

1 rights of a Utility Owner, or prior rights of a Utility Owner, which were established by law
2 or title prior to any ownership or rights of the County (collectively, “Legal Rights”) and
3 this Ordinance, and except for the discretion provided to the County of Riverside
4 (“County”) as the issuing authority of encroachment permits (“Permits”) for the care and
5 protection of County Highways within its jurisdiction and Street Vending Permits, the
6 Legal Rights (and any agreement memorializing the same) shall supersede and control over
7 this Ordinance. In furtherance of the foregoing, no provision in this Ordinance shall
8 interfere or conflict with the lawful regulatory jurisdiction of any state or federal agency
9 (for example, the California Public Utilities Commission) over a regulated public utility
10 under any applicable law and any such interfering or conflicting provision shall be null and
11 void with respect to the regulated public utility.

12 Section 4. EXEMPTIONS. The following are exemptions to the
13 Permit requirements of this Ordinance:

- 14 a. Emergency: An excavation or encroachment may be made without
15 first obtaining a Permit for repair or replacement of a facility
16 previously installed only when acting under the good faith belief that
17 such action is warranted for the protection or preservation of life or
18 property, provided that the County is notified in writing on the first
19 business day thereafter and a Permit shall be applied for on the
20 second business day thereafter. If the emergency work is within the
21 parameters and limits of an issued and active blanket permit, a
22 written notice of work shall be submitted to the Transportation
23 Department pursuant to the blanket permit requirements.
24 Emergency work completed in compliance with a blanket permit
25 will not require an additional Permit when the County is notified
26 five business days after, and the notice of work is submitted to the
27 Transportation Department.
28

1 b. Agricultural Produce: No Permit shall be required for the loading
2 or unloading of agricultural produce or produce containers. All such
3 operations shall, where possible, be conducted off the paved or
4 traveled part of the County Highway. If any part of the loading or
5 unloading occurs on the paved or traveled part of the County
6 Highway, appropriate visible warnings shall be posted for the
7 protection of traffic approaching from each direction; and if such
8 operation leaves less than one traffic lane available for travel in
9 either direction, a flagman shall be used at the sole risk and cost of
10 the operator. Use of warnings and flagmen shall be in accordance
11 with California Manual on Uniform Traffic Control Devices
12 (MUTCD) or the Work Area Traffic Control Handbook (WATCH).
13 Overnight storage of containers, agricultural products, or unlicensed
14 vehicles on the shoulder of any County Highway or within eight feet
15 of the traveled portion of such highway is prohibited. Bulk manure
16 not in containers may be temporarily stored or stockpiled within the
17 right of way of a County Highway only when to be used on the
18 abutting agricultural lands as follows:

- 19 1. On any portion of the County Highway obviously not
20 graded, improved, or used for vehicle travel, sidewalk, or
21 drainage purposes; or
- 22 2. On any unpaved graded shoulder of a paved County
23 Highway, not closer than four feet from the pavement and in
24 such location as will not impede or impair highway drainage;
25 or
- 26 3. On the graded shoulder of a County Highway less than four
27 feet from the pavement only if there is no other location
28 available and warning lights and signs are placed and

1 maintained to protect the traveling public during any
2 overnight storage.

3 Section 5. DEFINITIONS. The following definitions apply to this
4 Ordinance:

- 5 a. Contractor. The term “Contractor” includes any person, firm,
6 company, corporation, developer, association, public agency, public
7 utility, or organization performing construction of an encroachment
8 pursuant to a Permit. All obligations, responsibilities, and other
9 requirements of the Permit shall be binding on the Contractor as the
10 agent of the original Permittee unless otherwise specified in the
11 Permit.
- 12 b. County Highway. As used in this Ordinance, “County Highway”
13 means any highway which is laid out or constructed as such by the
14 County; laid out or constructed by others and dedicated or
15 abandoned to or acquired by the County; made a County Highway
16 in any action for the partition of real property; or made a County
17 Highway pursuant to law. “County Highway” includes all or any
18 part of the entire width of the right of way of a County Highway,
19 whether or not such entire area is actually used for highway
20 purposes.
- 21 c. County-maintained Highway. The term “County-maintained
22 Highway” means a County Highway that has been accepted into the
23 County Road system.
- 24 d. Days. Calendar days.
- 25 e. Director of Transportation. The appointed Director of the County of
26 Riverside Transportation Department, County Director of
27 Transportation and Land Management Agency (TLMA) or
28 authorized designee. The Director of Transportation is responsible

1 for duties of the Road Commissioner appointed pursuant to Section
2 2006 the California Streets and Highways Code.

