

## **SECTION 5. ENCROACHMENTS**

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### **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). 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 may be required to be removed in accordance with Sections 7-14-2134 through 7-14-2138 MCA and the following County standards:

1. When provided notice or upon discovery of an encroachment that does not block any portion of the travel way and is not considered to be an imminent threat to public health or safety, the County may proceed with removal in accordance with MCA statutes.
2. When provided notice or upon discovery of an encroachment that does not block any portion of the travel way but is considered to be an imminent threat to public health or safety, the County may remove the encroachment immediately in accordance with MCA.
3. When provided notice or upon discovery of an encroachment that blocks any portion of the traveled way, the County will remove the encroachment immediately in accordance with MCA.
4. If any encroachment is attributable to an individual or group, costs incurred by the County for the removal of the encroachment will be recovered by methods allowed by law.

### **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. 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.
3. If a mailbox is installed that is not in substantial compliance with these standards and is determined by the County to be a hazard, the owner of the mailbox will be notified and the deficiency shall be corrected within fourteen (14) 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.

4. 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).