

CITY OF BRISTOL – PUBLIC WORKS POLICY

23.50 PRIVATELY OWNED (NON-CITY) ITEMS LOCATED WITHIN THE CITY’S ROADWAY RIGHT OF WAY

1. Policy Name

23.50 Privately owned (non-City) items located within the City of Bristol’s roadway right of way.

2. Responsible Division and effective date

Engineering Division and Streets Division of the Public Works Department.

3. Rationale or Purpose

The Department of Public Works encounters and receives requests to install privately owned (non-City) items within the City of Bristol’s roadway right of way. In accordance with the City Ordinance 21-5 & 21-6, the placement of materials within the City right of way is prohibited. The purpose of this policy is to ensure that said items do not pose a safety risk to the general public, increase the City of Bristol’s liability, or require repair/maintenance.

This policy defines the Department of Public Works’ policy regarding items located within the City’s right of way. While specific items are covered as examples in this policy, it is not all-inclusive, and the omission of an item shall not be construed as permitted. The City reserves the right to remove any and all items within the right of way to eliminate or mitigate a safety risk, decrease City liability, or maintenance/repair cost.

For the purpose of this policy, the right of way shall be defined by a licensed surveyor or by the City, measured from the center of the roadway pavement, half the distance to the edge of the right of way (typ. 50 ft. ROW).

4. Policy Statement

No items shall be installed within the ROW that have an adverse impact, or potential of an adverse impact on the general public, either by posing a safety risk, or by increasing City cost and/or liability. Items such as mailboxes are permitted, and the establishment of grass is encouraged. Items such as retaining walls, trees, shrubs, and vegetation are addressed in a separate Board of Public Works policy. The focus of this policy is to address privately owned (non-City items) that property owners have previously installed within the City’s roadway right of way.

5. Scope/Items

5.1 **Installation of Convex Mirrors** – Convex sightline mirrors for private driveways. DPW WILL NOT install ANY convex mirrors within the public right of way. Mirrors must be installed precisely to be effective, and proper installation is dependent on the height of

the vehicle/operator and the geometry of the road. In addition, the mirrors must be maintained in order to be effective, and may become misaligned over time by the loosening of brackets, or adversely impacted by objects, such as snow. It is the position of the Public Works Department that the City cannot take on the liability associated with the proper installation and maintenance of mirrors. It should also be noted that mirrors should not be installed on City trees, and the City does not have the authority to permit the use of utility poles.

The installation of convex mirrors is the SOLE responsibility of the property owner to supply, install, and maintain. The mirror must be installed on a post by the property owner. If the owner installing the mirror does not install it across their own property frontage, they shall obtain permission from the respective property owner. If the mirror is to be installed on the opposite side of the street, the property owner installing the mirror shall obtain approval from the property owner located adjacent to the mirror.

Concerns with mirrors that property owners should consider prior to installation include: the potential of misalignment, poor visibility at night time or during adverse weather conditions, and difficulty judging distances.

The City of Bristol reserves the right to remove any mirror installed within the City's right of way based on a complaint or re-assessment by the City, including sun glare or reflection.

The property owner shall be fully responsible to repair and maintain the mirror, including ensuring that the mirror is properly positioned. The City of Bristol IS NOT responsible for any misalignment or positioning of the mirror, including activities such as (but not limited to): snow plowing, grass cutting, or general road maintenance.

5.2 Large Obstructions/Stones along Roadway Curb: The placement of obstructions/stones along a roadway curb within the City's roadway right of way creates a potential hazard and can result in vehicular damage, or in vehicles veering out of the travel path resulting in accidents.

In accordance with this policy, no obstruction/stones should be placed along the City's roadway curb line. When the Department of Public Works becomes aware of an obstruction or placement of large stones, the Department shall remove the obstructions/stones if it impedes vehicle travel. The policy is limited to areas within the public right of way, and does not include items placed on private property. The policy is not limited to areas of roadway pavement. The purpose of the policy is to prevent the installation of obstructions/large stones within the right of way, outside the roadway pavement area where vehicles may travel.

5.3 Private Sprinkler System within Street Right of Way: There are currently a number of private sprinkler systems located within the roadway right of way. The sprinklers allow property owners to maintain the grass area within the roadway right of way. The sprinklers do not pose a safety risk. However, they are not identified as part of the "call

before you dig” utility mark-out service. The sprinklers are privately owned. The installation of sprinklers within the roadway right of way is NOT prohibited, however, it is the purpose of this policy to state that the City IS NOT responsible for repairs associated with any damage to the sprinklers, or any cost associated with damage to sprinklers. It is also the policy of the Department of Public Works to make every effort not to damage sprinklers, including inspection of work area prior to excavation.

Property owners seeking payment for the repair of sprinkler damages by the Department of Public Works shall be directed by the Department to submit a “claim of damage” to the City Clerk.

5.4 Painting of Public Sidewalks: The painting of public sidewalks (sidewalks located within the roadway right of way) is prohibited. NO PAINT or permanent markings are allowed, included artwork or signage (except marking installed for “call before you dig” utility mark outs). The marking of sidewalks with chalk or temporary material is permitted. For the purpose of this policy, temporary markings shall be defined as markings that wash away after a single (0.5 inch) rain event.

5.5 Basketball Hoops/poles & Play Equipment: The installation or location of basketball hoops and poles is prohibited within the City’s right of way. The City reserves the right to remove all basketball hoops/poles and play equipment.

5.6 Leaves Deposited in City Right of Way: The depositing of leaves or other vegetative materials is prohibited within the City right of way. The act of stockpiling leaves along the edge of City roads poses a safety concern associated with a quantity (amount) of leaves entering the roadway resulting the potential of reduced visibility for drivers, reduced travel way, and blocked storm drainage.

The disposal of leaves by property owners within the City shall be in compliance with City Solid Waste Ordinance 10-9 and 10-10. For residential properties, property owners shall collect leaves in designated paper bags that shall be placed along the property frontage and collected and disposed of by the City of Bristol Department of Public Works. Property owners can also dispose of leaves at no charge with a permit at the City’s transfer station.

Property owners are not required by the Department of Public Works to pick up fallen leaves. However, as stated above, property owners cannot deposit leaves within the right of way.

The determination of stockpiled leaves, versus leaves that have naturally fallen, shall be determined by the Director of Public Works. However, indication of stockpiled/deposited leaves shall include the following:

- a. The general absence of leaves within a property, except for presence of leaves along roadway (along the right of way).

- b. A stockpile of leaves that is generally three (3) times the depth of naturally accumulated leaves on the property.

The Department of Public Works shall enforce this policy based on complaints received from the general public or as identified as a safety concern by Department staff. Upon inspection and confirmation of violation of the policy by the Department, the property owner shall be notified and provided a 10-day period to remove the material (leaves/vegetation) in question. The failure to remove the material will result in fines and/or penalties, including the cost for the Department of Public Works to remove the leaves/materials in question. The Department's collection of leaves shall be limited to removal of the hazard and may not include the collection of all leaves.

Residents placing leaves within the roadway pavement area either by directly depositing leaves within the roadway pavement, or causing leaves to be deposited by the act of the placement of leaves along the right of way, will be referred to the Police Department for action.

Property owners are encouraged, but are not required, to collect and dispose of leaves that naturally fall within the City's roadway right of way and roadway pavement area. However, the Department of Public Works will not collect leaves within the right of way and/or roadway pavement area unless they pose a high safety hazard for vehicles as determined by the Director of Public Works.

6. Definitions

N/A

7. Approval authority: Board of Public Works

8. Approved date: _____

9. Review cycle: Every five years