

**TOWN OF CASTLE VALLEY, UTAH**

**ORDINANCE 2009 - 2**

**AN ORDINANCE ESTABLISHING A DRIVEWAY CULVERT POLICY**

(This Ord. 2009-2 dated October 16<sup>th</sup>, 2019 supersedes any earlier dated Ord. 2009-2)

**WHEREAS**, maintaining the Town of Castle Valley's (here after referred to as the Town) roads and related drainages is a critical need; and

**WHEREAS**, driveways entering the roads cross the easements, impacting the drainages; and

**WHEREAS**, some of the drainage ditches along the roads require a deeper ditch than can be crossed safely without a culvert; and

**WHEREAS**, the Town funded and adopted a Master Drainage Plan by Armstrong Engineering dated September 1988; and

**WHEREAS**, the Town is continually upgrading, improving and/or maintaining the drainage system and changes to culvert sizes and/or dips may need to be implemented in the future; and

**WHEREAS**, driveway culverts and dips should be sized to carry the volume of water calculated for that particular stretch of road according to the Master Drainage Plan map;

**NOW THEREFORE BE IT ORDAINED BY THE TOWN OF CASTLE VALLEY:**

Any road easement encroachment must receive written approval by the Town prior to any work being done.

1. Where a dip is required for access:

A. The Town will encourage property owners to use dips to cross the easements at their driveway entrances wherever possible. Additionally, the Road Department Manager prior to and after the implementation of a dip, will inspect the work with the property owner and/or contractor.

B. Dips shall be sized to carry the volume of water calculated from the Drainage Master Plan map for that stretch of road so as to keep water from entering the surface of the road, and shall be maintained by the property owner after subsequent flooding or cleaned out to the standards set forth in this section.

C. Dips shall conform to the grade of the existing ditch (i.e. the bottom of the dip shall be at the same level as the road ditch leading up to it) and shall not form a dam restricting the flow of water through the ditch. If the Town cleans out or lowers the bottom of the ditch, then the bottom of the dip shall be lowered as well by the Town.

2. Where a culvert is required for access:

A. The owner must contact the Road Department Manager, who will determine the correct culvert size. The owner will provide the appropriate culvert. Culverts will be sized

comparably to the culverts for that given stretch of road as indicated on the Drainage Master Plan map. Only ADS N-12® or equivalent "corrugated, smooth interior, HDPE plastic" type culverts will be approved.

B. To assure proper installation, the Town will provide installation requirements and drawings that a qualified contractor may use to install the culvert. Additionally the Road Department Manager prior to and after the installation will inspect the work with the property owner and/or contractor. Improper installation will require the installer to remove the culvert. If this cannot be accomplished, the Town retains the option to remove it at the owner's expense.

C. Subsequent maintenance of Town approved culverts within road easements will be the responsibility of the Town Road Department. For the purposes of this Ordinance, maintenance is defined as keeping the culvert clear of dirt and/or debris.

3. When a Culvert is damaged, appropriate repairs are required to be taken by the party responsible for the damage. Should the damage be minor and not require replacement of the culvert, then appropriate repairs are required to be taken by the responsible party, to insure the unrestricted passage of storm water runoff, i.e.: collapse of the ends due to insufficient culvert length, resulting from passage of vehicles.

A. If a culvert is damaged by actions of the Town and needs replacement, the procedure described in Item 2. will apply except that the Town will also pay for the new culvert and its installation. It is the property owner's responsibility to inform the Town if the culvert is damaged.

B. If the culvert is damaged by actions other than that of the Town and needs replacement, Item 2. as written will apply.

| 4. Unapproved culvert installation will necessitate the following:

A. Maintenance (i.e., keeping the culvert clear of debris and dirt) will be the responsibility of the property owner.

B. To prevent adversely affecting drainage or damage to road surface the Town may remove culverts that lie within the legal road easement without the driveway owner's consent.

C. Any damage to the road surface, drainage ditches or easement may result in the property owner's liability or cost of repair.

5. SEVERABILITY: If any provision of the Ordinance or any application thereof to any person(s), entity, or circumstance is held invalid, the remaining provisions of this Ordinance and applications thereof to other person(s), entities, or circumstances shall not be affected thereby.

6. PENALTIES AND FINES:

A. Criminal Penalty and Imprisonment. Every person who violates this Ordinance is guilty of a Class B misdemeanor and may be punished by a criminal penalty not to exceed the maximum class B misdemeanor fine under Utah Code §76-3-301 or a term of imprisonment up to six (6) months, or both.

B. Civil Penalty. Alternatively, the Town Council may impose an appropriate civil penalty for each violation of this Ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code § 76-3-301, which civil penalties the Town Council shall specify and adopt under its authority herein and as granted by law with a minimum fine as established by resolution.

7. EFFECTIVE DATE: This Ordinance will become effective immediately upon passage by the Town Council of the Town of Castle Valley with regard to all existing and future driveway culverts.

**PASSED, ADOPTED AND APPROVED** by the Town Council of the Town of Castle Valley, Utah in open session the 16<sup>th</sup> day of October, 2019 by the following vote:

Those voting **AYE**: Mayor Duncan, Council Members Drogin, Hill, Holland and O'Brien

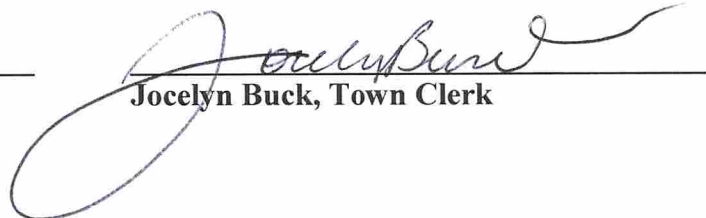
Those voting **NAY**: **None**

Those **ABSENT**: **None**

**APPROVED:**

  
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**Jazmine Duncan, Mayor**

**ATTESTED:**

  
\_\_\_\_\_  
**Jocelyn Buck, Town Clerk**

**OFFICIAL COPY**

**CV Recorder**