3 f. Encroachment. The term “encroachment” includes any tower, pole,
4 pole-line, pipe, pipeline, driveway, private road, fence, sign,
5 billboard, stand, building, or any other structure or object of any
6 kind or character, which is placed in, under or over any portion of a
7 County Highway.

8 g. Encroachment Permit Engineer. The manager designated by the
9 Director of Transportation to issue and enforce Permits.

10 h. Excavation. “Excavation” includes the movement or removal of
11 earth, rock, pavement, or other material in, on or under the ground.
12 The term includes but is not limited to auguring, backfilling,
13 digging, ditching, drilling, grading, plowing-in, ripping, scraping,
14 trenching, and tunneling.

15 i. Permittee. Any person, firm, company, corporation, association,
16 public agency, public utility, or organization and the Permittee’s
17 successors-in-interest which has been issued a Permit by the County
18 for an Encroachment. All obligations, responsibilities, and other
19 requirements imposed upon the Permittee pursuant to this
20 Ordinance, shall be binding on successors in interest of the original
21 Permittee and subsequent owners of the property benefitted by the
22 Permit.

23 j. Public agency. “Public agency” includes any city, public
24 corporation, political subdivision, or district.

25 k. Utility. The term “Utility” includes any and all water, sewer,
26 irrigation, gas, petroleum, cable TV, electric, communications, and
27 similar facilities that are owned by a Utility Owner.
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1 1. Utility Owner. The “Utility Owner” is the Permittee or the successor
2 in interest, which is the owner, operator or custodian of Utility
3 facilities governed by this Ordinance. This shall include but not be
4 limited to “public utility companies” (which includes franchised,
5 regulated, investor-owned utilities, and their authorized agents),
6 other private utility companies, private persons, public agencies,
7 districts, mutual utility companies, political subdivisions and other
8 forms of companies, organizations, or agencies.

9
10 Section 6. ENCROACHMENTS AND EXCAVATIONS. No person,
11 firm, corporation, public utility company, public agency or district, or political subdivision,
12 shall make any excavation or backfill in, or construct, install, operate, or maintain any
13 improvement, structure, or encroachment in, on, over, or under, any County-maintained
14 Highway or County Highway without first obtaining from the Director of Transportation a
15 Permit; and maintaining continuous compliance with the terms and conditions of such
16 Permit. With respect to County Highways, Permits will be issued for only Utility purposes.
17 A Permit shall be issued by the Director of Transportation only upon written application
18 and payment of any required Permit processing and inspection fees when due and payable.

19 A Permit shall be issued only if the applicant is: a public utility company,
20 including public utility companies holding a franchise from the County, or a public agency
21 or district, or political subdivision having lawful authority to use the County Highway right
22 of way for purposes specified; the owner of an easement for such purpose within the
23 County Highway right of way; or if the Director of Transportation is satisfied that the use
24 proposed is in the public interest and there will be no substantial injury to the County
25 Highway or impairment of its use and that the use is reasonably necessary for the
26 performance of the functions of the applicant.

27 Section 7. PERMIT REQUIREMENTS AND CONDITIONS. Every
28 Permit shall be revocable and the terms, uses and installations thereunder shall be

1 subordinate to the prior right of the County to use the right of way. Subject to any and all
2 Legal Rights, every Permit shall be strictly conditional upon the right of the County to
3 require the Permittee to relocate or remove the improvement, structure, or encroachment,
4 as soon as is reasonably practicable under the facts and the circumstances at the time, at
5 the Permittee's expense (unless otherwise required by law). Nothing herein is intended to
6 modify or limit the provisions of California Public Utilities Code §6297 (and as amended)
7 or the judicial appellate decisions of the State of California interpreting California Public
8 Utilities Code §6297 (and as amended).

9 The acceptance of a Permit shall not be deemed a waiver by the Permittee
10 of any contractual or statutory right against any party for reimbursement of the expense of
11 such removal or relocation.

