

Ordinance Number

2041

Date Adopted

3/26/1968

Subject

VENTURA COUNTY ORDINANCE REGARDING ENCROACHMENTS ON COUNTY
HIGHWAYS

Comments

ORDINANCE NO. 2041

AN ORDINANCE AMENDING THE VENTURA
COUNTY ORDINANCE CODE RELATING TO
ENCROACHMENTS ON COUNTY HIGHWAYS

The Board of Supervisors of the County of Ventura do
ordain as follows:

. All provisions of Division 12 of the Ventura County
Ordinance Code are hereby repealed and the subject matter
therein reenacted to read as follows:

CHAPTER 1 - GENERAL PROVISIONS AND DEFINITIONS

Sec. 12000 - TITLE AND SCOPE - This division shall be known and may be cited as the "Encroachment Ordinance." The provisions of this division shall operate as a supplement to all applicable California Code sections concerning encroachments on county highways. In the event of conflicting provisions the most restrictive shall prevail.

Sec. 12100 - PERMIT REQUIRED - Every person except as otherwise provided in this Division shall obtain a permit from the Commissioner before he:

Sec. 12100-1 - Moves or causes to be moved on, over, along, or across any highway any "Load" or "Vehicle";

Sec. 12100-2 - Makes or causes to be made any excavation or encroachment in any highway;

Sec. 12100-3 - Places, changes or renews an encroachment; however, that an owner, lessee or person in control of property under active agricultural use and immediately abutting the right-of-way, may, without obtaining a permit, use the untraveled portion of the right-of-way abutting such property for the growing and maintenance of agricultural crops and the burning of weeds so long as such use does not interfere with vehicular or pedestrian traffic or drainage of the right-of-way. Encroachments for which permits are not required are subject to removal under the procedure and penalties provided in Sections 1481 - 1485 of the Streets and Highways Code;

Sec. 12100-4 - Places, constructs or repairs any curb, gutter, sidewalk, driveway, pavement, base course, retaining wall, storm drain, culvert, pipe, conduit, cable or other work of similar nature in, over, along, across, or through any highway;

Sec. 12100-5 - Constructs, reconstructs, or repairs any highway light, or highway lighting system in any highway or in any privately owned thoroughfare which is open to public travel. This subsection does not apply if any agreement with the County exists for the construction, reconstruction or maintenance of such installation;

Sec. 12100-6 - Constructs, reconstructs, repairs or maintains any overhead structure or other appurtenant facility;

Sec. 12100-7 - Places or leaves any impediment to travel upon any highway;

Sec. 12100-8 - Erects or maintains any post, sign, banner, pole, fence, guard rail, wall, loading platform or any other structure on, over, under or within a right-of-way;

Sec. 12100-9 - Plants or removes any tree, shrub, or growing thing within a right-of-way;

Sec. 12100-10 - Lights or builds a fire for the purpose of disposal of weeds, brush or debris on a right-of-way;

Sec. 12100-11 - Uses a right-of-way or other County property for commercial motion or still picture photography;

Sec. 12100-12 - Uses the right-of-way in any manner for purposes of seismological exploration;

Sec. 12100-13 - Conducts land surveying operations or making traffic counts in such a way that it is necessary to excavate within a right-of-way or in any way interfere with the normal flow of traffic on a public highway;

Sec. 12100-14 - Causes or permits water (other than water from natural sources) to flow onto or upon any street or road wherein said water is contained within the improved section by curbs or berms.

Any person who does any of the acts specified in this section, without the authority of an encroachment permit, is guilty of a misdemeanor.

Sec. 12101 - ORDINANCE CONSTRUCTION - Unless the provisions or the context otherwise require, these general provisions, rules of construction, and definitions shall govern the construction of this Division.

Sec. 12102 - EXCEPTION - COUNTY WORK - This Division shall not apply to any officer or employee of the County in the discharge of his official duties. Work performed by any person under contract with or at the request of the County is exempt from the fee and bond requirements of this Division.

Sec. 12103 - POWERS OF PUBLIC OFFICER - Whenever a power is granted to, or a duty is imposed upon a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law or ordinance by the officer unless this Division expressly provides otherwise.

Sec. 12104 - REFERENCE TO OTHER ORDINANCES - Whenever reference is made to any portion of this Division or any other ordinance or statute, such reference applies to all amendments and additions now or hereafter made.

Sec. 12105 - ENCROACHMENT WORK DEFINED - The term "Encroachment Work" means the work of constructing, placing or installing an encroachment in a right-of-way.

Sec. 12106 - SECTION - "Section" means a section of this Division unless some other ordinance, division or statute is expressly cited.

Sec. 12107 - COUNTY - "County" means the County of Ventura, State of California.

Sec. 12108 - COMMISSIONER - "Commissioner" means the Road Commissioner of the County of Ventura.

Sec. 12109 - HIGHWAY - "Highway" means any public highway, public street, public way, or public place in the unincorporated territory of the County, either owned by the County or dedicated to the public for the purpose of travel. The term includes all or any part of the entire width of right-of-way, and above and below the same, whether or not such entire area is actually used for highway purposes.

Sec. 12110 - RIGHT-OF-WAY - The term "right-of-way" means any land or interest therein which by deed, conveyance, agreement, dedication, usage or other process of law has been reserved for or dedicated to the County for use of the general public for public road purposes.

Sec. 12111 - ENCROACHMENT - "Encroachment" includes any obstruction, tower, pole, poleline, pipe, fence, wire, cable, conduit, stand or building, or any structure or object of any kind or character not particularly mentioned in this Division, which is placed on, in, along, under, over, or across the highway. This section does not apply to the temporary use of the highway for ordinary maintenance of any existing authorized or permitted encroachment; nor to the suspension or stringing on existing pole lines of additional cables, wires, transmission lines, conduits or service connections solely for telephone or electric power purposes.

Sec. 12112 - SHALL - MAY - "Shall" is mandatory. "May" is permissive.

Sec. 12113 - WIDTH - "Width" means that dimension measured at right angles to the anterior-posterior axis of the conveyance upon which the load or portion thereof is, or is to be, loaded or moved, or to the median line of the highway over which the same is being, or is to be moved.

Sec. 12114 - HEIGHT - "Height" means that dimension measured from the level surface upon which the vehicle stands to the highest protrusion in a vertical line.

Sec. 12115 - LOAD - "Load" means any object or thing which when transported by a vehicle or combination of vehicles over, upon, along, or across any highway would be required to have a special permit in accordance with provisions of the Vehicle Code and includes but is not limited to any house, vessel, machine, missile, equipment, transformer, tree, girder, boat or airplane.

Sec. 12116 - DRIVEWAY - "Driveway" means that portion of the road right-of-way between the property line and curb, or between the property line and the pavement if no curb exists, where vehicles enter or leave the highway onto adjacent property.

Sec. 12117 - PERSON - "Person" includes any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, any district, any city, any county including this County, and all departments and bureaus thereof except the Road Maintenance Division of this County.

Sec. 12118 - PERMITTEE - "Permittee" means any person who proposes to encroach upon a right-of-way and has been issued a permit for the proposed encroachment by the Commissioner pursuant to the provisions of this Division.

Sec. 12119 - APPLICANT - "Applicant" means any person who proposes to encroach upon a right-of-way and has applied for a permit for the proposed encroachment pursuant to the provisions of this Division.

Sec. 12120 - PAVEMENT - "Pavement" means the surfaced portion of the highway structural section which is composed of various size aggregates mixed with Portland Cement and/or asphaltic compounds.

Sec. 12121 - BASE COURSE - "Base Course" means that portion of the highway structural section located between the pavement and the native soil.

Sec. 12122 - NATIVE SOIL - "Native Soil" means the compacted native material.

Sec. 12123 - PUBLIC - "Public" means any person as defined in this Division other than the Ventura County Road Maintenance Division and includes the United States and this State.

Sec. 12124 - MOVING CONTRACTOR - "Moving Contractor" means any person who for himself or for another moves or causes to be moved any load over, upon, along or across any highway.

Sec. 12125 - VEHICLE - "Vehicle" means a vehicle or combination of vehicles as described in the Vehicle Code which:

- (a) Whether laden or unladen is required by the Vehicle Code to have a special permit to be on any highway, or
- (b) Is so laden that it is required to have such special permit.

Sec. 12126 - VEHICLE CODE - "Vehicle Code" means the State of California Vehicle Code in effect at the time of issuance of the permit.

Sec. 12127 - ACTUAL COST - "Actual Cost" is defined as the amount determined by applying the provisions of the Encroachment Fee Resolution as adopted by the Board of Supervisors.

Sec. 12128 - SAFETY DEVICES, LIGHTS, BARRICADES - In the conduct of the encroachment work, supplies and excavated material shall be properly placed and the permittee shall provide and maintain such safety devices including but not limited to lights, barricades, signs, and watchmen as are necessary to protect the public. Any omission on the part of the Commissioner to specify in the permit what safety devices shall be provided by or preventive action required of the permittee shall not excuse the permittee from complying with all laws, regulations and ordinances relating to the protection of persons or property under the circumstances. If the Commissioner finds that suitable safeguards are not being provided, he may provide, maintain and relocate such safety devices or take such action as is deemed necessary, charging the permittee in accordance with the schedule of charges as adopted by the Board of Supervisors.

Sec. 12128-1 - Warning Lights - A permittee making any excavation or leaving any obstruction which could be a hazard to persons using a right-of-way shall provide and maintain warning lights far enough away from the excavation or obstruction to give adequate warning to such persons, and at not more than 50 foot intervals along the excavation or obstruction, from one-half hour before sunset of each day to one-half hour after sunrise the next day, until the work is completed and the right-of-way made safe for use.

Sec. 12128-2 - Safety Device Standards - All safety devices shall conform to the requirements of the sign manual issued by the Department of Public Works, of the State of California, and the California Vehicle Code, so far as such manuals are applicable.

Sec. 12129 - INSPECTOR ON JOB - If in the judgment of the Commissioner it appears desirable to maintain an inspector to determine whether work is being done in compliance with the permit, the Commissioner shall assign an inspector and the permittee shall pay the County of Ventura in accordance with the schedule of charges as adopted by the Board of Supervisors. This section shall be applicable to all permittees including districts and other political subdivisions.

Sec. 12130 - INSPECTION NOT TO BE OBSTRUCTED - A person shall not obstruct the Commissioner, or his duly authorized representative, in making any inspection authorized by this Division or in taking any sample or in making any test.

Sec. 12131 - WORK PERFORMED WITH OR WITHOUT PERMIT - Whenever this Division requires a permittee to perform any work, take any action, or be liable for any fees or costs, such requirement also applies to any person who commences any work for which a permit is required by this Division whether such person obtains such a permit or not.

Sec. 12131-1 - No Permit Procedure - Any person who shall commence any work for which a permit is required by this Division without first having obtained a permit therefor, shall stop work and apply for such permit. Failure on the part of such person to stop the work and to obtain a proper permit shall make him in violation of this Division and subject to all penalties thereof.

Sec. 12132 - PROOF OF RIGHT TO USE HIGHWAY - Every permit issued under this Division for activity or work in, along, on, over, across or under the highway shall be granted subject to the right of the County or of any other person entitled thereto, to use that part of such highway for any purpose for which such highway may lawfully be used. Proof of the applicant's right to use the highways for the purposes set forth in the application shall be filed with the Commissioner.

Sec. 12133 - WORK IN ACCORDANCE WITH PLANS AND SPECIFICATIONS - All work shall be performed in accordance with the Standard Specifications for Public Works Construction including revisions or according to the plans and specifications referred to in the permit and, in addition, to any special requirements and/or specifications which are made a part of the permit. In case of conflict between two specifications the higher specification shall apply.

Sec. 12134 - CHANGES - No changes may be made in the location, dimensions, character or duration of the encroachment or use as granted by the permit except on authorization by the Commissioner.

Sec. 12135 - PERMIT AVAILABLE OR IN VEHICLE - The permittee shall make the permit available for inspection by the Commissioner or his representative or by any peace officer or other person having responsibility for safety or maintenance of the highway. Each permit for moving must be in or on the vehicle or combination of vehicles to which it refers.

Sec. 12136 - DENIAL OF PERMITS - The Commissioner may refuse to issue a permit under the following conditions:

- (a) When he finds that it is not in the best interest of the general public to do so.

...which no longer that it will be detrimental to the public health, safety or welfare.

Sec. 12137 - CANCELLATION OF PERMITS - A permit may be cancelled by the Commissioner for any of the following reasons:

- (a) When permitted work is not started within the time specified and/or is started but not diligently prosecuted to completion.
- (b) By failure on the part of the permittee to comply with all of the requirements of the permit.
- (c) By failure on the part of the permittee to provide for the public safety.
- (d) For cause.

Action taken under this section shall not constitute a bar to criminal proceedings provided for in this Division.

Sec. 12138 - RESTORATION OF RIGHT-OF-WAY - Upon completion of the encroachment work authorized by a permit, the permittee shall restore the right-of-way including bridges and any other structure thereon by replacing, repairing, or rebuilding it in accordance with the specifications or any special requirement but not less than to its original condition before the encroachment work was commenced. The permittee shall remove all obstructions, materials, and debris upon the right-of-way and shall do any other work necessary to restore the right-of-way to a safe and usable condition, as directed by the Commissioner. Where excavation occurs within areas already paved the Commissioner may require temporary paving to be installed within 24 hours after the excavated area is backfilled. In the event that the permittee fails to act promptly to restore the right-of-way as herein provided, or should the nature of any damage to the right-of-way require restoration before the permittee can be notified or can respond to notification, the Commissioner may, at his option, make the necessary restoration. The permittee shall reimburse the County in accordance with the schedule of charges as adopted by the Board of Supervisors.

Sec. 12139 - BASE AND PAVEMENT THICKNESS - Where the pavement or surface has been removed, the permittee shall replace it to a thickness one inch greater than that of the surrounding pavement or surface, and, in no event, to a thickness less than two inches. The base course removed shall be replaced to the same thickness as that of the surrounding base course.

