

Assessment Rates

- Subdivision drainage maintenance assessment revenue can not be used for other projects such as roadside ditches or petitioned county ditches.
- With the recording of each subdivision plat, the original property owner (developer) agrees to allow assessments to be collected for the maintenance of the storm water management facilities (SWMFs) which are outside the road rights-of-way. This provision is typically included on the plat and maintenance agreement.
- Rates are determined based on the total costs of drainage improvements in each subdivision.
- The Ohio Revised Code states that the annual cost of maintenance of storm water facilities is assumed to be 20% of the original construction costs of the drainage system.
- The maintenance cost is spread among the individual sublots, according to each parcel's acreage and street frontage.
- The resulting amount is collected as an assessment on the property tax bill, to be collected permanently.
- Every 6 years, the assessments are reviewed and adjusted as necessary to account for the actual cost of maintenance of the SWMFs.

Resources

The United States EPA:
www.epa.gov

The Ohio EPA:
www.epa.state.oh.us

Ohio Revised Code:
codes.oh.gov

Summit Soil and Water Conservation District
www.summitswcd.org

2016 Summit County Subdivision Regulations:
www.summitengineer.net/pages/Services-for-Developers.html

Summit County Fiscal Office (for plats and maintenance agreements on file):
www.co.summit.oh.us/fiscaloffice/index.htm

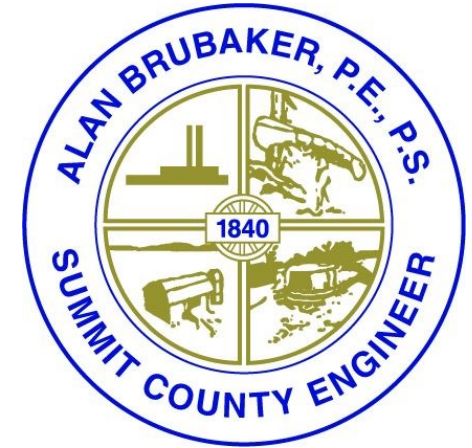
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**For more information on assessments
please contact us or visit our website:**

[https://www.summitengineer.net/pages/
Assessed-Subdivisions.html](https://www.summitengineer.net/pages/Assessed-Subdivisions.html)

Alan Brubaker, P.E., P.S. Summit County Engineer



**A complete guide to
Subdivision
Drainage Maintenance
Assessments**

2020

Introduction

Drainage Maintenance Assessments allow the County to perform maintenance and repair of the storm water management facilities (SWMFs) as necessary to ensure their proper functionality and safety. These SWMFs are located outside the road rights-of-way in subdivisions in the townships. Road and bridge funds can not be used to perform this work.

Engineer Brubaker's office has prepared this pamphlet to provide answers to your anticipated drainage maintenance assessment questions.



Streambank erosion was threatening to drain the retention pond in the Arbour Green subdivision.



Retention pond is now protected from erosion by a wide separation from the repaired streambank.

Why assessments?

- Most subdivisions built after the 1970s included stormwater detention basins, to slow the flow of stormwater from these developments and help reduce the flooding and stream erosion caused by the rapid flow.
- These detention basins were often located on private lots, but covered by easements to the County, to provide the County with the right to make repairs if the owner failed to do so. However, some easements were generic, with no rights to the County.
- After the 1990's, amendments to the Clean Water Act added new regulations aimed at improving the quality of the storm water that was slowly released, making the basins' designs more complex, and maintenance requirements more time-consuming. Also, the basins were located more often on common areas owned by the Homeowner Owner Associations (HOAs).
- The responsibility, financial and otherwise, for the maintenance and repair of the basins, along with any drainpipes and ditches, and/or watercourses, ultimately rests on the property owner, whether a private resident or a homeowners association, unless another provision is made.
- Summit County is able to help the owners meet these requirements, with all owners in the allotment sharing the cost.
- Most developers enter into contracts with the county that allows the county to take care of these obligations for them for a fee. The terms are spelled out in the plats and maintenance agreements for each of the subdivisions.

History and relevant laws

- The Federal Water Pollution Control Act of 1948 was the first major U.S. law to address water pollution. Growing public awareness and concern for controlling water pollution led to sweeping amendments in 1972, when the law became known as the Clean Water Act (CWA).
- The CWA was itself amended in 1977 to regulate the discharge of polluted water into rivers, lakes, and coastal waters. This pollution could be untreated wastewater or surface water runoff from municipalities, industries, businesses and construction sites.
- Subsequent amendments to the CWA have added requirements post-construction surface water quality controls at developed sites with impervious areas such as paved streets, parking lots, and building rooftops.
- In addition to the EPA rules, Summit County Subdivision Regulations include storm water quality best management practices to which the land developers must conform. These rules also pass some obligation on to the eventual homeowners: *To insure proper maintenance of the Stormwater Management System constructed by the Developer, a Maintenance Agreement requires a Maintenance Fee obligation pass with the Title to the property. The Maintenance Fee to be assessed is pursuant to the Ohio Revised Code Section 6131.63 and 6137 and is determined by the Summit County Engineer.*