12 Every Permit shall be subject to such conditions as the Director of
13 Transportation determines are necessary to ensure the safety of the traveling public and the
14 restoration of the road to the same condition as before the permitted work was performed,
15 including but not limited to pavement surfaces, ground surfaces, and subsurfaces within
16 County Highway rights of way. Permittee may request to meet and confer with department
17 staff regarding the Permit conditions.

18 The Director of Transportation may require, as authorized by Street and
19 Highways Code Section 1467, such surety bond or deposit of money as in his/her judgment
20 may be necessary to secure performance of the conditions of the Permit and the
21 replacement or restoration of the road, including but not limited to pavement surfaces,
22 ground surfaces, and subsurfaces within County Highway rights of way, and any survey
23 monuments or other improvements that may have been disturbed. No bond or other form
24 of security shall be required of a franchisee under this Ordinance to the extent such
25 franchisee's franchise agreement required the posting of a bond or other form of surety or
26 where such franchise did not require a bond.

27 At the option of the Permittee, the Director of Transportation may, where
28 convenient to road work he/she has programmed, or for other reasons of County

1 convenience, arrange with the Permittee for the County to do the work of replacement of
2 pavement or other restoration of the roadway and appurtenances at the expense of the
3 Permittee; provided, that Permittee's expenses would be limited to only that portion of
4 work necessary for right of way restoration as outlined in the permit.

5 Permittee shall perform all work to current County standards in accordance
6 with County Ordinance No. 461 or as specified in the Permit. Permittee shall backfill
7 excavations in accordance with County Ordinance No. 461 or as specified in the Permit.
8 If required by the Director of Transportation, Permittee shall restore the County Highway
9 to its condition prior to any work or excavation. If a Permittee fails to backfill any
10 excavation or to restore the County Highway to its condition prior to the permitted work,
11 the Director of Transportation shall have the right to perform the road repair work required
12 of the Permittee, to the extent required to ensure public safety including, but not limited to,
13 the laying of metal plates and concrete barriers, and then assess and collect the cost of the
14 work from the Permittee. Except in cases where immediate repairs are required to ensure
15 public safety, the County will provide written notice to the Permittee of the requirement to
16 perform the necessary work ten (10) days before the County begins work.

17 The Director of Transportation may immediately remove and dispose of, or
18 by notice may require the removal of, any un-permitted advertisement sign or other un-
19 permitted appurtenance from a County Highway in accordance with the Streets and
20 Highways Code.

21 Section 8. MORATORIUM DECLARATION. Subject to any Legal
22 Rights, the Director of Transportation is authorized to declare and enforce a moratorium
23 on the issuance of Permits on County Highways to public and private Utility Owners within
24 the limits of construction of County's public works projects (i.e., reconstruction,
25 resurfacing and road construction projects) under the following circumstances:

- 26 a. A County public works project is significant in scope, as determined
27 by the Director of Transportation; and
28

1 b. The Utility Owner was given a minimum of eighteen (18) months
2 advance written notice by the Director of Transportation that a
3 moratorium on the issuance of Permits will commence upon the
4 completion of construction of the County's public works project,
5 which such notice will include the bounded area circumscribing the
6 affected County Highway(s) under such Permit moratorium; and

7 c. A moratorium on issuance of Permits for Utility purposes may be
8 established for a period of up to three years after issuance of the
9 completion notice of the County's public works project, but may be
10 waived under the safety mandated work from the California Public
11 Utilities Commission and under the following scenarios:

12 1. Emergency repairs of existing facilities shall be considered
13 exempt from the moratorium but shall be subject to
14 additional road repair requirements as reasonably
15 determined by the Director of Transportation. Such repairs
16 shall provide for structural qualities at least equal to the pre-
17 existing condition, and the Utility Owner may be required to
18 include additional pavement improvements as directed by
19 the Director of Transportation; and

20 2. The Director of Transportation may allow the installation of
21 new utility facilities, services, emergency work, and other
22 work, upon receipt and evaluation of a request with
23 justification from the Utility Owner. The Director of
24 Transportation may issue a Permit for those new facilities if
25 the Utility Owner mitigates the damage to the County
26 Highway by repairing the County Highway to the same
27 condition as before the utility work was performed. Such
28 paving shall be in accordance with the trench backfill and

1 pavement resurfacing requirements approved by the
2 Director of Transportation specifically for that roadway.
3 Such trench backfill and pavement resurfacing requirements
4 will be included in the Permit for Utility Owner review. In
5 the event that the Permit is denied following the review of
6 the justification, the Permittee may request a meeting with
7 Department of Transportation staff to meet and confer
8 regarding mutually agreed to Permit terms.

