

**AN ORDINANCE AMENDING SECTIONS 911.01 AND 911.02 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE PERTAINING TO DITCH ELIMINATION POLICIES**

BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That Sections 911.01 and 911.02 of the Streets, Utilities and Public Services Code be amended to read as follows:

**“911.01 ELIMINATION OF OPEN DITCHES; PERMIT; DEPOSIT.**

The following procedure is hereby established for the elimination of ditches:

- (a) Interested persons shall apply to the Director of Public Service for a permit for such construction and elimination, and the standards for such application and issuance of permit shall be in accordance with Chapter 903; however, labor necessary for such construction and elimination shall be furnished by the Village. All other costs and expenses shall be paid by the applicant or interested person and to secure the same, each person shall deposit with the Director the sum of five hundred dollars (\$500.00) for each application. If the cost and expense exceed the deposit, the person shall be billed therefor; otherwise, the unexpended sum shall be refunded to such person.
- (b) The Director of Public Service shall supervise all operations for which a permit is granted hereunder, and in addition thereto shall determine pipe size and material necessary and appropriate for such construction and elimination.

**911.02 CULVERT PIPE AND MATERIAL; REGULATIONS; PERMIT REQUIRED.**

- (a)(1) The Village of Richfield shall furnish the culvert pipe and materials for the driveway and ditch areas between private property and the street. The pipe and materials will be based on the quote prepared and estimated by the Highway Maintenance Supervisor.
- (2) Such pipe shall conform to the specifications as set forth by the Ohio Department of Highway Construction and Material Standards, and the approval of the Director of Public Service.
- (3) Such driveway pipe shall be of a minimum length of thirty feet and minimum diameter of twelve inches. The pipe may be larger if the flow for the area and/or the Village Engineer recommend a larger diameter pipe.

- (b) The Village shall furnish all labor necessary for the placement of the culvert pipe under the driveway and ditch areas between private property and the street.
- (c) The Village shall be indemnified and held harmless from all liability for any damages by reason of such placement.
- (d) The property owner shall make application for a driveway or ditch elimination to the Director of Public Service on forms provided by the Director.
- (e) No person shall place, or cause to be placed, any culvert pipe or ditch pipe in or under a driveway or in any ditch areas between private property and the street.
- (f) The Director and Highway Maintenance Supervisor shall determine the need of a ditch elimination based on the following criteria:
  - (1) the ditch is deeper than 24 inches and does not meet or cannot meet a 3:1 or better standard for property maintenance;
  - (2) the ditch poses a driving hazard;
  - (3) the ditch is too close to the edge of the pavement for an appropriate transition between the road and the yard area as per the Ohio Department of Transportation standards;
  - (4) the ditch is clearly unable to be maintained due to the depth, width and size of ditch opening; or
  - (5) Developments with designed storm water retention and open ditches shall comply with the plan as designed and approved.

If a hazard or need arises for further review of the ditch line, the Village will review the site with the Village Engineer to determine the best action for the circumstances present."

SECTION 2. That Sections 911.01 and 911.02 of the Streets, Utilities and Public Services Code, as they existed prior to the effective date of this Ordinance, be, and the same hereby are, repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 3, 2003

Michael D. Brown  
President of Council

ATTEST:

Donald B. Larson  
Mayor

Carole Gibson  
Clerk of Council

Dated: 6/3/2003

# Ditch Eliminations

## Chapter 911

### Culverts and Ditches

#### 911.01 ELIMINATION OF OPEN DITCHES; PERMIT; DEPOSIT

The following procedure is hereby established for the elimination of ditches:

- (a) Interested persons shall apply to the Director of Public Service for a permit for such construction and elimination, and the standards for such application and issuance of permit shall be in accordance with Chapter 903; however labor necessary for such construction and elimination shall be furnished by the Village. All other costs and expenses shall be paid by the applicant or interested person and to secure the same each person shall deposit with the Director the sum of ~~five hundred dollars (\$500.00)~~ for each application. If the cost and expense exceed the deposit, the person shall be billed therefore; otherwise, the unexpended sum shall be refunded to such person.
- (b) The Director of Public Service shall supervise all operations for which a permit is granted hereunder, and in addition thereto shall determine pipe size and material necessary and appropriate for such construction and elimination.

#### 911.02 CULVERT PIPE AND MATERIAL; REGULATIONS; PERMIT REQUIRED.

- (a)
  - (1) The Village of Richfield shall furnish the culvert pipe and materials for the driveway and ditch areas between private property and the street. ~~The pipe and materials will be based on the quote prepared and estimated by the Highway Maintenance Supervisor.~~
  - (2) Such pipe shall conform to the specifications as set forth by the Ohio Department of Highway Construction and Material Standards, and the approval of the Director of Public Service.
  - (3) Such driveway pipe shall be of a minimum length of ~~thirty feet~~ and minimum diameter of twelve inches. ~~The pipe may be larger if the flow for the area and/or the Village Engineer recommends a larger diameter pipe.~~
- (b) The Village shall furnish all labor necessary for the placement of the culvert pipe under the driveway ~~and ditch areas~~ between private property and the street.
- (c) The Village shall be indemnified and held harmless from and all liability for any damages by reason of such placement.

- (d) The property owner shall make application for a driveway or ditch elimination to the Director of Public Service on forms provided by the Director.
- (f) No person shall place, or cause to be placed, any culvert pipe or ditch pipe in or under a driveway or in any ditch areas between private property and the street.
- (g) The Director and Highway Maintenance Supervisor shall determine the need of a ditch elimination based on the following criteria:
  1. the ditch is deeper than 24 inches and does not meet or can not meet a 3:1 or better standard for proper maintenance;
  2. the ditch poses a driving hazard;
  3. the ditch is too close to the edge of the pavement for an appropriate transition between the road and the yard area as per the Ohio Department of Transportation standards;
  4. the ditch is clearly unable to be maintained due to the depth, width, and size of ditch opening;
  5. Developments with designed storm water retention and open ditches shall comply with the plan as designed and approved. If a hazard or need arises for further review of the ditch line, the Village will review the site with the Village Engineer to determine the best action for the circumstances present.

911.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars(\$500.00).  
 A separate offense shall be deemed committed each day during or on which a violation occurs or continues.