

Town of Buchanan

Roadway Ditch Drainage and Right-of-Way Policy

The following policy is established to provide landowners and Town staff or designees guidance on maintenance, use and alterations to roadway ditches used for drainage and general management of Town owned road right-of-way (ROW) or easements.

1) **PURPOSE:** It is the purpose of this policy to:

- a) Clarify the system of handling roadway ditch, drainage and ROW issues;
- b) Maintain or improve the quality of life of landowners by improving drainage aesthetics and reducing health or safety issues;
- c) To provide consistency in Town policy over time which anticipates staff, engineering and elected official turnover;
- d) To reduce individual discretion in dealing with drainage and ROW issues to ensure equal treatment in decision making;
- e) To encourage use of Town resources and time in areas of greatest need;
- f) Protect Town investment in roadways and ROW;
- g) Provide public confidence in management of issues and use of taxpayer funded resolutions.

2) **PURPOSE OF ROADWAY DITCHES:** Town roadway ditches and ROW perform four primary functions:

- a) Serve to drain the road base and sub-grade of water.
- b) Serve to drain surrounding land uses of water.
- c) Carry collected water to a sufficient outfall.
- d) Assist in winter snow clearing by providing snow storage below the elevation of the road surface.

3) **LANDOWNER REQUIREMENTS FOR DITCH AND ROW MAINTENANCE:** The Town of Buchanan owns all Town roadway ditches and ROW areas. Landowners adjacent to roadway ditches and ROW are responsible for general maintenance. General maintenance includes mowing, weed removal, brush removal, improvements with no changes to existing grades, culvert replacement with no changes to existing grades and generally keeping the area clear of debris. Any weeds or debris within ditches or ROW shall not exceed a height of three feet as measured from the bottom of the ditch ground surface. Any culvert cleaning or maintenance under driveways will be the responsibility of the landowner.

Sump Pump Locations: The following rules shall be followed by landowners with regard to sump pump drains.

- a) No sump pump water shall be allowed to discharge onto public roadways, sidewalks or trails.
- b) No sump pump water shall be allowed to drain onto a neighboring property or parcel without an easement.
- c) Sump pump water can be allowed to discharge into roadway ditches or drainage easements.

Roof Drains and Downspouts: The following rules shall be followed by landowners with regard to roof drains and downspouts. These rules are provided to encourage proper stormwater management and provide flood control.

- a) No water shall be allowed to directly discharge onto public roadways, sidewalks or trails.
- b) No water shall be allowed to drain onto a neighboring property or parcel without an easement.
- c) No water shall be hard piped directly to discharge to roadway ditch or drainage easement.
- d) Water shall first disburse over or under a lawn or vegetated area before reaching a ditch or drainage easement.

Landowner Maintenance Exemptions: The following are exceptions to this policy.

- a) Land directly adjacent to roadway ditch and ROW is actively in agricultural use.
- b) Depth or slope of ditch makes maintenance particularly mowing hazardous or dangerous.
- c) Bottom of ditch is consistently saturated or filled with water. This does not exempt the landowner from completing maintenance up to the saturated or wet area.

- 4) **TOWN REQUIREMENTS FOR DITCH AND ROW MAINTENANCE:** The Town of Buchanan shall be responsible for general maintenance of Town roadway ditches and ROW areas where land directly adjacent is not occupied by a residential, commercial or industrial structure. Other maintenance or improvements will only be completed by the Town if criteria within Section 7 are met. Any remaining areas of the Town which are not maintained by the Town or are except from landowner maintenance shall be left in their natural state and monitored for maintenance.

Mowing: Mowing of roadway ditches and ROW will be completed at the discretion of the Town.

Culvert Cleaning: At the Towns discretion, cleaning or clearing of culverts may be completed as needed to remove blockages and improve stormwater flow. This cleaning shall primarily only be completed on culverts located under Town roads or other easements.

- 5) **DRAINAGE CONCERN REPORTING:** The following steps shall be followed for reporting and follow-up of any roadway ditch drainage or ROW issue.
- a) Landowner completes Drainage Concern Form or Town staff completes on their behalf. Form includes date, name, address, contact information and explanation of the problem.
 - b) Drainage Concern Form is provided to the Town Administrator/Clerk and entered into the Drainage Concern Tracking database for proper tracking of the issue until resolved. Database shall be maintained by the Administrator/Clerk or designee.
 - c) Administrator/Clerk provides Concern Form or information contained therein to a Town Supervisor, Town engineer or designee or the other internal staff as necessary.
 - d) Selected individual is then responsible for completing an on-site review of the issue and reporting findings and recommended resolution to the Administrator/Clerk. A site visit flag shall be placed in the area reviewed to show the landowner that Town review is in progress.
 - e) Drainage concern will then be tracked until a final resolution is provided which may include recommended actions by the landowner, Town, other individuals or group or to complete no action. Direct contact or written correspondence is required before a concern will be classified as complete. Before any work is completed by a landowner a permit must be issued by the Town.

