

Encroachments & Driveway Permits

Presented by: Division of Rural Services



OVERVIEW



- **Review of Chapter 12.04 *Protection of Public Roads and Areas***
- **Review of Chapter 12.16 *Excavation and Construction on Public Roads within Road Service Areas***
- **What is Rural Services (RS) Role?**
- **What is the Service Area Commissions Role?**
- **Abandoned Vehicles (*Chapter 10.04*)**

Purpose of Chapter 12.04



- To provide for the protection of *public roads* and areas of the borough.
- Public Road - “means a road, right-of-way, street, alley, bridge, walk, trail, tunnel or similar, or related facility dedicated to public use.” (*Not a private road or easement.*)
- Encroachment - “means structure, object, operation or material placed in, on, under or over a public road ...; as to impair, impeded or obstruct proper use of the public road...; or as will affect drainage patterns that will impair, impede or obstruct proper use.”

Encroachment Examples



- **Billboard**
- **Building**
- **Culverts**
- **Ditches**
- **Driveway**
- **Earthwork**
- **Fence**
- **Gates**
- **Pipe**
- **Poles**
- **Snow**
- **Towers**
- **Trees**
- **Vehicle**
- **Walls**

What is not an Encroachment?



- These examples are located within a public road right-of-way, *but do not interfere* with the proper use of the road:
 - **Traffic Control Signs**
 - **Planters (Non-Permanent)**
 - **Grass**



Purpose of Chapter 12.16

- Purpose of this chapter is to provide for the protection of public roads (within Road Service Areas) by ensuring that after excavation or construction in or on a public road, the road is restored to its original condition
- Permits - Prior to any excavation or construction in or on any public road a permit must be obtained from the FNSB Public Works Dept / Rural Services

Why Obtain a Permit?



A PERMIT...

- Is required for Construction on or within SA Roads/Right-of-Ways
- Holds the Permittee to FNSB Construction Standards
- Guides the Permittee to build it right the first time & avoids additional expenses
- Deters poorly built driveways or executed roadway excavations which could add expense to the SA maintenance costs

Who Obtains a Permit?



THE PERMITEE...

- The person or entity who is performing the work (*that could be the property owner or the contractor*)

Permit Process



- **Types of Permits**
 - **Construction for Driveways**
 - **Construction in Right-of-Way (Utility Permit)**
- **Permit application is reviewed by RS Engineer**
(approx. 5 working days to process)
- **Processed Permit mailed to Owner**
- **Copy of the Permit is mailed to SA Chairperson**
- **Post-construction inspection on Utility Permits** (at end of 2 year "warranty" period)

Permits - Commissioners Role



- Provide first contact with the property owner or contractor
- Contact RS to see if a permit application has been received
- Provide information to RS regarding communication between commission and owner

Note: Work performed on the road right-of-way without a permit is considered an encroachment



Encroachment Process

- ❖ Commissioner Reports issue to RS
- ❖ Rural Services (RS) will...
 - Investigate Encroachment
 - Post "Notice to Remove"
 - Photograph Encroachment
 - Contact Owner by Certified Mail (30 days to remove)
 - Contact Commission after 30 days

Encroachment Process (cont.)



- Failure to Comply and RS sends Second Letter (2 weeks to remove)
- Commission requests their SA Contractor to remove the encroachment
- Commission Approves the SA Invoice
- To recover costs RS sends copy of SA Invoice to the Owner (30 days to make payment)
- RS will send file to the Borough Attorney if Owner does not reimburse SA

Communication is vital !!



- Communication between Rural Services and the Commission is vital during this process
- Commissioners should discuss permitting and encroachments in meetings
- Commissioners are to be fair and consistent in following up on permit and encroachment issues
- Commissioners are encouraged to ask residents to call if they see anyone digging in the road (right-of-way)

Abandoned Vehicle



COMMISSIONERS ROLE...

- Has the abandoned vehicle been left for more than 48 hours?
- If so, the Commissioner should contact the Rural Services Office with:
 - **Basic Description of Vehicle**
 - **Location of Vehicle**
 - **License Plate Number**
- The Commissioner may try to contact the owner and let them know of the issue

Abandoned Vehicle



RURAL SERVICES ROLE...

- Post “Notice to Remove” on Vehicle
- Document Status with Photos
- 10 Day Notice
- Request Landfill to have towed if not removed
- Registered Owner is Notified by Certified Mail

Questions



THANK YOU!! for being here,
and for your dedication
to the Service Area

