

## Chapter 13.16

### OBSTRUCTION OF WATERCOURSES

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13.16.010 Purpose. The free and unobstructed flow of each and every creek, channel or watercourse in the town is essential to the proper drainage of the town and to the protection of life and property therein. Any weeds, trees, bushes, shrubs, brush, undergrowth, debris, or rubbish of any character or description which, at any time, interferes with the free and unobstructed flow of water in any creek, channel or watercourse constitutes a public nuisance and is subject to summary abatement, and/or abatement in accordance with Chapter 9.04. (Ord. 309 §2(part), 1970).

13.16.020 Duty of owner. Every owner of property in the town shall, at all times, keep all creeks, channels or watercourses or portions thereof which flow upon, over, or across, the property of the owner free and clear of obstructions, of the class set forth in Section 13.16.010 hereof, which measurably reduce the hydraulic capacity of the creek, channel or watercourse. The failure to do so shall constitute a public nuisance which may be abated in accordance with Chapter 9.04, and the costs thereof assessed against the property. (Ord. 309 §2(part), 1970).

13.16.030 Director of public works to remove obstruction. The director of public works shall ascertain whether any creek, channel or watercourse is unlawfully obstructed and shall remove any and all such obstructions. He may, for that purpose, enter upon any private property in the town. (Ord. 309 §2(part), 1970).

13.16.040 Free flow of water required--Issuance of building permits. Before issuing any building permit for erection or construction of any building or structure, the building inspector shall determine whether or not such structure or building would interfere with free flow of any water in any creek, channel or watercourse in the town. If in the opinion of the building inspector such a building or structure would interfere with the flow of water in any season, the building permit shall not be issued until the applicant or owner of the premises involved has made ample provisions for the free flow of water in the channel of the creek, channel or watercourse. The building permit may be issued only after provision for the flow of water has been completed or upon the posting of a bond to complete such work within such time and within such amount as the building inspector may require. (Ord. 309 §2(part), 1970).

13.16.050 Permit for walls, etc. It is unlawful to build, construct or maintain any retaining wall, crib wall, bulkhead or other structure in or upon any creek, channel or watercourse without first securing a permit therefor from the director of public works. (Ord. 309 §2(part), 1970).

13.16.060 Application--Issuance of permit. Any person who desires to build, construct, or maintain any structure described in Section 13.16.050 shall apply for a permit therefor to the director of public works. The application shall be accompanied by a drawing or plan clearly describing the proposed structure, the material, and type of construction to be employed and cross-section of the structure, and its layout on the ground. The director may, where the proposed construction requires special skill and knowledge, require that the plan be prepared by a civil engineer duly licensed by the state of California.

If the director of public works finds and determines that the proposed construction will not, in any way, impede the passage of water within the creek, channel or watercourse, he shall approve the plans and issue a permit, subject to such conditions as he believes necessary to insure the continued flow of water.

Any person dissatisfied with any action by the director of public works hereunder may appeal the same to the council, in writing, within ten days after notification thereof. The council shall conduct a hearing on such appeal and its decision shall be final. (Ord. 309 §2(part), 1970).

13.16.070 Public nuisance. Any retaining wall, crib wall, bulkhead or other similar structure hereafter constructed without a permit as required by Section 13.16.060 shall be deemed a public nuisance and may be abated in accordance with Chapter 9.04. (Ord. 309 §2(part), 1970).