6) **LANDOWNER DRAINAGE CONCERN RESOLUTIONS:** Depending upon site circumstances, improvements may be desired or necessary to address a drainage concern. The following options may be approved by the Town for completion by a landowner at their expense. Selection of an approved option is at the Town’s discretion and the following matrix is only a guide.

ROW Characteristics	Type of Improvement								Town Board Issue
	Regrading /Cleaning	Ditch Liners	Drain Tile/Piping	Sump Relocation	Filling or Urbanization	Rip Rap/Rock	Erosion Matting	No Changes	
Width of Ditch									
- Less than 3'		X			X				
- 3' to 5'	X	X						X	
- 5' to 8'	X							X	
- Greater than 8'	X								
Depth of Ditch									
- Less than 2'	X	X		X				X	
- 2' to 3'	X	X	X					X	
- Greater than 3'	X		X		X				X
Grade of Ditch									
- No grade		X		X	X				
- Minimal grade (0%-1%)	X	X	X	X				X	
- Adequate grade (>1%-6%)	X							X	
- Extreme grade (>6%)	X					X	X		X
Surrounding Topography									
- Generally flat (0%-2%)	X	X		X	X				
- Generally rolling (>2%-6%)	X							X	
- Generally hilly (>6%)	X					X	X		
Wetness									
- Dry	X							X	
- Moderately wet	X			X				X	
- Extremely wet	X	X		X	X				
Health and safety issue					X				X

Town will also take into consideration alterations completed by neighbors. As needed, neighboring landowners will have reviews completed even if not requested.

Additional Requirements and Guidelines: The following additional rules and guidelines shall apply.

- Any ditch filling project or approved use of drain tile or piping shall be no closer than one foot to any driveway or roadway culvert.
- Ditch filling, use of ditch liners and use of rock in ditches will be allowed on a limited basis due to effects to water quality management in the Town.
- Any improvements or changes to ditches or Town ROW shall require a permit from the Town.

7) **TOWN FUNDED DRAINAGE CONCERN RESOLUTIONS:** The Town of Buchanan will only fund those roadway ditch drainage and ROW issues which meet the following criteria:

- a) Immediate threat to public health and safety, considered an emergency situation.
- b) Threat to public health and safety which could, if left unresolved, lead to an emergency situation.
- c) Issue which is recognized as not benefiting just immediate adjacent residents but the community as a whole.
- d) Issue is considered a serious detriment to quality of life in the Town and will affect current and future landowners for years to come if not resolved.
- e) Issue which a landowner was required to resolve and has taken no action within the allocated timeframe. Town resolution will initially be funded by the Town and then reimbursed by the landowner.
- f) Issue is recognized as having a direct benefit to immediate landowners and is a project which should be coordinated by the Town and then reimbursed by those landowners directly benefitting through special assessment or voluntary reimbursement.

8) **IMPROVEMENTS COMPLETED WITHOUT TOWN APPROVAL:** Any changes or alterations to Town road ditches or ROW completed by landowners not approved by the Town or expressly allowed as detailed in this policy may be removed at landowner expense. This may also include obstructions such as retaining walls, concrete mailboxes or similar hard scape features placed in Town ROW.

The Town may issue a written notice requiring removal within 30 days of the receipt of the notice or sooner if improvements are detrimentally affecting other landowners. If not removed within 30 or sooner as indicated, the Town may remove any and all changes made by the landowner and return the area to its original condition or improve as necessary to provide for proper drainage. All costs for completing this work may be directly billed back to the landowner and placed on the property tax bill as a special charge if not paid in full within 6 months. Landowners that are directly contributing to a drainage issue shall be the priority for enforcement. Neighboring landowners that may also be in violation of this policy, but are not direct contributors to the issue may not be required to make changes.

- 9) **DITCH FILLING:** A recommendation from Town staff or designee for ditch filling shall be brought before the Town Board for approval before filling is authorized. Residents and/or contractors must follow Town guidelines for ditch filling and provide a detailed plan for the project for the Board to review.