

APPLICABLE CITY CODE PROVISIONS:

Sec. 8-2001. – DEFINITIONS

Structure: Structure *shall* mean anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, recreational, business, commercial, agricultural, institutional or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, fences, decks, garages, swimming pools, hot tubs, children's play sets, barbecue pits, tennis courts, signs, walls, heating, ventilation and air conditioning units, storage tanks, sheds, docks, mooring areas, and other accessory construction.

Utility system, utility mains: Utility system or utility mains *shall* mean and include any City of Raleigh owned or operated treatment works or water works, pumping stations, storage tanks, water mains, sewer mains and reuse water mains (individually or collectively as determined by the context), and *shall* include all pipes, valves, valve boxes, hydrants, water service stubs, meters and other appurtenant facilities, fixtures, equipment, and apparatus connected to and forming a part of the main water, sewer, or reuse water pipe lines and systems or both, and all appliances necessary and convenient thereto. The utility lines dedicated to the *City* as public *shall* include only main distribution pipes, main collection pipes, valves, hydrants and other apparatus, fixtures and equipment forming a part of the lines laid in public *streets*, roads, highways, alleys and any other public right-of-way or across *City* utility, water or sanitary sewer easements on private *property*, and *shall* not include services leading from mains to building connections on private *property* and *shall* not include the water, sewer or reuse water lines within any *residences* or other privately owned building or structure.

Sec. 8-2012. - ACCESS TO AND OBSTRUCTIONS OF THE UTILITY SYSTEM AND EASEMENTS.

(b) No *person shall* damage, obstruct, or cover any manhole, hydrant, valve box, meter box or any other appurtenances of the *City's* water or sanitary sewer system.

(c) No *person shall* plant trees, shrubs, or other plants within a water or sewer easement without prior *written* approval from the *Raleigh Director of Public Utilities* or his designee. Shallow-rooted ground cover material *may* be planted and maintained within the easement area provided that all risk of damage to any such improvements caused by maintenance or repair of the sewer line and appurtenant facilities *shall* be with the *property owner*. Further, the *City* is authorized to remove and keep removed from the easement all trees, vegetation, and other obstructions as necessary to maintain, repair or protect the sanitary sewer line or lines and appurtenances.

(d) No *person shall* place any part of a structure or any permanent equipment within a water or sewer easement without prior *written* approval from the *Raleigh Director of Public Utilities* or his designee.

(e) Any unapproved structure, equipment, or landscaping located within a water or sewer easement, that limits access in the event of an emergency, will be removed by the *Raleigh Department of Public Utilities* at the *property owner's* expense. In times of nonemergency, *property owners* will be notified to remove unapproved structures, equipment, or landscaping located within a water or sewer easement within forty-five (45) days of notice. Any structures, equipment, or landscaping not removed by the *property owner* within the specified time, *may* be removed by the *Raleigh Department of Public Utilities* at the *property owner's* expense.

(f) Violation of this section is a misdemeanor and in addition *may* be punished under Sec. 8-2014 of the *City Code*.

ADMINISTRATIVE GUIDELINES FOR ENCROACHMENTS ON CITY WATER/SANITARY SEWER EASEMENTS

UTILITIES

- No utilities other than those installed as part of the Raleigh utility system shall be placed within a City of Raleigh water, sewer or utility easement without application and issuance of a “Permission/ License to Encroach upon City Water/Sanitary Sewer Easement ” document
- If the encroaching utility lines are crossing the City’s easement, two(2) feet of vertical separation must be maintained.
- A plan and profile on the encroaching utility lines also showing the City’s utility lines must be submitted prior to approval.
- All crossings must be made perpendicular to the easement and utility main(s) within the easement.

FENCES

- Fences are not allowed within the City’s easement that parallels the utility main(s) within the easement.
- No posts will be allowed to be installed within five (5)’ from the center point of the utility main(s) within the easement.
- Fences must fully cross perpendicular to the easement and utility main(s) within the easement.
- Electric fences are strictly prohibited.
- A combination of gates totaling a minimum of sixteen (16)feet (ex: Two- Eight (8’) foot gates) must be installed at all locations where the fence fully crosses the twenty (20) foot City’s sanitary sewer easement. If gates are to be locked, two locks (property owner lock and City of Raleigh lock) must be used in such a way that the removal of either lock will allow for either party to access at any time.
- In cases where two 8’ gates are not feasible due to topography restrictions, a combination of removable panels and gates may be allowed with certain conditions.
- In cases where the sanitary sewer easement width exceeds twenty (20) feet, further conditions may be required and will be handled on a case by case basis.

LANDSCAPING

- No trees, shrubs, or other plants will be allowed within the City's utility easement.
- Shallow rooted ground cover material may be planted and maintained within the easement area provided that all risk of damage to any such improvements caused by City staff or City contractors while gaining access, or performing inspections, maintenance, repairs or other work to the City's easement and utility main(s) within the easement shall be with the property owner
- Shallow rooted ground cover shall not obscure or block access to any utility structure, device or manhole within the City's utility easement.

DRIVEWAYS, SIDEWALKS OR RECREATIONAL COURTS

- Concrete and asphalt driveways, patios, sidewalks or recreational courts will be allowed within the City's utility easement provided reasonable access to the City's easement is maintained and does not cause interference with the City's utility system
- The property owner will be responsible for the repair and/or replacement of any concrete, asphalt and/or landscape pavers damaged by City staff or City contractors while gaining access to the City's easement and utility main(s) within the easement.

STRUCTURES AND PERMANENT EQUIPMENT

- No permanent structures including decks, garages, swimming pools, hot tubs, children's play sets, barbeque pits, tennis courts, signs, walls, heating, ventilation and air conditioning units, storage tanks, sheds, docks, mooring areas, irrigation systems and other accessory construction, will be allowed to be placed within the City's utility easements.

PROCESSES

APPLICATION

- An Application for Encroachment shall be submitted prior to installation of the encroaching item which includes the following:
 - A Plot Plan or Site Survey showing all utility easements and locations of encroaching items.
 - A detailed description including specifications of encroaching items. (ex: make, material, dimensions, etc...)

APPROVAL

- Prior to Granting Permission/License to encroach upon the City of Raleigh water/sanitary sewer easement, all required conditions regarding encroachment must be met.
- Once all steps have been completed, approval for the encroaching item, structure or improvement will be issued.
- Once the applicant is granted Permission/License to encroach, proper documentation will be sent to the applicant for their record.
- If a permit is required by the town for the granted encroaching item where it is to be installed, the applicant may take the appropriate documentation to the corresponding department to continue the permit process. *(Check with your local municipality on which encroaching items require a permit to be installed.)*

EMERGENCY ACCESS

- In the event of a utility emergency all licensed encroaching items may be removed immediately by City of Raleigh staff and/or its contractors. Once repairs are complete, any previously approved licensed encroaching items may be replaced / relocated back within the easement at the property owner's expense.