



## City of Fort Bragg

### Administrative Regulation No. E-3

#### **ENCROACHMENT PERMITS**

##### **I. OBJECTIVE**

The objective of this Administrative Regulation is to establish policy and procedures for the issuance of Encroachment Permits, to assist in responding to citizen inquiry and complaints concerning Encroachment Permits, to provide reasonable standards for public safety in connection with Encroachment Permits, and to protect the City against litigation arising out of incidents related to closure of portions of the City right-of-way.

##### **II. PROCEDURES**

1. A City Encroachment Permit shall be completed by an applicant and submitted to the City Clerk along with proof of liability insurance and fee.
2. The City Clerk shall review the insurance submitted to verify its adequacy.
3. The City Clerk shall forward the Encroachment Permit to the Director of Public Works (for construction projects) or the Technical Advisory Committee (for parades and special events).
4. The Director of Public Works or Technical Advisory Committee shall review the application and determine appropriate special conditions which they shall then forward to the City Clerk.
5. The City Clerk, or designee, shall compute fees due and notify the applicant.
6. The City Clerk shall sign the Encroachment Permit and provide copies to the Applicant, Public Works Department, Police Department, Community Development Department and Engineering Department. The original Encroachment Permit shall be filed in the City Clerk's office.
7. The Applicant shall be required to contact the Engineering Department to schedule an inspection for Encroachment Permits pertaining to construction projects.
8. The Engineering Department shall do a site review and verify that the project is properly cordoned off in order to assure public safety; if corrections are needed the contractor or property owner shall be contacted to inform them of the corrections.
9. For Encroachment Permits pertaining to parades and special events, the Public Works Department shall provide barricades as needed. The Police Department shall coordinate with the Applicant regarding any necessary traffic control for the event (see Administrative Regulations regarding Street Closures).
10. Processing of Annual Encroachment Permits will follow the guidelines listed in Items 1-6 above. Additionally the following apply:
  - a) The amount of insurance required for Annual Encroachment Permits shall be \$1 million and must be non-site specific.
  - b) The fee for Annual Encroachment Permits shall be \$175 (\$75 issuance fee and \$100 permit fee).
  - c) Contractors must notify the Public Works Department 24 hours in advance of any work being conducted. The notification needs to identify the location, the type of work to be conducted, and the expected duration of the work. Public Works staff will then determine whether an inspection is necessary. Advanced notification is not required for emergency repairs (i.e., abatement of immediate hazards), for window-washing routes, or for routine repair and maintenance activities (i.e., replacement of a light bulb).

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III. RESPONSIBILITY

1. The City Clerk shall be responsible for verifying the insurance requirements, routing the encroachment permit through either the Director of Public Works (for construction projects) or the Technical Advisory Committee (for parades and special events), computing fees due, and shall be responsible for signing and distributing the Encroachment Permit once all sign-offs have been obtained.
2. The Director of Public Works shall be responsible for reviewing Encroachment Permits for construction projects and establishing any special conditions necessary for the safe execution of the permit. The Director of Public Works or his/her designee shall be responsible for inspecting the site to be sure it complies with all conditions of the Encroachment Permit.
3. The Technical Advisory Committee (TAC) shall be responsible for reviewing Encroachment Permits relating to parades and other special events and establishing conditions pertaining to that event. Staff for TAC shall prepare written conditions which shall be mailed to the applicant and copied to the City Clerk for attachment to the Encroachment Permit.

IV. DEFINITIONS

1. "Annual Encroachment Permits" are those permits for installation/maintenance of signs, installation of window glass, window washing, and minor painting jobs (one day or less in duration that do not require the erection of scaffolding) that are issued for a calendar year and allow for all types of work listed to be conducted using the one permit. (See copy of Annual Encroachment Permit attached.)
2. "Conditions" are those conditions listed on the back of the Encroachment Permit Application as well as any special conditions attached by staff or the Technical Advisory Committee.
3. "Encroachment Permit" is the application required to be completed and approved for various work in the City right-of-way (see copy attached).
4. "Encroachment Permit Supplement" is required for closure of any City street; the contractor or property owner doing the project is required to obtain all property owner and/or tenant signatures for those properties affected by the street closure (see copy attached).
5. "Liability Insurance" is required and shall consist of commercial or general liability insurance in the amount established in the City's Risk Analysis Matrix approved by the City Council on March 9, 2009, listing the City of Fort Bragg as an additional insured by policy endorsement. Further information regarding insurance requirements can be found in City of Fort Bragg Administrative Regulation No. I-1 (Insurance Requirements).
6. "Right-of-way" includes all City streets, alleys and sidewalks.
7. "Site Inspection" is an inspection required to assure that the contractor or property owner is complying with all conditions of the Encroachment Permit.
8. "Worker's Compensation Declaration" is a declaration required for all construction projects and shall include an affirmation that the contractor either has a certificate of consent to self-insure, or workers' compensation coverage, or shall not employ any person subject to the workers' compensation provision.

