

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY, OHIO

RESOLUTION

RESOLUTION NO. 23-034

ADOPTED: 2-14-23

SUBJECT: Standard Driveway Specification Regulations

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 14th day of February, 2023 with the following members present:

Todd J. Hawke
John E. Pizzino
Justin B. Hardesty

Trustee Hawke moved for the adoption of the following resolution:

WHEREAS, Ohio Revised Code (hereafter ORC) Section 504.04(A)(1) and (2) authorizes the Board of Trustees to exercise powers of local self-government in the Township and to adopt and enforce within the Township necessary resolutions which are necessary for the promotion of the public health, safety, and general welfare; and

WHEREAS, ORC Section 504.05 authorizes the Jackson Township Board of Trustees to impose a civil fine up to \$1,000 for the violation of a resolution adopted under ORC Section 504.04 which can be graduated based on previous violations and ORC Section 504.06 requires the adoption of a citation form.

WHEREAS, often Jackson Township is not notified as to the placement and installation of new driveways, which on occasion are being installed in locations which interfere with existing infrastructure in the road-right-of way.

BE IT RESOLVED THAT, effective March 16, 2023, pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), 504.05, 504.06, and 504.07 we hereby adopt the attached Standard Driveway Regulations and fines for violations thereof, and further adopt the attached citation form and request the Township Fiscal Officer to publish the attached notice.

BE IT FURTHER RESOLVED THAT, the Board of Trustees determines this Resolution is in the best interest of the public health, safety, and general welfare of the public, and that this Resolution is reasonable and consistent with constitutional limitations.


BE IT FURTHER RESOLVED THAT, signs shall be posted at the site consistent with the regulations approved and attached hereto.

BE IT FURTHER RESOLVED THAT, pursuant to ORC Section 504.10, we hereby dispense with the requirement that this resolution be read on two separate days and authorize the passage of this resolution upon its first reading.

Trustee HARDESTY seconded the motion and upon roll call the vote resulted as follows:

Mr. Hawke	<u>Yes</u>
Mr. Pizzino	<u>Yes</u>
Mr. Hardesty	<u>Yes</u>

The foregoing is a true and correct counterpart of Resolution Number 23-034, duly adopted on February 14, 2023 and filed with me as the Township Fiscal Officer on February 15, 2023.



Randy Gonzalez, Fiscal Officer

The foregoing resolution is approved as to form:



Michael B. Vaccaro, Law Director

NOTICE

Notice is hereby given that the Board of Trustees of Jackson Township, Stark County, Ohio, by Resolution No. 23-???, adopted on February 14, 2023, effective March 16, 2023, has adopted the following legislation:

STANDARD DRIVEWAY SPECIFICATION REGULATIONS LEGISLATION

Notice is further given that a complete text of the above resolution of the Jackson Township Board of Trustees may be obtained or inspected at the Office of the Township Fiscal Officer, 5735 Wales Avenue NW, Jackson Township, Ohio from 8:00 a.m. to 4:30 p.m., Monday through Friday.

This advertisement is also posted on the state public notice web site (www.publicnoticesohio.com) established under section 125.182 of the Revised Code and on the Jackson Township web site (www.jacksonwp.com).

Randy Gonzalez, Fiscal Officer
BOARD OF TRUSTEES OF JACKSON TOWNSHIP, STARK COUNTY, OHIO

Published in The Massillon Independent February 20, 2023.

REGULATIONS GOVERNING THE STANDARD DRIVEWAY SPECIFICATION
REGULATIONS

JACKSON TOWNSHIP LIMITED SELF-GOVERNMENT RESOLUTION NO. _____

\$500 fine for the first violation

\$1,000 fine for each subsequent violation

You are hereby cited for a violation of a Jackson Township, Stark County, Ohio resolution as follows:

Location of Violation _____ Date _____

Time _____ Officer _____ Viol. No. _____

Violation description _____

Resolution Number and Section _____ Fine: \$ _____

Name _____

Address _____

You are required to answer this violation citation within (14) days after service of the citation. The following answers can be made:

1. AN ADMISSION THAT YOU COMMITTED THE VIOLATION, BY PAYMENT OF THE FINE ARISING FROM THE VIOLATION, PAYABLE TO THE FISCAL OFFICER OF JACKSON TOWNSHIP.
2. A DENIAL THAT YOU COMMITTED THE VIOLATION. IF THE VIOLATION IS DENIED, YOU WILL BE AFFORDED A HEARING IN MASSILLON MUNICIPAL COURT.

