

SECTION 5. ENCROACHMENTS

5.1 Encroachment Permits

Encroachments in a public right-of-way may be allowed at the discretion of the County with the issuance of an encroachment permit (a copy of the Encroachment Permit Application is provided in Appendix C). Suspected or proposed encroachments in a public right-of-way will be investigated or reviewed by the Public Works Department. Surveyor's Office staff will determine if, and to what extent, the right-of-way is and if it will be encroached upon.

If necessary, consultation with the owner of the encroachment and other County staff may be had. If the encroachment is determined to be allowable, the owner will be notified and asked to complete an encroachment permit, if they haven't already done so. Surveyor's Office staff will execute the permit and record it with the Clerk and Recorder once all necessary recording fees have been paid by the owner of the encroachment.

No encroachment will be allowed that will hinder the County's ability to maintain the public right-of-way or that is deemed to be a threat to public safety or a public nuisance. Any non-permitted encroachment will be removed in accordance with Montana Code Annotated Sections 7-14-2134 through 7-14-2138.

5.2 Mailboxes

The sole exception to an encroachment permit is the installation of a single residential mailbox that is installed in substantial compliance with these standards. Individual residential mailboxes are allowed without a permit as an understood necessity if installed according to County Standard Drawing MCSD-402 as derived from the design standards of the United States Postal Service (USPS) Domestic Mail Manual Section 508. Mailboxes installed within a County right-of-way are subject to the following conditions:

1. The County is not responsible for the installation, maintenance or replacement of mailboxes within a public right-of-way.
2. If a mailbox is not in substantial compliance with these standards or is determined by the County to be a hazard, obstruction or inconvenience to either motorists or pedestrians, the owner of the mailbox will be notified and the deficiency shall be corrected within fourteen (14) working days. If the deficiency is not corrected within the prescribed time frame, the mailbox will be declared an encroachment and will be removed in accordance with Section 5.1 of these standards.
3. If a construction project is undertaken by the County, the County will remove and replace all affected mailboxes. The mailboxes will be reinstalled at locations deemed appropriate by the County considering the nature of the improvements.
4. Mailboxes damaged by County maintenance equipment may be repaired or replaced by the County if there is sufficient evidence that any piece of the equipment came into physical contact with the box or post. Mailboxes damaged by the force of snow being pushed off of the road will not be repaired or replaced.

- (a) Mailboxes replaced by the County will be a standard sized box and post in accordance with USPS standards. No custom-made installations or repairs will be completed by the County.
- 5. Neighborhood or community mailbox installations within a public right-of-way require an encroachment permit as they require special circumstances for supports and access (see Standard Drawing MCSD-403 in Appendix A).