

STREET RIGHT OF WAY MAINTENANCE POLICY



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Purpose

The purpose of this policy is to establish the responsibility for mowing and other grounds maintenance of those areas within the Town of Leland's corporate limits that are located within street Rights of Way, that are behind the curb and gutter, that are within traffic or median islands, and that are beyond the edge of paved portion of Town streets that do not have curbs and gutters, to promote public health and safety in these areas.

Coverage

This policy shall be applicable to the mowing and grounds maintenance, by Town forces, by individual property owners, and by homeowners associations of areas within street Rights of Way in the Town of Leland corporate limits, and shall remain in effect until such a time that it is altered, modified, or rescinded by the Town.

Definitions

Encroachment Permit: A written authorization allowing a user or applicant to work in the Town's Rights of Way, including both temporary encroachments, such as construction, and permanent encroachments, such as the installation of fixtures.

Fixtures: Poles, pipes, culverts, conduits, ducts, cables, wires, fiber, amplifiers, pedestals, antennae, transmission or receiving equipment, electrical conductors, manholes, appliances, signs, , pavement structures, irrigation systems, landscaping, monument signs, monument mailboxes, and any other physical item erected or placed in the Right of Way for either public or private use.

Grounds Maintenance: The regular mowing of grassed areas, regular raking of leaves, and the removal of trash or debris of any sort for the purpose of creating and maintaining a safe, neat, and clean appearance.

Landscape Maintenance: The pruning, clipping, or shaping of ornamental shrubs or trees; the daily, weekly, or monthly weed removal, watering, fertilizing, mulching, or other special detailed attention given to annual or perennial flowers, bedding plants, shrubs, trees, or other vegetative material. This also includes the tasks outlined in Grounds Maintenance above.

Major Street: A Town street that serves as a primary traffic artery of the Town area, serving the major centers of activity and carrying traffic between such centers at moderate speeds.

Mowing: The cutting of grass or other similar ground covering vegetative material for the purpose of creating and maintaining a safe, neat, clean, and uniform appearance of that material.

Right of Way: The land area in which a paved or gravel street exists and has been dedicated to public use and been accepted for maintenance by the Town or by NCDOT.

Town Responsibilities

The Town of Leland accepts responsibility for grounds and landscape maintenance within street Rights of Way only as noted below:

Major Streets

Along major streets not falling within a managed commercial or homeowners association, except in those areas that are regularly maintained by the NCDOT. The Town may elect to maintain certain NCDOT-maintained Rights of Way, if the Town deems it in its best interest.

Traffic Islands

Traffic islands and median islands within the Rights of Way of major thoroughfares when such islands require only mowing and are not planted with shrubbery or other vegetation that require landscape maintenance and when such islands are not regularly maintained by NCDOT or some other organization or group. The Town may elect to maintain some of the NCDOT maintained traffic islands or medians, if the Town deems it in its best interest.

Trees

The Town of Leland accepts responsibility for tree maintenance, beyond cosmetic pruning, clipping, and shaping, for all Town trees planted by or on behalf of the Town ("Town Tree"). If a Town tree is determined to be hazardous, the Town will inspect the tree and perform maintenance or removal as required. A tree is considered hazardous if it:

- has defects that may cause a failure resulting in property damage, personal injury, or death; or
- poses an unreasonably dangerous condition with respect to infrastructure, motorists, bicyclists, pedestrians, or property.

The Town will clear the Town street and dispose of debris resulting from a tree falling into the Town street Right of Way. However, the Town of Leland is not responsible for the removal of trees or tree limbs that fall from a Town tree or any other tree onto private property.

Infrastructure

The Town of Leland is not responsible for any aboveground or underground infrastructure within a street Right of Way not owned and installed by or on behalf of the Town. Such infrastructure includes, but is not limited to, landscaping, irrigation lines, and water drainage piping. Service and maintenance of non-Town-owned infrastructure shall be the responsibility of the property owner and/or the individual or entity that installed the infrastructure.

