

Chapter 12.48 - ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY

Sections:

12.48.010 - Relevance to other city codes.

All activities undertaken pursuant to encroachment permits issued under authority of this chapter are subject to all other provisions of this code. Any violation of the other provisions of this code will be grounds for revocation of an issued encroachment permit.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.010)

12.48.020 - Definitions.

For purposes of this chapter, certain words and phrases shall be defined as follows:

"Alley" means a public thoroughfare which affords only a secondary means of access to abutting property.

"City engineer" means the appointed city engineer of Grass Valley or his or her designee.

"City standards and specifications" means the current improvement standards and standard construction specifications for the city.

"Curb" means the portion of the roadway primarily constructed for containing, controlling and directing surface runoff water to inlets, catch basins, outlet ditches and other drainage controls.

"Curb return" means the point at which the curb along a certain radius meets the curb tangent to that radius.

"Director of public works" means the appointed director of public works of Grass Valley or his or her designee.

"Driveway" means a means of vehicular access from private property to a roadway which traverses public right-of-way, more specifically defined as follows:

1. "Commercial driveway" means a driveway used primarily by commercial vehicles, or for commercial purposes, serving a business establishment; all driveways other than residential driveways.
2. "Residential driveway" means a driveway used primarily by private passenger vehicles serving residential properties.

"Driveway warp" means the sloping area of a sidewalk and/or curb which transitions from the roadway to the full height curb.

"Encroach" or "encroachments" means going over, upon or under, or using a right-of-way or watercourse in such a manner as to prevent, obstruct, or interfere with its normal use, including, but not limited to, the performance thereon of any of the following acts:

1. Excavating, filling or disturbing the right-of-way or watercourse;
2. Erecting or maintaining any flag, banner, post, sign pole, fence, guardrail, loading platform, pipe, conduit, wire or other structure on, over or under a right-of-way or watercourse;
3. Constructing, placing, or maintaining on, over, under or within a right-of-way any pathway, sidewalk, driveway, curb, gutter, paving, or other surface or subsurface drainage structure or facility;
4. Travel on a right-of-way by any vehicle or combination of vehicles or object of dimension, weight or other characteristic prohibited by law without a permit;
5. Lighting or building a fire within a right-of-way or watercourse;
6. Placing or leaving on a right-of-way or watercourse any materials including but not limited to rubbish, construction spoil, earth, metal objects, concrete, or sod;
7. Planting any tree, shrub, grass, or other living thing (except for weeds) within a right-of-way or watercourse;
8. Constructing, placing, planting or maintaining any structure, embankment, excavation, tree or other object adjacent to, over or under a right-of-way or watercourse which causes or will cause an encroachment.

"Low-profile curb" means a curb which has a nonvertical face, usually angled, to allow vehicles to go over the curb easily.

"Minor encroachment work" shall mean either:

1. The removal and/or replacement of curbs, gutters, and sidewalks for residential property along a minor residential street or a low-traffic-volume major residential street as determined by the city engineer and where the estimated cost of the work, as estimated by the city engineer, is less than two thousand dollars; or
2. Work within a commercial or industrial area which does not affect the travelled right-of-way and where the estimated cost of the work, as estimated by the city engineer, is less than two thousand dollars.

"Modular newsrack" means a newsrack containing two or more publications within a single unit.

"Municipal code" means the current Grass Valley Municipal Code as amended by the city council of the city.

"Newsrack" means any self-service or coin-operated box, container, storage unit, fixture or other dispenser installed, used or maintained for the display and sale or other distribution of one or more newspapers, periodicals or other publications.

"Permittee" means any person, firm or corporation that proposes to do work, or encroach upon a right-of-way or watercourse and has been issued a permit for such encroachment by the director of public works.

"Private contract" means a contract between two or more parties for the installation, construction, revision, operation or creation of an encroachment, to which contract the city is not a party.

"Right-of-way" means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for and dedicated to the general public for street, highway, alley, public utility, storm drainage, water, sanitary sewer, sidewalk, bikeway or pedestrian walkway purposes.

