

Title 12

STREETS AND SIDEWALKS

Chapters:

- 12.04 General Provisions**
- 12.08 Street Overloads**
- 12.12 Street Obstructions**
- 12.16 Excavations**
- 12.20 Construction of Street Improvements**
- 12.24 Dedications**
- 12.28 Encroachments**
- 12.30 Streets – Newsracks**
- 12.32 Street Plantings**
- 12.36 Street Furniture**
- 12.40 Street Vacations**
- 12.44 Street Names**
- 12.48 Street Numbers**
- 12.50 Temporary Placement of Signs in Designated Portions of the Public Rights-of-Way**

Chapter 12.04

GENERAL PROVISIONS*

Sections:

- 12.04.010 Short title.
- 12.04.020 Plans, maps and studies applicable – Scope – Drainage facility defined.
- 12.04.030 Enforcement – Lien procedure.
- 12.04.040 Exemptions from fee payment and insurance designated – Liability agreement required.

* For statutory provisions regarding construction of sidewalks, see Str. and Highways Code §§ 5870 – 5895.54; for provisions regarding repair of sidewalks, see Str. and Highways Code § 5600, et seq.; for provisions authorizing cities to require removal of encroachments, see Gov. Code § 38775.

12.04.010 Short title.

This title shall be known and may be cited as the “public rights-of-way improvement code.” (Ord. 1205 § 2, 1969; prior code § 27.101).

12.04.020 Plans, maps and studies applicable – Scope – Drainage facility defined.

A. All street and highway improvements, as contained in this title, shall relate to those streets and highways indicated on the street select system as it presently exists or as it may from time to time be amended; the street and highway element of the general plan of the city of Chula Vista adopted by Resolution No. 3519 on September 22, 1964, as amended; and such other specific plans for streets and highways as may be adopted from time to time by the city council.

B. The term “drainage facility,” as contained herein, shall relate to those facilities indicated in plans and studies provided by or on file in the office of the director of public works and shall be undertaken in accordance with plans and specifications therefor as approved by the city council.

C. In addition to street and highway improvements, this title shall provide regulations for the installation of all street furnishings and landscaping as a part of land development of public rights-of-way, including but not limited to benches, street lighting, trash containers and street trees in accordance with maps, plans, standards and specifications adopted by the city council. (Ord. 1205 § 2, 1969; prior code § 27.102).

12.04.030 Enforcement – Lien procedure.

In addition to the penalties provided for violations of this title, which constitute misdemeanors, the city shall have the right to secure compliance of all of the provisions of this title by use of the notice and lien procedure as set forth in CVMC 12.12.070. (Ord. 1277 § 1, 1970; Ord. 1205 § 2, 1969; prior code § 27.1601).

12.04.040 Exemptions from fee payment and insurance designated – Liability agreement required.

All governmental agencies including the state of California and its political subdivisions shall be exempt from any of the fee requirements set forth in any section of this title, and further, said agencies shall not be required to provide insurance as stipulated in any section of this title. Said agencies shall be required to execute an agreement holding the city harmless. (Ord. 1277 § 1, 1970; prior code § 27.1602).

Chapter 12.08

STREET OVERLOADS*

Sections:

- 12.08.010 Overweight vehicles – Permit required.
- 12.08.020 Overweight vehicles – Conditions for granting permit.
- 12.08.030 Overweight vehicles – Permit recordkeeping required.
- 12.08.040 Flange wheel machinery – Operation restrictions required.
- 12.08.050 Purpose and intent of provisions.
- 12.08.060 Permit – Required when.
- 12.08.070 Permit – Term of validity – Single-move and multiple-load conditions.
- 12.08.080 Permit – Grounds for denial.
- 12.08.090 Permit – Application – Insurance requirements – Availability for inspection – Nontransferability.
- 12.08.100 Permit – Fees required – No-fee permits – Extensions of time.
- 12.08.110 Conformity with regulations required.
- 12.08.120 Permittee – Route-checking responsibilities and liabilities.
- 12.08.130 Permittee – Duty to submit route for approval when – Exception.
- 12.08.140 Permittee – Liability for injuries or damages.
- 12.08.150 Permittee – Wide load signs to be provided when – Form.
- 12.08.160 Damage to street or improvement – Assessment of repair costs.
- 12.08.170 Moving prohibited during certain hours – Exception.
- 12.08.180 Emergency moves – Regulations.
- 12.08.190 Exclusions from applicability of provisions.

