

Rich County Ordinance for the Protection of Canals

The County Legislative Body of Rich County, Utah ordains as follows:

Section 1. Purpose.

The intent of this ordinance is to protect the physical integrity of canals.

Section 2. Definitions.

For the purposes of this ordinance:

“Canal” means a waterway owned and operated by the Swan Creek or Hodges Canal Companies for the transport of irrigation water. Canal does not include lesser side ditches that access the canal and that are separated from the canal by a head gate.

“Protective strip” means the land within 100 feet of the centerline of the canal. Protective strip does not include the land on the uphill side of the canal, if applicable.

“Construction” means any project where excavation occurs. Construction includes, but is not limited to, digging holes for foundations, pools, or trampolines. Construction includes any activity that changes the slope of the ground in a protective strip.

Construction does not include small projects such as setting fence posts, planting trees, or other similar activities where only a small amount of earth is removed and then replaced. Construction does not include maintenance of a canal by the canal company or any person authorized by the canal company. Construction does not include maintenance, installation, or replacement of headgates, pivot pumps, or other mechanisms necessary for authorized use of the canal. Construction does not include routine clearing and cleaning of canal banks.

Section 3. Projects within the prescriptive easement of the canal company.

- A. Any crossing of the canal, such as roads, water lines, telephone, sewer, driveways, bridges, or utilities require the prior written approval of the canal company.

- B. Any project, building, development, or landscaping within 33 feet of the centerline of the canal (on both sides) requires the prior written approval of the canal company. Such written approval shall clearly state any conditions upon which the approval is given.

Section 4. Protective strip established.

- A. Before beginning construction in a protective strip, a person must (1) get approval from the County Engineer and (2) provide the canal company with written notice of the proposed project.
- B. The County Engineer may, if the engineer deems it necessary, require the person to obtain a full soil engineering report.
- C. The County Engineer shall give approval only when satisfied that the proposed construction is unlikely to affect the integrity of the canal bank.

Section 5. Building permit.

No building permit may be issued without the approval(s) required by this ordinance being provided to the County.

Section 6. Severability.

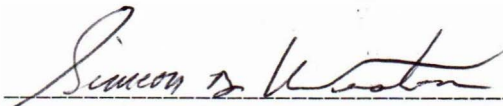
If any provision of this ordinance is invalidated by a court, the remaining sections are to remain in force.

Section 7. Effective Date.

This ordinance shall become effective upon posting as provided by law.

APPROVED and ADOPTED this 12th day of February, 2025.

BOARD OF RICH COUNTY COMMISSIONERS



Chairman

ATTEST:



Rich County Clerk

Commissioner Sim Weston voted
Commissioner Bill Cox voted
Commissioner Jon Lee voted

yes

yes

yes