"Roadway" means that portion of the right-of-way improved, designed and ordinarily used for vehicular traffic.

"Sidewalk" means any area provided for the exclusive use of pedestrians, including planting areas or parking strips, between the public roadway and adjacent property line.

"State or federal route" means a roadway which is under the jurisdiction of the state or the United States.

"Street" means a public thoroughfare other than an alley, which affords the principal means of access to abutting property.

"Vending machine" means any self-service or coin-operated box, container, storage unit, fixture or other dispenser installed, used or maintained for the display and sale or other distribution of items, including, but not limited to, candy, soft drinks, etc.

"Water course" means a channel having bed and banks for the carrying of water, including both natural and artificial watercourses.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.020)

12.48.030 - Exemptions from applicability of chapter.

This chapter shall not apply to officers or employees of the City lawfully discharging their official duties, and the following:

- A. Any resident who places a garbage receptacle in the roadway the evening before a

regularly scheduled garbage collection day, and removes such garbage receptacle as soon as possible but no later than twenty-four hours after the garbage collection.

- B. Any resident who places a recycling receptacle in the roadway the evening before a regularly scheduled recycling collection day, and removes such recycling receptacle as soon as possible, but no later than twenty-four hours after the garbage collection.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.030)

12.48.040 - Permit to encroach on right-of-way or watercourse—Restrictions on use.

All permits granted subject to this chapter shall be subject to the right of the city, and any person entitled thereto, to use any part of a public right-of-way or watercourse for any purpose for which it may be lawfully used; and no part of a right-of-way may be unduly obstructed at any time.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.040)

12.48.050 - Permit—When required.

No person shall encroach or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right-of-way or watercourse; or make or cause to be made any alteration of any nature within, upon, over or under such right-of-way or watercourse; or construct, put upon, maintain or leave thereon, or cause to be constructed, put on, maintained, or left thereon, any obstruction or impediment of any nature whatever; or remove, cut or trim trees thereon, or set a fire line, conduit, or other fixtures; or move over or caused to be moved over the surface of any right-of-way or over any bridge, viaduct, or other structure maintained by the city, any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the right-of-way; or place any structure, wall, culvert or similar encroachment, or make any excavation or embankment in such a way as to endanger the normal usage of the right-of-way or watercourse without having first obtained a permit as required by this chapter. An encroachment permit will normally be used only for a single parcel development.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.050)

12.48.060 - Permit required for certain sidewalks.

- A. No person shall use any portion of the sidewalk in any part of the city for the storage or display of goods, wares and merchandise without first obtaining an encroachment permit from the director of public works.
- B. The director of public works shall not issue any such encroachment permit for a temporary commercial use unless and until the applicant has first obtained a temporary commercial use permit as required by the Grass Valley Zoning Ordinance.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.060)

12.48.070 - Permit required—Emergency exception.

This chapter shall not prevent any person from maintaining any pipe or conduit lawfully on or under any public street or public service easement, or from excavating as necessary for preservation of life or property when an urgent necessity therefor arises during hours when offices of the city are closed; except that the person making an emergency use or encroachment on a public street or public service easement shall apply for a permit therefor within one calendar day after the offices of the city are again opened.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.070)

12.48.080 - Emergency maintenance—Director of public works to be notified.

No person shall begin to construct, reconstruct, repair, alter or grade any sidewalk, curb, curb cut, driveway or street on the public right-of-way without first obtaining a permit from the director of public works as provided by this chapter; provided, however, that any person lawfully maintaining a utility in, along, upon or across any such sidewalk, curb, driveway or city street may, without first obtaining a permit, perform any emergency maintenance or repair work in respect thereof. Notice of such work shall be given to the director of public works as soon as practicable and thereafter such person shall comply with all pertinent provisions of this chapter. Prior to issuance of an encroachment permit for a sign erection, the erector of such sign shall comply with the city's zoning ordinance.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.080)

12.48.090 - Application for encroachment permit.

The director of public works shall prescribe and provide a regular form of application for the use by applicants for permits required by this chapter. The application shall show such information and details as the director of public works may deem necessary to establish the exact location, nature, dimensions, duration and purpose of the proposed use or encroachment.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.090)

12.48.100 - Consent of public agencies.