9 Subject to the provisions of this paragraph and ordinance, the Director of
10 Transportation shall require such roadway repair methods on a County Highway subject to
11 a moratorium as are deemed necessary to fully restore the County Highway to the structural
12 condition prior to the utility's construction. This section does not preclude franchised
13 public utility companies from performing work mandated by the California Public Utilities
14 Commission or their respective franchise agreements, subject to full restoration of the
15 County Highway to the same condition as prior to the construction.

16 Section 9. UTILITY CONSTRUCTION AND MAINTENANCE
17 RESPONSIBILITY. Upon satisfactory construction or installation of Utility facilities and
18 an Utility Owner's acceptance of such facilities into its system, such Utility Owner shall
19 maintain its improvements, structures, substructures, and other facilities within County
20 Highway rights of way to the Utility Owner's and County's standards in place at the time
21 of the installation of those facilities, whether or not the Permit for the construction or
22 installation was issued to the current owner of the encroachment. When it is determined
23 to be in the best interest of the public, the Director of Transportation may allow a
24 Contractor to obtain a Permit for the construction or installation of facilities for subsequent
25 ownership by a Utility Owner, public agency, district, or political subdivision. In such case,
26 the Permittee shall provide proof of certification or acceptance of the utility plans by the
27 Utility purveyor. Such Permit shall not be required of existing County franchised public
28 utility companies or that have another independent right. The Permittee shall be

1 responsible for the installation until proof of acceptance by the Utility Owner to operate
2 and maintain the facility is provided to the Transportation Department.

3 Upon satisfactory construction or installation of the utility facilities and the utilities'
4 acceptance of the facilities into its system, including trench backfill and overlying road
5 surfaces, such non-franchise Utility Owner, not the Contractor, shall operate and maintain
6 said facilities in compliance with all applicable requirements of the Permit, including full
7 and timely cooperation with the Transportation Department when the Utility facilities,
8 including lateral utility lines that are within the right of way, are the cause of damage to
9 the right of way.

10 Permit conditions for main or trunk Utility facilities, shall also apply to all
11 lateral and service utility facilities installed within County Highways, and all requirements
12 of this Ordinance shall apply to such lateral and service utility facilities, including utility
13 meters, within public rights of way. The Utility shall, subject to Legal Rights, upon written
14 request by the County notify the customer of any County demand for relocation or other
15 work commensurate with County requirements.

16 Section 10. REQUIRED RECORDS AND LOCATION
17 INFORMATION. The Utility Owner is responsible for keeping record drawings or "as-
18 built" drawings (collectively, "Drawings") on the installation of the Utility facilities that
19 includes the location of the permitted encroachments. For the purpose of the design and/or
20 construction of public works projects within a County Highway, the Utility Owner shall,
21 upon written request by the County, identify and provide the identity of the owner of the
22 utility conduit and the location of its existing Utility facilities, based on the Drawings, and
23 as soon as is reasonably practicable under the fact and circumstances at the time, provide
24 the County with a set of the Drawings which provides this information; provided, however,
25 that notwithstanding anything herein to the contrary, Utility Owner shall not be obligated
26 to provide such Drawings if doing so could cause Utility Owner to violate or otherwise act
27 in a manner inconsistent with federal or state rules, regulations or other guidance
28 concerning the disclosure of critical energy infrastructure information. The Drawings shall

1 be submitted to the County within 30 days of the date of the request. Alternatively, within
2 30 days of the date of the request, the Utility Owner may provide the County with written
3 notice which provides the County with a timeframe in which the Utility Owner will provide
4 all available drawings and relevant information, within 90 days from the original request.
5 The County takes such information understanding that the location of such utilities
6 indicated in the documents provided is approximated only.

