

06/06/2014

RESOLUTION

Whereas, pursuant to and consistent with the Franklin Village Council's authority and responsibility under state law to maintain the Village's public road rights-of-way in a reasonably safe condition, the Village Council, in January 2013, adopted Ordinance 2013-01, Road Right-of Way Obstructions; and

Whereas, the purpose of the ordinance was to regulate the placement of rocks and other man-made obstructions in the public road rights-of-way by abutting property owners that may create potential safety hazards for motorists, bicyclists and pedestrians; impede or hinder free and safe passage and parking of vehicles; and render snow removal and road maintenance more difficult; and

Whereas, after observing the ordinance in effect for over a year and receiving feedback from Village residents, the Village Council desires to suspend enforcement of the ordinance while Council considers possible changes to the ordinance and the manner of enforcement.

Therefore, the Franklin Village Council resolves:

1. Enforcement of the Road Right-of-Way Obstructions ordinance shall be suspended in regard to rocks and obstructions located in the right-of-way prior to January 2013 when the ordinance was adopted, but shall continue to apply to any newly placed rocks or obstructions. Meanwhile, the Village Council reserves and retains its lawful authority and duty to enforce the ordinance in regard to rocks or obstructions the Village determines to be an imminent safety hazard and to undertake appropriate action or measures to remove or abate the hazard.
2. The Village Council in collaboration with the Village Administrator, Village Attorney and Police and Fire Chiefs shall consider measures including, but not limited to:
 - a. Developing and recommending possible modifications to the ordinance;
 - b. Considering whether and how to "grandfather" pre-existing right-of-way rocks and obstructions and under what conditions;
 - c. Investigating the advisability and availability of insurance or indemnification from abutting owners who place or maintain rocks or obstructions in the Village rights-of-way;
 - d. A permitting process;
 - e. Addressing right-of-way and shoulder obstructions and safety in connection with future public road maintenance and improvement projects;
 - f. Any other measures that may serve to promote and protect public health, safety and welfare and preserve the character and well being of our Village and its residents.