

AN ORDINANCE

Concerning the Boxing and Fluming
of Ditches and Gutters.

WHEREAS, the soil in the town of Grand Junction is of such a nature that the constant flow of water in the ditches and gutters along certain streets endangers the foundations of buildings fronting on such streets; therefore,

Be it Ordained by the Board of Trustees of the Town of Grand Junction:

SECTION 1. Whenever a two-thirds majority of all the members of the Board of Trustees shall decide that the flow of water in the ditches or gutters along or upon any street or avenue, or any specified portion thereof, is dangerous or injurious, or likely to become dangerous or injurious to the foundations of the buildings fronting thereon, they shall immediately order that such ditches and gutters be boxed or flumed, in a manner to be specified in such order, so as to prevent the escape or seepage of water from such ditch or gutter, into the adjacent soil.

SEC. 2. Whenever the Board of Trustees shall order any ditches or gutters to be flumed or boxed, the Town Marshal shall immediately serve a written or printed notice upon the owner or agent of each lot or parcel of land fronting upon such ditches or gutters, requiring him to flume or box so much of any ditch or gutter as may be in front of the lots or parcels of real estate owned by him or for which he is agent, within thirty days from the date of service of said notice according to the plans and specifications provided by order of the Board of Trustees, and under the direction and to the satisfaction and approval of the Town Marshal. In case the owner of any such lot or lots shall be a non-resident and shall have no agent in the town upon whom such notice may be served, the Town Marshal shall post such notice upon such premises and also publish the same in the official newspaper for a period of two weeks.

SEC. 3. In case of the failure on the part of the owner or agent to flume or box such ditch or gutter within the time specified in such notice, the Town Marshal shall cause the same to be done, and shall upon the completion of such work, make out and deliver to the Town Recorder a certificate showing the cost thereof and a description of the property in front of which such work was performed; and the Board of Trustees shall, at their next regular meeting thereafter, cause a warrant to be drawn in payment of the same.

SEC. 4. Upon the filing with him of any certificate or certificates as provided in the foregoing section, the Town Recorder shall cause to be published in the official newspaper for a period of three weeks a notice to such lot owner, setting forth a time and place, when and where he may appear before the Board of Trustees, and be heard as to the justness and correctness of the amount so certified and assessed against his lot or lots.

SEC. 5. In case the owner of any lot or lots shall fail to pay such assessment to the Town Recorder within fifteen days after the meeting of the Board of Trustees mentioned in said published notice, the same shall be certified by the Town Recorder to the County Clerk and Recorder of Mesa County, to be by him placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten per centum penalty thereon to defray the cost of collection.

SEC. 6. Such assessment shall be a lien upon the lot or lots fronting on such ditches or gutters until it shall be paid by the owner.

SEC. 7. The provisions of this ordinance shall be deemed and construed to be for the purpose of carrying into effect the police powers of this town as to such construction and repair of ditches and gutters and shall not be construed as imposing a special tax under the taxing power.

Passed by the Board of Trustees this 18th day of April, A. D. 1887.

JOS. P. SWENEY, Mayor.

Attest:

O. J. KENNEDY, Recorder.

Attest
O. J.

Attest
O. J. Kennedy
Recorder
Jos. P. Sweeney Mayor