The applicant shall also enclose with, attach or add to the application the written order or consent to any work thereunder, required by law, of the Public Utilities Commission, State Department of Transportation or any other public body having jurisdiction. A permit shall not be issued until and unless such order or consent is first obtained and evidence thereof filed with the director of public works. The permittee shall be adequately informed of all state and federal laws and local ordinances and regulations

which in any manner affect the permit. The applicant shall at all times comply with and shall cause all his/her agents and employees to comply with all such laws, ordinances, regulations, decisions, court and similar authorization orders.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.110)

12.48.110 - Action on applications.

Applications may be approved, conditionally approved, or denied. The director of public works may use up to two working days from the date of application to field check existing conditions related to the permit prior to its issuance. Where the director of public works finds that the application is in accordance with the requirements of this chapter, he may issue an encroachment permit, attaching such conditions as he may deem necessary for the health, safety and welfare of the public and for the protection of the city. If the director of public works finds that the application is in conflict with the provisions of this chapter, he shall deny the permit, giving the reasons for such denial. All applications for permits must be reviewed and approved by the city engineer prior to issuance of a permit.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.120)

12.48.120 - Excavation prohibited.

The director of public works shall have the power to deny a permit involving excavation in the traveled way of newly constructed and/or heavily traveled streets.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.130)

12.48.130 - Form and validity.

Permits must be written on a form prescribed by the director of public works which are on file at City Hall. No permit shall be valid unless signed by the director of public works.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.140)

12.48.140 - Term for beginning of work.

The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter in a timely manner.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.150)

12.48.150 - Term for completion of work.

The permittee shall complete the work or use authorized by a permit issued pursuant to this chapter within thirty days from the date of issuance unless a different time limit is specified in the permit. Should the permittee be unable to complete the work before the permit expires, a time extension may be granted by the director of public works. It shall be the permittee's responsibility to notify the city in writing of the reason for the delay. If a time extension is justified, the extension will be noted on the permit.

Failure to obtain an extension shall require the permittee to make application for a new permit. Any work done without a valid permit will require a special field investigation and the payment of a field investigation fee. If any time the director of public works finds that the delay in the prosecution of completion of the work or use authorized is due to lack of diligence on the part of the permittee, he may revoke the permit and restore the right-of-way or watercourse to its former condition. The permittee shall reimburse the city for all expenses incurred by the city in restoring the right-of-way or watercourse.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.160)

12.48.160 - Long-term permits and annual renewals.

Any existing or proposed encroachment work in any right-of-way or watercourse which is or results in a continual encroachment into any right-of-way or watercourse, the owner of the encroachment shall apply for a long-term encroachment permit in order to maintain the encroachment to insure the health, safety and welfare of the public and shall provide proof of insurance with the city named as co-insured for such encroachment. Such encroachments relative to this section shall include but are not limited to: balconies and signs over sidewalks; tables and/or chairs, planters, advertising signs/displays, newsracks and delivery drop boxes on sidewalks. Long-term permits shall be subject to annual renewal, inspection and verification by the city. A long-term permit shall be required or renewed before a business license will be issued or renewed. Fees for long-term permits and their renewal shall be as per the comprehensive fee schedule as adopted by the city council. If at any time the director of public works finds the permittee has not maintained the continual encroachment to his satisfaction or not provided proof of insurance with the city named as co-insured or not renewed a long-term permit prior to obtaining or renewing a business license, he may cancel the permit and restore the right-of-way or watercourse to its former condition at the expense of the applicant.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.170)

12.48.170 - Display of permit.

The permittee shall keep any permit issued pursuant to this chapter at the site of work and the permit must be known to any authorized representative of the director of public works or law enforcement officer on demand.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.180)

12.48.180 - Assignment.

Permits shall be issued only to the person making application therefor and may not be assigned to another person or location by the permittee. If any permittee attempts to assign his/her permit to another person or another location, the permit shall become null and void, and completely without force or effect.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.190)

12.48.190 - Changes in permit or work.