Fines can be paid by mailing this citation along with a MONEY ORDER or CERTIFIED CHECK payable to the Jackson Township Fiscal Officer, 7383 Fulton Drive, N.W., Massillon, Ohio 44646 Phone: 330-832-5886. If you deny the violation, please circle No. 2 above and mail this violation citation to the above address. Citations may also be answered or paid in cash at the Office of the Township Fiscal Officer located at the above address during the hours of 8:00 a.m. - 4:30 p.m., Monday through Friday.

If the fine is not paid within (14) days of the service of this summons or you deny the violation, a hearing upon the violation will be scheduled in Massillon Municipal Court of which you will be notified. Attached ORC Section 504.07 describes the citation procedures and the procedures for any hearing conducted in Massillon Municipal Court.

I hereby affirm the facts contained herein.

Issuing Officer

SERVICE OF CITATION

The foregoing citation was served on _____ by:
(Date)

Certified mail, return receipt requested, addressed to the person named above at the address shown (affix return receipt).

Personal service by the undersigned on the person named.

Residence service by the undersigned, by leaving a copy of the citation at the usual place of residence of the person named above, at the address shown, with some person of suitable age and discretion residing therein.

Other: _____

Issuing Officer/Fiscal Officer

FISCAL OFFICER'S CERTIFICATE OF ACTION ON CITATION

The person named in the foregoing citation:

Appeared before me on _____
(Date)

By mail addressed to me received on _____
(Date)

And

paid the fine.

denied the violation.

OR

Failed to answer the citation.

Failed to pay the fine within fourteen days after service of the citation.

Randy Gonzalez
Fiscal Officer
Jackson Township Board of Trustees

R.C. § 504.07

504.07 Citation proceedings

(A)(1) A person who is served with a citation pursuant to division (B) of section 504.06 of the Revised Code shall answer the charge by personal appearance before, or by mail addressed to, the township fiscal officer, who shall immediately notify the township law director. An answer shall be made within fourteen days after the citation is served upon the person and shall be in one of the following forms:

(a) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine pursuant to division (A)(1)(a) of this section shall be payable to the fiscal officer of the township and deposited by the fiscal officer into the township general fund.

(b) A denial that the person committed the violation.

(2) Whenever a person pays a fine pursuant to division (A)(1)(a) of this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required by division (A)(1) of this section, the township fiscal officer shall notify the court having jurisdiction over the violation.

(B) If a person answers by denying the violation or does not submit payment of the fine within the time required by division (A)(1) of this section, the court having jurisdiction over the violation shall, upon receiving the notification required by division (A)(2) of this section, schedule a hearing on the violation and send notice of the date and time of the hearing to the person charged with the violation and to the township law director. If the person charged with the violation fails to appear for the scheduled hearing, the court may hold the person in contempt, or issue a summons or a warrant for the person's arrest pursuant to Criminal Rule 4. If the court issues a summons and the person charged with the violation fails to appear, the court may enter a default judgment against the person and require the person to pay the fine arising from the violation.

(C) The court shall hold the scheduled hearing in accordance with the Rules of Civil Procedure and the rules of the court, and shall determine whether the township has established, by a preponderance of the evidence, that the person committed the violation. If the court determines that the person committed the violation, it shall enter a judgment against the person requiring the person to pay the fine arising from the violation.

If the court determines that the township has not established, by a preponderance of the evidence, that the person committed the violation, the court shall enter judgment against the township whose resolution allegedly was violated, shall dismiss the charge of the violation against the person, and shall assess costs against the township.

