Encroachments & Permits

Division of Rural Services
INTRODUCTION

Encroachment – “Means structure, object, operation or material placed in, on, under or over a public road...; as to impair, impede or obstruct proper use of the public road...; or as well affect drainage patterns that will impair, impede or obstruct proper use.”
An encroachment exists when an obstacle is located within a roadway which impedes or impairs the proper use of the public road. Additionally, an encroachment can also exist when the action or obstruction affects drainage patterns that can impair, impede or obstruct the proper usage of the public road. As such, it is considered vital to identify and address all possible encroachments to maintain the integrity of service area roads.
Abandoned Vehicles

A vehicle is presumed abandoned when:

- The vehicle is registered (presumed to be in working order/owned) and has been parked within the public right-of-way for more than **30 days**.
- The vehicle is registered (presumed to be in working order/owned) and has been parked within 10 feet of the road for more than **48 hours**.
- Wrecked/junk and has been parked within public right-of-way for more than **24 hours**.

All tagged abandoned vehicles are given 10 days from the date of notice to be removed from the right-of-way. If 10 days has passed and the vehicle has not been removed, the notice will be forwarded on to Code Enforcement for removal.
Vehicle Removal Process

**Encroachments**

**STEP 1**
Commission confirms abandoned vehicle. Obtains location and description of vehicle and reports info to Rural Services

**STEP 2**
Rural Services investigates report and posts 10 day removal notice

**STEP 3**
After removal notice timeframe has passed, Rural Services inspects location and notifies Code Enforcement for removal of vehicle
Encroachments

What is Considered an Encroachment?

- Buildings
- Culverts
- Ditches
- Driveways
- Earthwork
- Fences
- Gates
- Poles
- Snow
- Trees
- Heavy Equipment
- Walls
Example Encroachments
Encroachments

The Removal Process

STEP 1
Commission identifies possible encroachment. Obtains location and description of suspected encroachment and reports info to Rural services.

STEP 2
Rural Services inspects suspected encroachment and issues 30 day removal notice which includes posted sign at location and a certified letter.

STEP 3
Rural Services inspects location after 30 days. If encroachment still exists, case is forwarded to Community Planning for further Code Enforcement.
Encroachments

What is NOT Considered an Encroachment?

Traffic Signs

Mailboxes

Seasonal Plants/Grass
Rural Services issues permits to residents or contractors who will be excavating or constructing within the road right-of-way. The purpose of the permit is to provide protection of public roads within Service Areas by ensuring the road is restored to its original condition after excavation or construction.
The Four Things to Know about Permits

- Required for construction (Utility) or excavation (Driveway) within Public right-of-way
- Holds the Permitee to FNSB Construction Standards
- Provides guidelines for correct construction/excavation. Mitigates additional costs
- Promotes proper construction of driveways and roadway excavations
Permits

Driveway Permit vs. Utility Permit

**Driveway Permit** – Issued when construction or excavation will be taking place within the road right-of-way. These permits are issued primarily for driveway construction or repair. The cost is $60 pre-construction, or $120 post construction.

**Utility Permit** – Issued when construction or excavation will be taking place across or within the roadway. These permits are issued primarily for utility (cable, water, sewer etc.) tie-ins or repair. The cost is $360 pre-construction or $720 post construction.

All permits are reviewed and approved by the Rural Services Engineer.
A brand for a company is like a reputation for a person.

**Permits**

**Commissioner Role in Permitting**

Commissioners are often the first to notice construction or excavation within the service area. If a commission notices unexpected construction or excavation, please provide location information to the Rural Services Engineer. Work performed on the road right-of-way without a permit is considered an encroachment.

When a permit is issued, the Chair of the commission will receive a copy of the approved permit in the mail. This notifies the commission that the construction is permitted and no action is required.
SUMMARY

• Obstacles/obstructions within road way are encroachments

• Proper notice must be given before removal for all encroachments

• All unpermitted work within the right-of-way is considered an encroachment