

CITY OF BRISTOL – PUBLIC WORKS

CITY EMPLOYEES WORKING OUTSIDE OF THE CITY’S RIGHT OF WAY

1. Policy Name:

City Employees Working Outside of the City’s Right-of-way.

2. Responsible Division and effective date:

Public Works and Community Services Departments. Effective date 7/19/07.

3. Rationale or Purpose

This policy is to address situations where City employees may need to perform work on privately owned property that is located outside of the legal right-of-way. This may happen occasionally when a resident is financially unable to correct a problem on their property that may affect the health and safety of other residents in the community. A separate policy will address City employees working in easement areas.

4. Policy Statement

This policy is intended to define the process to follow if a health or safety hazard exists on private property, and the property owner states they are financially unable to absorb the cost required to correct the problem.

The Health Department may assign health-related hazardous situations to Public Works after their initial investigation. In many safety-related concerns, the Building Department will respond to hazards and can condemn a building that is unsafe.

5. Scope

This policy will apply to resident property owners and to Department of Public Works staff assigned to work on private property.

6. Procedures

If a hazard is identified on private property that poses a threat to the welfare of residents in the community, the property owner will be notified by Public Works of what the hazard is, and when it needs to be resolved.

If the resident in turn contacts Public Works, and states that they are aware of the hazard and need to correct it, but are unable, financially, to have the necessary steps taken to remove the hazard, Public Works will refer the resident to the Community Services Department. Community Services will review the resident’s financial capacity, and make a determination in regard to their ability to absorb the cost of repairs or remedial action.

If Community Services identifies that the resident is financially unable to correct the hazard they will notify Public Works of their findings. The Director of Public Works will review the information and recommendation, and determine if the City needs to provide staff and equipment in order to eliminate the hazard for the welfare of the community.

7. Roles/Responsibilities

It is the responsibility of City Departments (Public Works, Code Enforcement, Inspectors, etc) to verify that a hazard exists on private property that could potentially harm members of the community. It is also the responsibility of City Departments to contact the property owner and advise them of the need for repairs or remedial action.

It is the responsibility of City Departments to refer residents who state they are unable to fund repairs that are needed on their property to Community Services.

It is the responsibility of Community Services to review the resident's financial capacity in a timely fashion and make recommendations to the resident and Public Works based on their findings.

It is the responsibility of the Director of Public Works to promptly and fairly review the findings of Community Services and the nature of the hazard to determine if Public Works needs to perform work on private property. It is also the responsibility of the Director to ensure that all work performed on private property is done expeditiously and in a safe manner.

8. Definitions

See City Ordinances for definitions that apply to this policy.

9. References

See also Community Services policies that may apply.

10. Consequences of Non-Compliance

Non-compliance may result in the resident being cited and/or ticketed for not complying with requests to correct hazards on their property.

Failure to contact Community Services will result in a determination that the resident has the necessary financial resources and the City will not provide assistance.

Public Works will file the waiver with a copy of the approval request for assistance.

Approval authority: Board of Public Works

Approved date: 7/19/2007

Review cycle: Annually

Other actions needed:

- Create "Request for Assistance" form with Community Services
- Create a hold harmless - waiver of liability that resident must sign allowing the City to work on private property.