(D) Payment of any judgment or default judgment entered against a person pursuant to this section shall be made to the clerk of the court that entered the judgment, within ten days after the date of entry. All money paid in satisfaction of a judgment or default judgment shall be

disbursed by the clerk as required by law, and the clerk shall enter the fact of payment of the money and its disbursement in the records of the court. If payment of a judgment or default judgment is not made within this time period, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that court. The municipal or county court shall assess costs against the judgment debtor, to be paid upon satisfaction of the judgment.

(E) Any person against whom a judgment or default judgment is entered pursuant to this section and any township against which a judgment is entered pursuant to this section may appeal the judgment or default judgment to the court of appeals within whose territorial jurisdiction the resolution allegedly was violated. An appeal shall be made by filing a notice of appeal with the trial court and with the court of appeals within thirty days after the entry of judgment by the trial court and by the payment of reasonable costs as the court requires. Upon the filing of an appeal, the court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the court in accordance with the rules of the court. Service of a notice of appeal under this division does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the trial court, in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

Notwithstanding any other provision of law, the judgment on appeal of the court of appeals is final.

NOTICE TO COURT OF VIOLATION OF TOWNSHIP RESOLUTION

To Massillon Law Director:

Please be notified that the person named in the enclosed citation, within fourteen days after service of the citation:

- Paid the specified fine.
- Answered and denied the citation.
- Failed to answer the citation.
- Failed to pay the specified fine.

A copy of the township resolution described in the citation is attached.

The court is requested to commence proceedings on the citation pursuant to [Ohio Revised Code Section 504.07](#).

Date

Randy Gonzalez
Fiscal Officer
Jackson Township Board of Trustees

cc: Massillon Clerk of Courts



DRIVEWAY PERMIT
Jackson Township Public Works Department
Highway Division
5735 Wales Avenue NW
Massillon, OH 44646 - Stark County
330-832-4016

Permit No. _____
Receipt No. _____
Fee: _____

Applicant Information

Applicant(s) Name: _____
Mailing Address: _____
City: _____ Phone: _____
Zip: _____ Email: _____

Site Information

Township Road: _____ Side of Road (Circle One): N S E W
Nearest Intersection _____
House Number: _____ or Between House Numbers _____ & _____
Length of Property Frontage: _____ ft. Parcel Number: _____
Length of Culvert: _____

Type of Permit (Residential and Commercial - Check all that apply)

<input type="checkbox"/> \$75 - New Driveway – Homeowner provides culvert after township determines culvert size
<input type="checkbox"/> \$75 - Existing Culvert Replacement – Township provides culvert pipe up to 24 ft. after inspection and size determined. The resident is responsible for hiring of contractor to install. Township will inspect after installation.

Contractor

Company Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____
Cell: _____ Fax: _____

Call OUPS 48 hours before you dig – 1-800-362-2764

Applicant's Certification

I, the undersigned, understand that the Jackson Township Public Works Department – Highway Division assumes no responsibility or liability for the work done under a permit and that all work shall be done at no cost to the Township by a contractor licensed by the Jackson Township Board of Trustees to perform such work. All work shall be done as applicable, in accordance with the State of Ohio Department of Transportation Construction and Materials Specifications, the Ohio Manual of Uniform Traffic Control Devices, and any supplemental and special provisions deemed necessary or as stated on the permit as special provisions or conditions. The Jackson Township Public Works Department – Highway Division reserves the right to order the removal, reconstruction, relocation or repair of any work performed under a permit in the event of future work or for the benefit of requirements at the owner's expense, reference Chapter 5543.16 of the Ohio Revised Code which states in part, "The owner of land shall construct and keep in repair all approaches or driveways from the public roads, under the direction of the County Engineer". The County Engineer or his representative may revoke or annul any permit or halt work at any time for noncompliance or nonperformance of the conditions set forth in the application, specifications, standard details and permit. The Jackson Township Public Works Department Highway Division reserves the right to appoint an inspector to oversee the work at the owner's expense.

I hereby agree to all terms, conditions and restrictions so far as they apply to work to be done under the permit as issued and general provisions listed above. I hereby certify that the above information is true and accurate.

