

Franklin Township Portage County, Ohio

Application for a Ditch Enclosure Permit Application Number _____

The undersigned hereby applies for a Ditch Enclosure Permit to be issued on the basis of the representations contained herein, all of which the applicant and owner says are true:

	Applicant	Owner
Name		
Address		
Telephone		

Location of Property _____

Permanent Parcel Number (15 digits) ____-____-____-____-____-_____

I have read and agree to adhere to the requirements of the Franklin Township Resolution 2016-14 attached hereto.

The applicant agrees to notify the Road Superintendent prior to covering the pipe installation. The Road Superintendent will inspect the installation for compliance.

Date of Inspection: _____ Road Superintendent approval: _____

The applicant agrees to notify the Road Superintendent when the installation is complete.

Date of Inspection: _____ Road Superintendent approval: _____

On a separate sheet of paper make a sketch showing the planned installation. Fill in exact dimensions and indicate north. All dimensions are to be in feet.

Remarks _____

Applicant Signature _____

Owner Signature _____

Franklin Township Portage County, Ohio
Application for a Ditch Enclosure Permit Application Number _____
Ditch Enclosure Permit

Upon the basis of application number _____, the statements in which are made a part hereof, the application is hereby approved.

Road Superintendent Signature _____

Permit Payment _____

Date of Issuance _____

If the work described in this application has not been substantially completed within 1 year of the date of issuance, this Permit shall expire on

_____.

**FRANKLIN TOWNSHIP
RESOLUTION 2016-14**

**A RESOLUTION ADOPTING A POLICY RELATED TO THE ENCLOSURE
OF OPEN DITCHES**

The Board of Trustees of Franklin Township, Portage County, Ohio met in a regular session on May 24, 2016 at the Township Hall, 218 Gougler Avenue, Kent, Ohio, with the following members present:

Mark Beckwith
Keith Benjamin
Scott Swan

Mr. Benjamin moved the adoption of the following resolution:

WHEREAS, the Portage County Soil and Water Conservation District recommends that ditches and swales remain open to allow for water retention and reabsorption and not put into underground pipes; and

WHEREAS, as recommended by the Portage County Soil and Water Conservation District, the Township encourages clearing or re-grading as alternatives to enclosure, and discourages closing ditches and installing pipe where drainage is manageable without piping; and

WHEREAS, as recommended by the Portage County Soil and Water Conservation District, the Township makes the following determinations in support of the adoption of the policy established herein

1. Open channels (roadside ditch, or swales) generally provide for the most efficient means to capture and have the greatest capacity to hold surface storm water.
2. Open channels provide subsurface drainage of the adjacent grounds, whereas piping impedes subsurface drainage.
3. Open channels allow for infiltration of water back into the ground, reducing potential for downstream flooding.
4. Open channels act to filter pollutants, impurities and illicit discharge from surface storm water.
5. Open channels make easier the identification and remediation of illicit discharges; and

WHEREAS, the Township is charged with the responsibility to maintain the township roadways and keep them free from hazards and nuisance conditions, such as those conditions presented by storm water and flooding; and

WHEREAS, the Township is charged with the responsibility of complying with the requirements of the National Pollutant Discharge Elimination system Phase II regulations, which requires, among other things, a storm water management plan; and

WHEREAS, O.R.C. 5571.16 expressly provides that the board of township, by resolution, may require any person to obtain a permit before making any excavation in a township right of way, and as a condition of granting such a permit may require the applicant to submit plans and specify the method, require the use of warning devices, require the applicant to indemnify the township against liability from or damage as a result of the installation or as a result of the excavation, and may require the posting of bond with sureties sufficient to the satisfaction of the board of trustees upon the performance of all conditions in the permit.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF FRANKLIN TOWNSHIP, PORTAGE COUNTY, OHIO:

THAT this resolution shall replace in its entirety Resolution 2010-29 approved on September 28, 2010; and

