

ARTICLE 2. LIMITING ENCROACHMENTS IN PUBLIC RIGHT-OF-WAYS

SECTION 1. Limiting Encroachments in Public Right-of-Ways

§ 10.2.1 LIMITING ENCROACHMENTS IN PUBLIC RIGHT-OF-WAYS

(A) The Village of Los Ranchos has determined that encroachments in the public right-of-way of Village streets are not permitted.

(B) The Village also ordains that some encroachments, such as simple landscaping, may pose no danger to the public and may serve to beautify the streetscape.

(C) If, in the sole discretion of the Village, the encroachment is found to be a danger, the citizen shall immediately remove the encroachment. If the encroachment is found to pose no danger to the public, the Village will allow the encroachment to remain upon the condition that the citizen enter into an Encroachment Agreement with the Village of Los Ranchos in a form to be prescribed by the Village.

(D) If the resident refuses to remove an encroachment that, in the Village's discretion, poses a danger to the public, he/she shall be found to be in violation of this Article.

(E) Violation of this Article or refusal to enter into an Encroachment Agreement shall be grounds for a complaint to be filed against this citizen in Municipal Court. The Municipal Court is empowered to order the removal of the encroachment, or assess a fine or other penalties to the maximum extent permitted by the rules of Municipal Court.

(F) Violation of this Article shall be deemed a petty misdemeanor.

(G) Mailboxes in the public right-of-way and in existence on the date of the adoption of this Section are exempt from all provisions of this Section unless the Village, in its sole discretion, determines a mailbox presents a danger to the public. If the Village makes such a determination, the mailbox shall be removed.

Ordinance and State Law References regarding Chapter 10, Article 2:
Ordinance #190, May 12, 2004