No changes may be made in the location, dimension, character or duration of the encroachment or use as granted by the permit except upon written authorization of the director of public works. No permits shall be required for the continuing use or maintenance of encroachments installed by public utilities, or for changes, additions or extensions therein or thereto where such use, maintenance, changes, additions or extensions require no excavation of the right-of-way or watercourse.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.200)

12.48.200 - Fees—Generally.

The schedule of fees shall be established by council resolution. Before a permit is issued, the applicant shall deposit with the city cash or certified check in a sufficient sum to cover the fee for issuance of the permit, any penalties, and the fee for necessary inspections, all in accordance with the schedule established and adopted by the city council.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.210)

12.48.210 - Fees—Blanket permit application.

In lieu of posting a separate deposit for each permit, an applicant who anticipates securing a number of permits pursuant to this chapter during an extended period of time may file a blanket permit application and post with the director of public works a deposit in an amount not less than two thousand dollars, which amount shall be used for the purposes set forth in Section 12.48.220 of this chapter; provided, however, nothing in this chapter shall relieve the permittee from making a separate application for each encroachment in a public right-of-way.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.220)

12.48.220 - Fees—Blanket permit and billing.

Applicants for blanket permits shall be billed for the actual costs of administration and inspection fees. Upon request by the permittee and after all fees associated with the work performed under a given blanket permit, have been paid, the initial deposit will be relinquished.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.230)

12.48.230 - Encroachment permit fees.

Encroachment permit fees for processing and inspections shall be as per the current comprehensive fee schedule adopted by the city council. Inspection fees may be charged for, but shall not be limited to, the following: Curbs, gutters, sidewalks and driveways; construction of underground utilities; storm drain and/or sewer; major projects; minor projects and pavement restoration.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.240)

12.48.240 - Special investigation—Work without a permit.

Whenever any work for which a permit is required by this chapter has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.242)

12.48.250 - Special investigation fees.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to two times the amount of the permit(s) fee(s) required by this chapter for the first violation and nine times the amount of the permit(s) fee(s) required by this chapter for any subsequent violation. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this chapter or others in the municipal code nor from any penalty prescribed by law.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.244)

12.48.260 - New street cuts.

New streets which have been surfaced with asphaltic concrete within three years or streets surfaced with seal coating within one year prior to excavation shall have a street restoration fee double that shown in the permit fee schedule as shown in the current comprehensive fee schedule or permit may be denied as determined by the director of public works.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.250)

12.48.270 - Bonds—performance security.

The city shall require a cash deposit or bond of all licensed contractors doing work which requires an encroachment permit. Such cash deposit or bond shall be in the amount noted in the fee schedule and shall be maintained in that amount so long as the contractor conducts the permitted operations within the city. A larger cash deposit or bond may be required by the city engineer when unusual conditions so necessitate. The city engineer in his discretion may waive or vary the security required by this section in the case of minor encroachment work.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.260)

12.48.280 - Bonds—condition of security.

The condition of the performance security made pursuant to this chapter is that the permittee shall diligently and with good faith comply with all provisions of the municipal code, city standards and specifications, and the terms and conditions of this permit.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.270)

12.48.290 - Bonds—Failure to perform.

If a permittee fails to complete the work noted in an encroachment permit, the city shall complete the work and place a lien against that property to recover the costs of completing the work.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.280)

12.48.300 - Bonds—Exclusions.

Performance securities normally will not be required of any public utility or public agency which is authorized by law to establish or maintain any works or facilities in, under, or over any public street or right-of-way. The city will be reimbursed for street resurfacing work it performs through regular billing procedures.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.290)

12.48.310 - Insurance—Requirements.

The director of public works may require the permittee to take out, carry and keep in force public liability insurance in the amount of one million dollars minimum. The permittee shall also obtain a certificate of insurance and original endorsements naming the city as co-insured to accompany the application, the forms for which shall be obtained at the department of public works. Thirty days' advanced notice shall be provided to the city of the cancellation or expiration of such insurance.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.300)

12.48.320 - Insurance—Varied or waived.