Sec. 12140 - SEAL OR SLURRY - When the street surface has been treated with a seal or slurry prior to the work under permit, the seal and/or slurry shall be replaced upon the portion repaired.

Sec. 12141 - EQUIVALENT SECTION - When the structural section removed varies from or exceeds the average existing section the Commissioner may elect to require the replacement of an equivalent section which would meet the average structural section requirements.

Sec. 12142 - RESURFACING WAIVED - In those instances where the permittee's excavation is within an area of highway to be reconstructed by the County and the resurfacing of the ex-

the Commissioner may waive such resurfacing.

Sec. 12143 -- PERMITTEE AWARENESS AND LIABILITY - The permittee shall investigate and be aware of all existing facilities lawfully within the highways which are within the limits of his activity. The permittee shall not interfere with any existing public or private facility without the consent of its owner. If it becomes necessary to relocate an existing facility, this shall be done by its owner or to the satisfaction of its owner. The cost of moving publicly and privately owned facilities shall be borne by the permittee unless he makes other arrangements with the owner of the facility or unless the owner is required by his franchise or agreement to move his facility without cost.

Sec. 12144 - PROTECTION AND REPAIR OF FACILITIES - The permittee shall support and protect all wires, cables, pipes, conduits, poles, and other apparatus both aerial and underground, by a method satisfactory to the owner. The owner has the right to support or protect any of its facilities at the sole expense of the permittee. In case any of said wires, cables, pipes, conduits, poles or apparatus should be damaged (and for this purpose, pipe coating or other encasement of devices are considered as part of a structure), they may be repaired by the owner at the expense of the permittee or, if authorized by the owner, may be repaired by the permittee under the supervision of the owner. The expense of repairs to any damaged facilities shall be borne by the permittee.

Sec. 12145 - INTERFERENCE WITH UTILITY - No moving contractor as defined in Section 12124 shall interfere in any manner whatsoever with any property of any public utility. When any load requiring a special permit is moved along or across any highway, and it is determined that the height, width or weight of said load exceeds height, width, or weight as stated in the permit and property damage results therefrom, the Commissioner is authorized to withhold any other moving permit from the violator until he produces evidence satisfactory to the Commissioner that each additional permit load complies with all dimensions and weights as shown upon the application and the load will not interfere with any public utility. The permittee violating this section may also be prosecuted under the provisions of Chapter 6 of this Division.

Sec. 12146 - AIDS TO VISIBILITY - When the location or position of an encroachment impairs visibility to vehicular traffic, the Commissioner may require that the encroachment be painted or equipped with reflectors or other aids to visibility prescribed or authorized by the Public Utilities Commission of the State of California, or the Commissioner may require the encroachment to be relocated at the sole expense of the permittee. No encroachment shall be maintained across any sidewalk area or shoulder of a public highway. No encroachment of any nature shall be permitted or maintained which impedes, obstructs, denies or impairs the sight distance for safe pedestrian or vehicular traffic.

Sec. 12147 - OVERHEAD STRUCTURE - "Overhead Structure" means any structure, other than franchise utility poles and their facilities extending over the dedicated portion of a highway, including canopies but excluding such projections from buildings as are enumerated in Ventura County Ordinance Code, Division 3 known as the "Building Code".

Sec. 12148 - ALL PERSONS TO COMPLY - All persons shall obey and comply with every order, decision, direction or rule made or presented by the Commissioner in the matters specified on the permit or by attachments, or by any other matter in any way relating to or affecting their use of the highway, and shall do everything necessary or proper to secure compliance therewith by all of its officers, agents, and employees; except in the case of a public utility regulated by the Public Utilities Commission when such order, decision, direction or rule is contrary to or in conflict with any order, decision, direction or rule made or prescribed by the Public Utilities Commission applicable to such public utility.

Sec. 12149 - LIABILITY INSURANCE - Permittee shall maintain adequate public liability insurance, including motor vehicle insurance, to protect him from any claims for damages for personal injury, including death, and for damage to property, which may arise from the encroachment work or other operations under the permit, whether such encroachment work or other operations be by himself or by any agent or by anyone directly or indirectly employed by him or his agents. Certificates of insurance shall be filed with the Commissioner and shall be subject to his approval for adequacy of protection.

Sec. 12150 - ENCROACHMENT REMOVAL - GENERAL - The County may require the removal or relocation of any encroachment, lawful or unlawful, on a finding that the encroachment is detrimental to public health, safety or welfare. Removal and relocation of encroachments under this section shall be in accordance with the procedure and penalties provided in Sections 1481 - 1485 of the Streets and Highways Code.

Sec. 12151 - ENCROACHMENT REMOVAL WITHOUT REPLACEMENT - When an encroachment is removed and not replaced, the entire encroachment shall be removed from the right-of-way and the hole backfilled and compacted and returned to its pre-existing condition, unless the Commissioner permits otherwise.

Sec. 12152 - ROAD CLOSURE, INTERFERENCE WITH HIGHWAY USE - All encroachments shall be planned and executed in such a manner that they will not unreasonably interfere with the safe and convenient travel of the general public. Except as provided in Section 942.5 of the Streets and Highways Code at no time shall a public highway be closed, or the use thereof denied to the general public.

Sec. 12153 - RECORDS OF INSTALLATIONS - Every person owning, using, controlling or having an interest in any pipe, conduit, duct or tunnel under the surface of any right-of-way for supplying or conveying gas, electricity, communication facilities, water, steam, ammonia or oil, or for any other purpose, shall file in the Office of the County Permit Engineer within 60 days after the complete installation, a corrected set of maps or atlas sheets drawn to a scale of not more than 200 feet to one inch showing the complete installation of all such pipe, conduit, duct or tunnel. The same is required showing location in detail of such pipe, conduit, duct or tunnel when such is abandoned. Maps and atlas sheets submitted periodically by public utilities shall cover the intent of this section.

CHAPTER 2 - APPLICATION FOR AND ISSUANCE OF PERMITS
Sec. 12201 - APPLICATION IN WRITING - Application for a permit shall be made in writing to the Commissioner, on the forms provided by the Commissioner.

Sec. 12202 - APPLICATION REQUIREMENTS - An applicant for a permit shall state in his application: name and address, such other information as is required by this Division and such other information as the Commissioner may require.

Sec. 12203 - SAVE HARMLESS AGREEMENT - On each application the applicant or his agent shall sign a statement that he agrees to preserve and save harmless the County and each officer and employee thereof from any liability or responsibility for any accident, loss or damage to persons or property happening or occurring as a proximate result of his activities pursuant to the permit applied for.

Sec. 12204 - CHANGES IN APPLICATION - The Commissioner may make such changes or additions in any application for a permit as in his opinion are necessary for the protection of the highways, for the prevention of undue interference with traffic, for the safety of persons using such highways, as to the route over which to move any overheight, width, length or weight load; as to the location, depth, dimensions, character and number of excavations; as to encroachments made or placed; and, as to other permits issued pursuant to the provisions of this Division.

Sec. 12205 - EXHIBITS - When required by the Commissioner, the applicant shall attach to or enclose with the application three copies of a map, plat, sketch, diagram or similar exhibit which plainly shows any and all information necessary to locate, delineate, illustrate or identify the proposed encroachment.

Sec. 12206 - ADDITIONAL REQUIREMENTS - The Commissioner may establish additional requirements for the work to be done under the permit, including equipment to be used, type of backfill, compaction, paving traffic regulations, hours of work, flagmen, lights, inspection and other similar requirements. He also may require whatever advance notice he deems proper for requests for inspection. The Commissioner may add these requirements and conditions by rubber stamp or attachments to the permit, or both, and they shall be an integral part thereof.

Sec. 12207 - PERMITTEE BOUND BY ALL TERMS - By accepting the permit, the permittee agrees to be bound by all the terms and conditions set forth in the permit and in this Division.

Sec. 12208 - EXPIRATION OF PERMIT; TIME EXTENSION - Each permit shall specify the time the permit shall become null and void and the permit shall become null and void on the date so specified unless the Commissioner extends the time. The Commissioner may extend the time if in his opinion the work for which the permit was issued was delayed in completion because of inclement weather, strikes, an Act of God, or other causes not within the control of the permittee.

Sec. 12209 - NOTICE BEFORE STARTING WORK - Before commencing any encroachment work authorized by any permit the permittee shall notify the Commissioner of the time of commencing work and provide the name, address, telephone number and license number of the contractor, if any, who will perform the work.

Sec. 12210 - BLANKET PERMITS - Blanket permits, renewable annually, may be issued to any city, municipal utility district, municipal water district, public utility or metropolitan water district, subject to the compliance with all applicable provisions of this Division. The Commissioner may revoke any such blanket permit if the permittee fails to comply with any of the provisions of this Division. The issuance of a blanket permit does not relieve the permittee from making such reports of activity under the blanket permit as may be required by the Commissioner and for paying for inspection, repairs and other costs incurred by the Commissioner due to the permittee's activity. Blanket excavation permits shall be limited to utility trenches not exceeding two feet in width and sixty feet in length, dug at a right angle to the centerline of the road, or an excavation not exceeding thirty square feet in area. No road may be closed when using the maximum length option. Two way traffic shall be maintained at all times.

Sec. 12211 - TREE AND STRUCTURE RELOCATION - The Commissioner may require the permittee to make proper arrangements for, and bear the cost of the relocation of any structure, publicly owned facility, tree, or shrub, where such relocation is made necessary by the proposed work for which a permit is issued. The Commissioner may elect to do the necessary relocation at the permittee's expense.

Sec. 12212 - RELOCATION WHERE RIGHT-OF-WAY IS IMPROVED - If any County highway improvement to the right-of-way necessitates the relocation of an encroachment, the permittee shall relocate or remove the encroachment at his sole expense (except as provided by State statute). When relocation is required, the Commissioner shall give the permittee a written demand specifying that the encroachment must be relocated within the right-of-way to a satisfactory location provided by the Commissioner and a reasonable time within which the encroachment must be relocated or removed. If the permittee fails to comply with such instructions, the County may relocate the encroachment at the expense of the permittee in accordance with the schedule of charges as adopted by the Board of Supervisors. In determining what is a reasonable time under this section, the Commissioner shall take into consideration the nature of the encroachment, the urgency of the need for its removal, the cost of its removal, the difficulty of its removal, the value of the intact property to the owner and other facts peculiar to the particular situation. The provisions of this section apply to all permittees including public agencies and public utilities having authority to occupy County rights-of-way pursuant to a franchise or an express provision of the California Code. However, this section shall not apply to said public agencies and public utilities if such improvement of the highway right-of-way is required due to the construction of a state freeway.

Sec. 12213 - PERMITS NON-TRANSFERABLE - Permits issued under the authority of this Division are non-transferable.

Sec. 12214 - ENCROACHMENT NOT A HAZARD - The Commissioner may require that evidence be submitted with the application to satisfy him that the proposed overhead structure or encroachment will not, insofar as he can foresee, create a hazard of any kind.

Sec. 12215 - SUBSEQUENT OWNERS BOUND - All obligations, responsibilities and other requirements of the permittee as herein

described shall be binding on subsequent owners of the encroachment.

Sec. 12216 - ISSUANCE FEE AND OTHER COSTS - All persons, except as otherwise provided in this Division, shall pay an issuance fee and all other costs and charges as established for the work described in this Division.

Sec. 12217 - DEPOSIT OF FEES - Issuance fees and charges for repairs, inspection, or engineering collected under the provisions of this Division shall be deposited in the respective funds from which the corresponding disbursements were made.

Sec. 12218 - ISSUANCE FEE EXEMPTION - The following shall be exempt from paying the issuance fee: the United States, this State, all departments of this County, any municipal corporation, any school district, and any special district organized under State law.

Sec. 12218-1 - Issuance Fee, County Public Works - The Commissioner may grant a permit without issuance fee if he finds that the work to be done has been requested by the County in connection with proposed public works.

Sec. 12219 - PUBLIC WELFARE FEE WAIVER - If the Commissioner determines that the waiver of any part of the fees is necessary to promote the safety and public welfare he may in specific instances waive all fees and deposits.

Sec. 12220 - PERMIT COPY FEE - The fee for each true copy of a permit to the permittee is twenty-five cents, (\$0.25).

Sec. 12221 - CHARGES FOR CURBS, ETC. - The Commissioner shall not charge for any engineering or inspection on permits for the construction of curbs, gutters, walks and highway surfaces except when the construction of curbs, gutters, walks and highway surfaces is in connection with subdivision activity or is directly for private interests where the public is not benefited.

Sec. 12222 - SCHEDULE OF FEES, DOUBLE FEES - The schedule of fees or charges will be those recommended by the Commissioner and adopted by the resolution of the Board of Supervisors from time to time. Where work for which a permit is required by this Division is started or proceeded with, prior to obtaining said permit, the specified fees shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Division in the execution of the work nor from any other penalties prescribed herein.

Sec. 12223 - PERMITTEE TO PAY FOR ALL COSTS - The permittee is liable for and shall pay for all the Commissioner's costs related to the permit, including but not restricted to the following:

- (a) The permit issuance fee if that has not otherwise been paid;
- (b) Engineering, which includes design, inspection, survey, and tests;
- (c) The cost of any inspection, transportation, or test made;

- (d) The cost of repairing or restoring the highways and all appurtenant facilities to the same or equal condition that they were in before being cut or damaged as a result of the permittee's activities;
- (e) The cost of furnishing and/or maintaining any lights, barricades or warning devices;
- (f) The cost of alteration, removal, replacement, and/or repair to traffic signals and devices, the removal of temporary and/or permanent traffic stripes and any other expense for traffic control;
- (g) The cost of removing or remedying any hazardous condition;
- (h) The cost of tree trimming;
- (i) Any other cost to the County caused by the permittee's activity.

Sec. 12224 - COSTS TO BE ACTUAL COSTS - Whenever in the provisions of this Division, any costs are to be charged to any permittee and no other method for the calculation of such costs is specified, such costs are the actual costs including overhead and depreciation in accordance with current practice in charging for work performed for the public and as defined in the Encroachment Fee Resolution as adopted by the Board of Supervisors.

