

POLICY OF THE BOARD OF COUNTY COMMISSIONERS REGARDING
RESPONSIBILITY FOR REPAIR/MAINTENANCE OF DRIVEWAYS, CULVERTS
AND DITCHES ALONG COUNTY ROADS IN THE UNINCORPORATED AREAS OF
HAMILTON COUNTY, OHIO.

DRIVEWAYS:

Those portions of driveways, lying within the right-of-way or easement limits of County roads are under the jurisdiction of the Hamilton County Engineer.

Proposed driveway approaches and existing driveway approaches which the property owner or his agent wishes to modify shall be governed by the pertinent provisions of the Hamilton County Engineer's Permit Manual adopted by the Board of County Commissioners on May 17, 1989.

Existing driveways installed with permission of the County Engineer, by Permit, shall be maintained by the property owner in all respects so as to conform to the requirements of the Permit and the regulations in effect at the time the Permit was issued.

Existing driveways installed without permission of the County Engineer (by Permit) or where there is no existing record of a Permit shall be maintained by the property owner in all respects so as to protect the public interest and welfare.

All driveways shall be constructed and maintained in such a manner that no hazards, nuisances, or obstructions are created which affect the full use of the County road by the public. This shall include, but not be limited to; runoff (water) from driveway onto the County road pavement or berm, migration of gravel, sand, mud or debris from driveway onto the County road pavement or berm, obstruction to maintenance equipment of the pavement edge or berm due to improper slopes or grades. Failure on the part of the property owner to maintain driveways so as to prevent/control the situations listed above shall be considered a violation.

Should violations including, but not limited to, those listed above be observed by or brought to the attention of the Hamilton County Engineer, or his/her Representative, the latter shall cause the matter to be investigated at the site. Should this investigation verify that a violation exists, the particulars of same shall be recorded.

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A determination shall then be made of the owner(s) of the abutting property. The identified owners shall be notified by mail of the violation and instructed to correct the situation.

The mailed notification shall be by means of Certified Mail and regular mail, both mailings to occur simultaneously. The letter shall describe the violation, cite appropriate sections of the Ohio Revised Code (including the penalty section) and inform the owners that they have five (5) days to begin corrective measures which are satisfactory to the Hamilton County Engineer. The ultimate time frame for removal/correction shall be a reasonable time as determined by the County Engineer.

Failure on the part of the property owner to commence, and carry out to completion, acceptable correction of a violation within the time frame noted above will result in corrections being made by the Hamilton County Engineer with County forces or by use of Independent Contractors. These corrections may be temporary or permanent at the discretion of the County Engineer.

Upon completion of either the temporary or permanent (or both) correction work by the Hamilton County Engineer, a determination shall be made of the costs involved. A billing will be forwarded by the County Engineer to the owner. Should the owner fail to reimburse the County for the costs within sixty (60) days of the mailing of the billing letter, the matter shall be referred to the Hamilton County Auditor, who will place the dollar amount on the appropriate tax duplicate to be collected with the ordinary real estate taxes.

Should the involved violation be deemed serious enough to constitute an immediate hazard, the Hamilton County Engineer may take immediate action to eliminate a hazard without the identification process and/or the normal notification time frame. In addition, in the case of serious violation, removal/correction may also be performed with no replacement.

REFERENCE: Ohio Revised Code 5543.16 5547.04
5547.03 5591.26

Approved
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ROADWAY CONDUITS, PIPES OR CULVERTS:

Roadway conduits, pipes or culverts lying within the right-of-way or easement limits of County roads are under the jurisdiction of the Hamilton County Engineer.

Proposed conduits, pipes or culverts for driveways or for other modification to property frontage which are to be installed within a roadway ditch; or existing conduits, pipes or culverts which are to be modified in any way, shall be governed by the pertinent provisions of the Hamilton County Engineer's Permit Manual adopted by the Board of County Commissioners on May 17, 1989. Ability of a conduit, pipe or culvert to adequately carry present and future upstream runoff is a consideration in issuance of a Permit.

Existing conduits, pipes or culverts, installed with permission of the County Engineer, by Permit, shall be maintained by the property owner, including the clean-out of mud, sand, silt, gravel, debris or obstructions, in all respects so as to conform to the requirements of the Permit and the regulations in effect at the time the Permit was issued.

Existing conduits, pipes or culverts installed without permission of the Hamilton County Engineer (by Permit), or where there is no existing record of a Permit, shall be maintained by the property owner, including the clean-out of mud, sand, silt, gravel, debris or obstructions, in all respects so as to protect the public interest and welfare.

Conduits, pipes or culverts installed without Permit and which may be undersized by virtue of being of less diameter than the minimum size listed in the Permit Manual (12" inside diameter) or by not being consistent with the minimum size determined by a hydraulic study by trained persons shall be considered a violation and are subject to immediate removal.

In all cases, property owners shall be responsible for having, at all times, a conduit, pipe or culvert installation that is of adequate capacity to carry upstream runoff including increased rates occurring after initial installation.

Should failed or inadequate installation, which adversely affects the public welfare including, but not limited to, those listed above be observed by or brought to the attention of the Hamilton County Engineer or his/her Representative, the latter shall cause the matter to be investigated at the site. Should this investigation verify that a violation exists, the particulars of same shall be recorded.

A determination shall then be made of the owner(s) of the abutting property. The identified owners shall be notified by mail of the violation and instructed to correct the situation.

