

ADMINISTRATIVE REGULATION	AR No. 11.06
Date Approved: September 22, 2016	Subject: Placement, Maintenance, and Replacement of Privately Installed Objects in County Right of Ways
Date Revised:	
Originating Agency: Public Works	

PURPOSE/SCOPE:

To establish policy guidelines for staff administration pertaining to the placement, maintenance and/or replacement of installations on a permanent or temporary basis, with or without a County permit in a public right of way.

1 Construction in County Right of Ways Requires a Permit

Road and drainage land dedications are a necessary part of maintaining a desirable quality of life in any community. These lands allow for the free movement of goods and services and facilitate the removal of stormwater.

- a. Construction or placement of private objects and structures within County drainage or utility easements must be permitted to ensure that such activity does not impact the primary use or maintenance of such easements.
- b. Road Right of Ways. Roadways generally serve two functions, vehicle movements and drainage to preserve the road foundation. The county must carefully consider any use of these roadways before permitting other construction.
- c. Mail Boxes. Subject to the provisions of section 3, below, mailboxes may be installed without a permit

Accordingly, Section 58-34 of the Okeechobee County Code mandates that a permit be obtained prior to placing any object or material in a county right of way or easement.

2 Objects in County Right of Ways or Easements

The County recognizes that there currently exist objects placed in County road right of ways and easements without consent or permit from the County, including but not limited to trees, flower beds, swing sets, culvert headwalls, brick paver/decorative stamped concrete driveways, fences and mobile homes. Some objects which are temporary or occasional in nature, such as yard debris and garbage cans awaiting pickup, are permissible provided they do not create a pedestrian or vehicle safety hazard. Others are minor in nature and would have been issued a permit, if one had been requested. Still others, are appropriately permitted and constructed and may have premium materials and finishes which could be damaged by County right of way and/or easement maintenance.

a. Objects subject to removal. The following objects within a County right of way or easement are prohibited and subject to removal and disposal without compensation:

- i. Objects that create a public health or safety hazard;
- ii. Objects that violate building, land use or health codes;
- iii. Objects that interfere with the function of the County right of way or easement;
- iv. Objects which obstruct or interfere with County maintenance or enhancement projects within the right of way or easement.

b. Objects that will be replaced by the County:

- i. Culverts in accordance with AR No. 11.01 and AR No. 11.02
- ii. Driveway segments within the County Right of Way when removed or significantly altered by a County maintenance or improvement project. Such affected driveway segments will be replaced by the County using standard county selected materials and finishes, unless the property owner informs the County that a different material or finish is desired to be installed by a contractor, retained by the property owner, approved by the County, at the property owner's expense. Any such substitute material or finish must be approved by the County. The County will reimburse the property owner, the County's cost that is avoided by the property owner electing to make the repair with the alternative materials and finishes. Payment will be made to the property owner upon certification by the County that the premium installation has been completed and meets or exceeds the minimum county requirements.

Provided however, should the repair or replacement of the affected driveway segment not be completed prior to the completion of work and demobilization of the contractor retained by the County to perform the work, the County will proceed to repair or replace the affected driveway segment with the standard materials and finishes unless the property

owner provides the County with adequate assurances that it will not incur increased costs to complete the repairs should the property owner not do so in an acceptable manner within a reasonable period of time given the circumstances.

3 Mailboxes

The placement of mailboxes in County Right of Ways does not require a County permit. However, mailboxes installed or constructed after the adoption of this policy must conform to the following:

- a. Every mailbox shall be in conformance with the United States Postmaster General's standards and installed according to the Postmasters General's installation guidelines as modified by the Florida Department of Transportation Design and Installation standards. Such standards include placement/location, height, support structures and materials. Mailbox supports must be stable but be able to bend or fall away if struck by a vehicle. Supports shall be constructed of 4" x 4" wooden supports or a 2" diameter standard steel or aluminum pipe. No support shall be buried more than 24 inches.
- b. Concrete, block, brick, stone or other rigid foundation/structure or encasement, either above or below the ground line, are not permitted. Steel posts must be painted or galvanized

County staff is directed to make every effort to inform the public that a policy has been adopted that prohibits certain materials and installation techniques. If a mailbox structure or support or encasement uses materials or installation methods that are not in conformance with this policy, reasonable efforts will be made to attempt a resolution of the issue.

This policy shall not apply to mailboxes installed prior to the adoption of this regulation.