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43-5-303. Overflowing highways - penalty.

No person or corporation shall repeatedly, willfully or negligently cause or allow water to flow, fall, or sprinkle from any ditch, lateral, canal, waste ditch, reservoir, pond, drain, flume, or agricultural crop sprinkler system upon any public road or highway so as to damage the same or to cause a hazard to vehicular traffic. Any person or corporation so offending is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than three hundred dollars. Upon a third conviction therefor, the offender shall be punished by a fine of not less than ten dollars nor more than three hundred dollars or by imprisonment in the county jail for not more than three days. Each day that water is so allowed to flow upon any public road or highway shall be deemed a separate offense. Agricultural crop sprinkler systems upon which generally accepted devices are installed or preventive practices are carried out and when due diligence has been exercised to prevent the end gun from discharging water upon the highway shall not be deemed to be in violation of this section, nor shall acts of God, including but not limited to wind, be deemed a violation of this section.

Source: L. 15: p. 405, 1. C.L. 1283. CSA: C. 143, 37. CRS 53: 120-4-3. C.R.S. 1963: 120-4-3. L. 81: Entire section amended, p. 1776, 3, effective July 1.

Cross references: For civil liability for damages, see 43-5-302.