

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2025 – 144

By: Mayor Perciak and All Members of Council

AN ORDINANCE ENACTING NEW CHAPTER 878 “FIBER OPTIC INSTALLERS” OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY, AS AMENDED.

WHEREAS, pursuant to the Constitution of the State of Ohio and Ohio Revised Code, municipalities have the right to enact planning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, the City of Strongsville has the right to establish regulations for the use, placement and construction of various structures and devices in the public right-of-way and adjacent thereto; and

WHEREAS, the City of Strongsville has established regulations for the orderly placement and construction of wireless communication facilities and wireless telecommunication towers within its municipal borders and the public right-of-way; and

WHEREAS, Council deems it to be in the best interests of the community and for the protection and preservation of the public health, safety and welfare to adopt regulations concerning the acceptance and issuance of permits for the construction, reconstruction, use or change of use of fiber optic cable and/or lines and associated appurtenances and structures in the City public right-of-way and adjacent thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Chapter 878 Fiber Optic Installers of Title Two of Part Eight-Business Regulation and Taxation Code, of the Codified Ordinances of the City of Strongsville, be and is hereby enacted in order that it shall read in its entirety as follows:

**CHAPTER 878
Fiber Optic Installers**

878.01 Definitions.

878.02 Permit required.

878.03 Permit application; fee.

**878.04 Detailed drawings required; Planning Commission review;
Insurance.**

878.05 General Public Right-of-Way use regulations.

878.99 Penalties and other remedies.

878.01 DEFINITIONS.

(a) City means the City of Strongsville, Ohio.

(b) City Property means and includes all real property owned by the City, other than Public Streets and public easements, and all property held in a proprietary or

governmental capacity by the City, which are not subject to Public Right-of-Way consent and requirements of this Chapter.

- (c) Occupancy, Occupy or Use means, with respect to the Public Right-of-Way, to place a tangible thing in the Public Right-of-Way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining or operating lines, poles, pipes, conduits, ducts, equipment, other structures, or appurtenances.
- (d) Person means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies, trusts, public utility, any other entity, and individuals and includes their lessors, trustees and receivers; but specifically excludes the City itself.
- (e) Public Right-of-Way means the surface of, and the space within, through, on, across, above or below, any Public Street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.

878.02 PERMIT REQUIRED.

No person shall place, construct, reconstruct, erect or install fiber optic cables and/or lines and associated appurtenances and structures in, under, across and upon the Public Right-of-Way, utility easement and/or private easement within the City, without first obtaining a permit from the Building Commissioner. **Any fiber optic cable and/or lines approved and installed with the initial improvements for A**any new residential subdivision **that is** proposed after the enactment of this Chapter, shall not be required to obtain a permit under this Section.

878.03 PERMIT APPLICATION; FEE.

Every applicant for a permit to place, construct, reconstruct, erect or install fiber optic cables and/or lines and associated appurtenances and structures in, under, across and upon the Public Right-of-Way of the City or adjacent thereto, shall file an application with the City upon a form provided by the Building Department and pay a non-refundable application fee of Five Hundred Dollars (\$500.00).

In addition to completing the items on the application, the applicant shall also include the following:

- (a) The identity of the applicant, including all affiliates of the applicant or service provider that will use the improvements proposed.
- (b) The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the application, and if different, the same information for the person responsible for the maintenance of the improvements after installation or contact person in the event that the improvements are damaged or need to be moved.

Each application and corresponding permit shall be limited in size to not more than 30,000 linear feet of fiber installation.

878.04 DETAILED DRAWINGS REQUIRED; PLANNING COMMISSION REVIEW; INSURANCE.

Before a permit is issued by the Building Commissioner to place, construct, reconstruct, erect or install fiber optic cable and/or lines and associated appurtenances and structures in, under, across and upon the Public Right-of-Way of the City, utility easement and/or private easement, the following is required:

