

# Right-of-Way Encroachments Update

July 13, 2020



# Encroachment Permits Overview

- Encroach (def.) – “to advance beyond the usual or proper limits”
- Formal process by which property owners, businesses, and utility companies can “encroach” into the right-of-way.
- Permitted subject to Sec. 36-1 of the Greenville Code of Ordinances.
- Applies to encroachments into public rights-of-way or airspace.
  - Examples: steps, stairs, walls, awnings, signs, balconies, overhangs



# Right-of-Way Management Permit

- Also applies to construction activities within public rights-of-way.
  - “No person shall make any new or additional tunnel, opening, construction, or excavation under, within, or above any public street, sidewalk or other right-of-way, whether paved or not, without first obtaining a permit in advance from the city for each undertaking...”
  - Violators will be issued a stop-work order until the proper permit is obtained.
  - Exceptions for certain emergency repairs.



# Proposed Changes

- Addition of fees for right-of-way management permits.
- Add requirement that a right-of-way management permit be obtained prior to temporary obstruction of streets or sidewalks.
  - Currently, only “notification” is required.
  - Extend notification period from 24 hours to 72 hours.
- New permit requirement shall apply to temporary storage containers and dumpsters. Applicants must demonstrate that the container or dumpster cannot physically be placed on the private property it is intended to serve.



# Proposed Changes

- Strengthen requirements to restore lawn and landscaping upon completion of utility work.
- Developments with more than 3 pavement cuts within a 200-foot distance shall require the entire roadway to be repaved along the front property line.
- Safety issues due to surface settlement that arise within 5 years of right-of-way restoration shall be remedied by the permittee.



Image from web. Location not in Greenville.

[https://www.thestar.com/yourtoronto/the\\_fixer/2011/06/28/the\\_fixer\\_drivers\\_slamdunked\\_by\\_deep\\_utility\\_cut.html](https://www.thestar.com/yourtoronto/the_fixer/2011/06/28/the_fixer_drivers_slamdunked_by_deep_utility_cut.html)

# Notification and Complaints

- City of Greenville Construction Engineering Division
- Website:
  - <https://www.greenvillesc.gov/332/Construction-Engineering>
- Application and fees now accepted electronically.
- Once updated, revised right-of-way management ordinance and fee schedule will be added to website.
- Contact Construction Engineering to report suspected violations or complaints:
  - Les Mitchell, Construction Engineering Manager
  - Phone: 864-467-8890
  - E-mail: [lmitchell@greenvillesc.gov](mailto:lmitchell@greenvillesc.gov)