

CHAPTER 3

ENCROACHMENT ONTO CITY STREETS

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8-3-1: GENERAL PROVISIONS; DEFINITIONS:

(A) Construction: Unless the context otherwise requires, the definitions and general provisions set forth in this section govern the construction of this chapter.

(B) Definitions:

CITY COUNCIL: The city council of Placerville, El Dorado County, California.

CITY ENGINEER: The city engineer or his authorized agent of the city.

ENCROACH, ENCROACHMENT: Includes going upon, over, under, or using any right of way in such a manner as to prevent, obstruct, or interfere with the normal use of that way, including the performance thereon of any of the following acts:

(A) Excavating or disturbing the right of way;

(B) Erecting or maintaining any post, sign, pole, fence, guardrail, wall, loading platform, or other structure on or over or under the right of way;

(C) Planting any tree, shrub, grass or other growing thing within the right of way;

(D) Placing or leaving on the right of way any rubbish, brush, earth or other material of any nature whatever;

(E) Constructing, placing, or maintaining on, over, under, or within the right of way any pathway, sidewalk, driveway, or other surfacing, any culvert or other surface drainage or subsurface drainage facility, any pipe, conduit, or cable;

(F) Traveling on the right of way by any vehicle or combination of vehicles or object of dimension, weight or other characteristic prohibited by law without a permit;

(G) Lighting or building a fire;

(H) Constructing, placing, planting or maintaining any structure, embankment, excavation, tree or other object adjacent to the right of way which causes or will cause an encroachment.

PERMITTEE: Any person(s), firm, company or corporation, association, public agency, or organization that proposes to do work or encroach upon a public "right of way" as herein defined and has been issued a permit for said encroachment by the city engineer. All obligations, responsibilities, and other requirements of the permittee as herein described, shall be binding on subsequent owners of the encroachment.

PUBLIC STREET: The full width of the right of way of any road, street, lane, alley, or pedestrian walkway used by or for the general public, whether or not those roads, streets, lanes, alleys, and pedestrian walkways have been accepted as and declared to be part of the city system of public streets, except streets forming a part of the state highway system.

PUBLIC UTILITY: Any utility company, such as the Pacific Gas and Electric Company, or the Pacific Telephone and Telegraph Company, which is regulated by the public utilities commission of the state of California, and conducts business in the city under authority of a duly executed franchise agreement with the city.

RIGHT OF WAY: Land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for and dedicated to the use of the general public for street, highway, lane, alley, or pedestrian walkway purposes.

(C) Right Of Lawful Use: Any permit granted under this chapter shall be subject to the right of the city, or any other person, district or other body of persons entitled thereto, to use that part of the public highway for any purpose for which it may be lawfully used, and no part of the highway shall be unduly obstructed at any time.

(D) Exceptions: This chapter shall not apply to any officer or employee of the city acting in the discharge of his official duties, or to any work performed by any person under contract with the city. This chapter shall not apply to any duly authorized employee of a public utility maintaining existing aerial facilities or underground facilities accessible through manholes, vaults, junction boxes, providing no excavation, boring or other earthwork is performed and a normal flow of traffic can be maintained on the public street or right of way.

(E) Acts Requiring Permit: It shall be unlawful for any person(s), firm, company, corporation, association, public agency, or organization, without first obtaining a written permit to encroach or to make or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right of way in the incorporated territory of the city, or to make or cause to be made any alteration of any nature within, upon, over, or under such right of way, or to construct, put upon, maintain or leave thereon, or to cause to be constructed, put upon, maintained or left thereon, any obstruction or impediment of any nature whatever; or to remove, cut or trim trees thereon; or to set a fire thereon, or to place on, over or under such right of way any pipe line, conduit or other fixture; or to move over or cause to be moved over the surface of any right of way or over any bridge, viaduct, or other structure maintained by the city any vehicle or combination of vehicles or other object or dimension or weight prohibited by law or having other characteristics capable of damaging the right of way, or to place any structure, wall, culvert or similar encroachment or to make any excavation or embankment in such a way as to endanger the normal usage of the right of way. (Ord. 994, 5-26-1970)