7 If precise location information cannot be provided from Utility Owner or
8 other reasonably available records, and if it is determined by the County that there may be
9 conflicts with existing Utility facilities, and if is in the best interest of the County, the
10 County may opt to arrange or perform the precise utility location (vertical and horizontal)
11 at its own expense. When the County performs the positive location identification, the
12 County will notice the Permittee of its intent to perform the work and request that Permittee
13 make the facility safe for County work and provide the appropriate inspection.

14 The Utility Owner shall, as soon as is reasonably practicable under the facts
15 and circumstances at the time, respond to all written requests for right of way, survey, or
16 design information, and all other relocation related services and assistance within its
17 control, to prevent any material impact to the County's project schedule. County will
18 provide documents and assistance to the Utility Owner as available subject to the County's
19 understanding that the documents or mapping information set forth above is approximate
20 only, the County shall utilize information about existing Utility facilities to attempt to avoid
21 or limit design and construction conflicts to keep both construction and relocation costs to
22 a minimum.

23 Section 11. MANDATORY RELOCATION. The Utility Owner shall,
24 upon receipt of a written request from the County accompanied by 90% complete plans of
25 the subject County public works project, and as soon as is reasonably practicable under the
26 facts and circumstances at the time, remove or relocate its facilities that are in conflict with
27 a County's public works project on County Highways, and cause the facilities to be
28 removed or relocated as soon as is reasonably practicable under the facts and circumstances

1 at the time and in a diligent manner so as to avoid any unnecessary delays or costs to the
2 County's public works project; provided, however, that Permittee shall not be required to
3 bear the expense of any removal or relocation made at the request of the County when
4 acting on behalf of or for the benefit of any private developer or other private third party
5 or pursuant to any Legal Rights that provide otherwise (such as deeded easements), or
6 where cost liability does not rest with Permittee under applicable law. At the request of
7 the County, the Utility Owner shall, as soon as is reasonably practicable under the facts
8 and circumstances at the time, notice the County of conflicting utilities that it is aware of
9 that occupy space on the poles and within its conduit systems.

10 A Utility Owner which owns poles and conduit systems that provide the use
11 of those facilities to other persons or Utility owners shall provide notices to such other
12 Utility Owners, as soon as is reasonably practicable under the facts and circumstances at
13 the time, of completion of relocation work by such Utility Owner. Upon request by the
14 County, a Utility Owner owning such poles or conduit systems shall identify any third-
15 party user. In the event a Utility Owner chooses to implement a Utility removal or
16 relocation in multiple stages, including relocation to a temporary location and/or alignment
17 and then later to another final location and or alignment, the full cost for all aspects of the
18 multiple stage relocation shall be the sole responsibility of the Utility Owner. For the
19 purpose of this Ordinance, a multiple stage relocation shall be treated the same as any other
20 removal or relocation. If the County makes a written request for a phased relocation, the
21 Utility owner will not be responsible for the costs of the requested relocation. The Utility
22 Owner shall reimburse the County, upon receipt of billing, for any delays or costs
23 attributable to the failure of the Utility Owner to remove or relocate conflicting Utility
24 facilities in a timely manner agreed upon by both the Director of Transportation and a
25 representative for the Utility Owner.

26 Upon written request from the County or the Permittee, and no later than 30 days from the
27 date of the request, the County and Utility Owner decision-making representatives shall
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1 meet and confer at a convenient site to discuss and address general and specific billing
2 matters, and planned, pending or active projects governed by this Ordinance.

3 Section 12. PUBLIC SAFETY RELOCATIONS AND GENERAL
4 RESPONSIBILITY. The Permittee for any encroachment situated within a County
5 Highway shall be responsible for all costs and liability resulting from any damage to public
6 and private property or personal injury caused by the construction, installation, operation,
7 maintenance, or failure of its encroachments. The Permittee shall, as soon as is reasonably
8 practicable under the facts and circumstances at the time, reimburse the County, upon
9 receipt of billing, for costs incurred by the County in the protection of life or property
10 where required due to failure of its encroachment, or due to any unsafe construction,
11 installation, operation, or maintenance of the encroachment.