Sec. 12225 - NO FEE WHEN INSPECTED BY GOVERNMENTAL AGENCY - The Commissioner may issue a permit without any inspection fee or deposit for work which will be inspected by a qualified governmental agency which will furnish evidence to the effect that the work will be inspected and will comply with minimum standards required by the County.

Sec. 12226 - COMMISSIONER MAY INSPECT IF GOVERNMENTAL AGENCY FAILS TO INSPECT - If an applicant receives a permit pursuant to the provisions of Section 12225 and the governmental agency fails to make the inspection or fails to file evidence as required, the Commissioner may inspect the work and the permittee shall pay the actual cost of such inspection to the Commissioner.

Sec. 12227 - DEPOSIT REQUIRED, EXCEPTIONS - Unless exempted from this requirement by law or by the Commissioner, each applicant shall, before obtaining a permit, deposit with the Commissioner a cash deposit, consisting of cash or a certified or cashier's check in a sum to be fixed by the Commissioner as sufficient to reimburse the County in accordance with the schedule of charges as adopted by the Board of Supervisors for restoring the right-of-way to its original condition, or for correcting any condition occasioned by or arising out of any failure of the permittee to comply with any and/or all conditions of the permit. Where the size and nature of the project warrant, the Director may require the additional deposit of \$500.00 to indemnify and reimburse the County for work done by or for the County of Ventura in correcting traffic hazards, unsafe conditions and any emergency condition occasioned by or arising out of the doing of any work under any permit issued to the permittee.

Sec. 12228 - CASH DEPOSIT - A cash deposit may be in the form of a general deposit to be maintained as security for all the permits issued to an applicant. If an applicant maintains a general cash deposit it shall be with the understanding that he will pay all bills sent him by the Commissioner for work described in this Division.

Sec. 12229 - DEPOSIT OF BONDS, INSURANCE, ETC. - In lieu of a general cash deposit the Commissioner may accept from an applicant other types of security as specified below.

Sec. 12229-1 - Surety Bond - The Commissioner may accept a surety bond in a sum of not less than \$1,000 on a form supplied by the Commissioner and executed by a corporation authorized to engage in surety undertakings in the State of California. It shall guarantee the payment of all fees and other charges required by this Division which may become due because of any permits issued during the life of the said surety bond.

Sec. 12229-2 - Other Security - The Commissioner may accept a Certificate of Deposit or Pass Books made payable to order of the County of Ventura in lieu of a surety bond.

Sec. 12229-3 - Insurance - As security on moving permits only, the Commissioner may accept a certificate of insurance and endorsement on the standard forms provided by the Commissioner. Such certificate and endorsement shall show that an insurance policy of not less than \$10,000 has been issued to the applicant and is in full force and effect; and, in which policy the insurer directly agrees to reimburse the County for all sums due it from the permittee for damage to highway facilities.

Sec. 12229-4 - Additional Securities - The Commissioner may require any type of security that has, in his opinion, become insufficient for protection of the public interest, to be increased to such an amount as he has determined will be sufficient to protect the public interest. He may require special deposits or other security.

Sec. 12230 - ACCEPTANCE OF NEGOTIABLE PAPER - The Commissioner may accept negotiable paper in payment of any permit fee, including engineering and inspection fees, deposit or other payment required by this Division.

Sec. 12231 - RETURN OF DEPOSIT - Any deposit required by the Commissioner pursuant to this Division shall be payable to the County and shall be filed or deposited with the Commissioner, ninety days after the satisfactory completion of all authorized work and fulfillment of all conditions of the permit, the Commissioner will release the deposit upon application of the permittee.

Sec. 12232 - EXPIRATION DATE OF SECURITY - No bond, insurance certificate, certificate of deposit, savings and loan share assignment or other form of indemnification is acceptable which bears an expiration date not determined by the County.

Sec. 12233 - BILLING - The Commissioner shall bill the permittee or deduct from the deposit made or maintained by the permittee for all fees and costs chargeable under this Division.

Sec. 12234 - COSTS TO BE DEDUCTED - If, within thirty days after a bill has been sent, the permittee does not pay the same in full, such amount may be deducted from his general deposit, or the Commissioner may recover the amount due from any security the permittee has filed under Section 12229. If the deposit or security is insufficient to pay the amount due, the County may enforce collection by legal means.

Sec. 12235 - MONTHLY BILLING OF ISSUANCE FEE - At the request of a permittee who maintains with the Commissioner adequate security as provided in Chapter 2 and to whom ten or more permits have been issued monthly, for three consecutive months, the Commissioner may waive the requirement covering prepayment of the issuance fees and bill said permittee for issuance fees covering permits issued subsequent to such request. The Commissioner may revoke such waiver at any time.

Sec. 12236 - PERMITS NOT ISSUED IF BILL UNPAID - The Commissioner may elect not to issue further permits to the permittee and may hold any deposits, guarantees, or bonds of the permittee as long as any bill remains unpaid.

Sec. 12237 - REMAINDER OF DEPOSIT TO BE REFUNDED - The remainder of any deposit, if there is any remainder, shall be refunded to the person making such deposit, or to his assigns.

Sec. 12238 - ISSUANCE FEE MAY BE REFUNDED - An issuance fee may be refunded when a permit has been issued as the result of an error not made by the permittee.

Sec. 12239 - INSPECTION FEE MAY BE REFUNDED - The fee deposited for driveway inspection or any other unit fee established may be refunded if such fee was erroneously collected or if the work was not constructed by the permittee and no inspection requests were made.

Sec. 12240 - PLAN CHECK FEE MAY BE REFUNDED - If other refunds are in order, the plan check fee may be refunded also, provided that the plan check has not been made.

CHAPTER 3 - SPECIAL PROVISIONS FOR CONSTRUCTION PERMITS

Sec. 12301 - PROVISIONS FOR CONSTRUCTION PERMITS - The provisions of this chapter apply to permits for the laying, constructing, reconstructing, or repairing of curbs, sidewalks, gutters, driveways, highway surfaces, retaining walls, storm drains, culverts, highway light or lighting system, or other appurtenant structures.

Sec. 12302 - PLANS MAY BE REQUIRED - If in the opinion of the Commissioner the work proposed to be done requires the making of plans or the setting of stakes, or both, the Commissioner may require the application be accompanied by the necessary plans, which plans shall be prepared by a competent engineer.

Sec. 12303 - APPROVED LINES AND GRADES FOR WORK - Before a permittee performs any work prescribed in this chapter he shall obtain from the Commissioner the approved lines and grades therefor.

Sec. 12304 - DRIVEWAYS OF CONCRETE - Driveways shall be constructed of cement concrete where a cement concrete curb exists.

Sec. 12305 - DRIVEWAY NOT TO BE CONSTRUCTED FOR PARKING - A driveway shall not be constructed or maintained where fences, buildings, natural grade, or any other obstacle will prevent a vehicle from being stored entirely off the public right-of-way after entering such driveway.

Sec. 12306 - WIDTH OF DRIVEWAYS - The width of an individual driveway shall be considered as being the net width thereof, exclusive of side slopes and returns, measured along the line of the curb or center line of the highway. The width of an individual driveway or aggregate widths shall be as prescribed in the County Road Standards.

Sec. 12307 - DISTANCE BETWEEN DRIVEWAYS - The minimum intervening distance between the side slopes or returns of adjacent driveways serving the same lot or parcel shall be twenty-two feet. In the case of adjacent driveways serving two adjoining lots or parcels, the intervening distance between the side slopes or returns shall be at least one foot; otherwise a common or continuous driveway will be required.

Sec. 12308 - DRIVEWAY DEVIATIONS - Where topographical or traffic conditions are such that a modification of the provisions of Sections 12304, 12305, 12306, and 12307 are necessary for the promotion of traffic safety, and the Commissioner so finds, he may permit a deviation from the provisions of such sections to the extent which he finds necessary.

Sec. 12309 - CERTIFICATE OF ACCEPTANCE - If the Commissioner by survey or by inspection or by both ascertains that the work has been completed according to the requirements of the permit issued therefor, and of all the provisions of this Division, he shall issue, if requested so to do by the permittee, a certificate of acceptance which shall contain a statement of the location, nature, and extent of the work performed under the permit.

Sec. 12310 - OFFERS OF DEDICATION, LIGHTING - If any person offers to dedicate as a highway any land upon which any highway light or highway lighting system has been installed, the Clerk of the Board of Supervisors, before presenting such offer to the said board, shall refer such offer to the Commissioner for investigation and report as to whether such highway light or highway lighting system conforms with the requirements of County standards.

Sec. 12311 - INVESTIGATION OF LIGHTING - Upon reference to him, the Commissioner shall make an adequate investigation of such highway light or highway lighting system, and the construction and installation thereof, and shall report, in writing to the Board of Supervisors advising it as to whether or not such highway light or highway lighting system so complies, and if not, what changes or alterations are necessary so that such light or system will conform. If such light or system does not conform the Board of Supervisors shall not accept such offer of dedication unless and until such light or system shall have first been made to conform to the provisions of this Division and to the said specifications.

Sec. 12312 - ADDITIONAL STAKES - If any stakes set for any work covered by this chapter are disturbed or destroyed by cause directly attributable to the permittee's delay in making use of the stakes, the Commissioner shall set the additional

stakes and shall charge the cost thereof to the permittee.

CHAPTER 4 - SPECIAL PROVISIONS FOR EXCAVATION AND ENCROACHMENT PERMITS

Sec. 12401 - PROVISIONS - The provisions of this chapter apply to permits for the making, or causing to be made, in any highway, of excavations, and for the placing, constructing, repairing, changing or removing of encroachments.

Sec. 12402 - REQUIREMENTS FOR PLAT - Each applicant for an excavation or encroachment permit shall file with the application a plat in triplicate showing the highways in which the proposed excavation or encroachment will be placed, together with the exact location and dimensions of the proposed excavations or the specifications and characteristics of the encroachment, together with any other details which the Commissioner requires. When excavations are made for service connections or for the location of trouble in conduits, cable, or pipe, or for making repairs thereto, the Commissioner may waive the filing of a plat. Approved plats shall become public records.

Sec. 12403 - MAINTENANCE OF WORK AREA - All materials excavated from trenching or other encroachment operations in the right-of-way shall be piled compactly, kept trim, and maintained in such a manner as not to endanger either the workers or the general public and to cause as little inconvenience as possible to those using the right-of-way or adjacent property. In areas too narrow to permit proper storage of material, the Commissioner may require that the permittee remove the material from the encroachment site.

Sec. 12404 - PRESERVATION OF SURVEY MONUMENTS - A monument set for the purpose of preserving survey points, lines or elevation shall not be removed or disturbed without first obtaining permission from the Commissioner. Replacement of a removed or disturbed monument shall be done by a registered civil engineer or a licensed land surveyor and shall be at the expense of the permittee.

Sec. 12405 - AMOUNT OF OPEN TRENCH - In any trenching operation, the open trench shall not be in excess of one day's work ahead of the trench work proper, unless specifically authorized by the Commissioner.

Sec. 12406 - PRESERVATION OF DRAINAGE - If the encroachment work interferes with the established drainage, the permittee shall provide for proper drainage in a manner approved by the Commissioner.

Sec. 12407 - SERVICES TO BE JACKED OR BORED - Laterals, services, and other small diameter pipes shall be jacked, bored, or driven beneath a paved surface unless other methods are approved by the Commissioner.

Sec. 12408 - MINIMUM COVER - The minimum cover over any pipe on conduit installed under any public highway shall be 30 inches of material measured vertically from the existing or proposed flow line of the nearest gutter to the top of the pipe or conduit. If a gutter flow line is not established, the cover shall be 30 inches of material measured from the surface of the nearest outermost edge of the travelled way to the top of the pipe or conduit. Where there are existing curbs and gutters

or where curbs and gutters are under construction, utilities may maintain a minimum 16 inches of cover starting one foot back of the curbline in the parkway or sidewalk areas. The Commissioner may permit the installation of pipes or conduits at lesser depths where the required cover cannot be provided.

Sec. 12409 - REPAVING BY COUNTY - With the permittee's concurrence or as an emergency measure, the Commissioner shall have the power to order the paving by County forces of any excavation up to 100 feet in length. The permittee shall reimburse the County in accordance with the schedule of charges as adopted by the Board of Supervisors.

Sec. 12410 - CLEAN UP AFTER COMPLETION - Immediately after completion of the work, the permittee shall clean up and remove all materials, earth and debris of any kind. If the permittee fails within 24 hours after having been notified to do so by the Commissioner, the work may be done by the Commissioner and the permittee charged in accordance with the schedule of charges adopted by the Board of Supervisors. When a pole, guy-stub or similar timber is removed and not replaced, the entire length thereof shall be removed from the ground and the hole backfilled and compacted.

Sec. 12411 - BACKFILLING AND COMPACTION - Backfilling and compaction of an excavation shall be in accordance with standards established by the Commissioner and adopted by resolution of the Board of Supervisors, both as to material and method. Backfilling shall commence within 48 hours after work in a trench is completed.

Sec. 12412 - AGREEMENT TO RELOCATE - Every application shall contain a statement, signed by the applicant, that if any tank, pole, pipe, cable, conduit, duct, obstruction or tunnel placed in the excavation or the encroachment for which a permit is issued, interferes with the future surface use of the highway by the general public, then the applicant and his successors or assigns will at his own expense remove or relocate to a location satisfactory to the Commissioner such tank, pole, pipe, cable, conduit, duct, tunnel or obstruction. The statement signed by the applicant will not apply in cases when the applicant has an easement superior to the highway easement at the time of application and can furnish evidence when required of such superior easement.

Sec. 12413 - EMERGENCY EXCAVATIONS - Nothing in this Division prohibits any person from maintaining by virtue of any law, ordinance or permit, any pipe, cable, or conduit in any highway, or from making such excavation as may be necessary for the preservation of life or property if the person making such excavation applies for a permit not later than the next business day.