* For provisions of the Vehicle Weights Limits Act generally, see Veh. Code § 35551; for statutory authority for cities to regulate and prohibit encroachments and obstructions of streets, see Gov. Code § 38775.

CROSS REFERENCE: Truck Routes, see Ch. 10.64 CVMC.

12.08.010 Overweight vehicles – Permit required.

No person shall move or operate upon any of the city streets any vehicle with a load or loads in excess of those permitted by the Vehicle Code without a written permit from the city engineer. (Ord. 973 § 1, 1966; prior code § 19.14.1(A)).

12.08.020 Overweight vehicles – Conditions for granting permit.

The city engineer may, by written permit, authorize a load or loads in excess of those allowed in the Vehicle Code if, in his judgment, the streets upon which such vehicle is to be operated can safely withstand the additional weight and if the applicant will guarantee to the city that all costs of repair to the streets or to the public property of the city damaged by the movement of such load or loads will be paid in full. Such permit will be granted upon such conditions and upon the deposit of such bond as the city engineer may require. (Ord. 973 § 1, 1966; prior code § 19.14.1(B)).

12.08.030 Overweight vehicles – Permit recordkeeping required.

Upon the issuance of a permit as authorized in this section, the city engineer shall cause to be filed with the chief of police a copy thereof, describing the vehicle or vehicles covered by such permit, the load or loads, the time during which such permit will be in effect, and the streets or routes to be used. (Ord. 973 § 1, 1966; prior code § 19.14.1(C)).

12.08.040 Flange wheel machinery – Operation restrictions required.

No person shall operate over the city streets any vehicle, piece of equipment or machinery which has lugs, cleats, flanges, or other projections on the wheels or tracks. If the tread of the track has projections or corrugations, a filler block may be placed on each section so that a flat bearing surface will be in contact with the pavement at all times. (Ord. 973 § 1, 1966; prior code § 19.14.2).

12.08.050 Purpose and intent of provisions.

It is the purpose and intent of the council to permit the controlled operation and moving of vehicles or loads upon highways under its jurisdiction in excess of size and weight of vehicles allowed to be moved or operated on highways under the provisions of the Vehicle Code of the state of California, and protect the public safety and welfare by requiring a permit and the filing of a policy of insurance protecting the public against personal injury and property damage. (Ord. 1205 § 2, 1969; prior code § 27.212).

12.08.060 Permit – Required when.

No person shall move or cause to be moved over or across any public right-of-way under the jurisdiction of the city any vehicle, load, trailer, or combinations thereof which exceed the height, width,

length, size or weight of vehicle or load limitations provided in Division 15 of the Vehicle Code of the state of California, without first obtaining a transportation permit therefor from the director of public works. (Ord. 1205 § 2, 1969; prior code § 27.213 (1)).

12.08.070 Permit – Term of validity – Single-move and multiple-load conditions.

A transportation permit may be designated by the director of public works as either a single-move transportation permit, for the movement of a vehicle or load over a designated route and for a move on a specified date or dates, or a multiple-load transportation permit, issued for the period specified on the permit but not to exceed six months. Multiple-load transportation permits may be issued on the type of vehicle carrying the load in the case of non-self-propelled vehicles and on the specific vehicle in the case of the self-propelled vehicles. Multiple-load permits shall authorize the movement of the vehicles or loads specified on the permit; provided, however, that the vehicle or load shall not exceed a width of 13 feet, a height of 16 feet, or a length of 100 feet. If the load proposed under the multiple-load transportation permit exceeds the weight limits as prescribed in Division 15 of the Vehicle Code of the state of California by more than 25 percent, said move shall be subject to such route restrictions as designated by the director of public works. (Ord. 1205 § 2, 1969; prior code § 27.213(2)).