Approved by City Manager	 (Signature)	<u>11.02.2009</u> (Date)
Made a part of the City's Administrative Regulations binder and distributed to all City staff		<u>12/10/2009</u> (Date)



CITY OF FORT BRAGG  
ENCROACHMENT PERMIT APPLICATION

416 N. FRANKLIN STREET  
FORT BRAGG, CA 95437  
(707) 961-2823

Permission is requested to encroach on the City of Fort Bragg right of way as follows: (Complete all items: Use NA if not applicable.) Application is not complete until all required attachments are included.

Location: \_\_\_\_\_

Address or Street Name \_\_\_\_\_ Cross Street (include distance and direction) \_\_\_\_\_

Portion of Right of Way \_\_\_\_\_ Work to be performed by  Own Forces  Contractor

Est. Starting Date \_\_\_\_\_ Est. Completion Date \_\_\_\_\_ Start/End Times (a.m./p.m.) \_\_\_\_\_ Estimated Cost in City Right of Way \_\_\_\_\_

DESCRIBE WORK WITHIN CITY RIGHT OF WAY (ATTACH SKETCH):  
  
\_\_\_\_\_

NOTE: If application is for excavation and/or piping please attach plans (5 sets folded 8-1/2 x 11), specs, calcs, maps, etc.

THE UNDERSIGNED AGREES THAT THE WORK WILL BE DONE IN ACCORDANCE WITH CITY OF FORT BRAGG RULES AND REGULATIONS AND SUBJECT TO INSPECTION AND APPROVAL

Organization or Applicant \_\_\_\_\_ Phone \_\_\_\_\_ Architect, Engineer or Project Manager \_\_\_\_\_ Phone \_\_\_\_\_

Address (include city and zip code) \_\_\_\_\_

Authorized Signature \_\_\_\_\_ Title \_\_\_\_\_ Date Received At City Hall \_\_\_\_\_

**TO BE COMPLETED BY CITY**

LIABILITY INSURANCE REQUIRED?  No  Yes Amount \$2 MILLION

ENVIRONMENTAL REVIEW REQUIRED:  No  Yes

FEES (Account 110-0000-3731):  
Issuance Fee: \$ 75.00  
Permit Fee: \$ \_\_\_\_\_

SITE INSPECTION REQUIRED:  No  Yes  
(Site inspection is to verify that applicant has met all encroachment permit conditions. Please contact the Engineering Department at 961-2823 to schedule inspection.)

Inspected by: \_\_\_\_\_

Date of Inspection(s): \_\_\_\_\_

cc: Public Works Department \_\_\_\_\_  
Police Department via FAX \_\_\_\_\_  
Applicant \_\_\_\_\_  
Community Dev. Dept. \_\_\_\_\_  
Engineering Dept. \_\_\_\_\_

Logged into computer \_\_\_\_\_ Date \_\_\_\_\_ Initials \_\_\_\_\_

Check category below which describes the Project:

Survey  Mailbox

Flags, Signs, Banners Decorations  Parades, Celebrations

Public Utility Modifications, Extensions, Hookups  Erosion Control

Sidewalk/Gutters  Sidewalk Sale

Single Family Dwelling Driveway  Maintenance of Existing Landscaping

Ditch Paving  Fence

Regulatory Warning, Information Signs  Remove/Replace Distinctive Road Markings

Facade Restoration

Street Furniture (planter box, bench, etc.)

Maintenance, Reconstruction, or Resurfacing of a Driveway or Road Approach

None of the Above. If project cannot be described in above categories, describe: \_\_\_\_\_