_____ **Applicant's Signature** _____ **Date** _____

- Permit to be mailed / emailed to (Check One):
- Owner Contractor Pick up at Jackson Township Office

Preferred drive location must be staked and address displayed prior to a permit being issued. Location of driveway is subject to the requirements and approval of the Jackson Township Public Works Department – Highway Division. Please allow 7 working days to process this application. Driveway construction cannot begin until a permit is granted. Permit expires 6 months from approval date. Make Checks payable to Jackson Township Board of Trustees

This page to be filled out by Department Staff Only



DRIVEWAY PERMIT

PERMIT #:

Pre-Construction Inspection Requirements to be met:

Township Road: _____	Section: _____
Drive Culvert: <input type="checkbox"/> Required <input type="checkbox"/> Not Required	
Diameter of Pipe: _____ inches	Length of Pipe: _____ ft. Type of Pipe: _____
Legal Speed Limit: _____ mph	
Corresponding Recommended Sight Distance: _____ ft.	
Actual Sight Distance (Approx.): _____ ft for _____ bound traffic & _____ ft for _____ bound traffic	
Direction of Flow in Existing Ditch: N S E W	
Depth of Existing Ditch: _____ ft. <i>*Ditch needs to be cleaned:</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Non Curb & Gutter <input type="checkbox"/> Curb & Gutter	Length of Curb Cut: _____
Road is: <input type="checkbox"/> Straight <input type="checkbox"/> Curved <input type="checkbox"/> Level <input type="checkbox"/> Hilly	
Distance from Edge of Pavement to Centerline of Drive Culvert: _____	
Distance from Edge of Pavement to Right of Way Line: _____	
Additional Requirements: _____	

Date of Pre-Construction Inspection: _____	Inspector: _____

Post Construction Inspection

Inspected by _____	Date: _____	<input type="checkbox"/> APPROVED	<input type="checkbox"/> NOT APPROVED
Inspected by _____	Date: _____	<input type="checkbox"/> APPROVED	<input type="checkbox"/> NOT APPROVED
Inspected by _____	Date: _____	<input type="checkbox"/> APPROVED	<input type="checkbox"/> NOT APPROVED
Date of Final Inspection: _____		<input type="checkbox"/> APPROVED	<input type="checkbox"/> NOT APPROVED
Comments: _____			

Inspector _____	Date of Acceptance _____		

***Contact the Jackson Township Public Works Department – Highway Division’s Office 48 hours prior to beginning drive construction to schedule inspection at (330) 832-4016**