- (a) The applicant shall provide detailed drawings to the City Engineer for his or her review and approval. The drawings shall show, among other things, the following items:
- (i) The location, height and dimensions of any proposed above ground structures or appurtenances.
 - (ii) Include a copy of any easement for property where an improvement is proposed that is outside of the Public Right-of-Way.
 - (iii) The location of all proposed improvements and appurtenances.
 - (iv) The location of any current improvements in the Public Right-of-Way, whether owned or installed by the City, other governmental entity, public entity, or private carrier in the near vicinity of the proposed improvements.
 - (v) The affect of the proposed improvement on any City sewers and/or storm drainage.
 - (vi) Any other information deemed necessary by the Engineering Department based on the location of the proposed improvements.
- (b) For any appurtenance and/or related structure that is proposed to be placed, constructed, reconstructed, erected or installed over and upon the Public Rights-of-Way of the City or within a utility or private easement that exceeds 15 cubic feet and/or 3.5 feet in height measured from the ground elevation, then said proposed appurtenance and/or related structure shall be submitted to the Planning Commission of the City for its review and approval.
- (c) The applicant must secure and maintain, at a minimum, the following liability insurance policies insuring both the applicant and the City as additional insured:
- (1) Comprehensive general liability insurance with limits not less than
 - (A) One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for bodily injury or death to each Person;
 - (B) One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for property damage resulting from any one accident; and
 - (C) One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for all other types of liability.
 - (2) The liability insurance policies required by this Section shall be maintained by the applicant throughout the period of time during which the applicant is occupying or using the public right-of-way, or is engaged in the removal of its fiber optic cables and/or lines and associated appurtenances. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by registered mail, of a written notice addressed to the Building Commissioner of such intent to cancel or not to renew."
 - (3) Within thirty (30) days after receipt by the City of said notice, and in no event later than fifteen (15) days prior to said cancellation, the Service Provider shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section.

- (4) All insurance policies required herein shall be written with an insurance company authorized to do business in the State of Ohio in relation to the specific type of insurance required.
- (5) Upon written application to, and written approval by, the Director of Finance of the City, an applicant may be self-insured to provide all of the same coverages as listed in this Section. As part of the review process, the Director of Finance may require, and the self-insurance applicant shall provide, any and all financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this Chapter.
- (d) Unless designated by the Ohio Public Utilities Commission as a public utility, each application for a permit, to the extent permitted by law, shall include the applicant's express undertaking to defend, indemnify and hold the City and its elected and appointed officers, officials, employees, agents, representatives and subcontractors harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs for suit or defense arising out of or resulting from the improvements installed by the applicant.
- (e) In the event that the improvements or appurtenances installed by the applicant cause the City to incur real estate taxes, the applicant agrees to pay such taxes on the City's behalf and/or to promptly reimburse the City if it has paid those taxes.

878.05 GENERAL PUBLIC RIGHT-OF-WAY USE REGULATIONS.

(a) The issuance of a permit to an applicant to Occupy or Use the Public Right-of-Way under Section 878.02 shall be limited to a grant to Occupy or Use the specific Public Right-of-Way and defined portions thereof, as approved by the City.

(b) No permit granted under Section 878.02 shall confer any exclusive right, privilege, or license or franchise to Occupy or Use the Public Right-of-Way, other than as specifically provided in said permit.

(c) No permit granted under Section 878.02 shall convey any right, title or interest in the Public Right-of-Way, but shall be deemed a consent only to Occupy or use the Public Right-of-Way for the limited purposes granted by the permit. Further, the issuance of a permit shall not be construed as any warranty of title.

(d) No applicant may locate its fiber optic cables and/or lines and associated appurtenances or structures so as to unreasonably interfere with the Use of the Public Right-of-Way by the City, by the general public or by other persons authorized to use or be present in or upon the Public Right-of-Way. All fiber optic cables and/or lines and associated appurtenances or structures shall be moved by the applicant, temporarily or permanently, as determined by the Building Commissioner when necessary to protect the public, comply with the provisions of this Chapter, or otherwise comply with local, state or federal laws. The expense or cost to move said fiber optic cables and/or lines and associated appurtenances or structures shall be the responsibility of the applicant.

(e) Each applicant who is granted a permit under Section 878.02, shall maintain its fiber optic cables and/or lines in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(f) No applicant nor any person acting on the applicant's behalf shall take any action or permit any action to be done which may impair or damage any City Property, Public Right-of-Way, or other public or private property located in, on or adjacent thereto.

(g) Restoration of Public Right-of-Way, Other Ways and City Property.

- (1) When an applicant, or any person acting on its behalf, does any work in or affecting any public Right-of-Way or City Property, it shall, after the work is completed and at its own expense, promptly remove any

obstructions therefrom and restore such ways or property, within ten (10) to thirty (30) days, at the Building Commissioner's discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

- (2) If weather or other conditions do not permit the complete restoration required by this Section within the time periods set out herein, the applicant shall temporarily restore the affected ways or property as directed by the Building Commissioner. Such temporary restoration shall be at the applicant's sole expense and the applicant shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration in a time period determined by the Building Commissioner.

