ORDINANCE NO. 98-1

9000000044

AN ORDINANCE OF BUTTE COUNTY, STATE OF IDAHO, DECLARING IT UNLAWFUL TO PERMIT OR CAUSE WATER TO FLOW OR FALL ON COUNTY ROADS, STREETS, OR HIGHWAYS; PROVIDING FOR ABATEMENT; REQUIRING REPAIR AT THE EXPENSE OF THE PERSON, PARTNERSHIP OR CORPORATION CAUSING DAMAGE; ESTABLISHING PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners have determined that the maintenance and protection of the roads of the County require that water flowing or being sprinkled on the roads of the county be regulated by Ordinance; NOW THEREFORE;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BUTTE COUNTY, IDAHO:

SECTION 1: WATER ON COUNTY ROADS PROHIBITED It shall be unlawful for any person, partnership, or corporation to permit or cause water to spray or flow on or across any public highway, road, street or county right of way located in Butte County, Idaho.

SECTION 2: ABATEMENT OF WATER ON PUBLIC ROADS, STREETS, OR HIGHWAYS The County Road Supervisor is hereby authorized to go upon the lands of any person, partnership, or corporation which has caused or allowed water to spray or flow on a public road, street, or highway in Butte County, and install such culverts and drains as may be necessary, and in such manner, as to cause water to drain from said highway to be carried down its natural channel to some point where the water may be disposed of without further injury to the road and with minimal injury to the landowner and adjoining land owners, all at the expense of the person, firm, or corporation responsible for permitting or causing the water to be on the road.

SECTION 3: REPAIR OF STREET, HIGHWAYS, ROADS BY PERSON RESPONSIBLE FOR INJURY. All injuries to public streets, highways, or roads in Butte County, Idaho caused by water spraying or flowing thereon shall be immediately repaired at the expense of the person, firm, or corporation responsible for said injury. Said repairs are to be made under the supervision of the Butte County Road Supervisor, to the Supervisor's specifications.

SECTION 4: PENALTIES Violation of this ordinance is hereby declared to be a misdemeanor punishable by a fine not to exceed THREE HUNDRED DOLLARS ($300.00) and/or imprisonment in the County jail for a period not to exceed SIX (6) MONTHS. Said criminal penalties are in addition to repair costs and abatement costs referred to in Sections 2 and 3 above. All fines and restitution assessed pursuant to this Ordinance shall be paid into the County Road Fund, as provided by Idaho Code 40-921.

SECTION 5: EFFECTIVE DATE This ordinance shall be in full force and effect on July 1, 1998. A copy of the Ordinance shall be published in the Arco Advertiser before July 1, 1998 and within 30 days thereafter.

Passed this 8 Day of June, 1998.

BUTTE COUNTY IDAHO
Board of County Commissioners

By: _____
SETH E. BEAL, Chairman

ATTEST:

_____
JUDITH R. BAILEY, Clerk
Butte County Board of
Commissioners