

## City of Ridgeland, Ms. Policy to Perform Work on Private Property

1. **Purpose:** The City of Ridgeland has determined a need to perform work (with City forces or its contractor) on private property in certain situations in order to protect the health, safety and welfare of its property owners. This policy is used as a guideline to ensure that work is done in a manner that is legal, feasible and beneficial to the general public and not for the benefit of a single individual. *The adoption of this policy is to provide a mechanism for property owners seeking drainage work on private property and an avenue to request such work as is beyond the scope of normal maintenance, and which require a specific finding of fact by the governing authority of the City of Ridgeland.*
2. **Scope:** The scope of this policy is primarily focused on prevention of erosion on public and private property involving the clearing or cleaning of drainage ditches, creeks, or channels. The damage must have resulted from activity caused either directly, or indirectly, by the City of Ridgeland.
3. **Application:** A property owner that requests work on his property is required to complete an application for service in order for the Public Works Department to make a determination if the work is warranted under the provisions of this policy. The application is reviewed by the City Drainage Engineer and City Engineer who will provide a recommendation to the Public Works Director. The City Drainage Engineer will make a field visit and inspect the problem in order to determine the best course of action to correct the problem. The application will be in the form attached hereto.
4. **Checklist:** The City Drainage Engineer will ensure that a final check list is complete prior to the commencement of any work. The checklist will include the following elements:
  - a. completion of the application, a copy of which is attached hereto
  - b. determination if the work will benefit the general public and not one or more individuals
  - c. right of entry and indemnification agreements prescribed by the City
  - d. cost estimate of the proposed work
  - e. review of available funds for proposed work
  - f. legal Review by the City Attorney
  - g. recommendation by the Public Works Director
  - h. approval by the Mayor and Board of Aldermen

5. **Conflicts with Construction:** Where work by the City is approved on private property, it is the responsibility of the property owner to remove fences, landscaping, trees, or other barriers to provide access to the work site, at the sole expense of the owner. It is also the responsibility of the owner to replace all of the above, and to replace any broken sidewalks or driveways that are destroyed by heavy equipment during the repair process. The City is responsible for destruction of property by negligence or willful destruction by its repair crews. The City will take all reasonable precautions to prevent such destruction and will inform the property owner of any potential expense of such damage.
6. **Indemnification:** *The owners of any such property either providing access or where the work is actually conducted shall hold the City or its contractor harmless and fully indemnify the City from any damage or claims that occur by either accessing or working on private property. The property owner or owners will sign a form provided by the City (that is reviewed by the City Attorney) prior to commencement of such work*
7. **City of Ridgeland Responsibilities:** This policy gives the City the potential right to perform work on public or private property. However, it in no way obligates the City to maintain any work it performs on any area that was repaired. *The adoption of this policy does not indicate that the City of Ridgeland will not continue its own efforts to identify and remedy those problems for which the City has responsibility.*
8. **Application Fee:** *The applicant will pay a \$200.00 non-refundable application fee at the time the application is submitted for review. The purpose for this fee is to pay for the attorney review and other administrative fees incurred by the City.*