12 In the event the County incurs any costs because of the presence of the
13 Permittee's encroachment, and which cost would not normally be incurred by the County
14 in the absence of the encroachment, the Permittee shall be fully responsible to, as soon as
15 is reasonably practicable under the facts and circumstances at the time, reimburse the
16 County for all such costs upon receipt of billing. This paragraph shall apply to all matters
17 governed by this Ordinance.

18 Section 13. TREE REMOVAL/TRIMMING. No person, firm,
19 corporation, public utility company, public agency or district, or political subdivision, shall
20 remove or severely trim any tree planted in the right of way of any County Highway
21 without first obtaining a Permit from the Director of Transportation. The Permit may be
22 issued without fee if the Director of Transportation is satisfied that such removal or
23 trimming is in the public interest or is necessary for the improvement of the right of way
24 or the construction of improvements on adjacent land. The Director of Transportation may
25 impose such conditions as he/she deems reasonable or necessary, including requirements
26 for the work to be done by a qualified tree surgeon or tree trimmer, and provision for bond,
27 insurance, or other security to protect person and property from injury or damage. This
28 shall not apply to any public utility maintaining overhead power or communication lines

1 pursuant to franchise where necessary to prevent interference of a tree with such
2 maintenance or installation or in the event of an emergency. A Permit for removal of a tree
3 may be conditioned upon its relocation or replacement by one or more trees of a kind or
4 type to be specified in the Permit.

5 Section 14. APPLICATION.

6 Each application for a Permit under this Ordinance shall be in writing in the
7 name of the person, agency, entity, or authorized agent owning the encroachment and
8 controlling the construction of the work. The County would require documentation of the
9 Utility Owner's authorization of a third party seeking a Permit on behalf of the Utility
10 Owner. The Utility Owner will be the named party on the Permit.

11 The application shall be submitted on a form supplied by the Director of
12 Transportation and shall contain or be accompanied by such information as he/she may
13 require. Each approved Permit shall be in writing and signed by the Director of
14 Transportation or his/her representative.

15 Section 15. FEES.

16 Permit Fees: The fees required by this Ordinance may be paid at or after the
17 time application is filed, but in any event before the Permit is issued. Fees are as stated in
18 Appendix A to this Ordinance. Fees are non-refundable after paid, except in the case of
19 Deposit-Based, Actual-Cost fees or unused inspection fees due to permit cancelation or
20 change of permit scope.

21 Deposit-Based, Actual-Cost Fees: Project types that require the use of a
22 Deposit-Based fee structure are identified in Appendix A. When it is mutually agreed to
23 by the applicant and the Director of Transportation, any fee required by this Ordinance may
24 be treated and accounted for as a Deposit-Based, Actual-Cost fee in the same manner as is
25 detailed in Ordinance No. 671.

26 Fees collected in excess of the actual cost of providing the specific service
27 shall be refunded. An additional deposit shall be required when the review or inspection
28 costs exceeds the initial estimate. The County may suspend the Permittee's work when the

1 deposit is depleted and will not permit work to resume until an additional deposit has been
2 received.

3 The County will make draws against deposited funds on biweekly intervals
4 based on payroll accounting cycles and at the fully burdened hourly rates for each job
5 classification required to provide a specified service. Hourly rates for services shall be
6 established through the yearly budget process as adopted by the Board of Supervisors.

7 Deposits for applications will be collected upon submittal of the application.
8 Deposits will be monitored and, when 80% depleted, an analysis of the project will be done
9 to determine if the remaining portion of the deposit will cover expected project completion
10 costs. If costs are expected to exceed the remaining deposit, additional deposits will be
11 required to recover the estimated full cost for completion. Additional deposits will be
12 determined based on the estimated cost to complete the specific application work.

13 A full accounting of a Deposit-Based account will be provided at the request
14 of the applicant at any time. A final accounting of the Deposit-Based account will be made
15 within 45 days of the finalization of the Permit and provided to the applicant along with
16 any refund of unused deposits. Remaining deposits will be refunded to the Permittee in
17 accordance with Ordinance 671.

18 When it is mutually agreed to by the applicant and the County, any fee not
19 designated a "Deposit-Based Fee" may be treated and accounted for as a Deposit-Based
20 Fee in the manner described in this Ordinance.

21
22 Section 16. FEE EXEMPTIONS.