The amounts and coverages required may be waived or varied by the director of public works, in his discretion, in the case of minor encroachment work.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.310)

12.48.330 - Insurance—Exclusions.

Public utilities and public agencies shall be exempted from the requirements of Section 12.48.310.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.320)

12.48.340 - Liability.

The permittee shall be responsible for all claims and liabilities arising out of work performed pursuant to the encroachment permit, or arising out of the permittee's and his/her agent's failure to perform any of the requirements of this chapter. The permittee shall, and by acceptance of the permit agrees to, indemnify, hold harmless, and defend the city, its officers, employers and agents from and against any and all suits, claims, demands, charges or other actions, including attorney's fees and expenses of litigation brought by any person for death, bodily injury and/or property damage and/or other injury or damage sustained in or arising out of any construction or work or other use authorized by the permit issued pursuant to this chapter or in consequence of permittee's or his/her agent's failure to perform the obligations regarding construction, work or other use in the right-of-way as required by law or to provide all public safety facilities required by this chapter. This hold harmless obligation shall not terminate during the life of the permit.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.330)

12.48.350 - Underground facilities.

The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage. The permittee shall not interfere with any existing utility without the written consent of the director of public works and the owner of the utility. If it is necessary to relocate an existing utility, such relocation shall be done by the owner. No utility owned by the city shall be moved to accommodate the permittee, unless the cost of such work is borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee, unless other contractual arrangements are made. The permittee shall support and protect all pipes, conduits, poles, wires or other underground structures affected by excavation work, and shall inform the owner if any damage occurs to such facilities during the conduct of its work. All repairs, including replacement of protective pipe coatings, shall be made by the owner of the damaged facilities, unless other arrangements are made. The expense of repairs of any

damage shall be charged to the permittee. If any claim of liability for damage to facilities is made against the city, its officers, employees and agents, permittee shall defend, indemnify and hold them, and each of them, harmless from such claim insofar as permitted by law.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.340)

12.48.360 - Public safety.

The permittee in the conduct of the work, use or maintenance of an encroachment authorized by a permit issued pursuant to this chapter shall provide, erect and/or maintain such lights, barriers, warning signs, patrols, watchmen and other safeguards as are necessary to protect the traveling public. If, at any time, the director of public works finds that adequate safeguards are not being provided, the city may provide, erect, maintain, relocate or remove such safeguards as are deemed necessary or may revoke the permit and restore the right-of-way to its former condition, all at the expense of the permittee. The warning signs, lights, and other safety devices shall conform to the applicable requirements of the California Vehicle Code, the current sign manual issued and in use by the State Department of Transportation, and the city standards and specifications.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.350)

12.48.370 - Maintaining traffic.

The permittee shall give particular attention to facilitating the flow of vehicular and pedestrian traffic. Unless prior written approval is obtained from the director of public works the permittee may not: (1) obstruct more than one-half of the area used by the vehicles; (2) obstruct any driveway for a period exceeding one hour; and, (3) obstruct the area between the curb (or the shoulder if there is no curb) and the right-of-way line in such a way as to create a hazardous path for pedestrians. The use of flagmen is mandatory where two-way vehicular traffic has less than twenty-four feet in which to pass. The permittee may be required to remove excavated material from the site of the encroachment as it is excavated rather than stockpiling it on the street when such removal is necessary to permit traffic to pass freely and safely.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.360)

12.48.380 - Fire hydrants.

Access to and visibility of fire hydrants from the public street shall be maintained at all times.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.370)

12.48.390 - Notices to city.

All notices required by this subsection to be given to the city shall be given the office of the director of public works at City Hall.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.380)

12.48.400 - Notices to permittee.

Any notice to be given to the permittee shall be deemed to have been received by him upon mailing to the address shown on the permit.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.390)

12.48.410 - Beginning of work.

Before beginning any work which is or includes excavation, construction of driveways, concrete sidewalks, curbs or gutters, planting, trimming or removing trees, making, placing or causing an obstruction in the right-of-way or watercourse, the permittee shall notify the director of public works twenty-four hours in advance.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.400)

12.48.420 - Completion of work.

