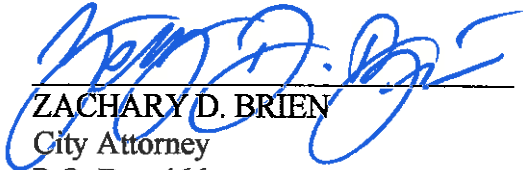


**“AN ORDINANCE REQUIRING CULVERTS AND DITCHES TO FACILITATE THE FLOW OF GROUNDWATER.”** This Ordinance is summarized as follows: An ordinance providing for culverts and ditches for adequate watercourses to facilitate the flow of storm water and ground water for the protection of public and private land, the prevention of erosion and sedimentation, and the prevention of flooding on walkways and streets. This ordinance requires landowners to construct and maintain ditches and culverts under driveways for new constructions with the approval of the City Maintenance manager, and to keep watercourses and culverts clear of obstructions and debris. Installation of culverts by private contractors shall be inspected by the City, with an inspection fee assessed to the landowner not to exceed \$50.00. Upon request by the landowner, the City will install a culvert and assess the cost of materials to the landowner, but will not assess a cost for labor unless the installation is burdensome or excessively time consuming. Any person who shall violate a provision of this Ordinance shall be subject to a fine of not less than \$100.00, nor more than \$500.00, which shall be enforced under the provisions of the Code Enforcement Ordinance.

A complete copy of this ordinance is available for viewing at the City Hall during regular business hours.

I hereby certify that the above is a true and correct summary of an Ordinance adopted by the City of Benton on August 22, 2017.

  
ZACHARY D. BRIEN  
City Attorney  
P.O. Box 466  
Benton, KY 42025

**ORDINANCE NO. 17- 08-01**

**AN ORDINANCE REQUIRING CULVERTS AND DITCHES  
TO FACILITATE THE FLOW OF GROUNDWATER**

WHEREAS, Storm water management and the flow of groundwater are vital in promoting the health, safety and general welfare of the public;

WHEREAS, providing for adequate watercourses to facilitate the flow of storm water and ground water are necessary for the protection of public and private land, the prevention of erosion and sedimentation, and the prevention of flooding on walkways and streets;

WHEREAS, the City of Benton desires to protect public and private land by requiring the use of culverts and ditches to facilitate the flow of water through proper watercourses;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF BENTON, KENTUCKY** as follows:

1. **CULVERT DEFINED.** Culvert is defined as a drain or channel crossing under a roadway, driveway or sidewalk accessing a road right-of-way.

2. **PROPERTY OWNER TO PROVIDE CULVERTS AND DITCHES.** Wherever a street or roadway is not furnished with a curb and gutter connected to a storm sewer or to a ditch or waterway for drainage, drainage ditches shall be furnished along the roadway at the expense of the owner of the adjoining property. No person shall construct or maintain a driveway over a ditch without furnishing a culvert to provide drainage. The culvert to be used shall be approved as acceptable by the Maintenance Manager of the City of Benton, who shall determine what is necessary based on the size of the ditch or waterway, the expected amount of water to flow through the culvert to

facilitate the appropriate flow and drainage of water, and the material to be used to minimize negative effects on the environment and neighboring properties. The owner and occupant of abutting property shall keep such culverts and ditches free of obstructions.

3. APPLICATION.

(a) This ordinance applies to the installation of culverts in roadways, driveways or sidewalks of residences or businesses requiring access to a city owned right-of-way. Minimum culvert size for all applications shall be 12", unless express permission is granted in writing by the City Maintenance Manager for a smaller culvert provided that a smaller culvert will adequately facilitate the expected flow of water for that watercourse. A culvert shall be placed in the ditch line to prevent interruption to ditch flows and so that ponding does not occur.

(b) A property owner accessing a city owned right-of-way with an existing driveway or sidewalk may be required to install a culvert if it is determined to be necessary to provide a continuation of ditch flows or if ponding of water affects an adjacent property owner or public right-of-way. The Mayor, City Maintenance Manager, or Code Enforcement Officer will notify the property owner in writing if a culvert is required.

4. DETERMINATION OF NEED. For new construction a determination of the need for a culvert in a roadway, driveway or sidewalk will be made by the Mayor, City Maintenance Manager, or their designee during the building permit process. Should a culvert be necessary, it will be noted on the building permit application and will be a requirement of the issued permit.

than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense. This ordinance shall be enforced by the Code Enforcement Officer and Code Enforcement Board in accordance with Ordinance 16-12-02.

Passed this 22 day of August, 2017

  
RITA DOTSON, MAYOR

ATTESTED:

  
MICHELE EDWARDS, CITY CLERK

FIRST READING: 7-17-2017  
SECOND READING: 8-22-2017  
PUBLICATION: 8-29-2017

**COUNCIL MEMBERS VOTING**

	<u>AYE</u>	<u>NAY</u>
CHARLES EDMONDS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JUSTIN LAMB	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STANLEY HOLLAND	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RITA MURRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SHERRA RILEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHRIS SMITHMIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>