ORDINANCE NO. 499

(AS AMENDED THROUGH 499.16)

AN ORDINANCE OF THE COUNTY OF RIVERSIDE

AMENDING ORDINANCE NO. 499 RELATING TO

ENCROACHMENTS IN COUNTY HIGHWAYS

The Board of Supervisors of the County of Riverside, State of California, ordains as follows:

Section 1. This ordinance amends and replaces Ordinance No. 499.15 and any prior version of Ordinance No. 499 in their entirety with the following:

“Section 1. FINDINGS. The Board of Supervisors finds it necessary to monitor and regulate any tower, pole, pole-line, pipe, pipeline, driveway, private road, fence, sign, billboard, stand, building, or any other structure or object of any kind or character, which is placed in, under or over any portion of a County Highway for the care and protection of County Highways and the traveling public.

Section 2. PURPOSE. The purpose of Ordinance No. 499 (“Ordinance”) is to establish reasonable and uniform regulations to protect the integrity of County Highways and the traveling public thereon.

Section 3. AUTHORITY. This Ordinance is adopted pursuant to Division 2, Chapter 5.5 of the California Streets and Highways Code and Chapter 6.2 of Title 5, Division 1, Part 1 of the California Government Code. Subject to the control of the Board of Supervisors, the administration of the use of County Highways is hereby delegated to the County Director of Transportation. In the event of a conflict between the provisions of any state or federal law, rules or regulations (including, without limitation, the provisions of California Public Utilities Code §§6297 and 30631 (each, as amended), including the judicial appellate decisions of the State of California or federal courts interpreting the same), property rights (including easements), or statutory franchise rights pursuant to any franchise agreement between the County and a Utility Owner, or superior
rights of a Utility Owner, or prior rights of a Utility Owner, which were established by law or title prior to any ownership or rights of the County (collectively, “Legal Rights”) and this Ordinance, and except for the discretion provided to the County of Riverside (“County”) as the issuing authority of encroachment permits (“Permits”) for the care and protection of County Highways within its jurisdiction and Street Vending Permits, the Legal Rights (and any agreement memorializing the same) shall supersede and control over this Ordinance. In furtherance of the foregoing, no provision in this Ordinance shall interfere or conflict with the lawful regulatory jurisdiction of any state or federal agency (for example, the California Public Utilities Commission) over a regulated public utility under any applicable law and any such interfering or conflicting provision shall be null and void with respect to the regulated public utility.

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

a. Emergency: An excavation or encroachment may be made without first obtaining a Permit for repair or replacement of a facility previously installed only when acting under the good faith belief that such action is warranted for the protection or preservation of life or property, provided that the County is notified in writing on the first business day thereafter and a Permit shall be applied for on the second business day thereafter. If the emergency work is within the parameters and limits of an issued and active blanket permit, a written notice of work shall be submitted to the Transportation Department pursuant to the blanket permit requirements. Emergency work completed in compliance with a blanket permit will not require an additional Permit when the County is notified five business days after, and the notice of work is submitted to the Transportation Department.
b. **Agricultural Produce:** No Permit shall be required for the loading or unloading of agricultural produce or produce containers. All such operations shall, where possible, be conducted off the paved or traveled part of the County Highway. If any part of the loading or unloading occurs on the paved or traveled part of the County Highway, appropriate visible warnings shall be posted for the protection of traffic approaching from each direction; and if such operation leaves less than one traffic lane available for travel in either direction, a flagman shall be used at the sole risk and cost of the operator. Use of warnings and flagmen shall be in accordance with California Manual on Uniform Traffic Control Devices (MUTCD) or the Work Area Traffic Control Handbook (WATCH). Overnight storage of containers, agricultural products, or unlicensed vehicles on the shoulder of any County Highway or within eight feet of the traveled portion of such highway is prohibited. Bulk manure not in containers may be temporarily stored or stockpiled within the right of way of a County Highway only when to be used on the abutting agricultural lands as follows:

1. On any portion of the County Highway obviously not graded, improved, or used for vehicle travel, sidewalk, or drainage purposes; or

2. On any unpaved graded shoulder of a paved County Highway, not closer than four feet from the pavement and in such location as will not impede or impair highway drainage; or

3. On the graded shoulder of a County Highway less than four feet from the pavement only if there is no other location available and warning lights and signs are placed and
maintained to protect the traveling public during any overnight storage.