The permittee shall, upon completion of all work authorized in the permit, notify the director of public works in writing that such work has been completed. No work shall be deemed to be completed until notification of completion is given pursuant to this chapter and the work is accepted by the director of public works.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.410)

12.48.430 - Care of drainage facilities.

If the work, use or encroachment authorized in the permit issued pursuant to this chapter interferes with drainage of any right-of-way or watercourse, the permittee shall provide for drainage as directed by the director of public works. Should the permittee fail to properly maintain existing drainage, the director of public works shall notify the permittee to take corrective action immediately upon receiving such notice. Proper maintenance for drainage shall include the prevention of drainage facility silting and the control of erosion of the surrounding land where work, use or encroachment authorized in the permit is taking place. In the event that action is required before the permittee can be notified or respond to such notification, the director of public works may take such action as may be necessary to correct the drainage at the expense of the permittee.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.420)

12.48.440 - Execution of work generally.

The permittee shall plan and execute the work, use or encroachment so as to cause the least inconvenience to the general public and abutting property owners.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.430)

12.48.450 - Maintenance of right-of-way or watercourse after completion of work.

- A. By the acceptance of the permit, the permittee agrees to repair and make good any injury or damage to any portion of the street, right-of-way or watercourse which occurs within one year after the completion of work as the result of work done under the permit, including any and all injury or damage to the same which would not have occurred had such work not been done.
- B. The permittee shall, upon notice from the director of public works, immediately repair any injury, damage or nuisance, in any portion of the right-of-way or watercourse, resulting from the work done under the permit. In the event that the permittee fails to act promptly or should the exigencies of injury or damage require repairs or replacement to be made before the permittee can be notified or can respond to the notification, the city may, at its option, make the necessary repairs or replacement, or perform the necessary work at the permittee's expense.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.440)

12.48.460 - Obstructions.

Upon completion of the work, construction or use for which the permit was issued, or when required by the director of public works, the permittee shall replace, repair or restore the right-of-way or watercourse at the place of work to the same condition existing prior thereto, unless otherwise provided in this chapter or in the permit. The permittee shall remove all obstructions, impediments, materials or rubbish caused or placed within or upon the right-of-way or watercourse under the permit, and shall do any other work or perform any act necessary to restore the same to a safe and usable condition.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.450)

12.48.470 - Repaving by city crews.

Where an excavation is made in a street area that requires repaving with asphaltic paving materials, the director of public works, at his/her discretion, may make the final repair of the street surface at the permittee's expense. All fees for repavement shall be in accordance with the permit fee schedule.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.460)

12.48.480 - Relocation, removal or abandonment necessitated by city.

If any future construction, reconstruction or maintenance work by the city on a right-of-way or watercourse, requires the relocation, removal or abandonment of installations or encroachments in, on, or under the right-of-way or watercourse, a permittee that owns, controls or maintains such installations or encroachments shall relocate, remove or abandon the same at his or her sole expense; provided, that this provision shall apply to and remain in force and effect only so long as a right-of-way upon which such installations or structures are located shall be used for street purposes and not as a state or federal route; and this provision shall cease to apply when such street shall become a state or federal route. When removal, relocation or abandonment is required, the director of public works shall notify the permittee in writing and specify the place of relocation or that the installations or encroachment must be removed, relocated, or abandoned. If such permittee fails to comply with such instructions within ninety days, the city may cause the removal, relocation or abandonment of the encroachment at the expense of the permittee.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.470)

12.48.490 - Establishment of and conformance with standards and specifications.

The director of public works and the city engineer shall establish such standards and specifications as they may deem necessary for the proper construction, use and maintenance of encroachments. Any work, construction or use authorized by a permit issued pursuant to the provisions of this chapter shall conform to city standards and specifications.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.480)

12.48.500 - Authority of city engineer to inspect and supervise.

