

Can a Town legally erect Street Name Signs on Private Property for E-911?

Maine Municipal Association recently provided the following information to guide towns who would like to post road signs on privately owned roads.

- Ordinarily, it is unconstitutional for towns to expend public funds for private property, BUT, towns can expend public funds for signs to post on private property for public safety reasons.
- In order for towns to install signs on private property, they must first get permission from the landowner, unless the sign is being posted on the public right-of-way or easement.
- It is recommended that land owner permission be granted in the form of an easement because verbal permission can be revoked at any time. A letter granting permission would be second best.
- If a town were to install a sign on a private road without permission, the owner could legally remove it.
- If a person removes a sign on a public right-of-way, it is a criminal offense. In addition, the town can recover costs in a civil suit against the perpetrator.
- Towns are not under any obligation to post signs on a public or private way.
- The Emergency Services Communication Bureau (E-911 office) strongly recommends that, in the interest of public safety, towns do post signs on ALL roads. In many, many places, that sign is the only identifying object to the responding ambulance or policeman.
- Often residents of private roads are concerned that having a road sign will encourage more traffic. "Some towns differentiate between public and private roads by signing public roads with green signs and private roads with blue or red signs," explained Stephan M. Bunker, E9-1-1 Director (former). "Other towns add a small sign with the 'PVT' on it to designate a private road."

Adapted with permission from MMA, Sept. 1997