12.08.080 Permit – Grounds for denial.

The director of public works shall not issue a transportation permit if any one of the following conditions exists:

A. If the overweight per axle exceeds the limits provided in Division 15 of the Vehicle Code of the state of California by 50 percent;

B. If the move is determined by the director of public works to be prohibitive from the standpoint of public safety or contrary to the public interest;

C. If the applicant has repeatedly violated conditions of previously issued permits, or if the applicant has unsettled claims against him for damages resulting from past moves;

D. If the applicant has failed to obtain a permit on the next regularly scheduled working day following interim approval for an emergency move. (Ord. 1205 § 2, 1969; prior code § 27.213(3)).

12.08.090 Permit – Application – Insurance requirements – Availability for inspection – Nontransferability.

Any person desiring a transportation permit shall make application in writing to the director of public works, which application shall specifically describe the vehicle or load to be operated or moved, the type of permit requested, and such other information as the director of public works may require. Thereafter, the director of public works may issue a transportation permit to applicant when:

A. Applicant has provided the director of public works with a policy of insurance which has been approved by the city attorney, executed and delivered by a reliable insurance company authorized to carry on an insurance business in the state, by the terms of which said insurance company assumes responsibility for injuries to persons and property as a result of moving the vehicle or load by permittee, in the following amounts:

1. One hundred thousand dollars (\$100,000) for property damage;

2. Two hundred thousand dollars (\$200,000) for death or injury to any person in any one occurrence;

3. Five hundred thousand dollars (\$500,000) for death or injuries to two or more persons in any one occurrence;

4. Governmental agencies, including the state and its political subdivisions, shall not be required to provide the insurance required by this section, but shall be required to hold the city harmless as hereinafter provided;

B. The director of public works has satisfied himself as to qualifications of applicant and that applicant has complied with all of the requirements of this chapter;

C. All fees provided for in CVMC 12.08.100 have been paid.

Duplicate copies of a transportation permit designated as a multiple-load permit may be obtained when the permit is intended to authorize the movement of more than one non-self-propelled vehicle. Transportation permits shall be carried on the vehicle whose movement is authorized by such permit and shall be available for inspection by any police officer or any authorized agent of the city. Transportation permits issued pursuant hereto shall be nontransferable. (Ord. 1510 § 1, 1973; Ord. 1240 § 1, 1969; Ord. 1205 § 2, 1969; prior code § 27.214).

12.08.100 Permit – Fees required – No-fee permits – Extensions of time.

A. The required permit fee(s) in this chapter shall be collected by the director of public works.

B. Governmental agencies, including the state and any of its political subdivisions, shall make application for permits under the provisions of this chapter, and shall be issued a no-fee permit in accordance with the provisions herein. A contractor working for a governmental agency shall not be considered to be acting on behalf of that governmental agency and shall not be exempt from the payment of fees.

C. An extension of the effective date or an amendment to a single-move permit may be made without payment of additional fees if approved by the director of public works; provided, that the request for such extension or amendment is received before the expiration of the permit. (Ord. 2506 § 1, 1992; Ord. 1811 § 1, 1978; Ord. 1205 § 2, 1969; prior code § 27.215).

12.08.110 Conformity with regulations required.

All moving operations under a transportation permit shall be in conformance with all general and special conditions set forth by the director of public works on said permit. (Ord. 1205 § 2, 1969; prior code § 27.216(1)).