Sec. 12414 - CABLE TELEVISION LINES - The Commissioner shall require all lines for the transmission and distribution of standard television or audio signals to be placed underground in highways when all power and telephone lines are underground and shall also require underground installation in all instances except where the applicant provides satisfactory proof of permission to use existing pole lines or where the Commissioner finds that the remoteness of the area or other conditions render underground installation impractical or infeasible.

Sec. 12415 - NO INTERFERENCE WITH OTHERS - The Commissioner may establish such requirements as he may find necessary to apply to the work to be done by any person in order to prevent interference with users of the highway and with holders of other permits.

CHAPTER 5 - SPECIAL PROVISIONS FOR MOVING PERMITS

Sec. 12501 - PROVISIONS - The provisions of this chapter apply to the use of the highway by a vehicle or load, or to any combination.

Sec. 12502 - MAY REQUIRE PLANKING - When so required by the Commissioner, a moving contractor shall place under each dolly or wheel used in moving a building or structure, or under each wheel of a vehicle, boards or planks of adequate width and strength to carry the load without being broken, to serve as a runway for such dolly or wheel during such moving along or across any portion of any highway which has a surface other than natural soil. The moving contractor shall prevent such dolly or wheel from ever revolving on or resting on such surface except upon such board, plank, or runway.

Sec. 12503 - REQUIRES RELOCATION PERMIT - In all cases where Ventura County Ordinance Code, Division 3, known as "The Building Code" requires the owner of any premises to which it is proposed to move any building or structure to obtain a relocation permit, the Commissioner shall not grant a permit to move such building or structure until the applicant furnishes to the Commissioner evidence that such owner has such relocation permit.

Sec. 12504 - OVERWEIGHT APPROVAL - The Commissioner shall not issue a permit to move any load when the weight of load, plus the weight of the vehicle or other equipment, exceeds the weight permitted by the Vehicle Code, except that if it appears to the Commissioner that the size, shape or physical characteristics of the load or portion thereof, to be moved, makes it impossible or impracticable to keep within such weight limits, the Commissioner may issue a permit to move a load on a vehicle every wheel of which is equipped with pneumatic tires where the Commissioner has determined that such movement will not cause injury to the highways, bridges, and appurtenances installed therein or thereunder.

Sec. 12505 - PERMIT AFFIX ON LOAD - When authorized by a permit issued by the State of California, Division of Highways, or the Commissioner, to move a vehicle or combination of vehicles or load of dimension or weight or other characteristic generally prohibited by law, the permittee shall comply with the general law regulating travel over a public highway, including posted signs or notices which limit a speed or direction of travel, or weight which may be placed upon a structure, or the width or height that may be moved on, over, or across, or otherwise restrict or control travel on a public highway, unless exempt by special permit.

Sec. 12506 - INSPECTION BY COMMISSIONER - The Commissioner may require that the moving of any load or vehicle be under the supervision of any inspector to be appointed by the Commissioner, with reimbursement to the County at the set fee or hourly rate as prescribed by the Board of Supervisors.

Sec. 12507 - PERMIT MAY BE WITHHELD - The Commissioner is authorized to issue or withhold the permit at his discretion, or, if the permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle or vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of the vehicle, when necessary to assure against undue interference with traffic or damage to the road foundations, surfaces or structures, and may require the undertaking of other security measures as may be deemed necessary to protect the highways and bridges from injury, or to provide indemnity for any possible injury resulting from the operation of the vehicle.

Sec. 12508 - EVIDENCE OF CLEARANCE - Before issuing a permit for the movement of a vehicle or object with a rolling height of over 16 feet, the Commissioner shall require evidence or notice of approval of height clearance from the public utility companies having overhead lines crossing the proposed route. Utilities may give notice by telephone.

Sec. 12515 - OVERHEAD STRUCTURE, HEIGHT - Each overhead structure which extends over the portion of the highway used by vehicles shall be not less than fifteen feet above the highest portion of the highway surface. If the Commissioner finds that traffic conditions are such that it is necessary for highway safety for such structure to be at a greater height, then such structure shall be at such greater height as specified by the Commissioner.

Sec. 12516 - OVERHEAD STRUCTURE, CONSTRUCTION - Each overhead structure used primarily for a covered shelter for ingress and egress into a doorway shall not exceed ten feet in width and shall have a vertical clearance of not less than eight feet at every point. Each structure shall be supported by metal posts on a line two feet back from the face of the curb, if any, otherwise from the edge of the portion of the highway designated for use by motor vehicles, and shall be constructed in such a manner that no portion thereof shall extend toward the roadway more than six inches beyond the metal posts.

Sec. 12517 - OVERHEAD STRUCTURE TO BE MAINTAINED - Any permit to erect or maintain an overhead structure shall be treated as and deemed to be a permit to maintain such structure until expiration or revocation of the permit. This section does not apply to agencies operating under approved franchise.

Sec. 12518 - REMOVAL AFTER EXPIRATION - Upon the effective date of the expiration or revocation of the permit, the person maintaining the overhead structure shall remove same, and restore any highway facility damaged or removed.

Sec. 12525 - PERMIT FOR FLAG HOLE - The Commissioner may grant a permit to drill a hole not exceeding four inches in diameter in a public sidewalk or in that portion of a public highway not used for vehicular traffic for the purpose of inserting a flagpole therein upon which the flag of the United States, the flag of the State of California, or the flag of the County of Ventura is displayed.

Sec. 12526 - HOLE TO BE PLUGGED OR REFILLED - Except when such hole is being used to support the flagpole of the flag of the United States, State of California, or County of Ventura, the

permittee or his successor or assign shall plug such hole with wood, metal, plastic or concrete plug, which shall be so constructed as to completely cover such hole, level with the surrounding surface, or shall refill such hole and restore the highway to a condition equivalent to that in which it was prior to the excavation.

Sec. 12535 - REQUIREMENTS FOR PLANTING - The applicant for a permit to plant trees or other plants in the right-of-way shall show in his application or by sketch the proposed location and the kind of plants. No change shall be made in either the location or kind without approval of the Commissioner. Upon planting trees or other plants in the right-of-way they become the property of the County.

Sec. 12535-1 - Denial of Planting Permit - The Commissioner may refuse to issue a permit authorizing the planting of trees or other plants in the right-of-way when, in his opinion, the location, the nature of growth, or the kind of tree, shrub, or other plant will be deleterious to the public highway, will unduly disturb the right-of-way or will in any way impede construction or maintenance of facilities.

Sec. 12536 - REMOVAL AND/OR TRIMMING OF TREES - Trimming of trees shall be permitted only when and in the manner authorized by a permit so that the shapeliness of the tree may be preserved. Removal of live trees requires Board of Supervisors approval, dead trees may be removed at the discretion of the Commissioner. The removal of trees will be approved and a permit issued only when a necessity for removal exists. When a tree is removed, the entire stump shall be taken out at least one foot below the existing or proposed subgrade unless otherwise specified in the permit, and the hole backfilled and compacted. All debris from trimming or removal shall be removed from the site and the right-of-way restored to its former condition.

Sec. 12537 - LAWN OR GROUND COVER IN RIGHT-OF-WAY - It is permissible to plant and maintain a lawn or similar ground cover not prohibited by law within the right-of-way of a public highway without a permit. However, the lawn or similar ground cover shall not extend into the travelled way of the public highway nor into the drainage ditches, gutters or other improved facilities.

Sec. 12537-1 - Use Not Denied - The public may not be denied the use of the planted area for pedestrian or other lawful use. The County may use the planted area for any purpose and may issue a permit to any applicant to perform encroachment work pursuant to this Division. If the lawn or similar ground cover is damaged in the course of an authorized encroachment, the permittee who caused the damage will be responsible for the replacement thereof unless the permit specifically states otherwise.

Sec. 12538 - SIGHT DISTANCE - No hedge, shrub or other planting and no fence or other structure shall be planted, erected or maintained in a right-of-way without a permit, upon any sidewalk or shoulder, or in such manner which impedes, obstructs, denies or impairs the sight distance for safe pedestrian or vehicular traffic.

Sec. 12539 - PLANTINGS NEAT AND ORDERLY - The permittee shall maintain hedges, shrubs or other plantings, and fences or similar structures in a neat and orderly condition. If the encroachment is not so maintained the Commissioner may direct the permittee to remove the encroachment and restore the right-of-way to its former condition at the expense of the permittee.

CHAPTER 6 - VIOLATIONS

Sec. 12601 - VIOLATION IS A MISDEMEANOR - Every person who performs any work regulated by this Division, either without first obtaining a permit therefor from the Commissioner or having a permit, fails or refuses to comply with any applicable provisions of this Division or with any condition of the permit or performs work contrary to any of the general or special requirements or specifications of the permit, is guilty of a misdemeanor, and is guilty of a separate offense for every day during any part of which such violation occurs.

Sec. 12602 - PROVISION FOR APPEAL - Any person aggrieved by the refusal or revocation of a permit may appeal to the Board of Supervisors within 30 days after the date of such action. The appeal shall be in the form of a written notice filed with the clerk of the Board of Supervisors and signed by the applicant. The notice shall have attached a copy of the application as filed with the Commissioner, shall recite such other items as have been filed, and shall state clearly and concisely the grounds upon which the applicant relies in his appeal.

Sec. 12602-1 - Time of Hearing - The clerk of the Board of Supervisors shall set the matter for hearing within 15 days after the notice is filed, and shall notify the applicant and the Commissioner of the setting.

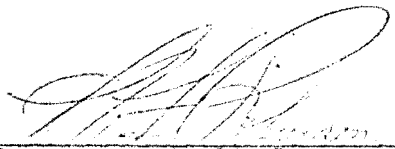
Sec. 12602-2 - Board Action - At the hearing, the applicant shall establish to the satisfaction of the Board that he is entitled to issuance of a permit under this Division or to reinstatement of a permit previously revoked. The Commissioner may present his grounds for denial or revocation of the permit. The decision of the Board is final.

PASSED and ADOPTED this 26th day of March,
1968, by the following vote:

AYES: Supervisors Conlan, Bennett, Appleton, Robinson

NOES: None

ABSENT: Supervisor Laubacher



Chairman, Board of Supervisors

ATTEST:

ROBERT L. HAMM, County Clerk
County of Ventura, State of
California & ex officio Clerk
of the Board of Supervisors
thereof

By 

Deputy

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MARCH 26, 1968, AT 9:00 O'CLOCK A. M.

* * * * *

ORD. 2041

ADOPTING ORDINANCE NO. 2041; AMENDING CODE RE ENCROACHMENTS
ON COUNTY HIGHWAYS ; DIRECTING PUBLICATION

An ordinance amending the Ventura County Ordinance Code
relating to Encroachments on County Highways,

is presented to the Board at this time, and upon motion of Supervisor
Conlan , seconded by Supervisor Appleton , and duly carried,
it is ordered that the same be passed and adopted as an ordinance of
the County of Ventura, to be known as Ordinance No. 2041.

Upon the roll being called, the members of the Board vote as follows:

Ayes: Supervisors Conlan, Bennett, Appleton, Robinson

Noes: None

Absent: Supervisor Laubacher

All members of the Board present voting on the passage and
adoption of said ordinance, it is hereby declared and ordered that
said ordinance is hereby passed and adopted as an ordinance of the
County of Ventura, to be known as Ordinance No. 2041.

It is further ordered that said ordinance shall take effect and
be in force at the expiration of thirty (30) days from the date hereof
and before the expiration of fifteen (15) days the same shall be
published, with the names of the members of the Board of Supervisors
voting for and against the same, at least once in the Oxnard Press
Courier , a newspaper of general circulation printed and published
in the County of Ventura, State of California.

* * * * *

COPIES TO:

DPW (2)
County Counsel
Files (2)
Item 24
3/26/68

fw

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

FROM: Department of Public Works

DATE: March 26, 1968

SUBJECT: DIVISION 12, VENTURA COUNTY ORDINANCE CODE, "ENCROACHMENT ORDINANCE"

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

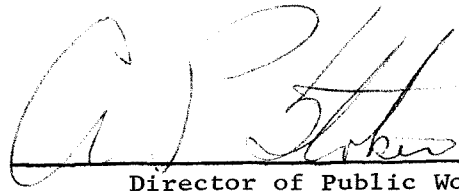
We have consolidated our existing encroachment ordinances and regrouped the sections by related subjects. Minor changes together with the rephrasing of some sections has been done to provide a more effective, workable directive. No major changes in basic policy have been made.

County Counsel has approved our revision as to format and legality.

We have worked closely with representatives of the Building Industry Association and the Ventura County Utility Coordinating Committee to the end that both organizations fully support our effort. We are aware of no objections to the adoption of this proposed ordinance.

REQUESTED OR RECOMMENDED ACTION:

Repeal the existing provisions of Division 12 of the Ventura County Ordinance Code and adopt the attached, revised ordinance in lieu thereof.


Director of Public Works

JW:ap

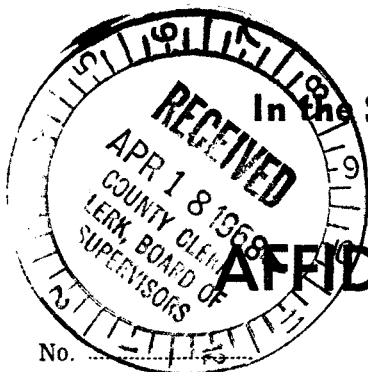
Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approved the above matter, this _____ day of _____ 19____

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.

DATED:

ROBERT L. HAMM, County Clerk
and Ex-Officio Clerk of the
Board of Supervisors.

