



# Right of Way Encroachment Application

P.O. Box 1479, Pelham, Alabama 35124 | 205.620.6411  
permits@pelhamalabama.gov

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
\_\_\_\_\_ EMAIL: \_\_\_\_\_

SIGN TYPE: \_\_\_\_\_ SIGN SIZE: \_\_\_\_\_ NUMBER OF SIGNS: \_\_\_\_\_

DATE(S) REQUESTED: \_\_\_\_\_

## APPENDIX A ARTICLE XXII Sec. 23. - Right-of-way encroachment permits.

(a) When required. Any sign proposed for a location in a median or otherwise in the public right-of-way must obtain a sign permit and a right-of-way encroachment permit, which may be submitted simultaneously.

(b) Contents. In addition to the contents otherwise required for an application for a sign permit, an application for a right-of-way encroachment for a sign shall contain the following:

(1) A legal description of the exact portion of the right-of-way affected;

- (i) Drawings showing the horizontal and physical locations and dimensions of the proposed sign and its relationship to the right-of-way;
- (ii) Schematic drawings showing the effect of the proposed sign on what is commonly called the "clear sight triangle" for all movements at the affected intersection;
- (iii) A proposed agreement for maintenance of the proposed sign and related landscaping, with evidence of the continuing financial capability of the proposing entity to provide maintenance costs of \$1,000.00 or more per year; and
- (iv) An executed form, provided by the city attorney, acknowledging that the proposed sign will exist on a permit or license from the city that is revocable for the convenience of the city on 30 days written notice and acknowledging the responsibility of the proposing entity to remove the sign upon revocation of the permit.

(c) Procedure.

- (1) All applications for right-of-way encroachment permits shall be submitted to the chief of police on the sign application form provided by the building official or in accordance with applicable specifications published by the building official.
- (2) Within five business days of receiving an application for a right-of-way location permit, the police chief shall review it for completeness. If the police chief finds that it is complete, the application shall then be processed. If the police chief finds that it is incomplete, the police chief shall within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable subsections of this ordinance.

- (3) Within seven days of the submission of a complete application for a sign permit, the police chief shall either:
  - (i) Issue the right-of-way encroachment permit, if the police chief finds all of the following:
    - a. The sign will not impair the movement of traffic;
    - b. The proposed sign will not impair the required clear-sight triangle for any traffic movement at the nearest intersection;
    - c. The proposed maintenance agreement is adequate to ensure maintenance of the sign and related landscaping in accordance with the same standards applied by the city in the maintenance of its own signs and fixtures in the right-of-way; and
    - d. The proposing entity has adequate financial resources or has provided guarantees of such resources, to provide maintenance to the sign and related landscaping at a cost of at least \$1,000.00 per year for a period of ten or more years.
  - (ii) Deny the right-of-way encroachment permit if the sign(s) that is or are the subject of the application fail(s) in any way to conform to the requirements of this ordinance or other provisions of the city ordinances. In case of a denial, the police chief shall specify in the rejection the subsection of this ordinance or other applicable ordinance with which the sign(s) is or are inconsistent.

(d) Revocation. A right-of-way encroachment permit may be revoked by the city council after notice and a hearing. Both the entity originally proposing the sign and the entity then maintaining the sign, if not the same, shall be given notice of the hearing at least ten days before the date of the hearing. The city council may revoke the permit if it finds any of the following:

- (1) The entity agreeing to maintain the sign and landscaping is no longer providing such maintenance and the lack of such maintenance has resulted in deterioration of the sign or of the landscaping;
- (2) The sign now interferes with the movement of traffic or will do so due to planned street improvements;
- (3) The sign or related landscaping now impairs the clear-sight triangle for one or more traffic movements at the nearest intersection; or
- (4) The city has determined that it can no longer allow such signs due to risk management considerations and is thus revoking all such permits in the city, regardless of whether a particular sign and landscaping currently conform to the requirements of this ordinance.

(Ord. No. 139-3, § 23, 5-16-07; Ord. No. 135-182, 7-16-07)

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
APPLICATION DATE

\_\_\_\_\_  
OFFICE USE ONLY

SUBMITTAL DATE: \_\_\_\_\_

POLICE DEPARTMENT APPROVAL:    \_\_\_ YES    \_\_\_ NO

POLICE DEPARTMENT APPROVAL BY: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE(S) PERMIT IS VALID: \_\_\_\_\_