(h) Unless directly and proximately caused by the willful, intentional or malicious acts of the City, the City shall not be liable for any damage to or loss of any fiber optic cables and/or lines and associated appurtenances or structures in the Public Right-of-Way of the City as a result of or in connection with, but not limited to, any public works, public improvements, construction, excavation, grading, filling, salting, snow removal or work of any kind in the Public Right-of-Way by or on behalf of the City.

(i) The permit granted by the City to Occupy or Use the Public Right-of-Way of the City may be revoked for any one of the following reasons:

- (1) Construction, reconstruction, installation, location, operation or excavation at an unauthorized location.
- (2) Construction, reconstruction, installation, location, operation or excavation in violation of City safety and/or Construction requirements.
- (3) Material misrepresentation or lack of candor by or on behalf of an applicant in any permit application or registration required by the City.
- (4) Abandonment of any fiber optic cable and/or line and associated appurtenances or structures in the Public Right-of-Way.
- (5) Insolvency or bankruptcy of the applicant.
- (6) The fiber optic cable and/or lines and associated appurtenances or structures are in a state of disrepair which creates a public nuisance.
- (7) Violation of material provisions of this Chapter.
- (8) Construction under the permit is not commenced within two (2) years of the consent approval date.

(j) In the event that the Building Commissioner believes that grounds exist for revocation of the permit to occupy or Use the Public Right-of-Way or Construction Permit, the Building Commissioner shall give the applicant written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the applicant a reasonable period of time not exceeding thirty (30) days to furnish evidence:

- (1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- (2) That rebuts the alleged violation or noncompliance; and/or
- (3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(k) The applicant shall remove at its sole cost any and all improvements when they are no longer being used by the applicant or are otherwise abandoned. In the event of such removal, the property shall be restored to its original condition as approved by the City's Building and Engineering Departments.

878.99 PENALTIES AND OTHER REMEDIES.

(a) Penalties. In addition to any other penalty set out in this Chapter, any Person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth (4th) degree. A separate and distinct Offense shall be deemed committed each day on which a violation occurs or continues.

(b) Civil Violations and Forfeiture.

- (i) In lieu of the criminal penalties set forth above, the Building Commissioner may make an initial finding of a civil violation by the applicant for violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter.
- (ii) The Civil Forfeiture shall be in an amount payable to the City of not less than \$100.00 nor more than \$500.00 for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.
- (iii) An action for civil forfeiture shall be commenced by providing the applicant with written notice describing in reasonable detail the applicant's alleged violation of one or more provisions of this Chapter and the amount of the penalty that will be assessed against it.
- (iv) The applicant shall have fifteen (15) days subsequent to receipt of the notice of violation in which to correct the violation before the City may assess penalties against the applicant. The time in which to cure the violation may be extended by the City if, in the City's sole discretion, it determines that additional time is required to correct the violation; provided that the applicant commences corrective action within seven (7) days of the notice of violation and proceeds with reasonable diligence.
- (v) The applicant may dispute the alleged violation by providing the City with written notice within five (5) days of receipt of the notice of violation, setting forth in reasonable detail the reasons for its dispute. The City shall set a date for hearing of the alleged violation before the Board of Building Code Appeals no sooner than thirty (30) days and not later than sixty (60) days from receipt of the notice of dispute.
- (vi) The City shall issue a written decision on the applicant's alleged violation within thirty (30) days after the hearing, which decision shall be final and subject to the administrative appeal procedures under Ohio law. If the City finds after hearing that the alleged violation(s) did occur, the penalty shall be assessed starting fifteen (15) days from the notice of violation and shall continue until the violation has been corrected.

(c) Nothing in this Chapter shall be construed as limiting any administrative or judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter.

Section 2. That 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 of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that there is a need to accommodate and manage

the increasing demand for the use of public rights-of-way within the City. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: December 15, 2025

Second reading: January 5, 2026

Third reading: January 20, 2026

Public Hearing: March 2, 2026

Referred to Planning Commission

December 16, 2025

Favorable recommendation
 Approved: by Planning Commission
December 18, 2025

Referred to Planning Commission (Amended)

January 6, 2026
 Favorable recommendation
 Approved: by Planning Commission
January 15, 2026



 President of Council

Approved: 

 Mayor

Date Passed: 03-02-2026

Date Approved: March 2, 2026

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Clark	<input checked="" type="checkbox"/>	_____
Kaminski	<input checked="" type="checkbox"/>	_____
Kosek	<input checked="" type="checkbox"/>	_____
Roff	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____
Zacharyasz	<input checked="" type="checkbox"/>	_____

Attest: 

 acting Clerk of Council

Ord. No. 2025-144 Amended: 01-05-26
 1st Rdg. 12-15-25 Ref: PC/P2E
 2nd Rdg. 01-05-26 Ref: PC/P2E
 3rd Rdg. 01-20-26 Ref: (As Amended)
-P2E