(F) Nonacceptable Permit Applications: No application will be approved nor permit issued for constructing or maintaining a loading platform upon or in the right of way of a public street or for erecting or maintaining therein or thereon a post, pole, column or structure for support for advertising signs; provided, however, that nothing contained in this section shall prohibit an application being made for the erection or maintenance of a directional sign. (Ord. 1067, 10-10-1974)

(G) Emergency Work Authorized: This chapter shall not prevent any person from maintaining any pipe, conduit, wire or cable lawfully on, over or under any public street, or from making excavation, as may be necessary for the preservation of life or property when an urgent necessity therefor arises during the hours the offices of the city are closed, except that the person making an emergency use or encroachment on a public street shall apply for a permit therefor within one calendar day after the offices of the city are again opened. (Ord. 994, 5-26-1970)

8-3-2: PERMITS AND FEES:

(A) Issuance Of Written Permits: The written permits required by this chapter shall be issued by the city engineer, subject to conditions set forth in this chapter or required by law.

(B) Application For Permits: The city engineer shall prescribe and provide a regular form of application for the use of any applicant for a permit required by this chapter. The application form shall contain space for the name, address and principal places of business of the applicant, together with such detail as in the judgment of the city engineer is necessary to establish the exact location, dimensions, duration and purpose of the proposed use or encroachment.

(C) Permit Application Exhibits: The applicant shall enclose with, attach or add to the application for a permit a map, plat, sketch, diagram or similar exhibit when required by the city engineer, and of a size and in such quantity as he may prescribe, on which shall be plainly shown any and all information necessary to locate, delineate, illustrate, or identify the proposed use or encroachment and the right of applicant to so use or encroach thereon.

(D) Consent Of Public Bodies; Evidence Of To Be Filed: The applicant shall also enclose with, attach or add to the application the written order or consent to any work thereunder, required by law of the public utilities commission, sanitary districts, water districts or any other public body having jurisdiction. A permit shall not be issued until and unless such order or consent is first obtained and evidence thereof filed with the city engineer. The permittee shall keep himself adequately informed of all state and federal laws and local ordinances and regulations which in any manner affect the permit.

The applicant shall at all times comply with and shall cause all his agents and employees to comply with all such laws, ordinances, regulations, decisions, court and similar authoritative orders.

(E) **Liability For Damages:** Permittee shall be responsible for all liability imposed by law for personal injury or property damage proximately caused by work permitted and done by permittee under the permit, or proximately caused by failure on permittee's part to perform his obligations under said permit in respect to maintenance. If any claim of such liability is made against the city, its officers or employees, permittee shall defend, indemnify and hold them, and each of them, harmless from such claim insofar as permitted by law.

(F) **Fees:** The schedule of fees will be those recommended by the city engineer and established and adopted by the council from time to time by resolution. Before a permit is issued, the applicant shall deposit with the city cash or check, in a sufficient sum to cover the fee for issuance of the permit, charges for field investigation, and the fee for necessary inspection, all in accordance with schedule established and adopted by the council.

Public utilities may, at the city engineer's option, make payment for the above charges as billed by the city instead of advance deposit as required above. (Ord. 994, 5-26-1970)

Fees will not be required of any public agency which is authorized by law to establish or maintain any works or facilities in, under or over any public street or right of way. Reference is hereby made to section 4-8-1 of this code for development fees. (Ord. 994, 5-26-1970; amd. Ord. 1263, 5-26-1981)

(G) **Permit To Move Certain Vehicles Or Object:** Before a vehicle or combination of vehicles or object of weight or dimension or characteristic, prohibited by law without a permit, is moved on any public right of way, a permit to do so must first be granted by the city engineer as set forth in specifications established by the city engineer, or as otherwise required by him.