- A. The city engineer is authorized to make such inspections as he/she deems necessary in connection with permits issued under this chapter. All work done or uses under such permits shall be under the supervision of and to the satisfaction of the city engineer.
- B. The city engineer shall prescribe line and grade for the proposed improvement for which a permit is required by Section 12.48.080 so that minimum interference will be had with existing facilities or proposed future facilities. The city engineer may also specify the conditions under which pavement may be cut, the type of backfill to be used, the method of compacting the backfill and the type and thickness of pavement to replace the pavement removed. The city engineer shall inspect the work as construction progresses to insure that cutting of pavement and backfilling is in accordance with city standards and specifications and the conditions of the permit issued.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.490)

12.48.510 - Storage of materials near and on streets.

Unless otherwise approved by the director of public works, no materials shall be stored on or within five feet of a public street. All earth materials from trenching or other operations shall be removed from the pavement, roadway or shoulder as the trench is backfilled or other work carried forward.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.500)

12.48.520 - Installation of pipes and conduits—Methods of installation.

Installation of pipes and conduits shall be in conformance with current city standards and specifications.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.510)

12.48.530 - Installation of pipes and conduits—Minimum cover.

The minimum cover over any and all pipes or conduits shall conform to current city standards and specifications.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.520)

12.48.540 - Installation of pipes and conduits—Backfill.

Unless special instructions are otherwise given by the city engineer excavation shall conform to the city standards and specifications.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.530)

12.48.550 - Poles and transmission line carriers—Clearances and types.

Clearances and types in the construction of poles and transmission line carriers shall be in accordance with the rules, regulations and orders of the Public Utilities Commission and other public agencies having jurisdiction.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.540)

12.48.560 - Poles and transmission line carriers—Guy wires.

Guy wires shall not be attached to trees or interfere with their growth. Guy wires shall be installed as prescribed in the rules, orders and regulations of the Public Utilities Commission.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.550)

12.48.570 - Poles and transmission line carriers—Method of removing and replacing.

When a pole, brace, stub or timber is removed and not replaced, the entire length thereof shall be removed from the ground and the hole backfilled and compacted. Where such pole, brace, stub or timber was located in an area paved with concrete, asphalt or other permanent surfacing, the area occupied shall be trimmed and resurfaced in kind to the satisfaction of the city engineer.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.560)

12.48.580 - Cutting exposed concrete pavement.

Any cuts made in exposed concrete sidewalk, curb, gutter, driveway or paving shall be defined by a saw cut to a depth of not less than one and one-half inches and the concrete between sawed joints must be removed cleanly with no spilling of the sawed edge. A minimum of three feet of walk must be left between a new driveway and existing expansion joints or the section must be removed to an expansion joint. Any longitudinal trenches in existing sidewalk shall require the saw-cutting and removal of the full width of the existing sidewalk. Replacement shall conform with the city standard specifications. All cuts in concrete shall be made to the nearest score line unless otherwise permitted by the city engineer.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.570)

12.48.590 - Visibility of obstructions.

When the location or position of a pole or other obstruction requires enhanced visibility to vehicular traffic, the city engineer may require that the pole or other obstruction be painted or equipped with reflectors or other aids to visibility prescribed or authorized by the public utilities commission or the California Department of Transportation at the expense of the permittee.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.580)

12.48.600 - Movement of certain vehicles on right-of-way—Permit.

A permit for the movement of a vehicle or combination of vehicles or object of weight or dimension or characteristic on any right-of-way, otherwise prohibited by law, shall be obtained from the director of public works prior to such movement. Standards and conditions for the issuance of such permits shall be established by the director of public works.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.590)

12.48.610 - Movement of certain vehicles or objects on rights-of-way—Authorization by permit.

When authorized by a permit issued pursuant to this chapter to move a vehicle or combination of vehicles or load of dimension or weight in excess of that permitted by law, the permittee shall comply with all traffic laws, including posted signs or notices which limit speed or direction of travel, or weight which may be moved thereon or thereover, or otherwise restrict or control travel on a public street. The permittee shall at all times conform to and abide by the practice and procedure necessary to make safe and convenient the travel of the general public, and to keep safe and preserve the street over and on which movement is being made. Any violation of this section shall make the permit issued to the permittee null and void. Prior to commencing any move for which a permit is granted pursuant to Section 12.48.600, the permittee shall provide at least forty-eight hours' written notice to all police and fire department authorities having jurisdiction.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.600)

12.48.620 - Hedges, fences, shrubbery and landscaping—Planting or erection.

