

TOWN OF CASTLE VALLEY, UTAH
ORDINANCE 2009 - 2
AN ORDINANCE ESTABLISHING A DRIVEWAY CULVERT POLICY

WHEREAS, maintaining the Town's 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

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

1. The Town will encourage property owners to use dips to cross the easements at their driveway entrances wherever possible.
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. Only metal culverts will be approved.
 - B. To assure proper installation, the Town will install the culvert. The Road Department Manager will supervise the installation of the culvert only at the Town's expense. Some installations may require additional funds from the property owner.
 - C. Subsequent maintenance of Town approved and installed culverts in the 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 debris.
 - D. If a property owner would prefer to use a private contractor for their driveway culvert installation, both the culvert and the installer must be pre-approved by the Road Department Manager who will supervise the installation. In this case, the Town Road Department will be responsible for maintaining the culvert.
3. 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. It is the property owner's responsibility to inform the Town if the culvert is damaged. If the culvert is damaged by actions other than that of the Town, Item 2. as written will apply.

4. Where any culvert installed in the easement that **WAS NOT APPROVED AND NOT INSTALLED** by the Town:
 - A. Maintenance (i.e., keeping the culvert clear of debris and dirt) will be the responsibility of the property owner.
 - B. The culvert may be removed by the Town without the driveway owner's consent if it is deemed by the Road Department to adversely affect drainage or cause damage to the road surface.
 - 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. **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 17TH day of June, 2009 by the following vote:

Those voting **AYE:** Damian Bollermann, Jim Lindheim, Ranna Bieschke, Valli Smouse, Aaron Davies.

Those voting **NAY:** None.

Those **ABSENT:** None.

APPROVED:

ATTESTED:

Damian Bollermann, Mayor

Denise Lucas, Town Clerk