Standard Driveway Specifications

1. No driveway shall be constructed on any Township road right-of-way until the owner or lessee of the land which the proposed driveway will serve has been granted a Township driveway permit from the Jackson Township Public Works Office. Application for permit to construct driveway on right-of-way shall be filed with the Jackson Township Public Works Department from whom all forms may be obtained. Before a permit may be granted, or any work begun, an applicant shall agree to all terms and conditions stated on the Application for Driveway Permit, the Driveway Permit, the Standard Driveway Specifications and the Standard Driveway Details.
2. The location, construction and maintenance of driveways are under the supervision of the Jackson Township Board of Trustees at all times, and that granting such permit under these regulations the Board waives none of its powers or rights to direct the removal, relocation and/or proper maintenance in the future of any driveway within the right-of-way of the dedicated road. Any permit granted will be construed as regulatory and not contractual. Such permits are revocable by the Board of Trustees whenever the use and presence of a driveway or approach interferes with the required use of that portion of the right-of-way occupied by the driveway or constitutes a hazard to traffic, or the driveways are not built in compliance with the permit issued under these regulations.
3. The Jackson Township Public Works Department will determine if a drive culvert is required. Location, type, length and size of pipe must be approved by a representative of the Public Works Department prior to a permit being issued. All pipes installed must be a minimum of 20 feet in length and minimum 12 inches in diameter. Pipe shall be either Smooth Wall Polyethylene Pipe (CPP) (N-12, Hi-Q, or Equivalent), Reinforced Concrete Pipe (RCP) or Corrugated Metal Pipe (CMP). CPP pipe shall have a minimum 6" bedding of aggregate type 304 and no less than 12" of aggregate cover over the pipe. RCP or CMP may be used in lieu of CPP when available cover is less than 12", however these culvert pipes require a minimum of 6" bedding of aggregate type 304 and no less than 6" of aggregate cover over the pipe. Sod will be removed from the bottom of the ditch to assure the new pipe is not above or below the existing flow line. Headwalls may be permitted upon approval by the Highway Superintendent on a case by case basis. Headwalls installed at the ends of the culvert shall not extend above the existing edge of pavement.
4. The driveway location will be determined in cooperation with the Public Works Department. The driveway location should permit a clear view of the road for 550 feet in each direction where the posted speed limit is 55 mph, 475 feet in each direction where the posted speed limit is 50 mph, 400 feet in each direction where the posted speed limit is 45 mph, 325 feet in each direction where the posted speed limit is 40 mph, 250 feet in each direction where the posted speed limit is 35 mph, and 200 feet in each direction where the posted speed limit is 25 mph.
5. All portions of the driveway shall be within the parcel boundary with minimum edge clearance of five (5) feet.
6. New drives should intersect the township road at an angle from 70 to 90 degrees. 90 degrees is desirable.
7. Width of driveway at the right-of-way line shall be not less than ten (10) feet nor more than twenty (20) feet on residential parcels, special drives, such as common access drives or multi-family drives, may be wider, but should not exceed twenty-four (24) feet. Commercial drives should not be more than forty (40) feet. Field drives may be wider than 24' to prevent equipment from driving into traffic lanes when entering or exiting the drive.
8. Driveways shall be constructed so that they will not permit water or stone to run onto the road pavement. Drive approaches shall not be constructed higher than the existing edge of pavement. Concrete driveways shall terminate at the road right-of-way and shall be asphalt to the level of the road surface. Driveways which slope downward to the roadway shall be designed as to maintain roadway level, one car length from the roadway, and to control water run-off by installing a crown in the driveway pavement so that water will run off to the side and into the roadside ditch.
9. In accordance with Ohio Revised Code Section 5543.16, property owners are required to construct driveways and to keep driveways and approaches in repair and in working condition along public roads.
10. The Jackson Township Public Works Department may grant variances to these requirements on a case by case basis when requested in writing.
11. The applicant shall have all work performed by a qualified, insured contractor. All work shall be performed in accordance with the permit. The applicant shall save harmless the Jackson Township Board of Trustees, the Public Works Department, Township officers and employees from all liability, judgments, costs, expenses and claims growing out of damages, or alleged



DRIVEWAY SPECIFICATIONS – continued

damages, of any nature whatsoever, to any person or property, either public or private, arising out of performance or nonperformance of said work or the existence of said driveways, or for any other act by parcel owner or lessee within right-of-way included within parcel frontage.