(H) **Term Of Permit; Beginning Of Work:** The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within ninety (90) days from date of issuance, unless a different period is stated in the permit. If the work or use is not begun within ninety (90) days, or within the time stated in the permit, then the permit shall become void. A permit for continuing a use or maintaining an encroachment previously authorized shall be valid for a term of one year from date of issuance, unless sooner terminated by discontinuance of the use, or removal of the encroachment, for which the permit was issued.

(I) **Term Of Permit:** The permittee shall complete the work or use authorized by a permit issued pursuant to this chapter within the time and according to the terms specified in the permit. If the work is unduly delayed by the permittee and if the interest of the public reasonably so demands, the city engineer shall have authority to complete the work or any portion thereof. The actual cost of such a work by the city plus twenty percent (20%) as an overhead charge shall be charged to and paid by the permittee or his surety.

(J) **Display Of Permit:** The permittee shall keep any permit issued pursuant to this chapter at the site of work or in the cab of a vehicle when movement thereof on a public street is involved, and the permit must be shown to any authorized representative of the city engineer or law enforcement officer on demand.

A permit issued for continued use or maintenance of an encroachment may be kept at the place of business of the permittee or otherwise safeguarded during the term of validity, but shall be made available to an authorized representative of the city engineer or law enforcement officer within a reasonable time after demand therefor is made.

(K) **Changes In Permit:** No changes may be made in the location, dimension, character or duration of the encroachment or use as granted by the permit except upon written authorization of the city engineer. No permit shall be required for the continuing use or maintenance of encroachments

installed by public utilities, or for changes therein or thereto where such changes or additions require no excavation of the right of way. (Ord. 994, 5-26-1970)

8-3-3: BONDS:

(A) Surety Bond Required: Unless this part is waived in the permit and prior to the issuance of a permit, the applicant must file with the city engineer a bond equal to the cost plus twenty percent (20%) of the work required to be done in order to comply with all the terms and conditions of such permit as established by the city engineer.

(B) Cash In Lieu Of Surety Bond: In lieu of a surety bond required by subsection (A) of this section, the applicant may deposit cash in the amount named in subsection (A) of this section to secure the performance of the terms and conditions of the permit and the compliance with the provisions of this chapter.

(C) Annual Bond: As an alternative to the requirements of subsection (A) of this section, the applicant may, upon approval of the city engineer, annually file with the city engineer a bond equal to the estimated costs plus twenty percent (20%) of the work required to be done in order to comply with all of the terms and conditions of permits issued during the year and this chapter.

(D) Bond For Continuing Use: An applicant for a permit for a use or encroachment which is to continue or remain within, under, or upon the right of way of a public highway beyond the time authorized for construction or installation, shall file with the clerk a cash deposit or surety bond equal to the cost plus twenty percent (20%) in making the right of way safe and convenient for travel to the general public.

(E) Additional Bond Or Cash Deposit: The city engineer may require an additional bond or cash deposit required by subsections (A) through (D) of this section at any time when in his opinion the amount of the bond or cash deposit previously made is insufficient.

(F) Requirements Of Bond Provisions: The aforesaid bonds shall be executed by the applicant or contractor doing work as principal and by a surety company authorized to do business in this state as a surety. The bond shall name the city as obligee and shall be conditioned as follows:

1. That each and all of the terms and conditions of the permit shall be fully performed and complied with to the satisfaction of the city engineer;
2. That each and all of the provisions of this chapter are complied with.

An extension of time for performance of work may be granted by the city engineer, but no such extension of time shall be valid unless written and no such extension shall release any surety company upon any bond.

(G) Bond Payable To The City: Any bond or cash deposit required by the city engineer pursuant to this chapter shall be payable to the city. Upon satisfactory completion of all work authorized in the permit according to the terms of the permit and this chapter, the bond or cash deposit shall be released. In the event of noncompliance, the city may deduct from the cash deposit the actual cost to the city plus twenty percent (20%) of work done by the city pursuant to subsection 8-3-2(I) of this chapter before returning the deposit to the depositor. In the event of a bond having been posted, the city may proceed against the surety and principal for the actual cost to the city plus twenty percent (20%) of work done by the city pursuant to subsection 8-3-2(I) of this chapter.