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

a. **Contractor.** The term “Contractor” includes any person, firm, company, corporation, developer, association, public agency, public utility, or organization performing construction of an encroachment pursuant to a Permit. All obligations, responsibilities, and other requirements of the Permit shall be binding on the Contractor as the agent of the original Permittee unless otherwise specified in the Permit.

b. **County Highway.** As used in this Ordinance, “County Highway” means any highway which is laid out or constructed as such by the County; laid out or constructed by others and dedicated or abandoned to or acquired by the County; made a County Highway in any action for the partition of real property; or made a County Highway pursuant to law. “County Highway” includes all or any part of the entire width of the right of way of a County Highway, whether or not such entire area is actually used for highway purposes.

c. **County-maintained Highway.** The term “County-maintained Highway” means a County Highway that has been accepted into the County Road system.

d. **Days.** Calendar days.

e. **Director of Transportation.** The appointed Director of the County of Riverside Transportation Department, County Director of Transportation and Land Management Agency (TLMA) or authorized designee. The Director of Transportation is responsible
for duties of the Road Commissioner appointed pursuant to Section 2006 the California Streets and Highways Code.

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

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

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

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

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

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

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

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

Section 7. **PERMIT REQUIREMENTS AND CONDITIONS.** Every Permit shall be revocable and the terms, uses and installations thereunder shall be
subordinate to the prior right of the County to use the right of way. Subject to any and all
Legal Rights, every Permit shall be strictly conditional upon the right of the County to
require the Permittee to relocate or remove the improvement, structure, or encroachment,
as soon as is reasonably practicable under the facts and the circumstances at the time, at
the Permittee’s expense (unless otherwise required by law). Nothing herein is intended to
modify or limit the provisions of California Public Utilities Code §6297 (and as amended)
or the judicial appellate decisions of the State of California interpreting California Public
Utilities Code §6297 (and as amended).

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

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

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

At the option of the Permittee, the Director of Transportation may, where
convenient to road work he/she has programmed, or for other reasons of County
convenience, arrange with the Permittee for the County to do the work of replacement of pavement or other restoration of the roadway and appurtenances at the expense of the Permittee; provided, that Permittee’s expenses would be limited to only that portion of work necessary for right of way restoration as outlined in the permit.

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

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

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

a. A County public works project is significant in scope, as determined by the Director of Transportation; and
b. The Utility Owner was given a minimum of eighteen (18) months advance written notice by the Director of Transportation that a moratorium on the issuance of Permits will commence upon the completion of construction of the County's public works project, which such notice will include the bounded area circumscribing the affected County Highway(s) under such Permit moratorium; and
c. A moratorium on issuance of Permits for Utility purposes may be established for a period of up to three years after issuance of the completion notice of the County's public works project, but may be waived under the safety mandated work from the California Public Utilities Commission and under the following scenarios:

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

2. The Director of Transportation may allow the installation of new utility facilities, services, emergency work, and other work, upon receipt and evaluation of a request with justification from the Utility Owner. The Director of Transportation may issue a Permit for those new facilities if the Utility Owner mitigates the damage to the County Highway by repairing the County Highway to the same condition as before the utility work was performed. Such paving shall be in accordance with the trench backfill and
pavement resurfacing requirements approved by the Director of Transportation specifically for that roadway. Such trench backfill and pavement resurfacing requirements will be included in the Permit for Utility Owner review. In the event that the Permit is denied following the review of the justification, the Permittee may request a meeting with Department of Transportation staff to meet and confer regarding mutually agreed to Permit terms.