12. Permittee to furnish all labor, material and equipment necessary to complete and maintain the driveway and pipe. The permittee assumes all responsibility for the cleaning and maintenance of the drainage installation authorized. All work must be done by a qualified, insured contractor.
13. If a property owner does not properly install or keep driveways and approaches in repair and in working condition, following written notification, the repair may be undertaken by the township. The cost so incurred may be assessed to the property owner.
14. The permittee is held responsible for keeping the township road free and clear of mud and debris in the area of operation. Excavated materials must stay behind the ditch line. All excess and discarded materials are to be removed from the township right of way.
15. Existing roadside drainage to remain undisturbed.
16. Areas of vegetation within the township road right-of-way that have been disturbed by activities associated with the permit must be fertilized, seeded and mulched in accordance with ODOT standards. All restoration work is to be completed within 30 days after completing culvert/drive installation. The site is to be cleaned and restored to its original or better condition when work is completed. The permittee shall take any and all appropriate measures to limit soil erosion during and after construction authorized herein. As such, permittee shall be fully accountable to the Ohio EPA, the Soil Conservation Service, the Stark County Soil and Water Conservation District and other appropriate agencies for any violation or disregard of the applicable governing standards and regulations related to the protection and conservation of soils that are affected by this permitted work.
17. Traffic is to be maintained on the township road at all times, in accordance with the Ohio Manual of Uniform Traffic Control for Construction and Maintenance Operations and Item 614 in the ODOT Construction and Material Specifications.
18. The permittee or the permittee's contractor must notify the Jackson Township Public Works Department at least 48 hours prior to starting the installation of the drive and again upon completion in order for a final inspection of the driveway.
19. The Jackson Township Public Works Department will notify property owner of any installations which do not meet these specifications and allow the property owner two (2) weeks to correct the driveway. Should no corrective action be taken, the township reserves the right to perform corrective work and invoice the property owner for all labor and materials necessary. Any expense incurred by the township due to the applicant's use of the right-of-way will be paid by the applicant.
20. All excess and discarded material is to be removed from the township right-of-way.
21. **Whoever violates this Legislation shall be issued a civil citation in the amount of five hundred dollars (\$500.00) on the first offense and a civil citation in the amount of one thousand dollars (\$1,000.00) for each subsequent offense under this section. All fines collected for violation of this Resolution shall be paid into the General Fund.**

By signing below, I hereby acknowledge that I have completely read and fully understand the Jackson Township Driveway Permit's specifications:

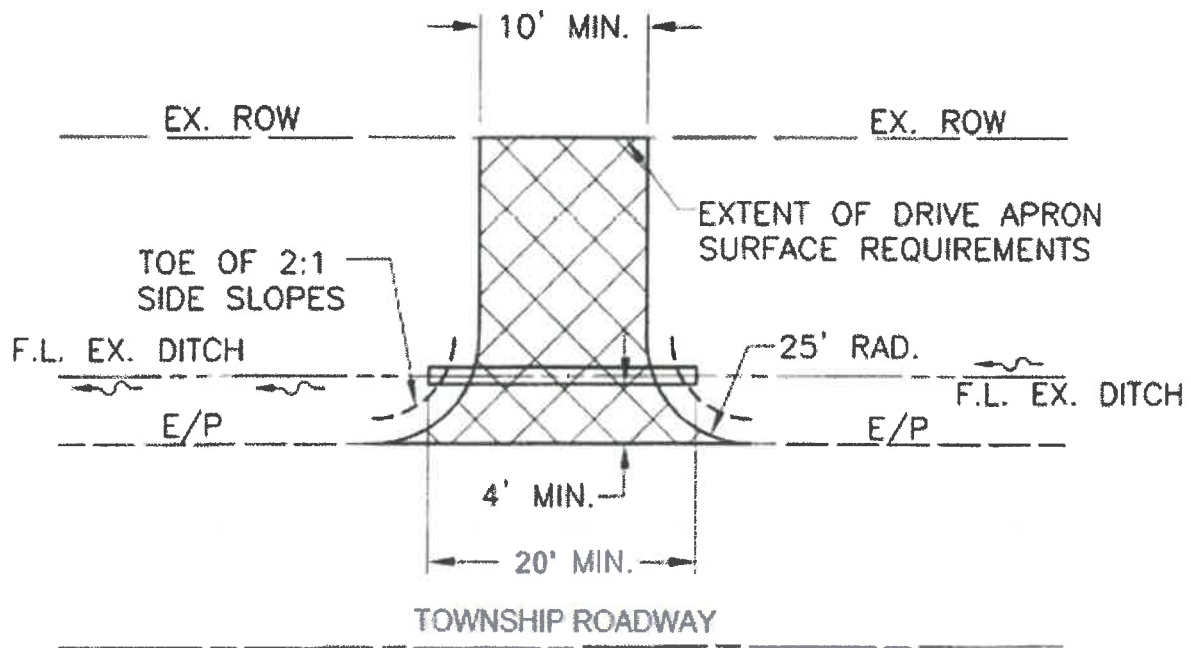
Print Name

Signature

Date



Standard Driveway Details



DRIVE PLAN VIEW

NO SCALE