

909.99 PENALTY.

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CHAPTER 909 Ditches, Watercourses and Drainage Improvements

909.02 MAINTENANCE; AUTHORITY OF THE SERVICE DIRECTOR.

(a) All ditches, watercourses and drainage improvements of every kind, whether located within public or private property, shall be under the control of the Service Director or his or her designated agent.

(b) In cleaning, repairing and performing other maintenance work on ditches, watercourses and drainage improvements, the Service Director or his designated agent may go upon adjoining or abutting lands within the area necessary for proper operation of the required machinery, tools, motor vehicles, conveyances or other equipment. The area necessary shall be seventy-five feet in the case of a major ditch and fifty feet in the case of a minor ditch, with the centerline thereof being the center of the ditch, watercourse or drainage improvement. If, in the course of the work, it is necessary to damage or temporarily remove fences, poles or wire lines, then the cost of repairing or replacing the fences, poles and wire lines shall be the responsibility of the City. (Ord. 18-99. Passed 4-27-99.)

909.03 AUTHORITY OF CITY GENERALLY.

The City shall have the authority to maintain, keep and repair ditches, watercourses and drainage improvements, together with facilities and appurtenances necessary and proper therefor. (Ord. 18-99. Passed 4-27-99.)

909.04 AUTHORITY OF CITY TO DRAIN OR FILL LOTS AND LAND, REMOVE PUTRID SUBSTANCES AND OBSTRUCTIONS.

(a) The City may drain, by artificial means, at the expenses of the City, any lot or land within the City upon which water, at any time, accumulates and becomes stagnant, in a way prejudicial to the

public health, convenience or welfare by reason of not having a natural drainage outlet, or any lot or land within the City which cannot be drained by natural channels.

(b) The City shall have the authority to fill or drain any lot or land within its limits upon which water, at any time, becomes stagnant; remove all putrid substances from any lot; and remove all obstructions from culverts or cover drains or private property laid in any ditch, watercourse or drainage improvement which obstruct the water naturally flowing therein causing it to flow back or become stagnant, in a way prejudicial to the health, comfort or convenience of any of the residents of the neighborhood. If culverts or drains are of insufficient capacity, the City may make them of such capacity as is reasonably necessary to accommodate the flow at all times.

(Ord. 18-99. Passed 4-27-99.)

909.05 GENERAL PROHIBITIONS.

No person, firm or corporation shall:

(a) Prohibit or interfere with the City in the exercise of the duties and responsibilities set forth in this chapter.

(b) Erect any bridge, walkway or other structure in or across any ditch, watercourse or drainage improvement unless approved by the Service Director in writing.

(c) Install, construct or erect any structure or obstruction within thirty-seven and one-half feet of a major ditch or within twenty-five feet of a minor ditch, as measured from either side of the centerlines of any ditch, watercourse or drainage improvement.

(d) Alter, erect, construct or fill any ditch, watercourse, or drainage improvement within the City without the approval of the Service Director, the Planning Commission and Council.

(e) Deposit or cause to be deposited any trees, rocks, dirt, brush, grass clippings or other debris in any form in any ditch, watercourse or drainage improvement.

(f) Divert or obstruct any water contained within any ditch, watercourse or drainage improvement without the approval of the Service Director.

(g) Plant any trees within thirty-seven and one-half feet of a major ditch and within twenty-five feet of a minor ditch, as measured from either side of the centerline of any ditch, watercourse or drainage improvement, without the approval of the Service Director.

(Ord. 18-99. Passed 4-27-99.)

909.06 RIGHT OF ENTRY; OBSTRUCTION OF CITY OFFICIALS.

The City shall have the authority to maintain, repair, deepen, widen or clean any and all ditches, watercourses or drainage improvements within the City and such authority includes the right of ingress to and egress from the ditch, watercourse or drainage improvement. No person, firm or corporation shall interfere with, prohibit or obstruct the City or its agents in the exercise of this right.

(Ord. 18-99. Passed 4-27-99.)

909.07 APPROPRIATION OF FUNDS BY COUNCIL.

The City's right and responsibility in the cleaning, deepening, widening and maintaining of all ditches, watercourses and drainage improvements shall be dependent on the appropriation and availability of funds for this purpose.

(Ord. 18-99. Passed 4-27-99.)

909.08 CONSTRUCTION OF ORNAMENTAL MOUNDS AND LANDSCAPING.

(a) A residential property owner with an existing residence may not block, divert or alter the natural flow of water on land adjacent to his property by raising the elevation of his property through the making of ornamental mounds or other landscaping improvements.

(b) A residential property owner with an existing residence who changes the grade or drainage

of his property as a result of landscaping or the making of ornamental mounds, shall provide adequate drainage on his property for all water runoff resulting from said improvements. (Ord. 68-02. Passed 11-26-02.)

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Whosoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000), or imprisonment of not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 18-99. Passed 4-27-99.)

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