## ENCROACHMENT PERMIT GENERAL PROVISIONS

1. *A permit is issued under the provisions of Chapter 5.5 of Division 2 of the Streets and Highways Code and Chapter 9.78 of the Fort Bragg Municipal Code. Except as otherwise provided for public agencies and franchise holders, the permit is revocable on five (5) days notice.*
2. *It is understood and agreed by the applicant that the doing of any work under the permit shall constitute an acceptance of the provisions, terms, conditions and/or restrictions*
3. *Before starting any construction work authorized by the permit, the permittee shall notify the Engineering Department. Such notice shall be given at least 48 hours in advance of the time work is to start. If the work entails street closures or detours, please see Special Conditions attached*
4. *The permit shall be kept at the site of the work and must be shown to any representative of the grantor or any law enforcement officer upon demand.*
5. ***PUBLIC CONVENIENCE** - Applicant shall so conduct his operations as to offer the least possible obstruction and inconvenience to the public. Unless otherwise provided on the permit, all public traffic shall be permitted to pass through the work with as little inconvenience and delay as possible. Spillage resulting from hauling operations along or across any public traveled way shall be removed immediately by the permittee at his expense. Any soil or debris tracking from a construction site is strictly prohibited. If the spillage is hazardous, the Mendocino County Office of Environmental Health must be notified at 964-2714, as well as the Fort Bragg Police Department at 964-0200.*
6. ***PUBLIC SAFETY** - Should the Applicant's operations create a condition hazardous to the public, he shall furnish, erect, and maintain, at his expense, such fences, barricades, lights, signs, and other devices as are necessary. Applicant shall furnish at his expense, such flagmen and guards as are necessary to prevent accidents or damage or injury to the public. No material or equipment shall be stored where it will interfere with the free and safe passage of public traffic. Should the Applicant's operations create a condition hazardous to traffic, please see Special Conditions attached.*
7. *All work shall conform to recognized standards of construction and those specifications prescribed on the face of this permit. All the work shall be done subject to the supervision of, and to the satisfaction of, the grantor. Upon completion of the work, all brush, timber, scraps, dirt, mud, construction dust or debris, and material shall be entirely removed and the right of way left in as presentable condition as before work started. Work which requires the presence of an employee of the grantor as inspector, the salary and other incidental expenses of such inspection during the work shall be paid by the permittee upon presentation of a bill therefor.*
8. *It is understood by Applicant that whenever construction, reconstruction, or maintenance work on the highway may require the relocation of the installation provided for herein, it shall, upon request of the grantor, be immediately moved by, and at the sole expense of, the permittee.*
9. *An encroachment permit does not relieve permittee from the responsibility of obtaining all applicable permits and/or licenses as may, in connection with the work or activity therein described, be required from other public agencies and/or commissions. Failure by applicant to secure all necessary and applicable permits and/or licenses shall nullify the permit.*
10. ***LIABILITY FOR DAMAGES** - Applicant is responsible for all liability for personal injury or property damage which may arise out of work herein permitted, or which may arise out of failure on the permittee's part to perform his obligations under the permit in respect to maintenance. In the event any claim of such liability is made against the City of Fort Bragg, or any department, officer, or employee, thereof, applicant shall defend, indemnify and hold them and each of them harmless from such claim.*
11. ***DUE CARE** shall be exercised to avoid injury to existing Highway improvements or facilities. City road surfacing shall be replaced by equal or better than the surfacing disturbed. The cost of all materials, labor, etc. necessary for installation of the encroachment shall be borne by the permittee. The cost of any labor and materials for repairs to the road by city forces, made necessary by the work done under the permit, shall be charged to the permittee at actual cost.*
12. *If the work herein contemplated shall interfere with the established drainage, ample provision shall be made by the permittee to provide for it as may be directed by the grantor.*
13. *Upon completion of underground or surface work of consequence, the permittee shall furnish a plan to the Department of Public Works showing the location and details.*
14. *The permittee agrees by the acceptance of the permit to exercise reasonable care to maintain properly any encroachment placed by it in the highway and to exercise reasonable care in inspecting for and immediately repairing, and making good any injury to any portion of the highway which occurs as a result of the maintenance of the encroachment in the highway or as a result of the work done under the permit including any and all injury to the highway which would not have occurred had such work not been done or such encroachment not placed therein.*
15. *Permittee shall obtain an encroachment permit from the Office of the City Clerk prior to advertising the conduct of the activity. Permittee shall arrange for adequate security, traffic and litter control by conferring with the Police Department. Permittee shall reimburse City for any extraordinary costs of providing City services in support of the event. Extraordinary costs may include City employee overtime, disposal fees, the cost of supplies and materials and/or contract services.*

Approved: \_\_\_\_\_  
(City Clerk)

\_\_\_\_\_  
(Date)

**A FULLY EXECUTED COPY OF THIS APPLICATION SHALL CONSTITUTE A PERMIT**

**FOR CONSTRUCTION PROJECTS ONLY**

**WORKER'S COMPENSATION DECLARATION**

I hereby affirm under penalty of perjury one of the following declarations:

I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of work for which this permit is issued.

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier \_\_\_\_\_

Policy Number \_\_\_\_\_

(This section need not be completed if the permit is for one hundred dollars (\$100) or less).

I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Date: \_\_\_\_\_ Applicant: \_\_\_\_\_

**WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.**







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