



Road Worries

PHOTO: ANNA MAZUREK

We have a corner of our property where dumping of trash has become a huge issue. We've posted signs and cleaned up the area several times, but it continues to happen. The road leading to this area is shared by two other landowners. We want to put up a gate to discourage the dumping, but one of the landowners doesn't want a gate because he doesn't want to get in and out of his truck to open and close it every time he comes and goes. I think we should be able to put up a gate. What are our legal rights?

If it is a public road, no one can interfere with passage. Every member of the public has a right to free use of the public roads in the normal pursuit of his or her business or pleasure. In this case, a gate can't be erected. If this is a private road, one jointly owned by you and the other two landowners, unless all three of you agree to the gate, you can't put one there.

There may be other options. A surveillance camera (like a game camera) can be installed to identify those persons illegally dumping. Charges could then be filed against them.

Because laws vary from state to state, you should confer with an attorney as to your specific rights before taking any action.

—C. Dan Campbell/Brooks & Campbell LLP