

**TOWN OF BOW MAR
ORDINANCE NO. 324**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
BOW MAR AMENDING SECTION 11-5 OF THE BOW MAR
MUNICIPAL CODE, CONCERNING CONSTRUCTION OR
REPLACEMENT OF DRIVEWAYS**

WHEREAS, Section 11-5 of the Bow Mar Municipal Code currently requires a metal culvert or other obstruction to be placed in a drainage ditch under each driveway in the Town as determined by the Street Commissioner;

WHEREAS, the Town owns easements through, under or over residential property within the Town;

WHEREAS, the Board of Trustees wishes to amend Section 11-5 of the Bow Mar Municipal Code to require that any resident wishing to replace or construct a new driveway on, over or through the Town's easements shall obtain a permit from the Street Commissioner to ensure compliance with the Town's drainage requirements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR AS FOLLOWS:

Section 1. Section 11-5 of the Bow Mar Municipal Code is hereby amended as follows:

Sec. 11-5. Drainage ditches.

- (a) It shall be unlawful to fill in or to alter the shape and configuration of any drainage ditch in any ~~public right-of-way~~ easement held by the Town or to plant any trees or shrubs in any public right-of-way unless a written permit is first obtained from the Street Commissioner setting forth with specificity what is permitted.**
- (b) There shall be a metal culvert under each driveway or other obstruction in a drainage ditch, the size of which shall be determined by the Street Commissioner.**
- (c) Notwithstanding any other provision of this Chapter, any person wishing to construct or replace a driveway, any portion of which is on, over or through an easement held by the Town, including the natural path of any drainage ditch, shall obtain a permit pursuant to this Chapter from the Street Commissioner to ensure compliance with this Section.**

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Board of Trustees hereby declares it would have

passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Board of Trustees hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 10th day of December, 2018, in the Columbine Valley Town Hall, Columbine Valley, Colorado.

Tom Feldkamp, Mayor

ATTEST:

Sue Blair, Town Clerk