

**Summit County Service Area # 3
ORDINANCE NO. 2013-4**

**DRIVEWAY SPECIFICATION AND
ROAD SERVICE FEE AND SECURITY DEPOSIT ORDINANCE
(Repealing 99-1)**

WHEREAS, the Board of Trustees of Summit County Service Area # 3 (SCSA#3) finds that in order to provide for adequate drainage of roads, provide for construction related damage repairs and meet the requirements of SCSA#3 with regard to road construction and maintenance, it is necessary for every property owner in SCSA#3 to comply with certain requirements for drainage and for the construction of driveways to public roadways and for properties under construction to provide for road repairs.

THEREFORE, the Board of Trustees of SCSA#3, hereby ordains as follows:

1. "Driveway" as used herein means any private roadway connecting with a public road within SCSA#3.
2. Every lot owner within Summit County Service Area #3 shall construct all Driveways in accordance with the standards and specifications of this Ordinance.
3. The minimum Driveway width shall be twelve (12) feet. All Driveways shall be constructed in compliance with the standards and specifications which are depicted in the drawing which is exhibit A to this Ordinance.
4. All Driveways shall be constructed using a culvert at each surface drainage feature which shall extend two feet (2') on either side of the Driveway. Each culvert shall have a diameter of not less than eighteen inches (18"), unless written authorization for either a smaller culvert or no culvert is obtained from SCSA#3. Each culvert shall be aligned in the drainage feature to receive and discharge flows at the appropriate location so as not to block drainage. Each Driveway shall have a gutter depression parallel to the road drainage not less than two inches (2") above and not more than six inches (6") below the road shoulder elevation to provide drainage from the Driveway to the drainage feature.
5. All lot owners engaging in construction activities on a lot within SCSA#3 are required to repair all damage to the road and drainage system adjacent to the lot where construction occurs which is attributed to the construction activities.
6. Every lot owner constructing a Driveway shall, prior to commencement of construction, apply in writing to SCSA#3 for permission to construct a Driveway, with the following information:
 - a. The name of the lot owner and the person responsible for the construction activity;

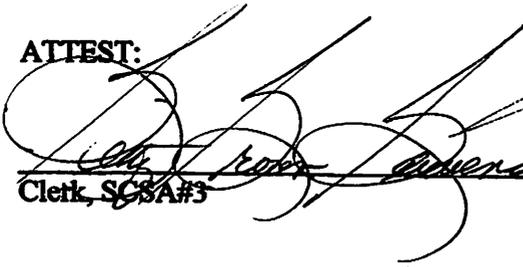
- b. The address or lot number of the lot upon which the Driveway is to be constructed;
 - c. The projected starting date and construction completion date of the project;
 - d. The estimated value of the construction activity; and
 - e. A copy of the Summit County building permit.
7. In compliance with Ordinance 2013-3, a road service fee of Fifteen Hundred Dollars (\$1,500.00) shall be paid with a refundable security deposit of Three Thousand Five-Hundred Dollars (\$3,500.00) prior to the start of construction. The security deposit may be refunded upon written request if the proposed Driveway is completed in compliance with the standards and specifications of this Ordinance, and all applicable conditions of Ordinance 2013-3 are satisfied.
- 7.1 For each Driveway and/or Driveway culvert that is constructed after the first Driveway, SCSA #3 shall collect an additional security deposit of Five-Hundred Dollars (\$500.00) to ensure compliance with the requirements of this Ordinance.
- 7.2. Any security deposit collected by SCSA#3 under the provisions of this Ordinance may be refunded after satisfactory completion of construction and all required repairs, under the following procedure:
- 7.2.1. A lot owner shall submit a written request for refund to SCSA #3 identifying the lot number and owner name and address.
 - 7.2.2. After receipt of the written request for refund, SCSA#3 shall inspect the Driveway, culvert and related road and drainage system and shall act to approve, reduce or deny the refund.
 - 7.2.3. A refund of a security deposit under the terms of this Ordinance shall be approved if the Driveway and Driveway culvert is fully completed in compliance with the requirements of this Ordinance, if all construction related damage to the roads and drainage systems, have been adequately repaired and all applicable conditions of Ordinance 2013-3 are satisfied.
8. Any lot owner who constructs a Driveway which is not in compliance with this Ordinance shall be responsible to bring said construction into compliance with this Ordinance. Any lot owner who fails to comply with this Ordinance shall be deemed to have granted authority to SCSA#3 to take whatever action is appropriate, including legal action, to repair the road(s) and drainage system(s) and to bring the Driveway construction into compliance with this Ordinance; The lot owner agrees to pay all costs and fees incurred by SCSA#3 in enforcement of this Ordinance, including reasonable attorney's fees incurred in collecting the amount due.
9. This Ordinance shall apply to all Driveways within SCSA#3; however existing Driveways which are not in compliance with the standards and specifications of this Ordinance as of January 31, 2013, shall not be required to comply with the standards and

specifications of this Ordinance until the SCSA#3 Board of Trustees, in its sole discretion, chooses to upgrade the road and drainage system adjacent to the lot and Driveway. Upon notice by SCSA#3 to the property owner that such road and drainage system improvement will be completed by a specific date and that compliance shall be required, the property owner shall improve or modify the Driveway to comply with this Ordinance no later than sixty (60) days from the date of written notice.

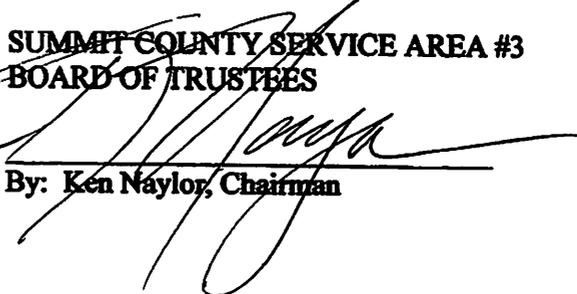
10. This Ordinance shall become effective upon its adoption by the Board.

Dated this 13th day of May, 2013.

ATTEST:


Clerk, SCSA#3

SUMMIT COUNTY SERVICE AREA #3
BOARD OF TRUSTEES


By: Ken Naylor, Chairman