THAT the Township shall be responsible for all installation, maintenance, repair and replacement where a ditch pipe is needed to ensure the safety of vehicles or pedestrians using the roadway (e.g. if it is determined that an open ditch is too deep/too close to the township roadway); and

THAT the property owner shall be responsible for all installation, maintenance, repair and replacement where the property owner desires to have a pipe installed in an open ditch; and

THAT the Township adopts the following open ditch installation policy:

1. A permit and permit fee of \$25.00 is required for installing pipe in roadside ditches. Those pipes installed without approval are subject to removal with the costs billed to the property owner or placed as a lien on the tax duplicate.
2. The property owner must complete a Ditch Enclosure Permit Application.

3. Inspection and approval of the township Road Superintendent is required for installation plans, prior to covering installation and after installation. The inspection and approval by the Road Superintendent in no way releases the property owner from responsibility should water back up and cause problems to an adjacent property or prevent drainage of the road right-of-way. Should problems arise from placing pipe in a township ditch, the property owner is required to correct the problem immediately at his own expense. The property owner shall indemnify and hold harmless the Township from any and all liability or damage that arises from the excavation and installation, or is a result of the excavation and installation. If a property owner fails to respond to a problem that is his cause, the township road department will remove such obstruction and reestablish an open ditch, the cost of which will be billed to the property owner. It would also be noted that the O.R.C., Section 5547.04 requires property owners to receive approval prior to placing an obstruction within the bounds of a township road. This section of the Revised Code also requires these property owners to remove any obstruction erected without permission. O.R.C. Section 5589.06, states: "No person shall wrongfully obstruct any ditch, drain, or water course along, upon, or across a public highway, or direct any water from adjacent lands to or upon a public highway.;" and

THAT ditch pipe installations shall meet the following requirements:

1. Minimum pipe size 12" diameter by 30'
2. Minimum cover 12" (12" preferred - 6" acceptable with heavy wall steel casing) or as determined by the Road Superintendent
3. Acceptable material shall be reinforced concrete, corrugated galvanized metal, heavy lined well casing, extra strength vitrified clay (as per ODOT type D conduit specifications) and corrugated polyethylene pipe, as per ODOT SS 944
4. Excavation, bedding, laying pipe, joining pipe, and backfilling shall meet as per section 603 of the ODOT specifications.
5. Catch basins or drop-in inlets installed every 50 feet or to be located as directed by the road superintendent
6. Require a 6" swale for the entire length of the project
7. A standard surface water inlet or catch basin with an adequate opening and grate shall be placed on the upstream side of all drives or as directed by the Road Superintendent

8. Installation of pipe must not contribute to downstream flooding;
and

THAT the Franklin Township Fiscal Officer is directed to maintain a copy of this resolution in the Township Office for inspection by the public; and

THAT the Board of Trustees finds and determines that all formal actions of this Board concerning and related to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Mr. Swan seconded the motion and the roll was called on the question of its adoption. The vote was as follows:

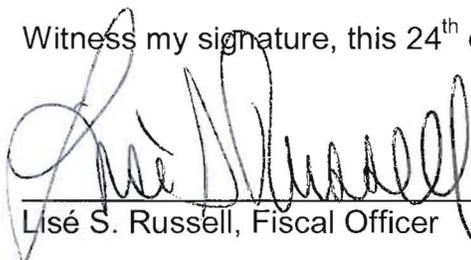
Name	Vote
Mr. Beckwith	Yes
Mr. Benjamin	Yes
Mr. Swan	Yes

Adopted May 24, 2016

The State of Ohio, Portage County, ss.

I, Lisé S. Russell, Fiscal Officer of Franklin Township, do hereby certify that the foregoing is taken and copied from the Record of Proceedings of said Township; that the same has been compared by me with the Resolution on said Record and that it is a true and correct copy thereof.

Witness my signature, this 24th day of May, 2016.



Lisé S. Russell, Fiscal Officer