

1311.15 CONSTRUCTION AND MAINTENANCE GUARANTEE.

(a) All permanent storm water, soil erosion, other wastes control, and water quality practices not specifically waived by the City of Rocky River shall be constructed prior to the granting of the Final Plat Approval. Upon the request of the owner, the City of Rocky River may defer the construction or installation of a permanent storm water, soil erosion, sediment, or other wastes control or water quality practice prior to the approval of the final plat where, in the Building Commissioner's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the City of Rocky River shall require a Security Bond or Escrow Account, to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the filing of such final plat.

(1) The owner will provide a maintenance guarantee for all permanent improvements, and soil erosion, wastes controls, and water quality practices.

(2) The City of Rocky River shall require a Security Bond or Escrow Account to guarantee that the planned temporary and permanent soil erosion, sediment, and other wastes controls and water quality practices will be constructed and removed in a timely manner, as determined by the Building Commissioner.

(3) The Guarantee: The guarantee of both performance and maintenance will be in the form of a Security Bond, Escrow Account, Verified Check or Cash. The Security Bond or Escrow Account, will be used by the City of Rocky River to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Building Commissioner. The Security Bond or Escrow Account will be in the total amount of both the performance guarantee and the maintenance guarantee. Ohio municipalities and counties may require performance bonds or other guarantees for water management improvement as stated in the ORC Chapter 711.101.

(4) Security Bond or proof of Escrow Account shall be received by the City of Rocky River prior to review by the Building Commissioner and/or its consultants to cover professional services of the Building Commissioner, Building Commissioner, Zoning Inspector and/or other experts required by the Building Commissioner, City of Rocky River Council, Mayor or Review Boards.

(5) No soil disturbing activities shall be permitted until a Security Bond or Escrow Account has been posted to the satisfaction of the Building Commissioner sufficient for the City of Rocky River to perform the obligations otherwise to be performed by the owner or

person responsible for the development area as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The Security Bond or Escrow Account shall be released only after all work required by this regulation has been completed to the satisfaction of the Building Commissioner and all permit and inspection fees required by these regulations have been paid in full.

(6) No project subject to this regulation shall commence without the Construction Site Conservation Plan having been approved by the Building Commissioner.

(b) Performance Guarantee: The furnishing of a performance guarantee will be maintained in an amount of not less than 100% of the estimate approved by the Building Commissioner, of installation of the deferred improvements.

(c) Maintenance Guarantee: The maintenance guarantee shall be maintained for a period of not less than 2 (two) years after final acceptance of the storm water, soil erosion, sediment, and other wastes control practices in an amount equal to 10% of the estimate approved by the Building Commissioner, of the construction and, where necessary, removal of such practices.

(d) Time Extension: The Building Commissioner may extend for cause the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.

(e) Completion: Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the performance guarantee has been provided the owner shall notify the Building Commissioner of this fact.

(f) Inspection: The City of Rocky River will not release the Security Bond, Escrow Account, Verified Check or Cash guarantee until the Building Commissioner (or designee) has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.

(g) Slow Release Devices: Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in single-family residential developments is when 90% of the homes are constructed with their lawns completely installed and any remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.

(1) Release: The Construction Maintenance Guarantee shall not be released by the City of Rocky River until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.

(Ord. 70-12. Passed 11-13-12.)