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

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

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

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

Section 10. REQUIRED RECORDS AND LOCATION INFORMATION. The Utility Owner is responsible for keeping record drawings or “as-built” drawings (collectively, “Drawings”) on the installation of the Utility facilities that includes the location of the permitted encroachments. For the purpose of the design and/or construction of public works projects within a County Highway, the Utility Owner shall, upon written request by the County, identify and provide the identity of the owner of the utility conduit and the location of its existing Utility facilities, based on the Drawings, and as soon as is reasonably practicable under the fact and circumstances at the time, provide the County with a set of the Drawings which provides this information; provided, however, that notwithstanding anything herein to the contrary, Utility Owner shall not be obligated to provide such Drawings if doing so could cause Utility Owner to violate or otherwise act in a manner inconsistent with federal or state rules, regulations or other guidance concerning the disclosure of critical energy infrastructure information. The Drawings shall
be submitted to the County within 30 days of the date of the request. Alternatively, within
30 days of the date of the request, the Utility Owner may provide the County with written
notice which provides the County with a timeframe in which the Utility Owner will provide
all available drawings and relevant information, within 90 days from the original request.
The County takes such information understanding that the location of such utilities
indicated in the documents provided is approximated only.

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

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

Section 11. MANDATORY RELOCATION. The Utility Owner shall,
upon receipt of a written request from the County accompanied by 90% complete plans of
the subject County public works project, and as soon as is reasonably practicable under the
facts and circumstances at the time, remove or relocate its facilities that are in conflict with
a County’s public works project on County Highways, and cause the facilities to be
removed or relocated as soon as is reasonably practicable under the facts and circumstances
at the time and in a diligent manner so as to avoid any unnecessary delays or costs to the County’s public works project; provided, however, that Permittee shall not be required to bear the expense of any removal or relocation made at the request of the County when acting on behalf of or for the benefit of any private developer or other private third party or pursuant to any Legal Rights that provide otherwise (such as deeded easements), or where cost liability does not rest with Permittee under applicable law. At the request of the County, the Utility Owner shall, as soon as is reasonably practicable under the facts and circumstances at the time, notice the County of conflicting utilities that it is aware of that occupy space on the poles and within its conduit systems.

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

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

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

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

Section 13. TREE REMOVAL/TRIMMING. No person, firm,
corporation, public utility company, public agency or district, or political subdivision, shall
remove or severely trim any tree planted in the right of way of any County Highway
without first obtaining a Permit from the Director of Transportation. The Permit may be
issued without fee if the Director of Transportation is satisfied that such removal or
trimming is in the public interest or is necessary for the improvement of the right of way
or the construction of improvements on adjacent land. The Director of Transportation may
impose such conditions as he/she deems reasonable or necessary, including requirements
for the work to be done by a qualified tree surgeon or tree trimmer, and provision for bond,
insurance, or other security to protect person and property from injury or damage. This
shall not apply to any public utility maintaining overhead power or communication lines
pursuant to franchise where necessary to prevent interference of a tree with such maintenance or installation or in the event of an emergency. A Permit for removal of a tree may be conditioned upon its relocation or replacement by one or more trees of a kind or type to be specified in the Permit.

Section 14. APPLICATION.

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

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

Section 15. FEES.

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

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

Fees collected in excess of the actual cost of providing the specific service shall be refunded. An additional deposit shall be required when the review or inspection costs exceeds the initial estimate. The County may suspend the Permitee’s work when the
deposit is depleted and will not permit work to resume until an additional deposit has been received.

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

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

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

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

Section 16. FEE EXEMPTIONS.

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

a. Every public district, public agency or political subdivision having lawful authority to use the County Highway or right of way for the purpose specified in the Permit.
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.
of Transportation and the Permittee may be required to obtain a separate Permit and pay fees for each excavation or encroachment.

Section 18. PENALTIES.

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

Section 19. SEVERABILITY.

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

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

Adopted: 499 11/09/1964 (Eff 12/08/1964)
Amended: 499.1 05/20/1975 (Eff: 06/18/1975)
499.2 06/24/1975 (Eff: Urgency)
499.3 Item 6.1 of 03/08/1977 (Eff: 06/05/1977)
499.4 Item 6.1 of 05/30/1978 (Eff: 06/28/1978)
499.6 03/01/1983 (Eff: 03/30/1983)
499.7 Item 3.12 of 02/23/1988 (Eff: 03/24/1988)
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)
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)