(H) Exclusions: Cash deposits or bonds will not be required of any public utility or public agency which is authorized by law to establish or maintain any works or facilities in, under, or over any public street or right of way. (Ord. 994, 5-26-1970)

8-3-4: ERECTION AND MAINTENANCE OF SAFETY PROVISIONS:

The permittee in the conduct of the work, use, or maintenance of an encroachment authorized by a permit issued pursuant to this chapter shall provide, erect, and/or maintain such lights, barriers,

warning signs, patrols, watchmen, and other safeguards as are necessary to protect the traveling public. Any omission on the part of the city engineer to specify in the permit what lights, barriers, or other protective measures or devices shall not excuse the permittee from complying with all requirements of law and appropriate regulations and ordinances for adequately protecting the safety of those using public streets. If, at any time, the city engineer finds that suitable safeguards are not being provided, the city may provide, erect, maintain, relocate, or remove such safeguards as are deemed necessary or may cancel the permit and restore the right of way to its former conditions, all at the expense of the permittee.

A permittee making any excavation or erecting or leaving any obstruction within, under, or upon the right of way, or causing the same to be made, erected, or left, shall place and maintain lights at each end of the excavation or obstruction, at not more than fifty foot (50') intervals along the excavation or obstruction, from one-half (1/2) hour before sunset of each day to one-half (1/2) hour after sunrise of the next day, until the excavation is entirely refilled or the obstruction removed and the right of way made safe for use. In addition, reflectorized warning signs conforming to the requirements of the California division of highways shall be placed two hundred feet (200') and four hundred feet (400') from each excavation or obstruction, in such a position as to adequately warn public traffic.

The warning signs, lights and other safety devices shall conform to the requirements of section 465.7 of the Vehicle Code and of any sign manual issued by the department of public works of the state of California. (Ord. 994, 5-26-1970)

8-3-5: NOTIFICATION:

(A) Beginning Of Work: Before beginning any work which is or includes excavation, construction of concrete sidewalks, curbs, gutters or driveway approaches, planting, trimming or removing trees, making, placing or causing an obstruction in the traveled way, the permittee shall notify the city engineer.

Before starting work on which an inspector is required, the permittee shall notify the city engineer twenty four (24) hours in advance of beginning such work.

(B) Completion Of Work: The permittee shall upon completion of all work authorized in the permit, notify the city engineer. No work shall be deemed to be completed until notification of completion is given pursuant to this section and the work is accepted by the city engineer. (Ord. 994, 5-26-1970)

8-3-6: CARE OF DRAINAGE:

If the work, use or encroachment authorized in the permit issued pursuant to this chapter shall interfere with the established drainage, the permittee shall provide for proper drainage as directed by the city engineer. (Ord. 994, 5-26-1970)

8-3-7: INTERFERENCE WITH USE:

All work or use shall be planned and executed in a manner that will least interfere with the safe and convenient travel of the general public at the place where the work or use is authorized. Free and unobstructed access shall be provided to all mailboxes, fire hydrants, water gates, valves, manholes, drainage structure, and/or other public service structures and property as may be required for emergency use. Such public service structures or property shall not be removed or relocated without proper accordance with the properly constituted authorities charged with their control and maintenance. The work area shall be confined so as not to obstruct roadways and walks unnecessarily. Temporary roadways, driveways, and walks for vehicles and pedestrians shall be constructed where required. (Ord. 994, 5-26-1970)

8-3-8: RESTORING OF STREET; MAINTENANCE OF ENCROACHMENT:

Upon completion of the work, acts or things for which the permit was issued, or when required by the city engineer, the permittee shall replace, repair or restore the public street at the place of work to the same condition existing prior thereto unless otherwise provided in the permit. The permittee shall remove all obstructions, impediments, material or rubbish caused or placed upon the right of way of

the public street under the permit, and shall do any other work or perform any act necessary to restore the public street to a safe and usable condition.

