



ADMINISTRATIVE RULES OF MONTANA



18.7.110 ENFORCEMENT

- (1) The permittee shall hold harmless the department and its agents and employees against any action for personal injury or property damage sustained by reason of exercise of the permit.
- (2) A decision to grant, deny, or revoke an encroachment permit is solely within the discretion of the department.
- (3) The owner of an existing private encroachment who does not have a department-issued encroachment permit may retroactively apply for an encroachment permit.
- (4) If a retroactive encroachment permit application is denied by the department, the existing encroachment must be removed, at the encroachment owner's sole expense, within two days after the permit denial.
- (5) Any person proposing a change in encroachment use of highway right-of-way must obtain a new encroachment permit from the department.
- (6) A non-permitted encroachment, not affixed permanently to the land, must be removed by the encroachment owner within two days after notice from the department, unless a retroactive permit is applied for by the encroachment owner and approved by the department.
- (7) A non-permitted encroachment, which is affixed to the land, must be removed by the encroachment owner within five days after notice from the department, unless a retroactive permit is applied for by the encroachment owner and approved by the department.
- (8) A non-permitted encroachment, whether or not affixed to the land, and not timely removed by the owner after notice, may be removed by the department under 60-6-104 and 60-6-105, MCA.
- (9) If a non-permitted encroachment obstructs or prevents the use of the highway for vehicles, or constitutes a safety hazard to the traveling public, the department may immediately remove the encroachment without giving notice to the encroachment owner.

Authorizing statute(s): 60-2-201, MCA

Implementing statute(s): 60-2-201, 60-6-101, 60-6-102, 60-6-103, 60-6-104, 60-6-105, 61-8-706, MCA

History: NEW, 2014 MAR p. 2828, Eff. 11/21/14.