

PROCEDURES FOR ENFORCEMENT OF UNIFORM STANDARDS CULVERT CROSSINGS / BRIDGES

The Board of Supervisors of the Loxahatchee Groves Water Control District hereby direct its District Administrator to utilize the following procedures with respect to any culvert crossings or bridges, whether or not permitted by the District, that are determined by the District to be restricting the normal conveyance of water in a District canal:

1. The District shall notify the permitholder of said structure, or if there is no permit on file with the District for said structure, the District shall notify the landowner or landowners using such structure that the following options are available regarding the structure:

(a) The structure may be repaired, by the permitholder or the landowner or landowners using the structure, in conformance with current District standards (as determined by a licensed engineer), including obtaining a permit from the District pursuant to its uniform standards and procedures.

(b) The structure may be abandoned and removed by the permitholder at its expense or, if the structure has not been permitted, the District shall remove the structure and the District shall not be liable to any person or entity that uses such structure for its removal.

(c) The landowner or landowners using such structure may apply for a permit to construct a conforming replacement structure. This process shall require obtaining a permit issued by the District pursuant to its uniform standards and procedures, said permit to be contingent upon the removal of the nonconforming structure and the construction of a replacement structure at the sole expense of said landowner or landowners.

(d) With respect to subparagraphs (a) and (c), in the event that there are multiple landowners involved, the landowners may establish a single entity, meeting District permitting standards, to represent all such landowners.

(e) Alternatively, the affected landowners may request the District, via referendum of the landowners utilizing the structure, upon a majority vote of such landowners, on a per-acre basis, to establish a special taxing unit of all such landowners to pay a special assessment to cover the initial costs, including, but not limited to, engineering fees, removal cost, repair or replacement construction cost, dedication of adjoining road, and permit fees and the structure shall thereafter be a District-owned structure maintained by the District.

2. The permitholder of a structure restricting the normal conveyance of water in a District canal, or if said structure is unpermitted, the landowner or landowners as reasonably determined by the District to be using such structure, shall have 60 days after notice is sent to respond to the District regarding which option set forth in this paragraph

has been chosen and an additional 120 days to repair or remove said structure. If the District does not receive a written response within the first 60 days after the notice has been sent, the structure shall be reviewed by the District's board of supervisors, which may deem the structure to be abandoned. In emergency situations, the time periods for notice and response may be shortened by the District as is reasonable under the circumstances.

3. The District Administrator shall report, on a periodic basis, to the Board of Supervisors any action taken hereunder with respect to the enforcement of the Uniform Standards.