After completion of all work, the permittee shall exercise reasonable care in inspecting and maintaining the area affected by the encroachment. For a period of one year after the completion of the work the permittee shall repair and make good any injury or damage to any portion of the street which occurs as the result of work done under the permit, including any and all injury or damage to the street which would not have occurred had such work not been done. By the acceptance of the permit the permittee agrees to comply with the above. The permittee shall, upon notice from the city engineer, immediately repair any injury, damage or nuisance, in any portion of the right of way, resulting from the work done under the permit. In the event that the permittee fails to act promptly or should the exigencies of the injury or damage require repairs or replacement to be made before the permittee can be notified or can respond to notification, the city may, at its option, make the necessary repairs or replacements or perform the necessary work and the permittee shall be charged with all expenses incurred in the performance of said work. (Ord. 994, 5-26-1970)

8-3-9: RELOCATION OR REMOVAL OF ENCROACHMENTS:

If any future construction, reconstruction, or maintenance work by the city on a public right of way requires the relocation, removal or abandonment of installations or encroachments in, on or under the public right of way, the permittee, owning, controlling, or maintaining such installations or encroachments shall relocate, remove or abandon the same at his sole expense; provided, however, that this provision shall apply to and remain in force and effect only so long as the right of way upon which such installations or structures are located shall be used for usual street purposes and not as a freeway, and this provision shall cease to apply when such street shall become a freeway. When removal, relocation or abandonment is required, the city engineer shall give said permittee a written demand specifying the place of relocation, or that the installations or encroachment must be removed, relocated or abandoned. If said permittee fails to comply with said instructions, the city may cause the removal, relocation or abandonment of the encroachment at the expense of the permittee. (Ord. 994, 5-26-1970)

8-3-10: STANDARDS, SUPERVISION AND INSPECTION:

All work done under a permit issued pursuant to this chapter shall conform to specifications established by the city engineer, or in the absence of established specifications to recognized standards of construction and approved practices in connection with the work to be done. All work shall be done subject to the supervision of, and to the satisfaction of the city engineer. (Ord. 994, 5-26-1970)

8-3-11: STORAGE OF MATERIAL:

No material shall be stored within the traveled way or sidewalk, unless otherwise approved by the city engineer. Excess earth materials from trenching or other operations shall be removed from the pavement, traveled way, or shoulder as the trench is backfilled or other work carried forward unless otherwise approved by the city engineer. (Ord. 994, 5-26-1970)

8-3-12: SMALL PIPES:

Utility services and other small diameter pipes or rigid conduits shall be jacked or otherwise forced underneath a paved surface. The paved surface of a road shall not be cut, trenched, or otherwise disturbed unless specifically authorized in the permit. No tunneling will be permitted except as specifically set forth in the permit. (Ord. 994, 5-26-1970)

8-3-13: MINIMUM COVER:

The minimum cover over any and all pipes or conduits larger than two and one-half inches (21/2") installed within the right of way shall be three feet (3') of earth or imported materials, unless otherwise specified in the permit. Within the public street, the minimum cover of three feet (3') shall be measured from the surface, existing or planned. The city engineer is authorized to permit installation of pipes or conduits where three feet (3') of cover cannot be provided because of topography, structures, or other engineering necessity. (Ord. 994, 5-26-1970)

8-3-14: BACKFILLING:

Backfilling of an excavation shall be in accordance with specifications established by the city engineer or as otherwise required by him, both as to material and method; and backfill shall not be placed in any excavation without compaction of the material used therein, the degree and method thereof to be to the satisfaction of the city engineer. (Ord. 994, 5-26-1970)

8-3-15: POLES AND TRANSMISSION LINE CARRIERS:

Clearances and types in the construction of poles and transmission line carriers shall be in accordance with rules, regulations, and orders of the public utilities commission and other public agencies having jurisdiction. No guy wires are to be attached to trees without specific authorization to do so in the permit, and in no event shall guy wires be so attached as to girdle the tree or interfere with its growth. Guy wires shall not be below the minimum elevation above the ground, prescribed in the rules, orders, and regulations of the public utilities commission.