COPIES TO:



In the Superior Court of the State of California

In and for the County of Ventura

AFFIDAVIT OF PUBLICATION

No. _____

County of Ventura

Board of Supervisors

STATE OF CALIFORNIA

COUNTY OF VENTURA

L. Condry

The undersigned, being first duly sworn, deposes, and says: That I am over the age of eighteen and not interested in the above entitled matter; that I am now, and at all times embraced in the publication herein mentioned, was the clerk of the Press-Courier, a newspaper of general circulation, printed and published daily, at the City of Oxnard in the above-named county and state; that

Ordinance No. 2041

of which the annexed clipping is a true printed copy, was published in the above-named newspaper on the following dates, to wit:

April 5, 1968

that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of Ventura County, State of California, on April 10, 1952, under the provisions of Chapter 1, Division 7, Title 1 of the Government Code of the State of California.

L. Condry
(Signature of Clerk)

Subscribed and sworn to before me this 5th

day of April 1968

Fred W. Robbins

Notary Public in and for said County and State



FRED W. ROBBINS
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
VENTURA COUNTY

Commission expires February 2, 1970

ORDINANCE NO. 2041

AN ORDINANCE AMENDING THE VENTURA COUNTY ORDINANCE NO. 12, AS AMENDED, RELATING TO ENCRoACHMENTS ON HIGHWAYS, AND PROVIDING FOR THE REPEAL OF SAID ORDINANCE NO. 12, AS AMENDED, IN SO FAR AS IT RELATES TO ENCRoACHMENTS ON HIGHWAYS.

this Ordinance other than the Ventura County Road Maintenance Division, and includes the United States and this State.

Sec. 12124 - **MOVING CONTRACTOR** - "Moving Contractor" means any person who for himself or for another moves or causes to be moved any load over, upon, along or across any highway.

Sec. 12125 - **VEHICLE** - "Vehicle" means a vehicle or combination of vehicles as described in the Vehicle Code which:

(a) Whether laden or unladen is required by the Vehicle Code to have a special permit to be on any highway,

(b) Is so laden that it is required to have such special permit.

Sec. 12126 - **VEHICLE CODE** - "Vehicle Code" means the State of California Vehicle Code in effect at the time of issuance of the permit.

Sec. 12127 - **ACTUAL COST** - "Actual Cost" is defined as the amount determined by applying the provisions of the Encroachment Fee Resolution as adopted by the Board of Supervisors.

Sec. 12128 - **SAFETY DEVICES, LIGHTS, BARRICADES** - In the conduct of the encroachment work, supplies and excavated material

GENERAL PROVISIONS AND DEFINITIONS

CHAPTER 1 - HIGHWAY ENCRoACHMENTS

DIVISION 12 - as follows: matter therein reenacted to read

Ventura County Ordinance No. 12, as amended, is hereby repealed and the subject

All provisions of Division 12 of the County of Ventura do ordain as follows:

The Board of Supervisors of the County of Ventura do ordain as follows:

ENCRoACHMENTS ON HIGHWAYS.

VENTURA COUNTY ORDINANCE NO. 12, AS AMENDED, RELATING TO ENCRoACHMENTS ON HIGHWAYS.

ORDINANCE NO. 2041

Mar. 29, Apr. 5, 12, 1968

By GUY A. FREMLIN, Sheriff

WILLIAM E. HILL, day of March, 1968.

Dated at Ventura, Calif. this 8th day of March, 1968.

And notice is hereby given that I will on Wednesday, the 24th day of April, 1968, at 2:00 o'clock P.M. of said day, in front of the Court House of the County of Ventura in the City of San Buenaventura in said County, sell to the highest bidder at PUBLIC AUCTION for law-

ful money of the United States all the right, title, claim and interest of said defendant ASUNCION P. DILLA in and to the above-described property, or so much thereof as may be necessary to raise sufficient money to satisfy said judgment, with interest and costs, and accruing costs.

Described real property, to-wit: PADILLA in and to the following

est. of said defendant ASUNCION P. DILLA, right, title, claim and interest, I have this day level upon

land states, besides costs and interest (0) or lawful money of the United States and SEVENTY-SIX DOLLARS AND NINETEEN CENTS

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, APRIL 19, 1983, AT 8:30 O'CLOCK A.M.

Highways General / 800 / ORD. #2041

ALL MEMBERS PRESENT

Upon motion of Supervisor Dougherty, seconded by Supervisor Erickson, and duly carried, the Board hereby approves the following matter:

PUBLIC WORKS AGENCY **county of ventura**

Director
Arthur E. Goulet

Manager — Administrative Services
Paul W. Ruffin

Deputy Directors

Ron Brazill
Real Property Services
Al F. Knuth
Transportation
T. M. Morgan
Engineering Services
G. J. Nowak
Flood Control/Water Resources

April 19, 1983

Board of Supervisors
County Government Center
800 So. Victoria Avenue
Ventura, California 93009

SUBJECT: RESOLUTION ESTABLISHING A NEW SCHEDULE OF FEES TO BE CHARGED FOR ENCROACHMENTS WITHIN COUNTY HIGHWAYS IN ACCORDANCE WITH VENTURA COUNTY ENCROACHMENT ORDINANCE NO. 2041

RECOMMENDATION:

Approve the attached resolution establishing a new schedule of fees to be charged for encroachments within County highways.

DISCUSSION:

Section 12222 of the Encroachment Ordinance (Ordinance No. 2041) authorizes your Board to establish and/or change, by resolution, the schedule of fees which will be charged for encroachments within County highways. The original schedule of fees for encroachments was adopted in July of 1965. There have been four minor fee changes and/or wording changes in the resolution since that time. These changes occurred in 1967, 1968, 1971 and 1976. However, there has been no increase in a majority of the encroachment fees since they were originally established.

Over the last three and one-half years, the costs for encroachment permit administration, issuance, and inspection have averaged about three times more than the revenues collected under the existing schedule of fees. However, over the last year and one-half, because of an increased emphasis on the encroachment function which has reduced encroachment-related problems, costs have increased to five to six times revenues. Exhibit A shows a summary of our revenues and expenditures. Our ultimate goal is to make the encroachment function self-supporting. Therefore, we are proposing an increase of encroachment fees which will bring a closer balance between revenues and expenditures.

The proposed schedule of fees is based on a review of our revenue requirements, and a comparison of the encroachment fees for the

April 19, 1983

State of California, nine neighboring Southern California counties, and twelve local and nearby cities. In most cases, the proposed fees represent an increase of approximately four to five times the current fees, and are consistent with fees charged by other jurisdictions. A comparison of our proposed fees and our current fees is shown on Exhibit B.

The projected revenues will still be below our current rate of expenditures (Exhibit C). However, we feel that any greater increase in fees at this time would be unacceptable to permittees and could result in an increase of illegal encroachment activities. Additionally, a greater increase would place our fees above other local area jurisdictions.

As an additional effort to close the gap between revenues and expenditures, we will review possible areas in which we can "streamline" our operations. We will also monitor our revenues and expenditures during the next 18 to 24 months, and propose additional adjustments if our monitoring reveals a need to do so.

The proposed fees have been reviewed and approved by the Auditor-Controller and the Chief Administrative Office.

If you have any questions regarding this item, please call the undersigned at extension 2077 or Ron Fuchiwaki at extension 2045.



Al F. Knuth
Deputy Director of Public Works

RKF:jmk

Attachments

COPIES TO:

Public Works (2)
Cost Accounting
Auditor-Controller
Assessor
Planning
Real Property Services
Surveyor
Files (4)
Item 24
4/19/83
rr

RESOLUTION OF THE COUNTY OF VENTURA BOARD OF SUPERVISORS
ESTABLISHING SCHEDULE OF FEES TO BE CHARGED FOR ENCROACHMENTS
WITHIN COUNTY HIGHWAYS IN ACCORDANCE WITH VENTURA COUNTY
ENCROACHMENT ORDINANCE NO. 2041

It is hereby resolved that fees charged under authority of the
VENTURA COUNTY ENCROACHMENT ORDINANCE shall be as follows:

I. GENERAL ENCROACHMENT PERMITS

1. Application/Issuance Fee: There shall be a minimum application/issuance fee of ten dollars (\$10.00) charged for each permit issued, and an additional twenty-five dollar (\$25.00) issuance fee for permits requiring an engineering review.
2. Permit/Inspection Fees: Permit fees shall be collected in addition to the issuance fee as follows:
 - a. Construction of curb, gutter and/or sidewalk \$ 25.00
 - b. Construction of residential driveway (each opening) \$ 25.00
 - c. Construction of commercial driveway (each opening) \$ 50.00
 - d. Use of County right of way for access to private property (swimming pools, equipment access, etc.) \$ 25.00
 - e. Major tree trimming, tree removal, stump removal \$ 25.00
Annual blanket permit \$100.00
 - f. Approved landscaping \$ 25.00
 - g. Surveying and traffic counting (per year) \$ 50.00
 - h. Miscellaneous construction and/or use of County road right of way \$ 25.00
Annual blanket permit \$100.00
 - i. Placing and/or relocation of power or telephone poles (blanket permit per year) \$100.00
Each permit for pole placement and/or relocation \$ 15.00

- j. Handling and loading fruit containers on shoulders of the road (per year) \$100.00

II. EXCAVATION PERMITS

1. Application/Issuance Fee: There shall be a minimum application/issuance fee of ten dollars (\$10.00) charged for each permit issued, and an additional twenty-five dollars (\$25.00) issuance fee for permits requiring an engineering review.
2. Permit/Inspection Fees for excavations shall be collected in addition to the issuance fee as follows:

100 linear ft. or less	\$ 50.00
101 to 1,000 linear ft.	\$ 75.00
1,001 to 3,000 linear ft.	\$100.00
3,001 to 5,000 linear ft.	\$150.00

Excavations exceeding 5,000 linear feet shall be charged \$150.00 plus \$0.05 per linear feet for each linear feet over 5,000.

3. Annual blanket permit for utility trenches not exceeding two feet in width and sixty feet in length, dug at a right angle to the centerline of the road, or an excavation not exceeding thirty square feet in area. \$100.00
Each excavation permitted under blanket permit \$ 15.00
4. An atlas fee of \$0.06 per linear foot of subsurface installation paralleling the centerline of the road will be charged. Laterals are excluded.

III. MOVING PERMITS

1. Application/Issuance Fee: \$ 10.00
2. Permit Fee: Truck or tractor and load exceeding legal width, legal length, legal height and/or legal weight as per State of California Vehicle Code (per vehicle per trip) \$ 10.00
3. Annual Blanket Permit: Truck or tractor and load, maximum width 12 feet, maximum height (loaded) 16 feet, maximum total length 75 feet, weight not to exceed purple loading (per vehicle per year) \$ 50.00

IV. MOVIE AND TELEVISION FILMING

1. Application/Issuance Fee: \$ 10.00
2. Permit Fee: A filming fee shall be charged for each day (24 hours) or partial day. \$100.00
3. Inspection Fee: There shall be an encroachment permit inspector present at all times during filming on County public roads. The permittee shall pay to the County the actual costs of providing the inspector.

V. EXTRAORDINARY INSPECTION COSTS AND CHARGES FOR COUNTY LABOR AND MATERIALS

Extraordinary costs and charges for County inspection labor and materials due County under the provisions of Section 12223 of Ordinance No. 2041 (Ventura County Encroachment Ordinance) shall be charged on the basis of actual cost per Section 12224 of Ordinance No. 2041. Extraordinary costs and charges for County inspection labor and materials shall be defined for purposes of the resolution as any costs or charges incurred by County resulting from permittee's failure to comply with all applicable permit conditions, ordinances and statutes.

VI. EMERGENCY "CALL OUTS"

The minimum charge for an emergency "call out" shall be based upon a minimum time of four hours per employee used regardless of the actual time involved. Emergency "call outs" for the purposes of this resolution shall be defined as providing men and equipment at times when normal Transportation Department operations are secured.

VII. ISSUANCE FEE EXEMPTION

The following shall be exempt from paying issuance and Permit/Inspection fees: The United States, this State, all departments of the County, any municipal corporation, and any school district. (Ventura County Encroachment Ordinance, Section 12218).

Any special district organized under State law shall be exempt from paying the issuance fee, but shall be subject to Permit/Inspection fees.

VIII. TIME EXTENSION FEE

A fifteen (\$15.00) time extension fee may be charged for each permit extension beyond the expiration date.

Upon motion of Supervisor Dougherty, seconded by Supervisor Erickson, and duly carried, the foregoing resolution was approved on April 19, 1983.

By John K. Flynn
Chair, Board of Supervisors

ATTEST:

Richard D. Dean, County Clerk
County of Ventura, State of
California and Ex-Officio Clerk
of the Board of Supervisors thereof.

By Roberta R. Rodriguez
Deputy Clerk



ENCROACHMENT PERMIT
REVENUE AND EXPENDITURES

<u>Fiscal Year</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Ratio (Expenditure/ Revenue)</u>
82-83 YTD*	\$ 12,364.00	\$ 35,901.38 Issuance 38,911.28 Inspection <u>74,812.66</u>	6:1
81-82	27,490.00	58,253.74 Issuance 85,778.46 Inspection <u>144,032.20</u>	5:1
80-81	56,677.65	45,512.90 Issuance 86,549.35 Inspection <u>132,062.25</u>	2:1
79-80	57,028.23	48,351.87 Issuance 107,069.73 Inspection <u>155,421.60</u>	3:1
	\$153,559.88	\$506,328.71 Avg. Ratio =	3:1

*YTD (Year to Date) = 7/1/82 to 1/7/83

EXHIBIT B

PROPOSED FEES VS EXISTING FEES

RESOLUTION OF THE COUNTY OF VENTURA BOARD OF SUPERVISORS
ESTABLISHING SCHEDULE OF FEES TO BE CHARGED FOR ENCROACHMENTS
WITHIN COUNTY HIGHWAYS IN ACCORDANCE WITH VENTURA COUNTY
ENCROACHMENT ORDINANCE NO. 2041

It is hereby resolved that fees charged under authority of the VENTURA COUNTY ENCROACHMENT ORDINANCE shall be as follows:

<u>I. GENERAL ENCROACHMENT PERMITS</u>		<u>Existing Fee</u>	
1.	<u>Application/Issuance Fee:</u> There shall be a minimum application/issuance fee of ten dollars (\$10.00) charged for each permit issued, and an additional twenty-five dollar (\$25.00) issuance fee for permits requiring an engineering review.		(\$5.00)
2.	<u>Permit/Inspection Fees:</u> Permit fees shall be collected in addition to the issuance fee as follows:		
a.	Construction of curb, gutter and/or sidewalk	\$ 25.00	(N.C.)
b.	Construction of residential driveway (each opening)	\$ 25.00	(\$ 5.00)
c.	Construction of commercial driveway (each opening)	\$ 50.00	(\$25.00)
d.	Use of County right of way for access to private property (swimming pools, equipment access, etc.)	\$ 25.00	(\$10.00)
e.	Major tree trimming, tree removal, stump removal	\$ 25.00	(\$ 5.00)
	Annual blanket permit	\$100.00	(\$25.00)
f.	Approved landscaping	\$ 25.00	(\$ 5.00)
g.	Surveying and traffic counting (per year)	\$ 50.00	(\$50.00)
h.	Miscellaneous construction and/or use of County road right of way	\$ 25.00	(\$ 5.00)
	Annual blanket permit	\$100.00	(\$25.00)
i.	Placing and/or relocation of power or telephone poles (blanket permit per year)	\$100.00	(\$25.00)
	Each permit for pole placement and/or relocation	\$ 15.00	(N.C.)