12.08.120 Permittee – Route-checking responsibilities and liabilities.

The permittee shall have the responsibility to ascertain the adequacy of the route requested for the move. When an overheight load is authorized (over 13 feet, 6 inches), the permittee shall check all underpasses, bridges, overhead wires, and other limiting structures or facilities for adequate clearance. The permittee shall notify the owners of all overhead lines or structures subject to disturbances or damage by his move and shall make arrangements for the temporary removal or relocation of the conflicting facility if required. The permittee shall bear all costs for such relocation where the facility is located in accordance with state and local regulations. (Ord. 1205 § 2, 1969; prior code § 27.216(2)).

12.08.130 Permittee – Duty to submit route for approval when – Exception.

For any move involving a load or vehicle whose vertical height is 18 feet or over, or whose width is 30 feet or more, the permittee shall submit to the agencies whose facilities will be affected by such

move the proposed route for approval at least 72 hours in advance of the move. No permit shall be issued until clearances have been received from the power company and telephone company. Applicant shall be responsible for obtaining such clearances. Exception: The city engineer may waive the width clearance requirement when the street widths along the route are clearly adequate to accommodate the load specified in the permit application. (Ord. 1240 § 2, 1969; Ord. 1205 § 2, 1969; prior code § 27.216(3)).

12.08.140 Permittee – Liability for injuries or damages.

Permittee shall hold the city harmless from any loss arising out of injury to persons or damage to property resulting directly or indirectly from the operation permitted by the transportation permit, including the defense of any action arising therefrom at no cost to city. (Ord. 1205 § 2, 1969; prior code § 27.216(4)).

12.08.150 Permittee – Wide load signs to be provided when – Form.

Permittee shall provide “wide load” signs as necessary to be visible from both the front and rear of all loads in excess of 10 feet in width. Signs shall be at least three feet by five feet in dimension; shall have a yellow background with black lettering; shall spell out “WIDE LOAD” in bold letters; and shall have an amber flasher mounted on each of the upper corners of such sign. (Ord. 1205 § 2, 1969; prior code § 27.216(5)).

12.08.160 Damage to street or improvement – Assessment of repair costs.

In case of damage to any street or other public street improvement by reason of the moving of any vehicle or load under transportation permit, the city shall cause such work to be done as may be necessary to restore the public street improvement to as good a condition as the same was in prior to such damage, and shall charge the cost thereof to the permittee. Such damages as occur may be recovered from the insurance required under CVMC 12.08.090. (Ord. 1205 § 2, 1969; prior code § 27.216(6)).

12.08.170 Moving prohibited during certain hours – Exception.

Movement of oversize loads and/or vehicles shall be prohibited during the hours of darkness (one-half hour after sunset to one-half hour before sunrise), and between the hours of 7:00 a.m. and

9:00 a.m., and 4:00 p.m. and 6:00 p.m., unless otherwise approved by the chief of police. (Ord. 1205 § 2, 1969; prior code § 27.216(7)).

12.08.180 Emergency moves – Regulations.

For moves which, because of their emergency nature, require approval during periods other than the regularly scheduled working hours of the city, the director of public works, or chief of police, or authorized representatives thereof, may grant interim approval for such moves on the condition that a permit will be acquired during the next regularly scheduled working day. Failure to acquire such permit may result in disqualification for a six-month period. (Ord. 1205 § 2, 1969; prior code § 27.217).

12.08.190 Exclusions from applicability of provisions.

The requirements of this chapter shall not affect the requirements of any other chapter of this code requiring permits, fees and bonds, including the requirements for moving and relocating structures. (Ord. 1205 § 2, 1969; prior code § 27.218).

Chapter 12.12

STREET OBSTRUCTIONS*

Sections:

- 12.12.010 Streets and sidewalks – Damage prohibited.
- 12.12.020 Irrigation water flow in streets or public places prohibited.
- 12.12.030 Obstructing flow of water in public ways prohibited – Deemed misdemeanor when.
- 12.12.040 Obstructing public ways with vegetation prohibited.
- 12.12.050 Obstructing flow of water in gutters prohibited.
- 12.12.060 Pipes in gutters – Regulations and owner responsibility.
- 12.12.070 Sidewalks, curbs and gutters – Maintenance and repair duties – City performance when – Costs deemed lien – Collection.
- 12.12.080 Debris dropped from vehicles prohibited on streets.
- 12.12.090 Storage of building materials – Temporary encroachment permit required when.
- 12.12.100 Temporary encroachment permit fees.
- 12.12.110 Removal of obstructions from streets required – Notice – City performance when – Costs deemed lien – Collection.
- 12.12.120 Vision clearance – Intersection requirements.
- 12.12.130 Vision clearance – Driveway requirements.