Property Owners' Responsibilities

Within all parts of Leland, individual property owners are responsible for grounds, landscape, fixture maintenance of all areas between their property lines and the edge of the Town street, maintaining a safe, neat, and clean appearance. These areas are to include from the edge of the pavement or from the back of the curb and gutter to the street Right of Way or the front, side or rear property line that is contiguous with or the same as the Right of Way [See photographs in Appendix A for examples of these types of areas]. The individual abutting property owner shall also mow and otherwise perform grounds and landscape maintenance upon any utility strip or planting strip that lies between the edge of the pavement or the back of the curb and gutter and the Town street edge of any sidewalk that runs parallel with the Town street.

When the street Right of Way has been cleared to the property line, and that cleared street Right of Way area has been covered with grass or other similar ground cover, but the property fronting this street remains essentially undeveloped, whether that property is undisturbed woods, undisturbed former fields, or an area that has been graded, grassed and left fallow, the property owner has the responsibility to mow and perform grounds maintenance on the improved street Right of Way adjoining subject property.

All traffic islands or median islands on streets and cul-de-sacs in subdivisions shall be mowed and shall have grounds, landscape, fixture, and cosmetic maintenance performed by the homeowners' association of the subdivision in which they are located.

All privately-owned above ground or underground infrastructure including - but not limited to - irrigation lines and water drainage piping, etc., shall be operated, maintained, and repaired by the property owner or the homeowners' association.

Any landscaping improvements, irrigation requests, or other work inside the Right of Way must be reviewed and approved by the Town prior to commencing work. Such work requires an Encroachment Permit from the Town in accordance with Chapter 46 – Encroachments of the Town of Leland Code of Ordinances. Following approval, these items are to be maintained by the property owner in accordance with this policy.

Responsibilities Within Planned Unit Developments

The individual property owners and the homeowners' associations in all Planned Unit Developments (PUD) each have certain individual responsibilities and certain mutual responsibilities for grounds, landscape, fixture, and cosmetic maintenance for all areas within the street Rights of Way.

Individual property owners are responsible for grounds, landscape, fixture, and cosmetic maintenance of all areas between their property lines and the edge of the Town street, maintaining a safe, neat, and clean appearance. These areas include from the edge of the pavement or from the back of the curb and gutter to the street Right of Way or the front, side or rear property line that is contiguous with or the same as the street Right of Way. The individual property owner shall also mow and otherwise perform grounds, landscape, fixture, and cosmetic maintenance upon any utility strip or planting strip that lies between the edge of the pavement or the back of the curb and gutter and the street edge of any sidewalk that runs parallel with the street.

The homeowners' associations have the responsibility for grounds, landscape, fixture, and cosmetic maintenance in all areas within their PUD that are within street Rights of Way that have been cleared and graded and covered with grass or other similar ground cover for erosion control purposes that are not maintained by individual property owners, maintaining a safe, neat, and clean appearance. Those areas include street Right of Way areas that adjoin common area property, open space property, and undeveloped property whether that property is undisturbed woods, undisturbed former fields, or areas that have been graded, grassed, and left fallow.

All traffic islands or median islands on all streets and cul-de-sacs shall be mowed, and shall have grounds, landscape, fixture, and cosmetic maintenance performed by the homeowners' association of the PUD in which they are located.