		Existing Fee
j.	Handling and loading fruit containers on shoulders of the road (per year)	\$100.00 (\$25.00)

II. EXCAVATION PERMITS

1. Application/Issuance Fee: There shall be a minimum application/issuance fee of ten dollars (\$10.00) charged for each permit issued, and an additional twenty-five dollars (\$25.00) issuance fee for permits requiring an engineering review. (\$ 5.00)
2. Permit/Inspection Fees for excavations shall be collected in addition to the issuance fee as follows:

100 linear ft. or less	\$ 50.00	(\$ 5.00)
101 to 1,000 linear ft.	\$ 75.00	(\$20.00)
1,001 to 3,000 linear ft.	\$100.00	(\$50.00)
3,001 to 5,000 linear ft.	\$150.00	(\$75.00)

Excavations exceeding 5,000 linear feet shall be charged \$150.00 plus \$0.05 per linear feet for each linear feet over 5,000. (Actual Time)
3. Annual blanket permit for utility trenches not exceeding two feet in width and sixty feet in length, dug at a right angle to the centerline of the road, or an excavation not exceeding thirty square feet in area. \$100.00 (\$20.00)

Each excavation permitted under blanket permit \$ 15.00 (\$ 3.00)
4. An atlas fee of \$0.06 per linear foot of subsurface installation paralleling the centerline of the road will be charged. Laterals are excluded. (\$ 0.03)

III. MOVING PERMITS

1. Application/Issuance Fee: \$ 10.00 (\$ 5.00)
2. Permit Fee: Truck or tractor and load exceeding legal width, legal length, legal height and/or legal weight as per State of California Vehicle Code (per vehicle per trip) \$ 10.00 (\$ 5.00)
3. Annual Blanket Permit: Truck or tractor and load, maximum width 12 feet, maximum height (loaded) 16 feet, maximum total length 75 feet, weight not to exceed purple loading (per vehicle per year) \$ 50.00 (\$20.00)

Existing
Fee

IV. MOVIE AND TELEVISION FILMING

1. Application/Issuance Fee: \$ 10.00 (\$5.00)
2. Permit Fee: A filming fee shall be charged for each day (24 hours) or partial day. \$100.00 (\$50.00)
3. Inspection Fee: There shall be an encroachment permit inspector present at all times during filming on County public roads. The permittee shall pay to the County the actual costs of providing the inspector. (Actual Cost)

V. EXTRAORDINARY INSPECTION COSTS AND CHARGES FOR COUNTY LABOR AND MATERIALS

Extraordinary costs and charges for County inspection labor (Same) and materials due County under the provisions of Section 12223 of Ordinance No. 2041 (Ventura County Encroachment Ordinance) shall be charged on the basis of actual cost per Section 12224 of Ordinance No. 2041. Extraordinary costs and charges for County inspection labor and materials shall be defined for purposes of the resolution as any costs or charges incurred by County resulting from permittee's failure to comply with all applicable permit conditions, ordinances and statutes.

VI. EMERGENCY "CALL OUTS"

The minimum charge for an emergency "call out" shall be (Same) based upon a minimum time of four hours per employee used regardless of the actual time involved. Emergency "call outs" for the purposes of this resolution shall be defined as providing men and equipment at times when normal Transportation Department operations are secured.

VII. ISSUANCE FEE EXEMPTION

The following shall be exempt from paying issuance and Permit/Inspection fees: The United States, this State, all departments of the County, any municipal corporation, and any school district. (Ventura County Encroachment Ordinance, Section 12218). (Same)

Any special district organized under State law shall be (Same) exempt from paying the issuance fee, but shall be subject to Permit/Inspection fees.

VIII. TIME EXTENSION FEE

Existing
Fee

A fifteen (\$15.00) time extension fee may be charged for each permit extension beyond the expiration date.

(N.C.)

Upon motion of Supervisor Dougherty, seconded by Supervisor Erickson, and duly carried, the foregoing resolution was approved on April 19, 1983.

By John K. Flynn
Chair, Board of Supervisors

ATTEST:

Richard D. Dean, County Clerk
County of Ventura, State of
California and Ex-Officio Clerk
of the Board of Supervisors thereof.

By

Roberta Rodriguez
Deputy Clerk



Item 24B
4/19/83

EXHIBIT C

ENCROACHMENT PERMITS

(Average 12 Month Period)

<u>Type</u>	<u>Average No. Issued</u>	<u>Fees Collected</u>	
		<u>Current Fees</u>	<u>Proposed Fees</u>
Driveways	150	\$ 1,500	\$ 5,300
Movies	70	19,500	23,600
Excavations	200	2,000	12,000
Annual Blankets	50	1,200	5,500
Blankets	200	600	3,000
Annual Moving	200	5,000	12,000
Moving (One Trip)	150	1,500	3,000
Swimming Pools	150	2,200	5,300
Miscellaneous Construction	130	1,200	4,400
TOTALS	1,300	\$34,700	\$74,100

Expenditures (average 12 month period): \$140,000

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JUNE 23, 1987, AT 8:30 A. M.

800/ORD.#2041

ALL MEMBERS PRESENT

Upon motion of Supervisor Schaefer, seconded by Supervisor Dougherty, and duly carried, the Board hereby approves the following matter, directing an annual review of these fees and review the matter of amending Encroachment Ordinance:

PUBLIC WORKS AGENCY county of ventura

Director
Arthur E. Goulet

Manager — Administrative Services
Paul W. Ruffin

June 23, 1987

Board of Supervisors
County Government Center
800 So. Victoria Avenue
Ventura, California 93009

Deputy Directors
Ron Brazill
Real Property Services
Al F. Knuth
Transportation
T. M. Morgan
Engineering Services
G. J. Nowak
Flood Control/Water Resources

SUBJECT: RESOLUTION ESTABLISHING A NEW SCHEDULE OF
FEES TO BE CHARGED FOR ENCROACHMENTS WITHIN
COUNTY HIGHWAYS IN ACCORDANCE WITH VENTURA
COUNTY ENCROACHMENT ORDINANCE NO. 2041

RECOMMENDATION:

Approve the attached resolution.

DISCUSSION:

Section 12222 of the Encroachment Ordinance (Ordinance No. 2041) authorizes your Board to establish, by resolution, the schedule of fees which will be charged for encroachments within County highways. We are requesting your approval of a new schedule of fees which we plan to implement on July 1, 1987.

The last fee revision was in April of 1983. Prior to that time, the costs for all encroachment activities including administration, enforcement and inspection, were rapidly approaching five times the revenues being generated by the old fees. Since then, the costs have stabilized at a level approximately 2-1/2 times the revenues. We have estimated this new schedule of fees will reduce the cost to revenue ratio to about 1.5 to 1 (Exhibit A). There are certain costs which are not recovered by this proposed schedule of fees, such as the investigation and enforcement of encroachment violations. However, in the future we will examine methods by which these costs can also be recovered. This may require an amendment to the encroachment ordinance.

The proposed schedule of fees is based on a review of our revenue requirements, and a comparison of encroachment fees for other public agencies in Southern California. We believe we have established fees which will recover the costs for encroachment permit administration, issuance, and inspection, and our proposed fees are similar to fees being charged by other public agencies. The fees were

June 23, 1987

generally increased in proportion to the impact to the County, that is, the involvement of staff time and the impact on the County road system.

Exhibit B shows a comparison of the current and proposed fee schedule. It is estimated the proposed fees will increase revenues by approximately \$40,000 per year.

This matter has been reviewed by County Counsel, the Auditor-Controller and the Chief Administrative Officer. Additionally, the proposed fees were reviewed by frequent permittees such as utility companies, trucking companies, contractors, etc., and we did not receive any significant objections.

If you have any questions regarding this item, please call Ron Fuchiwaki at extension 2045.



Arthur E. Goulet
Director

RKF:jmk

Attachment

COPIES TO:

PWA (2)
Cost Accounting
Auditor
Files (3)
Item 31
6/23/87 fw

RESOLUTION OF THE COUNTY OF VENTURA BOARD OF SUPERVISORS
ESTABLISHING SCHEDULE OF FEES TO BE CHARGED FOR ENCROACHMENTS
WITHIN COUNTY HIGHWAYS IN ACCORDANCE WITH VENTURA COUNTY
ENCROACHMENT ORDINANCE NO. 2041

It is hereby resolved that fees charged under authority of the
VENTURA COUNTY ENCROACHMENT ORDINANCE shall be as follows:

I. GENERAL ENCROACHMENT PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of fifteen dollars (\$15.00) charged for each permit issued, and an additional thirty-five dollars (\$35.00) issuance fee for permits requiring an engineering review.
2. Permit/Inspection Fees: Permit fees shall be collected in addition to the issuance fee as follows:
 - a. Construction of curb, gutter and/or sidewalk (100 lineal feet or less) \$ 35.00

Construction exceeding 100 lineal feet shall be charged \$35.00 plus \$0.50 per lineal foot over 100.
 - b. Construction of residential driveway (each opening) \$ 35.00
 - c. Construction of commercial driveway (each opening) \$100.00
 - d. Asphalt or concrete highway paving (100 square feet or less) \$ 50.00

Paving exceeding 100 square feet shall be charged \$50.00 plus \$1.00 per square foot over 100.
 - e. Use of County right of way for access to private property (swimming pools, equipment access, etc.) \$ 35.00
 - f. Major tree trimming, tree removal, stump removal \$ 35.00

Annual blanket permit \$150.00
 - g. Approved landscaping \$ 35.00
 - h. Surveying and traffic counting (per year) \$ 75.00

- | | |
|--|----------|
| i. Miscellaneous construction and/or use of County road right of way | \$ 35.00 |
| Annual blanket permit | \$150.00 |
| j. Placing and/or relocation of power or telephone poles (blanket permit per year) | \$150.00 |
| Each permit for pole placement and/or relocation | \$ 20.00 |
| k. Handling and loading fruit containers on shoulders of the road (per year) | \$150.00 |

II. EXCAVATION PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of fifteen dollars (\$15.00) charged for each permit issued, and an additional thirty-five dollars (\$35.00) issuance fee for permits requiring an engineering review.
2. Permit/Inspection Fees for excavations shall be collected in addition to the issuance fee as follows:

100 linear ft. or less	\$100.00
101 to 1,000 linear ft.	\$150.00
1,001 to 3,000 linear ft.	\$200.00
3,001 to 5,000 linear ft.	\$300.00

Excavations exceeding 5,000 linear feet shall be charged \$300.00 plus \$0.10 per lineal foot for each lineal foot over 5,000.
3. Annual blanket permit for utility trenches not exceeding two feet in width and sixty feet in length, dug at a right angle to the centerline of the road, or an excavation not exceeding thirty square feet in area. \$150.00

Each excavation permitted under blanket permit \$ 20.00
4. An atlas fee of \$0.06 per linear foot of subsurface installation paralleling the centerline of the road will be charged. Laterals are excluded.

III. MOVING PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of fifteen dollars (\$15.00) charged for each permit issued, and an additional thirty-five dollars (\$35.00) issuance fee for permits requiring an engineering review.

2. Permit Fee: Truck or tractor and load exceeding legal width, legal length, legal height and/or legal weight as per State of California Vehicle Code (per vehicle per trip) \$ 15.00
3. Annual Blanket Permit: Truck or tractor and load, maximum width 12 feet, maximum height (loaded) 16 feet, maximum total length 75 feet, weight not to exceed purple loading (per vehicle per year) \$ 75.00

IV. MOVIE AND TELEVISION FILMING

1. Issuance Fee: There shall be a minimum issuance fee of fifteen dollars (\$15.00) charged for each permit issued, and an additional thirty-five dollars (\$35.00) issuance fee for permits requiring an engineering review.
2. Permit Fee: A filming fee shall be charged for each day (24 hours) or partial day. \$300.00
3. Inspection Fee: There shall be an encroachment permit inspector present at all times during filming on County public roads. The permittee shall pay to the County the actual costs of providing the inspector.

V. EXTRAORDINARY INSPECTION COSTS AND CHARGES FOR COUNTY LABOR AND MATERIALS

Extraordinary costs and charges for County inspection labor and materials due County under the provisions of Section 12223 of Ordinance No. 2041 (Ventura County Encroachment Ordinance) shall be charged on the basis of actual cost in accordance with Section 12224 of Ordinance No. 2041. Extraordinary costs and charges for County inspection labor and materials shall be defined for purposes of this resolution as any costs or charges incurred by County resulting from permittee's failure to comply with all applicable permit conditions, ordinances and statutes.

VI. EMERGENCY "CALL OUTS"

The minimum charge for an emergency "call out" shall be based upon a minimum time of four hours per employee used regardless of the actual time involved. Emergency "call outs" for the purposes of this resolution shall be defined as providing men and equipment at times when normal Transportation Department operations are secured.