* For statutory provisions authorizing cities to regulate and prohibit encroachments and obstructions of streets, see Gov. Code § 38775.

12.12.010 Streets and sidewalks – Damage prohibited.

It is unlawful for any person to use any of the streets and sidewalks within the corporate limits of the city for the purpose of transporting machinery or implements of any kind over, upon or across any of such streets or sidewalks without doing the same in such manner that the streets or sidewalks shall not be damaged. (Ord. 1205 § 2, 1969; prior code § 27.201).

12.12.020 Irrigation water flow in streets or public places prohibited.

It is unlawful for any person owning or having charge of irrigating lands in the city to so irrigate said lands that waters used in such irrigation shall be cast upon or over, or permitted to flow upon or over, any of the public streets, alleys or public places in the city; provided, however, that in the event of an unavoidable accident in the process of such irrigation, whereby the water is uncontrollable, it shall not be deemed an offense as hereinabove described if such water is prevented from flowing upon or over such public streets, alleys or public places within a reasonable time sufficient to repair such accident. (Ord. 1205 § 2, 1969; prior code § 27.202).

12.12.030 Obstructing flow of water in public ways prohibited – Deemed misdemeanor when.

Any person allowing or permitting any obstruction to the free flowing of water upon any portion of any public street or alley or the gutter thereof, caused by them, in the city, to so remain for a period of 24 hours after notice from the street superintendent to remove the same, shall be guilty of a misdemeanor. (Prior code § 16.4).

12.12.040 Obstructing public ways with vegetation prohibited.

It is unlawful for any person owning or having charge of any properties in the city to allow vegetation to grow in such a manner so as to obstruct the streets, sidewalks, curbs and gutters so as to interfere with the passage of pedestrians or vehicles or to impede the use of street cleaning equipment. (Ord. 1205 § 2, 1969; prior code § 27.203).

12.12.050 Obstructing flow of water in gutters prohibited.

It is unlawful for any person to place, or cause to be placed, any material or obstruction of any kind in any gutter upon any public street or alley, or upon any portion of any public street or alley, in the city, which will in any way prevent the free flow of water upon such street or alley or along any such gutter. (Prior code § 16.5).

12.12.060 Pipes in gutters – Regulations and owner responsibility.

It is unlawful for any person to lay, place or maintain any pipe or pipes in the gutter of any street or alley in the city which are insufficient to properly carry off the water that naturally accumu-

lates at such pipe or pipes, and the street superintendent is empowered to determine and fix the size that such pipe or pipes shall be. It shall be the duty of the owner of the property upon whose land such pipe or pipes may be to keep such pipe or pipes open and in condition to properly carry off the water that such pipe or pipes are designed to do. (Prior code § 16.6).

12.12.070 Sidewalks, curbs and gutters – Maintenance and repair duties – City performance when – Costs deemed lien – Collection.

Any person owning or having charge of any properties in the city is charged with the duty of maintaining sidewalks, curbs and gutters adjacent to or contiguous to said properties free and clear of all dirt, rocks, debris and other materials which would tend to obstruct said sidewalks, curbs, and gutters. Said persons shall also be liable for the proper maintenance of street lines and sidewalks, as required by Section 5610 of the Streets and Highways Code of the state of California. In the event that said persons fail to maintain sidewalks, curbs, gutters and streets in accordance with the requirements of this section and the Streets and Highways Code of the state, notice shall be given, as provided in this code and/or in the Streets and Highways Code, and in the event that the city is required to perform such maintenance, a lien shall be imposed to cover the cost of such work. Said lien shall be collected as a part of the assessment of the regular tax bill levied against the lot or parcel of land, as provided in Section 5628 of the Streets and Highways Code of the state. (Ord. 1205 § 2, 1969; prior code § 27.204).

