



VILLAGE OF PINEHURST
VILLAGE COUNCIL POLICY

SUBJECT: Rights-of-Way (ROW) Use	Effective Date: July 12, 2022
Department: Village Council	Policy No.: 25
Prepared by: Doug Willardson	Revised:
Approved by: Village Council	# of Pages: 2

PURPOSE: To set a standard of policy to clarify the responsibilities of the Village and abutting property owners regarding the Village’s right-of-way (ROW).

BACKGROUND: ROW refers to the property owned by the Village of Pinehurst for public access and travel throughout the Village—primarily the improved roadway and the areas adjacent to the improved roadway. ROW widths vary depending on the layout of the street. Often the improved roadway is centered within the Village’s right-of-way; however, that is not always the case.

POLICY: The Village owns the ROW and retains all rights to use and maintain these areas for clear visibility of traffic sightlines, public sidewalks/walkways, public utilities, public safety, or other purposes in the best interest of the Village.

The following are responsibilities of the Village in regards to the public ROW:

- Repair damaged walkways or paths as the Village deems appropriate. If a walkway is damaged due to willful misconduct or negligence, the cost to repair or reconstruct walkways or paths will be billed to the responsible party;
- Major maintenance such as root removal, brush removal, or tree trimming;
- Maintenance of roadway drainage channels or swales along the ROW. Roadway drainage channels may not be modified, filled in, altered, blocked, or directed through a pipe without written approval from the Department of Public Services.

Village Council will have the final determination on implementation of Village projects within the public ROW including: non-routine maintenance and installation of landscaping and signage; construction of new roadways or sidewalks; or other projects determined by the Village Manager to be of such significance to justify involvement of the Village Council.

The Village is NOT responsible for:

Damage, repair, or replacement of private property placed within the ROW including, but not limited to: signs, vehicles, landscaping—including grass and plantings, fences, mailboxes, irrigation systems, underground pet containment systems, and other structures, whether above ground or below ground, placed within Village-owned ROW. The Village is not responsible for damage even if it is a result of maintenance by Village staff or contractors acting on behalf of the Village.

The following are the responsibilities of the abutting property owners:

- If a resident wishes to make improvements to the ROW, they must apply for an encroachment permit through the Public Services Department. Residents will be required to maintain any improvements made.
- Maintaining driveways, driveway drainage pipes and vegetation, landscaping, ground cover, etc. installed with Village approval.
- Raking or sweeping existing walks and pathways.
- Keeping pedestrian access and traffic sightlines uninhibited, including no parking, placing or storing of motorized vehicles, trailers, or stockpiled materials in areas that impede pedestrian or vehicular traffic. As outlined in Section 95.001 of the Municipal Code of the Village of Pinehurst, it shall be unlawful for any person to cause any sidewalk or pedestrian ROW in the Village of Pinehurst to be closed for travel or unnecessarily obstructed. The Police Department shall issue warnings to violators of this Section of the Code, and if not corrected, citations for a civil penalty will be issued.

If the ROW is landscaped, the Village reserves the right to modify the landscaping to enable pedestrian access and use or other roadway improvements, including construction of walkways, paths, streetlights, stormwater or roadway improvements, etc. No remuneration or restoration entitlement is required of the Village to abutting property owners when modifying landscaping elements within the ROW.

Approved by:



Jeff Sanborn, Village Manager



Date