VII. ISSUANCE FEE EXEMPTION

The following shall be exempt from paying the issuance fee:
The United States, the State, all departments of the County,
any municipal corporation, any school district, and any
special district organized under State law. (Ventura County
Encroachment Ordinance, Section 12218).

All of the above may be subject to Permit/Inspection fees, at
the discretion of the Road Commissioner.

VIII. TIME EXTENSION FEE

A twenty dollar (\$20.00) time extension fee may be charged
for each permit extension beyond the expiration date.

Upon motion of Supervisor Schaefer, seconded by
Supervisor Laughton, and duly carried, the foregoing
resolution was approved on June 23, 1987.

By

Maggie E. Eubank
Chair, Board of Supervisors

ATTEST:

Richard D. Dean, County Clerk
County of Ventura, State of
California and Ex-Officio Clerk
of the Board of Supervisors thereof.

By

Raymond Hillard
Deputy Clerk



BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, OCTOBER 18, 1988, AT 8:30 A.M.

800/ORD. #2041

ALL MEMBERS PRESENT
EXCEPT SUPERVISOR FLYNN

Upon motion of Supervisor Dougherty, seconded by Supervisor Erickson, and duly carried, the Board hereby approves the following matter:

PUBLIC WORKS AGENCY county of ventura

Director
Arthur E. Goulet

Manager — Administrative Services
Paul W. Ruffin

October 18, 1988

Board of Supervisors
County Government Center
800 So. Victoria Avenue
Ventura, California 93009

Deputy Directors

Ron Brazill
Real Property Services
Al F. Knuth
Transportation
T. M. Morgan
Engineering Services
G. J. Nowak
Flood Control/Water Resources

SUBJECT: ANNUAL REVIEW OF FEES CHARGED FOR ENCROACHMENT
PERMITS WITHIN COUNTY HIGHWAYS IN ACCORDANCE
WITH VENTURA COUNTY ORDINANCE NO. 2041

RECOMMENDATION:

1. Retain the present schedule of fees.

DISCUSSION:

Section 12222 of Encroachment Ordinance No. 2041 authorizes your Board to establish, by resolution, the schedule of fees charged for encroachments within Ventura County highways. Consistent with Board policy, we have completed our annual review of encroachment permit fees. Based on this review, it is recommended we retain the present schedule of fees.

Last year's fee increase, the first since 1983, resulted in a revenue increase of \$61,402.93. This was a 72% increase above Fiscal Year 86/87 total revenue (see Exhibit A). Additionally, the expenditure to revenue ratio which varied from 2.2 to 2.4 to 1, experienced in 1984, was reduced to 1.35 to 1, which is a greater reduction than we anticipated (we had estimated 1.50 to 1). The present fee schedule is consistent with, and in some instances exceeds, fees charged by the nine neighboring Southern California counties. A fee increase this year, following last year's substantial increase, may place Ventura County's fees inordinately above the other Southern California counties. The expenditure/revenue ratio will be reviewed annually and periodic fee increases recommended to further reduce the Road Fund subsidy of the encroachment permit process.

Last year we also told your Board we would review the matter of amending the encroachment ordinance to enable the recovery of costs for investigation and enforcement of encroachment violations. We have determined the encroachment ordinance need not be amended to recover these costs. Cost recovery for investigation and enforcement of encroachment violations will be offset by charging double fees as authorized by Section 12222 of the existing ordinance.

October 18, 1988

If you have any questions regarding this item, please contact the undersigned at extension 2077.



Al F. Knuth
Deputy Director of Public Works

RS:SM:jmk

Attachment

COPIES TO:

PWA (2)
Auditor
Files (3)
Item 24
10/18/88 rr

EXHIBIT A

ENCROACHMENT PERMIT REVENUE AND EXPENDITURES

<u>Fiscal</u> <u>Year</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Ratio</u> <u>(Expenditure/</u> <u>Revenue)</u>
87-88	\$146,750.43	\$ 96,418.46 Issuance <u>101,410.12</u> Inspection 197,828.58	1.35:1
86-87	85,347.50	94,539.16 Issuance <u>112,936.97</u> Inspection 207,476.13	2.4:1
85-86	88,680.38	86,495.13 Issuance <u>104,771.89</u> Inspection 191,267.02	2.2:1
84-85	76,336.01	95,223.53 Issuance <u>85,336.61</u> Inspection 180,560.14	2.4:1
83-84	80,926.21	67,499.14 Issuance <u>71,248.55</u> Inspection 138,747.69	1.7:1
82-83	34,576.75	72,608.53 Issuance <u>73,821.96</u> Inspection 146,430.49	4.2:1
81-82	27,490.00	58,253.74 Issuance <u>85,778.46</u> Inspection 144,032.20	5:1

Sec. 12216 - ISSUANCE FEE AND OTHER COSTS - All persons, except as otherwise provided in this Division, shall pay an issuance fee and all other costs and charges as established for the work described in this Division.

Sec. 12217 - DEPOSIT OF FEES - Issuance fees and charges for repairs, inspection, or engineering collected under the provisions of this Division shall be deposited in the respective funds from which the corresponding disbursements were made.

Sec. 12218 - ISSUANCE FEE EXEMPTION - The following shall be exempt from paying the issuance fee: the United States, this State, all departments of this County, any municipal corporation, any school district, and any special district organized under State law.

Sec. 12218-1 - ISSUANCE FEE, COUNTY PUBLIC WORKS - The Commissioner may grant a permit without issuance fee if he finds that the work to be done has been requested by the County in connection with proposed public works.

Sec. 12219 - PUBLIC WELFARE FEE WAIVER - If the Commissioner determines that the waiver of any part of the fees is necessary to promote the safety and public welfare he may in specific instances waive all fees and deposits.

Sec. 12220 - PERMIT COPY FEE - The fee for each true copy of a permit to the permittee is twenty-five cents, (\$0.25).

Sec. 12221 - CHARGES FOR CURBS, ETC. - The Commissioner shall not charge for any engineering or inspection on permits for the construction of curbs, gutters, walks and highway surfaces except when the construction of curbs, gutters, walks and highway surfaces is in connection with subdivision activity or is directly for private interests where the public is not benefited.

Sec. 12222 - SCHEDULE OF FEES, DOUBLE FEES - The schedule of fees or charges will be those recommended by the Commissioner and adopted by the resolution of the Board of Supervisors from time to time. Where work for which a permit is required by this Division is started or proceeded with, prior to obtaining said permit, the specified fees shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Division in the execution of the work nor from any other penalties prescribed herein.

Sec. 12223 - PERMITTEE TO PAY FOR ALL COSTS - The permittee is liable for and shall pay for all the Commissioner's costs related to the permit, including but not restricted to the following:

- a. The permit issuance fee if that has not otherwise been paid;
- b. Engineering, which includes design, inspection, survey, and tests;
- c. The cost of any inspection, transportation, or test made;
- d. The cost of repairing or restoring the highways and all appurtenant facilities to the same or equal condition that they were in before being cut or damaged as a result of the permittee's activities;

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JULY 11, 1989, AT 8:30 A.M.

800/ORD. #2041

ALL MEMBERS PRESENT

After public hearing, upon motion of Supervisor Schaefer, seconded by Supervisor Dougherty, and duly carried, the Board hereby approves the following matter:

PUBLIC WORKS AGENCY county of ventura

Director
Arthur E. Goulet

Manager — Administrative Services
Paul W. Ruffin

July 11, 1989

Board of Supervisors
County Government Center
800 So. Victoria Avenue
Ventura, California 93009

Deputy Directors

Ron Brazill
Real Property Services
Al F. Knuth
Transportation
T. M. Morgan
Engineering Services
G. J. Nowak
Flood Control/Water Resources

SUBJECT: RESOLUTION ESTABLISHING A NEW SCHEDULE OF FEES TO BE CHARGED FOR ENCROACHMENTS WITHIN COUNTY HIGHWAYS IN ACCORDANCE WITH VENTURA COUNTY ENCROACHMENT ORDINANCE NO. 2041

RECOMMENDATION:

1. Conduct a public hearing and consider testimony of individuals commenting on the new fee schedule.
2. Approve the attached resolution.

DISCUSSION:

Section 12222 of the Encroachment Ordinance (Ordinance No. 2041) authorizes your Board to establish, by resolution, the schedule of fees which will be charged for encroachments within County highways. We are requesting your approval of a new schedule of fees to be implemented immediately.

Pursuant to the direction of your Board on June 23, 1987, a review of encroachment fees is conducted annually. The annual review enables a comparison to be made between the costs for encroachment permit administration, issuance, and field inspection versus the revenue received in permit fees. The last fee increase, approved by your Board June 23, 1987, resulted in a reduction of the expenditure to revenue ratio from 2.4 to 1 in FY 86 - 87 to 1.35 to 1 in FY 87 - 88. There was no fee increase for FY 88 - 89, and the expenditure to revenue ratio is expected to increase to 1.55 to 1 (Exhibit A).

The proposed schedule of fees is based on a review of our revenue requirements. The fees were generally increased in proportion to the involvement of staff time and the impact on the County road system. Ideally, a 1 to 1 ratio would achieve total cost recovery for the encroachment permit process.

Exhibit B shows a comparison of the current and proposed fee schedules. It is estimated the proposed fees will increase revenues approximately \$55,000 per year, reducing the expenditure to revenue ratio to 1.1 to 1.

July 11, 1989

Notice of the public hearing was published pursuant to Government Code Section 54994.1.

This matter has been reviewed by County Counsel, Auditor-Controller and Chief Administrative Officer. If you have any questions regarding this item, please call Ron Sheppard, Encroachment Permit Engineer, at extension 2055 or Steve Manz at extension 2045.



Al F. Knuth
Deputy Director of Public Works

RLS:jmk

Attachments

COPIES TO:

PWA (2)
Auditor
Files (3)
Item 9
7/11/89 rr

RESOLUTION OF THE COUNTY OF VENTURA BOARD OF SUPERVISORS
ESTABLISHING SCHEDULE OF FEES TO BE CHARGED FOR ENCROACHMENTS
WITHIN COUNTY HIGHWAYS IN ACCORDANCE WITH VENTURA COUNTY
ENCROACHMENT ORDINANCE NO. 2041

It is hereby resolved that fees charged under authority of the
VENTURA COUNTY ENCROACHMENT ORDINANCE shall be as follows:

I. GENERAL ENCROACHMENT PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of twenty-five dollars (\$25.00) charged for each permit issued, and an additional fifty dollars (\$50.00) issuance fee for permits requiring an engineering review.
2. Permit/Inspection Fees: Permit fees shall be collected in addition to the issuance fee as follows:
 - a. Construction of curb, gutter and/or sidewalk (100 lineal feet or less) \$ 50.00

Construction exceeding 100 lineal feet shall be charged \$50.00 plus \$0.50 per lineal foot over 100.
 - b. Construction of residential driveway (each opening) \$ 50.00
 - c. Construction of commercial driveway (each opening) \$125.00
 - d. Asphalt or concrete highway paving (100 square feet or less) \$ 75.00

Paving exceeding 100 square feet shall be charged \$75.00 plus \$0.50 per square foot over 100.
 - e. Use of County right of way for access to private property (swimming pools, equipment access, etc.) \$ 50.00
 - f. Major tree trimming, tree removal, stump removal \$ 50.00

Annual blanket permit \$175.00
 - g. Approved landscaping \$ 50.00

h. Surveying and traffic counting (per year)	\$100.00
i. Miscellaneous construction and/or use of County road right of way	\$ 50.00
Annual blanket permit	\$175.00
j. Placing and/or relocation of power or telephone poles (blanket permit per year)	\$175.00
Each permit for pole placement and/or relocation	\$ 25.00
k. Handling and loading fruit containers on shoulders of the road (per year)	\$175.00

II. EXCAVATION PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of twenty-five dollars (\$25.00) charged for each permit issued, and an additional fifty dollars (\$50.00) issuance fee for permits requiring an engineering review.
2. Permit/Inspection Fees for excavations shall be collected in addition to the issuance fee as follows:

100 linear ft. or less	\$125.00
101 to 1,000 linear ft.	\$175.00
1,001 to 3,000 linear ft.	\$225.00
3,001 to 5,000 linear ft.	\$325.00

Excavations exceeding 5,000 linear feet shall be charged \$325.00 plus \$0.10 per lineal foot for each lineal foot over 5,000.
3. Annual blanket permit for utility trenches not exceeding two feet in width and sixty feet in length, dug at a right angle to the centerline of the road, or an excavation not exceeding thirty square feet in area. \$175.00
Each excavation permitted under blanket permit \$ 25.00
4. An atlas fee of \$0.06 per linear foot of subsurface installation paralleling the centerline of the road will be charged. Laterals are excluded.

III. MOVING PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of twenty-five dollars (\$25.00) charged for each permit issued, and an additional fifty dollars (\$50.00) issuance fee for permits requiring an engineering review.
2. Permit Fee: Truck or tractor and load exceeding legal width, legal length, legal height and/or legal weight as per State of California Vehicle Code (per vehicle per trip) \$ 25.00
3. Annual Blanket Permit: Truck or tractor and load, maximum width 12 feet, maximum height (loaded) 16 feet, maximum total length 75 feet, weight not to exceed purple loading (per vehicle per year) \$100.00

IV. MOVIE AND TELEVISION FILMING

1. Issuance Fee: There shall be a minimum issuance fee of twenty-five dollars (\$25.00) charged for each permit issued, and an additional fifty dollars (\$50.00) issuance fee for permits requiring an engineering review.
2. Permit Fee: A filming fee shall be charged for each day (24 hours) or partial day. \$500.00
3. Inspection Fee: There shall be an encroachment permit inspector present at all times during filming on County public roads. The permittee shall pay to the County the actual costs of providing the inspector.