Public Hrg 03-02-26 Ref: _____
 Adopted: 03-02-26 Defeated: _____

**CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL**

MEMORANDUM

TO: Mitzi Anderson, Administrator to Boards & Commissions
FROM: Aimee Pientka, Clerk of Council
DATE: December 16, 2025
SUBJECT: Referral from Council: Ordinance Nos. 2025-140 and 2025-144

At its regular meeting of December 15, 2025, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2025-140 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1252.17 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING FENCES IN RESIDENTIAL DISTRICTS, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 12-15-25.*

- Ordinance No. 2025-144 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING NEW CHAPTER 878 "FIBER OPTIC INSTALLERS" OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 12-15-25.*

A copy of these ordinances are attached for Planning Commission review.

AKP
Attachments

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Mitzi Anderson, Administrator Boards & Commissions

SUBJECT: Referrals to Council

DATE: December 19, 2025

Please be advised that at its Meeting of December 18, 2025, the Strongsville Planning Commission gave Favorable Recommendations to the following:

1) ORDINANCE NO. 2025-140

An Ordinance Amending Section 1252.17 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville Concerning Fences in Residential Districts, and Declaring an Emergency.

2) ORDINANCE NO. 2025-144

An Ordinance Enacting New Chapter 878 "Fiber Optic Installers" of Title Two of Part Eight-Business Regulation and Taxation Code of the Codified Ordinances of the City of Strongsville, and Declaring and Emergency.

**CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL**

MEMORANDUM

TO: Mitzi Anderson, Administrator to Boards & Commissions
FROM: Aimee Pientka, Clerk of Council
DATE: January 6, 2026
SUBJECT: Referral from Council: Ordinance Nos. 2025-144 (As Amended)

At its regular meeting of January 5, 2026, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2025-144 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING NEW CHAPTER 878 "FIBER OPTIC INSTALLERS" OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY, **AS AMENDED**. *First reading and referred to the Planning Commission 12-15-25. Favorable recommendation by the Planning Commission 12-18-25. Second reading 01-05-26. Referred (As Amended) to the Planning Commission 01-06-26.*

A copy of this ordinances is attached for Planning Commission review.

AKP
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Mitzi Anderson, Administrator Boards & Commissions

SUBJECT: Referral to Council

DATE: January 16, 2026

Please be advised that at its Meeting of January 15, 2026, the Strongsville Planning Commission gave a Favorable Recommendation to the following:

ORDINANCE NO. 2025-144 (As, Amended)

An Ordinance Enacting New Chapter 878 "Fiber Optic Installers" of Title Two of Part Eight-Business Regulation and Taxation Code of the Codified Ordinances of the City of Strongsville, and Declaring and Emergency, As Amended.



City of Strongsville

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Legal Advertisement

City Council

James A. Kaminski
Ward 1

Annamarie P. Roff
Ward 2

Thomas M. Clark
Ward 3

Gordon C. Short
Ward 4

James E. Carbone
At-Large

Kelly A. Kosek
At-Large

Anthony Zacharyasz, Jr.
At-Large

Aimee Pientka, MMC
Clerk of Council

CITY OF STRONGSVILLE, OHIO

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be conducted by the Council of the City of Strongsville on **Monday, March 2, 2026 at 7:00 p.m., current time**, in the Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road, Strongsville, Ohio, upon the following Ordinance, which has been introduced in and are currently pending before the Council, entitled:

- Ordinance No. 2025-144 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING NEW CHAPTER 878 "FIBER OPTIC INSTALLERS" OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY **AS AMENDED**. *First reading and referred to the Planning Commission 12-15-25. Favorable recommendation by the Planning Commission 12-18-25. Amended, placed on second reading and referred back to the Planning Commission "As Amended" 01-05-26. Favorable recommendation by the Planning Commission 01-15-26. Third reading 01-20-26. Public hearing 03-02-26.*

This ordinance is on file in the office of the Clerk of Council at the Strongsville Service Center, 16099 Foltz Parkway, Strongsville, Ohio, for public inspection.

Any person desiring to be heard on the subject of the proposed ordinances, or who may wish to object thereto, may appear at the time and place set forth above.

BY ORDER OF THE COUNCIL OF THE CITY OF STRONGSVILLE, OHIO:

Aimee Pientka, MMC
Clerk of Council

Editor's Note:

To be published in The Sun Star-Courier/Sun News
and online at Cleveland.com:
January 30, 2026 and February 6, 2026