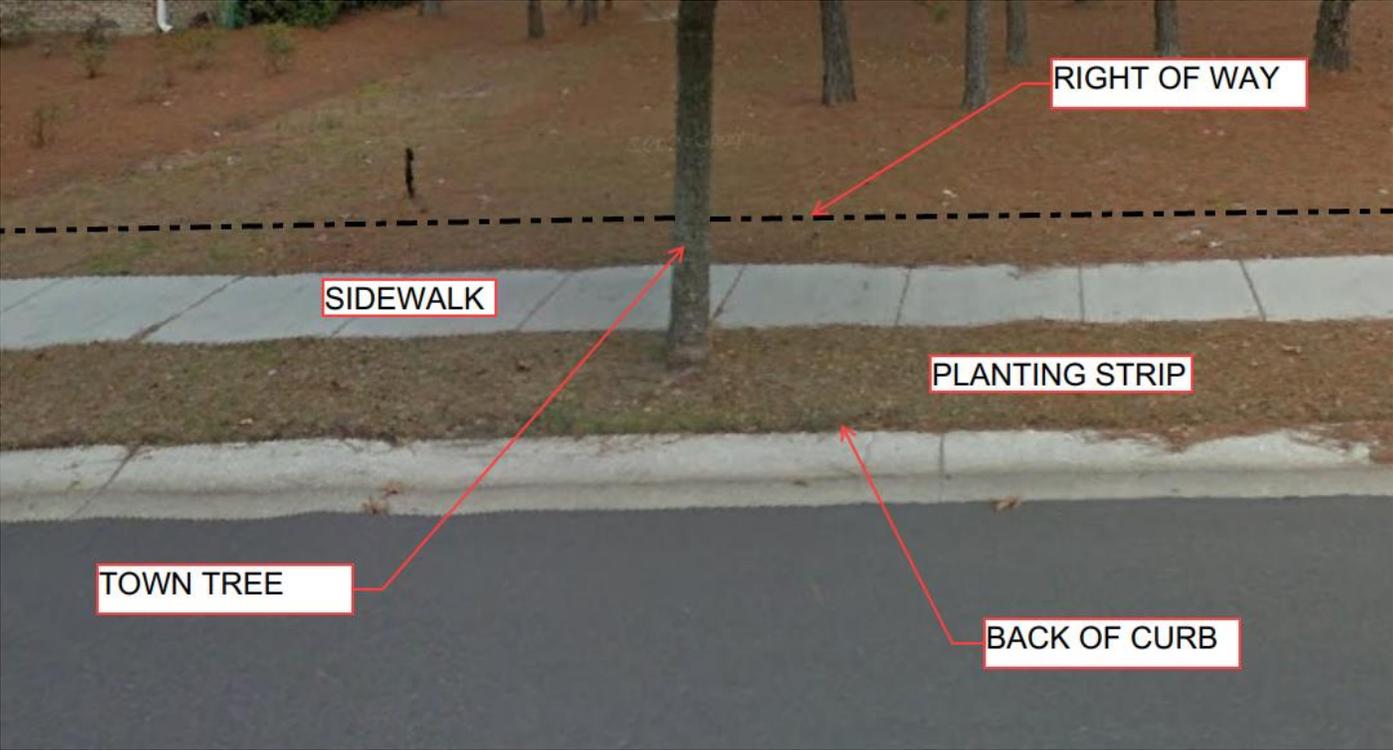
When a PUD makes landscaping improvements along major thoroughfares, either in that area between the back of the curb and gutter and the street Right of Way or between the edge of pavement and the Right of Way or in traffic islands or median islands along the major thoroughfare, which require grounds maintenance or landscape maintenance daily, weekly, or monthly, those landscaped areas shall be maintained by the homeowners' association of the PUD that installed them.

All privately-owned above ground or underground infrastructure including - but not limited to – irrigation lines and water drainage piping, etc., shall be operated, maintained, and repaired by the property owner or the homeowners' association.

Encroachments

Pursuant to Chapter 46 of the Town's Code of Ordinances, an Encroachment Permit is required for any proposed encroachment within any Right of Way within the Town's corporate limits. This includes, but is not limited to, encroachments such as landscaping, irrigation lines, utilities, or other fixture proposed to be placed within a Right of Way. Any encroachment installed or erected pursuant to a validly issued Encroachment Permit shall be maintained by the Permittee in accordance with this policy.

Appendix A
Example with Curb & Gutter and Sidewalk



Example with No Sidewalk

