

City of Scandia
Right of Way Maintenance Policy
Approved 11/15/2016
Amended 11/21/2023

MAINTENANCE OF CITY RIGHT-OF-WAY

The City is adopting a uniform policy governing the maintenance of the City's right-of-way to protect the City's investment in its property and infrastructure, to maintain safe roadways for pedestrian and vehicular traffic, and to maintain the general health of trees, vegetation and other species within the right-of-way. The City will generally use the universal right-of-way measurement of 33 feet from the center line of the road as the City assesses and undertakes its maintenance of City roads. See Figure 1 for Cross section of maintainable area.

This policy will allow maintenance within the right of way including but not exclusive to reshaping ditches, mowing, culvert repairs, snow removal, and tree removal or trimming. The Director of Public Works shall determine work based on priority, safety, and equipment and staff availability. The Public Works Staff shall generally follow these guidelines.

MOWING

- Subject to weather and growing conditions the first five to seven (5-7) feet of a road right-of-way will be mowed at any time during the growing season.
- An entire right-of-way will be mowed after September 1st.
- Any portion of the right-of-way may be mowed at any time as necessary to maintain sight distance for safety of pedestrians or other vehicles.

TREE TRIMMING AND REMOVAL

- Trees within the road right-of-way will be trimmed to allow for a minimum 20' clear height.
- Diseased or dead trees and limbs will be removed at any time.
- Small trees and brush becoming established within the road right-of-way will be removed at any time.
- Trees and brush that interfere with routine maintenance such as mowing or snow plowing will be removed or trimmed at any time.
- The proper vertical trimming attachment may be used to trim brush and trees in times of staff shortages and/or limited availability to remove vegetation. A second vehicle and staff member will be required to assist in notifying passing vehicles or pedestrians of the maintenance practices taking place.

Schedule: It is the City's intent to trim trees on all roadways to maintain clear heights and widths above the road and within the right-of-way. This work is typically done during the winter months (November-March) by the Public Works Department during regular work hours but may be done at any time for safety reasons

Notification: Property owners shall be aware that tree removal and trimming may occur at any time throughout the city. Notification will be given to property owners if a tree larger than six (6) inches in diameter at fifty-four (54) inches from the ground is to be removed, which is not posing a safety hazard. The property owner may contact the Public Works Director within those 7 days and ask for an onsite visit. If any issues are unresolved following the onsite visit, the property owner has 5 days to file a written appeal with the City Clerk's Office. Appeals will be heard at the next City Council meeting following appropriate notice. The Public Works Director will mark all healthy trees to be removed that are larger than six (6) inches in diameter at a point measured fifty-four (54) inches above the ground.

Emergency Cutting: This policy does not apply if cutting is necessary to remove road obstructions, to eliminate trees that are in imminent danger of collapse, or to remove diseased or dead trees and branches located within the road right-of-way.

Disposal of Tree Waste: The City's Public Works Department or contractor will chip or haul the trees and brush off-site. If the adjoining property owner wishes to keep non-hazardous or non-diseased tree waste, they may contact the City 24 hours before removal. If it is not practicable to remove the tree, it will be left in the road right-of-way. The adjoining property owner may cut this wood and remove it from the road right-of-way. The City will normally allow 1 week before coming back and removing the non-hazardous or non-diseased wood from the ROW.

Mailboxes and personal property in right-of way

Coming into contact with a mailbox is a common obstacle snowplow operators face during ROW maintenance. The city will review each mailbox incident to determine whether the city will replace or provide reimbursement for the mailbox and/or post. Only mailboxes that were properly installed and located which are damaged by physical contact with city equipment will be the City's responsibility. The city will not be responsible for damage to mailboxes or support posts caused by any material coming into contact with the mailbox or post.

If the city is responsible, by physical contact of equipment, for damage to a mailbox the City will first make simple efforts to re-install the existing mailbox; if simple repairs are not possible, then replacement of the mailbox with a standard size, non-decorative metal mailbox will be performed by the City. If the post is damaged by physical contact of equipment, the City will replace the support post as necessary with a metal swing-arm style support post. The city will not reimburse the mailbox owner for replacing of the mailbox and post by others. The Public Works Department may provide a recommended design for mailbox support and promote its use by city residents to reduce damage from maintenance operations. If a resident rejects City staff from performing the replacement of the mailbox and/or post, a maximum of one-hundred-dollars (\$100) reimbursement will be considered and refunded upon proof of purchase and proper installation.

The city will not be liable for damage to fences, sprinklers, signs, trees, shrubs, landscape materials, lighting, decorative items or any other objects placed in the public right-of-way.

Except as otherwise provided in any license or franchise agreement, the city will only be responsible for damage to marked utility pedestals and transformers by clearly visible stake or signage within the right-of-way resulting from direct contact with maintenance equipment. City liability shall be limited to actual costs to repair the damages as documented by invoices submitted to the City by the utility.

Figure 1:
At minimum, City maintenance of its road will cover the width between the Top Backslope on each side of the road:

