

Delaware Code Title 17 Chapter 5, Section 525

525. Maintenance of clear zones within rights-of-way.

(a) The Department is authorized to maintain clear zones within the rights-of-way under its jurisdiction. In maintaining these clear zones, the Department shall have the immediate authority to remove **artificial obstructions** placed therein, including, but not limited to, **nonofficial signs, poles, mailboxes** not placed in conformance with Departmental regulation, or other hazards to safe passage. In removing artificial obstructions, the Department shall attempt to determine the owner of the obstruction and provide written notice and an opportunity for the owner to recover the obstruction after its removal. The Department shall also have the immediate authority to remove or trim vegetation growing within these rights-of-way.

(b) As used in this chapter, the term "clear zone" has the following meanings:

(1) For all roads except those described in paragraph (2) of this subsection, the term includes the total roadside border area within a right-of-way, starting at the edge of the pavement and continuing for a distance of 10 feet perpendicular to the pavement edge.

(2) For all interior streets within residential subdivisions, the term includes the total roadside border area within a right-of-way, starting at the edge of the pavement and continuing for the shorter distance of either:

a. Seven feet perpendicular to the pavement edge,
or

b. If there is a sidewalk adjacent to the street, the sidewalk edge further from the street.

(3) The total area within the median strips between traveled ways or on any channelization islands, except as permitted by § 1108(d) of this title.

(c) The owner of any obstruction removed pursuant to this section shall be liable for a civil fine of \$25 for each item so removed, payable to the Department. Justices of the Peace shall have original jurisdiction for any court proceedings relating to this fine. No owner of any such obstruction shall be entitled to the return of any removed obstruction without proof of payment of all outstanding fines.

(d) Recovery by the owner of any artificial obstruction removed by the Department under this section shall be subject to the payment of a \$15 recovery fee per obstruction. If the owner does not pay the fee and recover the obstruction within 30 days of its removal, the Department shall dispose of the obstruction in the exercise of its reasonable discretion. The Department may also take such legal steps as it deems necessary and proper to collect these recovery fees, including but not limited to a debt action in the courts of this State. (71 Del. Laws, c. 318, § 7; 75 Del. Laws, c. 98, §§ 122, 123.)