

## ORDINANCE O08-325-01

### AN ORDINANCE ADDRESSING RESPONSIBILITIES OF PROPERTY OWNER TO MAINTAIN EXISTING CULVERT AND DRAINAGE DITCH

**Whereas**, the Village of Timberlane has installed or caused to install through the subdivision and building process a culvert and drainage ditch within the street frontage of private property for the purpose of dispersing overland storm water drainage, and

**Whereas**, from time to time said culvert and/or drainage ditch requires maintenance to restore proper drainage, and

**Whereas**, the Village Engineer has determined that maintenance must be performed to bring the drainage capability of said culvert and/or drainage ditch in-line with it's former standard upon original construction, and

**Whereas**, the present property owner is responsible for maintaining said culvert and/or drainage ditch.

**Now Therefore, be it Resolved** that the present property owner shall maintain said culvert and/or drainage ditch as follows:

1. The Village Engineer shall notify the property owner that the culvert and/or drainage ditch adjacent to a subject property is in need of specific maintenance.
2. Specific maintenance will be defined in writing to the property owner.
3. Property owner shall have thirty (30) days to comply with the required maintenance, unless upon request to the Village President, with good cause shown that the thirty (30) day period creates an undue hardship.
4. The Village President may grant an extension of an additional thirty (30) days in writing.
5. The property owner shall present additional requests for extension to the Village Board of Trustees.
6. The Village Board of Trustees with the advice of the Village Engineer shall make a determination to grant or deny additional time.

**FILED**

DEC 22 2008

*Hamilton Sundstrand*  
BOONE COUNTY CLERK

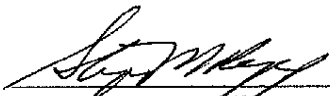
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- 7. Failure of property owner to perform maintenance of the said culvert and/or drainage ditch within the allotted time or extended time period shall subject the property owner to the following:
  - A. The Village of Timberlane shall cause appropriate maintenance to be implemented by a private contractor with work to be performed in compliance with the Village Engineer directive.
  - B. The Village shall bill the property owner via Certified mail, the contractor cost of performing said maintenance with payment to the Village within thirty (30) days of Certified mailing.
  - C. Failure to pay said billing or failure to work out a pay plan to the satisfaction of the Village shall cause the Village to file a lien against the subject property.

**This Ordinance** shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

**PASSED** by the Board of Trustees, Village of Timberlane, this 20th day of November 2008.

Approved by me this 20<sup>th</sup> day of November, 2008.



Stephen M. Rapp, Village President

**Attest:**



Debra K. Marner, Village Clerk

Trustees Voting:

Aye: Marner, Timmerman, Blood, Leone, Hoover, Stelling

Nay: None

Absent: None