The mailed notification shall be by means of Certified Mail and regular mail, both mailings to occur simultaneously. The letter shall describe the violation, cite appropriate sections of the Ohio Revised Code (including the penalty section) and inform the owners that they have five (5) days to begin corrective measures which are satisfactory to the Hamilton County Engineer. The ultimate time frame for removal/correction shall be a reasonable time as determined by the County Engineer.

Failure on the part of the property owner to commence, and carry out to completion, acceptable correction of a violation within the time frame noted above will result in corrections being made by the Hamilton County Engineer with County forces or by use of Independent Contractors. These corrections may be temporary or permanent at the discretion of the County Engineer.

Upon completion of either the temporary or permanent (or both) correction work by the Hamilton County Engineer, a determination shall be made of the costs involved. A billing will be forwarded by the County Engineer to the owner. Should the owner fail to reimburse the County for the costs within sixty (60) days of the mailing of the billing letter, the matter shall be referred to the Hamilton County Auditor, who will place the dollar amount on the appropriate tax duplicate to be collected with the ordinary real estate taxes.

Should the involved violation be deemed serious enough to constitute an immediate hazard, the Hamilton County Engineer may take immediate action to eliminate a hazard without the identification process and/or the normal notification time frame. In addition, in the case of serious violation, removal/correction may also be performed with no replacement.

REFERENCE: Ohio Revised Code 5543.16 5547.04
 5547.03 5591.26



DITCHES:

Ditches along Hamilton County roads and lying within the right-of-way or easement limits are under the jurisdiction of the Hamilton County Engineer.

(Ditches beyond the right-of-way or easement limits which carry runoff to or from Hamilton County roads may fall within the jurisdiction of the Hamilton County Director of Public Works.)

Proposed ditches or existing ditches which an abutting property owner or his agent wishes to modify, in any way, shall be governed by the pertinent provisions of the Hamilton County Engineer's Permit Manual adopted by the Board of County Commissioners on May 17, 1989.

Modifications made to roadway ditches (including filling, reducing capacity, changing alignment, changing location with respect to the pavement or installing of conduit, pipe or culverts) without permission of the Hamilton County Engineer, by Permit, and which may adversely affect the integrity of the roadway or pavement, or which reduces the ability to carry upstream drainage, or which increases the cost or time involved in the maintenance process are considered to be violations and are subject to removal.

Should violations including, but not limited to, those listed above be observed by or brought to the attention of the Hamilton County Engineer, or his/her Representative, the latter shall cause the matter to be investigated at the site. Should this investigation verify that a violation exists, the particulars of same shall be recorded.

A determination shall then be made of the owner(s) of the abutting property. The identified owners shall be notified by mail of the violation and instructed to correct the situation.

The mailed notification shall be by means of Certified Mail and regular mail, both mailings to occur simultaneously. The letter shall describe the violation, cite appropriate sections of the Ohio Revised Code (including the penalty section) and inform the owners that they have five (5) days to begin corrective measures which are satisfactory to the Hamilton County Engineer. The ultimate time frame for removal/correction shall be a reasonable time as determined by the County Engineer.

Failure on the part of the property owner to commence, and carry out to completion, acceptable correction of a violation within the time frame noted above will result in corrections being made by the Hamilton County Engineer with County forces or by use of Independent Contractors. These corrections may be temporary or permanent at the discretion of the County Engineer.

Upon completion of either the temporary or permanent (or both) correction work by the Hamilton County Engineer, a determination shall be made of the costs involved. A billing will be forwarded by the County Engineer to the owner. Should the owner fail to reimburse the County for the costs within sixty (60) days of the mailing of the billing letter, the matter shall be referred to the Hamilton County Auditor, who will place the dollar amount on the appropriate tax duplicate to be collected with the ordinary real estate taxes.

Should the involved violation be deemed serious enough to constitute an immediate hazard, the Hamilton County Engineer may take immediate action to eliminate a hazard without the identification process and/or the normal notification time frame. In addition, in the case of serious violation, removal/correction may also be performed with no replacement.

REFERENCE: Ohio Revised Code	5543.12	5547.04	5589.99
	5543.16	5589.06	5591.26
	5547.03	5589.10	6151.14

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GENERAL:

The Hamilton County Engineer has the responsibility and the authority to maintain roadway ditches and appurtenances along County roads so that they continue to perform as intended. Nothing in this policy is to be in any way construed as relinquishing that responsibility and/or authority to other parties.

In all situations of violations or alleged violations it shall be the intention of this policy to cooperate with involved property owners in resolving problems in an equitable manner. This will include representatives of the Hamilton County Engineer's Office being available to meet with owners, discussing concerns of all affected parties and cooperating in procedures to resolve problems. However, the right is reserved to make immediate emergency repairs or alterations to driveways, pipes, culverts, ditches or other items to correct situations which pose an immediate threat to the public, without notice to the abutting/responsible property owners. In instances where such action is deemed necessary, reimbursement of involved costs will be sought from the responsible parties by the process described in the preceding sections of this policy.

The closing or removing of a drive by the Hamilton County Engineer shall be a last resort and shall not occur until after other attempts to resolve a problem have failed, and only after owners have been notified by Certified Mail and regular mail.

Whenever road improvement projects are undertaken by the Hamilton County Engineer, costs of changes to driveways and driveway pipes necessitated by the improvement will be included with costs of the project and will not be normally billed against the abutting property owner.