12.12.080 Debris dropped from vehicles prohibited on streets.

No person shall throw, deposit or drop, or cause to be thrown, deposited or dropped, any dirt, debris, boulders, pebbles, hardpan, rock, glass or any material whatsoever on any street in the city, or permit any dirt, debris, pebbles, hardpan, rock, boulders, or glass to drop, roll or leak from any vehicle on any street in the city. It is unlawful for any person to place on the surface of any street, alley or public place in the city any nails, broken glass, sharp implements, crushed rock, or any other substance tending to cause injury to the tires of vehicles passing along such street, alley or public place.

In the event that such debris is deposited on any street in the city, the director of public works shall require the person responsible to immediately

remove the debris and clean the street right-of-way and to stop all activity on the project until the cleanup has been undertaken. In the event that the city undertakes to effect such cleanup, the cost thereof shall be charged to the person responsible. Final clearance of the project shall be withheld until such charge has been paid. (Ord. 1677 § 1, 1976; Ord. 1205 § 2, 1969; prior code § 27.205).

12.12.090 Storage of building materials – Temporary encroachment permit required when.

It is unlawful for any person to use any street, alley or public place in the city for depositing and storing building materials to be used in the construction of buildings or structures adjacent to such part of the street so to be used for any length of time without first obtaining a temporary encroachment permit so to use such street, alley or public way from the director of public works. The director of public works shall determine a reasonable length of time for the storage of such building materials in the street right-of-way. Whenever such permit is granted, it shall be deemed to be upon condition that:

A. Not more than 20 feet immediately in front of the building or structure proposed to be constructed shall be so used;

B. The materials are easily removable and cause no obstruction to vehicular traffic;

C. During such construction, whenever practicable, a portion of the sidewalk in front of such work shall be kept open for public travel; and

D. Lights, during the period of darkness, shall be placed on such material deposited in the street in such manner that they may be plainly seen by travelers passing along such street, and afford sufficient warning against danger of driving or riding into or upon such obstruction. (Ord. 1677 § 1, 1976; Ord. 1205 § 2, 1969; prior code § 27.207).

12.12.100 Temporary encroachment permit fees.

A. The required nonrefundable application fee(s) shall accompany each application for a temporary encroachment permit.

B. If materials are placed in the street by the applicant prior to issuance of a temporary encroachment permit, the application fee shall be doubled. The payment of such double fee shall not relieve any person from fully conforming with the requirements of this chapter. Such double fee shall be construed as an added fee required to defray the additional expense of investigation and enforcement by the city as the result of failure to comply

with the provisions of this chapter. In the event that issuance of a temporary encroachment permit is refused, any previously deposited materials shall be removed as provided in CVMC 12.12.110. (Ord. 2506 § 1, 1992; Ord. 1811 § 1, 1978; Ord. 1677 § 1, 1976; Ord. 1205 § 2, 1969; prior code § 27.208).

12.12.110 Removal of obstructions from streets required – Notice – City performance when – Costs deemed lien – Collection.

In the event that any unauthorized obstructions or debris are placed upon the sidewalks, curbs, gutters or streets, the director of public works shall immediately notify the owner of record, the occupant or occupants, or person having charge of the real property lying adjacent to or contiguous to said portion of the public right-of-way containing said unauthorized obstructions which have been placed thereon at any time, either prior to or subsequent to July 18, 1969, and being any obstruction, thing, object, or material, whether organic or inorganic, that the obstruction shall be removed forthwith or within a reasonable period of time as determined by the director of public works, depending upon the nature of the obstruction, after receipt of said notice. In the event that said property owner, occupant or occupants, or person having charge of the property fails to remove the obstruction within the time set forth in this section or as determined by the director of public works, the director of public works shall cause the obstruction to be removed and a lien shall be imposed against the property in the manner provided in Sections 5610 through 5630 of the Streets and Highways Code of the state, and the lien shall be collected as a portion of the regular tax assessment as provided in Section 5628 of the Streets and Highways Code. (Ord. 1677 § 1, 1976; Ord. 1205 § 2, 1969; prior code § 27.209).