When a pole, brace, 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. (Ord. 994, 5-26-1970)

8-3-16: AIDS TO VISIBILITY:

When the location or position of a pole or other obstruction makes accentuation of its visibility to vehicular traffic necessary, the city engineer may require that the pole or other obstruction be painted or equipped with reflectors or other aids to visibility prescribed or authorized by the public utilities commission or the department of public works of the state of California at the expense of the permittee. (Ord. 994, 5-26-1970)

8-3-17: MOVEMENT OF VEHICLES:

When authorized by a permit issued pursuant to this chapter to move a vehicle or combination of vehicles or load or dimension or weight in excess of that permitted by law, the permittee shall comply with the general law regulating travel over a public street, including posted signs or notices which limit speed or direction of travel, or weight which may be placed upon a structure, or the width or height that may be moved thereon or thereover, or otherwise restrict or control travel on a public street. The permittee shall at all times conform to and abide by the practice and procedure necessary to make safe and convenient the travel of the general public, and to keep safe and preserve the public highway over and on which movement is being made. Any violation of this section shall cancel the permit issued to the permittee. (Ord. 994, 5-26-1970)

8-3-18: MAILBOXES:

All mailboxes must be placed in accordance with the rules and regulations of the United States post office department, but no box shall be so placed within the road right of way as to endanger the life or safety of the traveling public. A permit is not required for the placing of mailboxes. (Ord. 994, 5-26-1970)

8-3-19: PLANTING TREES:

The applicant for a permit to plant trees in the right of way of a public street shall show in his application the exact location of and the kind of tree to be planted. No change shall be made in either location of trees or in kind of trees without the approval of the city engineer.

The city engineer may refuse to issue a permit authorizing the planting of trees in the right of way of a public street when, in his judgment, the location as described in the application, or the nature of growth above or below ground of the kind of tree proposed, will impede or inconvenience travel on a public highway or unduly disturb the right of way thereof, or in any way impede construction or maintenance of necessary facilities. (Ord. 994, 5-26-1970)

8-3-20: HEDGES OR FENCES:

No hedge, shrub, or other planting whatever, fence or similar structure, except as provided in section 8-3-22 of this chapter, shall be planted, erected or maintained in a right of way without a permit.

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

The permittee, or the owner of the adjacent property, shall maintain the hedges, shrubs, walls, fences or similar structures erected for landscaping purposes in a neat and orderly condition at all times. If the encroachment is not maintained as specified in this chapter, the city engineer may direct the permittee or property owner to remove the encroachment and restore the right of way to its former condition, at the expense of the permittee or property owner. (Ord. 994, 5-26-1970)

8-3-21: TRIMMING OR REMOVING TREES:

Trimming of trees will be permitted only when and in the manner authorized by a permit issued pursuant to this chapter, that the shapeliness of the tree may be preserved.

An application for removal of a tree will be approved and permit issued only when a necessity for removal exists, and adjacent property owners concur, or when deemed necessary by the city engineer. When a tree is removed under authority of a permit, the entire stump shall be taken out for a distance of at least two feet (2') below the ground surface unless otherwise specified in the permit, and the hole backfilled and tamped. All debris from trimming or removal shall be removed from the site and the right of way restored to its former condition. (Ord. 994, 5-26-1970)

8-3-22: LAWN; NO PERMIT REQUIRED:

Other provisions of this chapter notwithstanding, it is lawful for a person, or body of persons to plant and maintain a lawn of any grass, or type not prohibited by other law, within the right of way of a public street without a written permit. However, the lawn shall not extend into the traveled way of the public street nor into the drainage ditches, gutter or other drainage facilities.