It shall be unlawful to maintain a hedge, shrub or other vegetation, fence or similar structure, across any existing walkway in a sidewalk area or shoulder. The intent of this restriction is to keep free a walkway for pedestrian or other lawful public travel without interference by or with vehicular travel. No encroachment of any nature will be permitted or maintained which impedes, obstructs or denies such pedestrian or other lawful travel within the limits of the right-of-way or which impairs sight distance for safe pedestrian or vehicular traffic.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.620)

12.48.630 - Hedges, fences, shrubbery and landscaping—Maintenance.

The permittee or the owner of the adjacent property shall maintain the hedges, shrubs, walls, fences or similar structures erected for landscaping purposes in a neat and orderly condition at all times. If the encroachment is not maintained as specified in this chapter, the director of public works may direct the permittee or property owner to remove the encroachment and restore the right-of-way or watercourse to its former condition at the expense of the permittee or property owner.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.620)

12.48.640 - Landscaping.

Any person may plant and maintain landscaping of any type not prohibited by other statute, regulation or ordinance, within the right-of-way of a public street without a written permit. However, the landscaping shall not extend into the public street nor into the drainage ditches, gutters or other drainage facilities. The general public may not be denied the use of the planted area for pedestrian or other lawful travel. The city may use the planted area for any purpose, and may issue a permit for the performance of work,

construction or other use on the planted area. If the landscaping is damaged or disturbed in the course of an authorized encroachment, it will be removed and replaced by the permittee unless the permit specifically provides otherwise.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.630)

12.48.650 - Irrigation systems.

No person may install and maintain an irrigation system within a right-of-way without a written encroachment permit. No portion of any irrigation system shall extend above the level of the surrounding ground or pavement. No irrigation system shall be installed in such a way as to direct sprays or streams of water onto or over any adjacent street, sidewalk or driveway.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.640)

12.48.660 - Removing or disturbing monuments.

No monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines and/or elevation of any public street or right-of-way, property subdivision or precise survey point or reference point shall be removed or disturbed without first obtaining authorization from the city engineer. The city engineer shall establish specifications by which authorization will be granted. Replacement of removed or disturbed monuments shall be at the expense of the permittee.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.650)

12.48.670 - Maps of underground facilities.

Each permittee installing, constructing or maintaining underground facilities, such as pipes, wires, conduits or similar structures under permit shall maintain accurate and complete maps of location, depth, size and character of such facilities, and shall furnish at no cost to the city copies of such maps to the city engineer upon his request. The permittee shall also contact Underground Service Alert (U.S.A.) prior to the beginning of work to locate existing underground facilities in the proposed work area. No permit shall be issued without the permittee first contacting U.S.A. and obtaining a valid U.S.A. ticket number, unless otherwise approved by the city engineer.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.660)

12.48.680 - Records.

The city engineer shall cause a record to be kept in the engineering department showing the location and depth of the proposed utility and its distance from well-defined curb lines, sidewalk lines or property lines. Recorded plans shall reflect the "built" location of the utility.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.670)

12.48.690 - Violation—Penalty.

Whenever any act is prohibited by this chapter, or is made or declared to be unlawful, or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation shall be a misdemeanor punishable under Chapter 1.12 of this Code; provided, nevertheless, that any such aforesaid violation or offense may be deemed an infraction punishable under Chapter 1.12 of this Code and charged as such in the discretion and at the election of the prosecuting attorney, in which event the punishment therefor shall not be imprisonment but a fine not to exceed the amounts specified by Chapter 1.12 of this Code as then in effect. Every day a violation of any provision of this chapter continues constitutes a separate offense.

(Ord. 483 § 4 (part), 1992: prior code § 21B-1.680; Ord. No. 791, § 1, 9-26-2017)