

Town of Cavendish

POLICY ON OBJECTS PLACED IN THE TOWN HIGHWAY RIGHT-OF-WAY

1) General:

Vermont Statutes Annotated, Title 19, § 1111 prohibits encroachment of the Town highway right-of-way (R.O.W.) without prior specific approval by the Board of Selectmen. The Cavendish Town Manager shall act as agent for the Board of Selectmen in the administration of this policy. Objects in the town highway R.O.W. are placed there at the owner's risk and the Town assumes no responsibility for any damage to or loss of objects placed there whether or not the placement is in violation of state statutes or town policy. Common items damaged in this way are fences placed within the Town R.O.W., stone walls, flower pots, basketball hoops, newspaper delivery boxes, etc. Unless otherwise specified, the town highway right-of-way is three rods (49.5 feet) with the centerline of the roadway generally being located at the center of the R.O.W.

2) Mailboxes:

To ensure convenient mail delivery to all rural residents, the Town has provided blanket authorization for mail boxes to be located within the Town Right-of-way. However, the Town retains authority to determine specific location of mailboxes and, if needed, may require the homeowner to move a box to a more suitable location. In cases of mailbox relocation, the Town will seek input from the local postmaster and will try to accommodate the needs of the U.S. Postal Service and the property owner, as well as, the Town's needs. Once a location is approved by the Town, the owner shall be responsible for the installation of the box and compliance with U. S. Postal regulations and standards for the proper sizing, proper mounting and configuration of the box. The U.S. Postal Service standards are available to postal customers at their local U.S. Post Office. Town highway safety and town highway maintenance needs will be the predominant consideration in resolving mailbox placement issues.

- a. The Town may elect to fix or replace a damaged mailbox only when the Town Highway Department or Town Manager determines that a town plow physically hit the mailbox and that the mailbox was placed in an approved location. This determination is made by observation of cut marks, paint off the plow blades, etc.
- b. Heavy snow coming off the plow blade will often knock over and damage mailboxes, most especially those which have not been adequately mounted or braced, have rotted posts or those mailboxes whose doors have been left open. Also, mailboxes are many times damaged by private contractors and homeowners during driveway clearing operations. The Town will not fix or replace mailboxes in these situations.
- c. Boxes for newspaper delivery shall be placed alongside postal mail boxes, generally on the downstream traffic side.

3) Damages:

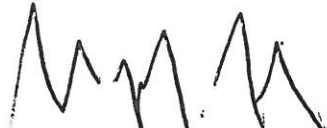
- a. Recovery of damages will be pursued by the Town if Town equipment is damaged due to objects being placed in the town right-of-way without specific Town approval.

- b. Tort liability for vehicular or other accidents, when said accidents and/or damage results from objects placed in the Town Highway Right-of-way contrary to state statute and contrary to town policy, will be directed to the offending property owner.
- c. If the Town orders removal of an object which was placed in the R.O.W. without town approval and the offending property owner, given proper notice, does not take reasonably immediate action to remove same, the Town may remove or cause the removal of the object at the property owner's expense.
- d. The Town, at its sole discretion, may elect to restore or replace objects located on private property which have been determined by the Town to have been damaged as a result of it's snow or ice clearing operations and which objects were not placed in the town highway right-of-way contrary to this policy and/or state statute.

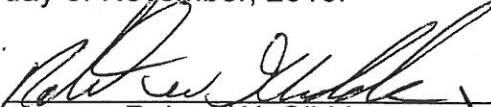
4) Appeal of Town Actions:

Any person aggrieved by action taken by the Town Manager in administration of this policy may direct an appeal of such action to the Cavendish Board of Selectmen.

This policy passed and adopted by the Select Board of the Town of Cavendish, State of Vermont this 14th day of November, 2016.



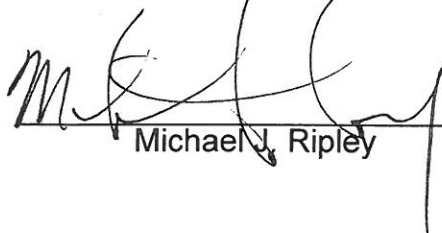
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