The general public may not be denied the use of the planted area for pedestrian or other lawful travel. The city may use the planted area for any purpose whatever, and may issue a permit to any applicant to go thereon to perform work or otherwise encroach pursuant to this chapter. If the lawn is damaged or disturbed in the course of an authorized encroachment, it shall be removed and replaced by the permittee unless the permit specifically states otherwise. (Ord. 994, 5-26-1970)

8-3-23: MARKING OF STREETS, CURBS AND SIDEWALKS:

It shall be unlawful for any person, without first obtaining a permit, to solicit, on a commercial or donation basis, to place, or maintain any number, figure, letter, carving, drawing, design, or other marking upon any street, sidewalk, or curb; except that markings for the purpose of identifying survey, utility or construction locations shall not be subject to this chapter. (Ord. 994, 5-26-1970)

8-3-24: MONUMENTS:

Any monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines and/or elevation of any public street or right of way, property subdivision, or a precise survey point or reference point shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission from the city engineer to do so, said permission to be granted in conformance with requirements as set forth in specifications established by the city engineer. Replacement of removed or disturbed monument will be at the expense of the permittee. (Ord. 994, 5-26-1970)

8-3-25: CURBS; GUTTER CONSTRUCTION BY DRIVEWAY APPROACHES:

The city engineer shall have the power to require property owners to remove driveway approaches where they are an obstruction to the gutter and to reconstruct driveway approaches where drainage or other conditions are unsatisfactory.

Where a curb has been broken to provide a driveway to a residence or a business and such driveway is no longer needed or used as a driveway, the owner of the property or owner or operator of the business shall replace the curb and repair any damage done to the sidewalk by use of such driveway. Such work shall be done in conformity with the requirements for the construction of curbs and sidewalks of the city. (Ord. 994, 5-26-1970)

8-3-26: STREET SURFACES; HARMFUL SUBSTANCES:

It shall be unlawful for any person having in his possession any gasoline, kerosene, coal oil, benzine, distillate or other oil or liquid destructive or harmful to the street surface, to permit the same to drip upon the asphalt or bitumen surface of any street within the city. (Ord. 994, 5-26-1970)

8-3-27: APPEALS:

Any person aggrieved by the refusal of a permit required by this chapter may appeal to the council. Administration of this chapter is hereby referred to the city engineer of the city.

If the council finds all of the following to be true, the permit shall be granted:

- (A) That the applicant will be substantially damaged by the refusal to grant the permit as requested.
- (B) That no other reasonable method of obtaining the desired results is available except as proposed by applicant.
- (C) That the granting of the permit will not be materially detrimental to the public interest, safety, health and welfare or injurious to other property. (Ord. 994, 5-26-1970)

8-3-28: HANGTOWN CREEK ENCROACHMENT:

The city council of the city does hereby adopt the following policy relative to the issuance of permits in the Hangtown Creek area:

It is the policy of the city to allow reasonable private uses of Hangtown Creek to the end that the owners of properties adjacent thereto will be encouraged to upgrade their respective properties thereby promoting the health and safety of the community, and concurrently therewith beautifying the city itself.

However, no permits shall be issued in the Hangtown Creek area which will unreasonably interfere with the city's right to use and maintain the creek for drainage, sewer flows and other reasonable municipal public uses and rights.

The creek area is recognized as an asset to the city which needs to be kept open to the greatest extent possible. It is also recognized that increased improvement, usage and access to the creek area needs to be encouraged.

The city engineer shall be responsible for issuance of encroachment permits in accordance with this chapter. However, when an encroachment involves the construction or reconstruction of a structure in the Hangtown Creek area, site plan review shall be required as provided in section 10-4-9 of this code.

For the purposes of this section, "Hangtown Creek" is defined as the area designated "creek" on the official map and in the field notes of the official survey of said city, and now on file and of record in the office of the county recorder of the county of El Dorado, state of California. (Ord. 1329, 8-9-1983)