23 Permit Processing Fees: The following shall be exempt from payment of the
24 Permit fee for an excavation or encroachment:

- 25 a. Every public district, public agency or political subdivision having
26 lawful authority to use the County Highway or right of way for the
27 purpose specified in the Permit.
28

- b. Street improvements under special assessment or improvement district proceedings conducted by the Board of Supervisors.
- c. Public utility and public service facilities installed under contract, including a franchise agreement, with and controlled by the County or a County Service Area. Note: If constructed by a private contractor, all Permit and fee requirements as established by this Ordinance are applicable.
- d. Positive Location Identification of underground encroachments, if ordered by the County.

Inspection Fees: The following shall be exempted from the payment of the inspection fee for an excavation or encroachment:

- a. Street improvements under special assessment or improvement district proceedings conducted by the Board of Supervisors.
- b. Public utility and public service facilities installed under contract, including franchise agreements with, and controlled by the County or a County Service Area. Note: If constructed by a private contractor, all Permit and fee requirements as established by this Ordinance are applicable.
- c. Positive Location Identification of underground encroachments, if ordered by the County.
- d. Subdivision Improvements to be constructed pursuant to Ordinance 461.

Section 17. BLANKET PERMITS.

The Director of Transportation may issue to an applicant a blanket Permit for a series of excavations or encroachments of the same type or types. This provision shall be broadly applied to reduce administrative costs of both County and Permittee. If the terms or conditions of the blanket Permit are violated, it may be revoked by the Director

1 of Transportation and the Permittee may be required to obtain a separate Permit and pay
2 fees for each excavation or encroachment.

3 Section 18. PENALTIES.

4 Pursuant to California Government Code section 25132, any person who
5 performs any act for which a Permit is required by this Ordinance without first obtaining
6 such Permit, or who, having obtained such a Permit, violates any term or condition thereof
7 and thereby jeopardizes or injures person or property, is guilty of a misdemeanor or an
8 infraction, and shall be punishable by a fine of not more than \$1,000.00, or by
9 imprisonment in the County jail for not more than six months, or by both such fine and
10 imprisonment. Nothing herein shall be deemed to deprive any person of any civil right or
11 remedy he/she may have against a violator of this Ordinance, or to deprive the County of
12 any cause of action which it may have against such violator, regardless of any prosecution
13 or conviction under this section.

14 Section 19. SEVERABILITY.

15 If any provision, clause, sentence, or paragraph of this Ordinance, or the
16 application thereof to any person, entity, or circumstances, shall be held invalid, such
17 invalidity shall not affect the other remaining provisions of this Ordinance which can be
18 given effect without the invalid provision or application; and to this end, the provisions of
19 this Ordinance are hereby declared to be severable.”

20 Section 2. EFFECTIVE DATE. This Ordinance shall take effect sixty (60) days after
21 the date of adoption.

22 **Adopted:** 499 11/09/1964 (Eff 12/08/1964)
23 **Amended:** 499.1 05/20/1975 (Eff: 06/18/1975)
24 499.2 06/24/1975 (Eff: Urgency)
25 499.3 Item 6.1 of 03/08/1977 (Eff: 06/05/1977)
26 499.4 Item 6.1 of 05/30/1978 (Eff: 06/28/1978)
27 499.5 Item 6.2 of 11/25/1980 (Eff: 12/24/1980)
28 499.6 03/01/1983 (Eff: 03/30/1983)
499.7 Item 3.12 of 02/23/1988 (Eff: 03/24/1988)
499.8 Item 3.11 of 08/13/1991 (Eff: 09/11/1991)
499.9 Item 12.2 of 09/15/1998 (Eff: 11/12/1998)
499.10 Item 3.41 of 02/02/1999 (Eff: 03/03/1999)
499.11 Item 9.3 of 12/23/2003 (Eff: 02/02/2004)
499.12 Item 9.7 of 02/24/2009 (Eff: 04/25/2009)

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499.13 Item 3.22 of 05/08/2012 (Eff: 07/07/2012)
499.14 Skipped
499.15 Item 19.3 of 10/22/2019 (Eff: 12/21/2019)
499.16 Item 3.52 of 05/23/2023 (Eff: 07/21/2023)