISTRATION NO. \_\_\_\_\_

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

PROJECT ADDRESS OF PROPOSED WORK 670 SheFField

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APPLICANT: [Signature] DATE: 11-20-89

INSPECTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

NOTES: <sup>OWNER</sup> PROPERTY AGREES to install walk when STREET <sup>is</sup> completed



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Building Inspector

cc: Terry Dunn, City Manager  
Malcolm Helberg

## CHAPTER 90: STREETS AND SIDEWALKS

### Section

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(Ord. 19-88, passed 4-4-88)

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ISSUED TO \_\_\_\_\_  
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ON OR BEFORE A.S.A.P.

DATE 4-22-89

BY ELDON HOBER  
INSPECTOR

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