

ORDINANCE #2013-3

AN ORDINANCE ENACTING A ROAD SERVICE FEE AND SECURITY DEPOSIT FOR NEW CONSTRUCTION (REPEALING ORDINANCE 97-1)

The Board of Trustees of Summit County Service Area # 3 (SCSA#3), a special district of the State of Utah, existing under and by virtue of the provisions of Title 17B, Chapter 1, Utah Code Annotated (as amended, 2011), hereby ordains as follows:

WHEREAS, whenever construction occurs on any property within the boundaries of the Service Area, such construction causes an additional traffic load and subsequent damage impact on the roads within the Service Area because of the increased size of vehicles and the volume of vehicle travel used to support the construction.

WHEREAS, the Board of Trustees finds that consistent with its general duty to protect the health, safety, and welfare of the residents of SCSA # 3, and consistent with its duty to service and maintain the roads within the Service Area, it is reasonable and necessary that a specific road service fee and security deposit should be charged to property owners for impacts related to new construction.

WHEREAS, the Service Area Board of Trustees conducted a public hearing in compliance with law on May 13, 2013 at 7:00 p.m.

1. **ROAD SERVICE FEE AND SECURITY DEPOSIT.** A road service fee shall be collected by SCSA#3 in advance of the start of construction from each lot owner engaging in construction activity requiring a building permit (as per Summit County requirements) and having a construction value in excess of Fifty Thousand Dollars (\$50,000) to compensate the Service Area for impacts and necessary repairs to the roads of the Service Area caused by construction activities.

- a. The amount of the road service fee is \$1,500.00 which shall be paid together with a refundable security deposit in the amount of \$3,500.00. The security deposit shall be held by the Service Area to ensure the compliance of the lot owner with the provisions of Paragraph 4 below. In the event construction is commenced and completed and construction traffic is terminated and does not resume to the construction site, SCSA#3 may approve, reduce or deny a request for refund of the road security deposit in accordance with Paragraph 4 herein. The lot owner is responsible to notify SCSA #3 when construction is completed. All refunds of the construction security deposit shall be considered by the SCSA #3 Board of Trustees based on a written request from the lot owner. The request for refund shall set forth the name of the lot owner, the reasons supporting the request for refund, the date construction started and ended and any other pertinent information the lot owner wants the Board to consider. The refund request must be submitted within 180 calendar days of the building permit end date.
- b. No water service provider letter or well drilling start card shall be furnished to a contractor or lot owner proposing to engage in construction until the requirements

of this Ordinance are completed and the required fee and security deposit have been paid to SCSA#3.

2. **CONSTRUCTION APPLICATION.** Every person, firm or entity who is a record owner of a lot or property within SCSA#3 and who initiates construction activity having a construction value in excess of Fifty Thousand Dollars (\$50,000) shall deliver to SCSA#3 an application letter 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 improvements are 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.

3. **BUDGET ALLOCATION.** All construction service road fees collected pursuant to this Ordinance shall be remitted to the SCSA#3 General Road Maintenance Budget.

4. **LIABILITY TO REPAIR ROAD DAMAGE.** Each lot owner shall facilitate repair of all damage to the road and/or drainage system adjacent to the construction site or along the route used by vehicles engaged in the construction project as soon as possible after the damage occurs and within three (3) days following the completion of construction on the owners' lot. All repairs must be performed by a contractor approved by SCSA #3. If the lot owner does not repair the damage caused by the construction activity within three (3) days following completion of construction, SCSA #3 shall notify the lot owner in writing concerning the requirement to complete the repairs. Thereafter, if the repairs have not been completed within seven (7) days after delivery of written notice, SCSA#3 shall repair the damage, deduct the cost thereof from the security deposit on file with SCSA#3 and charge the lot owner for the actual cost of repairs in excess of the security deposit. 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.

5. **REPEAL OF ORDINANCE 97-1.** Ordinance 97-1 is hereby repealed and replaced.

6. **EFFECTIVE DATE.** This ordinance shall take effect upon its adoption by the Board of Trustees.

Adopted by the SCSA#3 Board of Trustees this 13th day of May, 2013.

ATTEST:


Clerk, SCSA#3

BOARD OF TRUSTEES
SUMMIT COUNTY SERVICE AREA #3


BY: Ken Naylor, Chairman