V. EXTRAORDINARY INSPECTION COSTS AND CHARGES FOR COUNTY AND MATERIALS

Extraordinary costs and charges for County inspection labor and materials due County under the provisions of Section 12223 of Ordinance No. 2041 (Ventura County Encroachment Ordinance) shall be charged on the basis of actual cost in accordance with Section 12224 of Ordinance No. 2041. Extraordinary costs and charges for County inspection labor and materials shall be defined for purposes of this resolution as any costs or charges incurred by County resulting from permittee's failure to comply with all applicable permit conditions, ordinances and statutes.

VI. EMERGENCY "CALL OUTS"

The minimum charge for an emergency "call out" shall be based upon a minimum time of four hours per employee used regardless of the actual time involved. Emergency "call outs" for the purposes of this resolution shall be defined as providing men and equipment at times when normal Transportation Department operations are secured.

VII. ISSUANCE FEE EXEMPTION

The following shall be exempt from paying the issuance fee: The United States, the State, all departments of the County, any municipal corporation, any school district, and any special district organized under State law. (Ventura County Encroachment Ordinance, Section 12218).

All of the above may be subject to Permit/Inspection fees, at the discretion of the Road Commissioner.

VIII. TIME EXTENSION FEE

A twenty-five dollar (\$25.00) time extension fee may be charged for each permit extension beyond the expiration date.

Upon motion of Supervisor Schaefer, seconded by Supervisor Daugherty, and duly carried, the foregoing resolution was approved on July 11, 1989.

BY Susan K. Lacey
Chair, Board of Supervisors

ATTEST:

Richard D. Dean, County Clerk
County of Ventura, State of
California and Ex-Officio Clerk
of the Board of Supervisors thereof.

By Roberta Rodriguez
Deputy clerk



BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JANUARY 30, 1990, AT 8:30 A.M.

239/ORD. #2041

ALL MEMBERS PRESENT
EXCEPT SUPERVISOR FLYNN

Upon motion of Supervisor Dougherty, seconded by Supervisor Erickson, and duly carried, the Board hereby approves the following matter:

PUBLIC WORKS AGENCY county of ventura

Director
Arthur E. Goulet

Representing Ex-officio:

Ventura County Flood Control District
Ventura County Waterworks Districts
No. 1, 16, 17, and 19
Lake Sherwood Community Services District
Fox Canyon Groundwater Management Agency

Deputy Directors

John C. Crowley
Water Resources/Development
Al F. Knuth
Transportation
T.M. Morgan
Engineering Services
G.J. Nowak
Flood Control
Paul W. Ruffin
Central Services

January 30, 1990

Board of Supervisors
County Government Center
800 So. Victoria Avenue
Ventura, California 93009

SUBJECT: UTILITY ATLAS PROGRAM

RECOMMENDATION:

1. Authorize the Director of Public Works to give notice of termination of the agreements with the cities of Camarillo, San Buenaventura, Oxnard, Port Hueneme, Simi Valley and Thousand Oaks.
2. By adoption of the attached resolution, delete the Utility Atlas Fee contained in the July 11, 1989 Resolution of your Board adopting fees for Ventura County Encroachment Ordinance No. 2041.
3. Direct the Public Works Agency to abandon the Utility Atlas program.

DISCUSSION:

In the early 1970's, the Public Works Agency was authorized to start a mapping program and to prepare and maintain a Utility Atlas to provide a central location for obtaining underground utility information. Agreements were entered into with a number of cities to collect a fee of \$0.06 per linear foot from owners of underground utilities being installed to help pay for the preparation and maintenance of the Atlas. Utility atlas fees collected through issuance of County encroachment permits in FY 1988-89 amounted to \$8,464.26. Part of the Atlas has been prepared and all of the money collected as fees has been expended for the purpose collected.

Government Code Section 4216 provides for all subsurface utility owners to be members of a regional notification center where one call by an excavator will put the excavator in contact with all

January 30, 1990

owners of such utilities so that their locations can be determined. This procedure is superior to a Utility Atlas because the information comes from sources that are the most up-to-date. The Utility Atlas, if completed, would always be three to six months out of date.

In June 1989, we invited all of the cities with which we have agreements to meet and discuss the possible abandonment of the Utility Atlas program. All attendees agreed that the regional notification center had negated the need for the Atlas. Following the meeting, all of the cities were notified of the results of the meeting and the action proposed. None of the cities responded that they wanted the Utility Atlas program to continue. Based on the above, it is recommended that the Utility Atlas program be discontinued, that each of the cities be given formal notice to rescind the agreements, and that the County stop charging the fee in unincorporated areas.

Section 12222 of the Encroachment Ordinance (Ordinance No. 2041) authorizes your Board to establish, by resolution, the schedule of fees which will be charged for encroachments within County highways. We are requesting approval of the attached resolution which does not include the Utility Atlas fee. Since we are simply deleting a fee, and not establishing a new fee or increasing a fee, a public hearing on this matter is not required.

This item has been reviewed by County Counsel, the Auditor-Controller and Chief Administrative Officer.

If you have any questions regarding this item, please contact the undersigned at extension 2077.



Al F. Knuth
Deputy Director of Public Works

TMM:RLS:jmk

Attachment

COPIES TO:

PWA (2)
Auditor
Files (3)
Item 32
1/30/90 rr

RESOLUTION OF THE COUNTY OF VENTURA BOARD OF SUPERVISORS
ESTABLISHING SCHEDULE OF FEES TO BE CHARGED FOR ENCROACHMENTS
WITHIN COUNTY HIGHWAYS IN ACCORDANCE WITH VENTURA COUNTY
ENCROACHMENT ORDINANCE NO. 2041

It is hereby resolved that fees charged under authority of the
VENTURA COUNTY ENCROACHMENT ORDINANCE shall be as follows:

I. GENERAL ENCROACHMENT PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of twenty-five dollars (\$25.00) charged for each permit issued, and an additional fifty dollars (\$50.00) issuance fee for permits requiring an engineering review.
2. Permit/Inspection Fees: Permit fees shall be collected in addition to the issuance fee as follows:
 - a. Construction of curb, gutter and/or sidewalk (100 lineal feet or less) \$ 50.00

Construction exceeding 100 lineal feet shall be charged \$50.00 plus \$0.50 per lineal foot over 100.
 - b. Construction of residential driveway (each opening) \$ 50.00
 - c. Construction of commercial driveway (each opening) \$125.00
 - d. Asphalt or concrete highway paving (100 square feet or less) \$ 75.00

Paving exceeding 100 square feet shall be charged \$75.00 plus \$0.50 per square foot over 100.
 - e. Use of County right of way for access to private property (swimming pools, equipment access, etc.) \$ 50.00
 - f. Major tree trimming, tree removal, stump removal \$ 50.00

Annual blanket permit \$175.00
 - g. Approved landscaping \$ 50.00

- | | |
|--|----------|
| h. Surveying and traffic counting (per year) | \$100.00 |
| i. Miscellaneous construction and/or use of County road right of way | \$ 50.00 |
| Annual blanket permit | \$175.00 |
| j. Placing and/or relocation of power or telephone poles (blanket permit per year) | \$175.00 |
| Each permit for pole placement and/or relocation | \$ 25.00 |
| k. Handling and loading fruit containers on shoulders of the road (per year) | \$175.00 |

II. EXCAVATION PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of twenty-five dollars (\$25.00) charged for each permit issued, and an additional fifty dollars (\$50.00) issuance fee for permits requiring an engineering review.
2. Permit/Inspection Fees for excavations shall be collected in addition to the issuance fee as follows:

100 linear ft. or less	\$125.00
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3,001 to 5,000 linear ft.	\$325.00

Excavations exceeding 5,000 linear feet shall be charged \$325.00 plus \$0.10 per lineal foot for each lineal foot over 5,000.
3. Annual blanket permit for utility trenches not exceeding two feet in width and sixty feet in length, dug at a right angle to the centerline of the road, or an excavation not exceeding thirty square feet in area. \$175.00

Each excavation permitted under blanket permit \$ 25.00

III. MOVING PERMITS

1. Issuance Fee: There shall be a minimum issuance fee of twenty-five dollars (\$25.00) charged for each permit issued, and an additional fifty dollars (\$50.00) issuance fee for permits requiring an engineering review.
2. Permit Fee: Truck or tractor and load exceeding legal width, legal length, legal height and/or legal weight as per State of California Vehicle Code (per vehicle per trip) \$ 25.00
3. Annual Blanket Permit: Truck or tractor and load, maximum width 12 feet, maximum height (loaded) 16 feet, maximum total length 75 feet, weight not to exceed purple loading (per vehicle per year) \$100.00

IV. MOVIE AND TELEVISION FILMING

1. Issuance Fee: There shall be a minimum issuance fee of twenty-five dollars (\$25.00) charged for each permit issued, and an additional fifty dollars (\$50.00) issuance fee for permits requiring an engineering review.
2. Permit Fee: A filming fee shall be charged for each day (24 hours) or partial day. \$500.00
3. Inspection Fee: There shall be an encroachment permit inspector present at all times during filming on County public roads. The permittee shall pay to the County the actual costs of providing the inspector.

V. EXTRAORDINARY INSPECTION COSTS AND CHARGES FOR COUNTY AND MATERIALS

Extraordinary costs and charges for County inspection labor and materials due County under the provisions of Section 12223 of Ordinance No. 2041 (Ventura County Encroachment Ordinance) shall be charged on the basis of actual cost in accordance with Section 12224 of Ordinance No. 2041. Extraordinary costs and charges for County inspection labor and materials shall be defined for purposes of this resolution as any costs or charges incurred by County resulting from permittee's failure to comply with all applicable permit conditions, ordinances and statutes.

VI. EMERGENCY "CALL OUTS"

The minimum charge for an emergency "call out" shall be based upon a minimum time of four hours per employee used regardless of the actual time involved. Emergency "call outs" for the purposes of this resolution shall be defined as providing men and equipment at times when normal Transportation Department operations are secured.

VII. ISSUANCE FEE EXEMPTION

The following shall be exempt from paying the issuance fee: The United States, the State, all departments of the County, any municipal corporation, any school district, and any special district organized under State law. (Ventura County Encroachment Ordinance, Section 12218).

All of the above may be subject to Permit/Inspection fees, at the discretion of the Road Commissioner.

VIII. TIME EXTENSION FEE

A twenty-five dollar (\$25.00) time extension fee may be charged for each permit extension beyond the expiration date.

Upon motion of Supervisor Dougherty, seconded by Supervisor Erickson, and duly carried, the foregoing resolution was approved on January 30, 1990.

By [Signature]
Chair, Board of Supervisors

ATTEST:

Richard D. Dean, County Clerk
County of Ventura, State of
California and Ex-Officio Clerk
of the Board of Supervisors thereof.

By [Signature]
Deputy clerk



Item 32 A
1/30/90

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MAY 28, 1991, AT 8:30 A.M.

Highways General/Ord. #2041

ALL MEMBERS PRESENT
EXCEPT SUPERVISOR FLYNN

Upon motion of Supervisor Howard, seconded by Supervisor VanderKolk, and duly carried, the Board hereby sets Public Hearing for June 25, 1991 at 9:00 a.m.:

PUBLIC WORKS AGENCY
county of ventura

Director
Arthur E. Goulet

Manager — Administrative Services
Paul W. Ruffin

Deputy Directors

Ron Brazill
Real Property Services
Al F. Knuth
Transportation
T. M. Morgan
Engineering Services
G. J. Nowak
Flood Control/Water Resources

May 28, 1991

Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, California 93009

SUBJECT: RESOLUTION ESTABLISHING A NEW SCHEDULE OF FEES
TO BE CHARGED FOR ENCROACHMENTS WITHIN COUNTY
HIGHWAYS IN ACCORDANCE WITH VENTURA COUNTY
ENCROACHMENT ORDINANCE NO. 2041

RECOMMENDATION:

On May 28, 1991:

Set a public hearing for June 25, 1991, at 9:00 A.M.

On June 25, 1991:

1. Conduct the public hearing and consider testimony of individuals commenting on the new fee schedule.
2. Approve the attached Resolution.

DISCUSSION:

Section 12222 of the Encroachment Ordinance (Ordinance No. 2041) authorizes your Board to establish, by resolution, the Schedule of Fees charged for encroachments within County highways. We are requesting your approval of a new Schedule of Fees to be implemented immediately.

Pursuant to the direction of your Board on June 23, 1987, a review of encroachment fees is conducted annually. The annual review enables a comparison to be made between the costs for encroachment permit administration, issuance, and field inspection versus the revenue received in permit fees. The last fee increase, approved by your Board on July 11, 1989, resulted in increased revenue of \$33,569.52 in FY 89/90 with a resultant expenditure to revenue ratio of 1.8 to 1 (Exhibit A).

May 28, 1991

The proposed schedule of fees is based on a review of our revenue requirements. The fees were generally increased in proportion to the involvement of staff time and the impact of encroachments on the County road system. The projected revenue of \$235,000 will still be below the projected expenditures of \$325,000 shown on Exhibit A; however, we feel that a greater increase in fees at this time could result in fewer permits issued, generating less revenue and an increase in illegal encroachment activities. Additionally, a greater fee increase would place the County's fees disproportionately above other local jurisdictions for comparable encroachment activities.

In accordance with Division 15, Section 35795(b) of the California Vehicle Code, the fees for transportation permits, established by local authority, shall not exceed those developed by the Department of Transportation. The fees indicated in Section III, 1 and 2, of the attached fee resolution have been revised accordingly.

It is estimated the proposed fee schedule will increase revenues approximately \$45,000 per year, reducing the expenditure to revenue ratio to 1.4 to 1. This ratio will continue to be reviewed annually and periodic fee increases recommended to maintain a reasonable ratio.

Notice of public hearing will be published to comply with Government CCode Section 66018 and Vehicle Code Section 35795.

This matter has been reviewed by County Counsel, Auditor-Controller and Chief Administrative Officer.

If you have any questions regarding this matter, please call the undersigned at Extension 2077.


Al F. Knuth
Deputy Director of Public Works

RLS:jc

Encl.

COPIES TO:

PWA (2)
Auditor
Files (2)
Item 21
5/28/91 mm