12.12.120 Vision clearance – Intersection requirements.

On each corner lot or two interior lots having a common side lot line, located within an interior angle not exceeding 135 degrees, formed by two converging street lines and such lot or lots being subject to front yard requirements, no obstruction, including earth obstruction, to vision between a height of three feet and 10 feet above every point along the outer edge of the paved surface of the roadway, or traveled portion of the roadway where no paving exists, may be erected, placed, planted, allowed to grow, or be maintained within that area

of the lot or lots formed by the converging street lines and a straight line intersecting such street lines, drawn at a right angle to a line running midway or nearly midway between, and in the mean direction of, the converging street lines at a point three feet outside the buildable area of the lot or lots; provided, that said line shall not be less than 45 feet in length, except the following:

A. Single trees and shrubs pruned, arranged, and maintained in such a way as to prevent blind spots and provide reasonable unobstructed vision, throughout the area, for drivers of automobiles;

B. Wire fences of chain-link or similar open-mesh construction;

C. Pole signs, as otherwise permitted, provided the pole minimum support only is the only part of the structure visible within the height limits. (Ord. 973 § 1, 1966; prior code § 19.15.1).

12.12.130 Vision clearance – Driveway requirements.

Within five feet of any driveway, no fence, wall or hedge or other dense vegetation shall be permitted within five feet of the front line of any lot which is subject to front yard requirements if said fence, wall, hedge or vegetation is more than two feet, six inches in height, unless same is arranged so as to provide 50 percent or more of distributed open space so as to prevent dense blind areas exceeding eight inches in width along its horizontal measurement. (Ord. 973 § 1, 1966; prior code § 19.15.2).

Chapter 12.16

EXCAVATIONS*

Sections:

- 12.16.010 Notice required.
- 12.16.020 Work to be done expeditiously.
- 12.16.030 Work not to discommode the public.
- 12.16.040 Barricades and lights required.
- 12.16.050 Area to be refilled and replaced to original condition.
- 12.16.060 Backfilling requirements.
- 12.16.070 Repaving requirements.
- 12.16.080 Bond – Required when – Determination of amount – Deposit in lieu of when.

* For statutory provisions authorizing cities to regulate and prohibit encroachments and obstructions of streets, see Gov. Code § 38775.

12.16.010 Notice required.

It is unlawful for any person to excavate or cause to be excavated any hole, trench or ditch in any street, alley or sidewalk within the city limits without first having notified either the department of public works of the city between the hours of 8:00 a.m. and 5:00 p.m., or the police department before 8:00 a.m. and after 5:00 p.m., of their intention to do so, stating the time and place and approximate duration of such excavation. Where the place of excavation is not specifically fixed by a franchise or permission, the place shall be designated by the director of public works or the superintendent of streets and the work done under the direction of such individual. (Ord. 1205 § 2, 1969; prior code § 27.601).

12.16.020 Work to be done expeditiously.

Any work of excavating the streets, sidewalks, alleys or public places of the city shall be done with all possible expedition. (Ord. 1205 § 2, 1969; prior code § 27.602(1)).

12.16.030 Work not to discommode the public.

All poles shall be placed and set, and all excavations made, so that the same shall discommode adjoining property owners and the general public as little as possible. (Ord. 1205 § 2, 1969; prior code § 27.602(2)).

12.16.040 Barricades and lights required.

It is unlawful for any person to excavate or cause to be excavated any hole, trench or ditch in

any street, alley or sidewalk within the city limits of the city without maintaining barricades on such hole, ditch or trench with adequate lights and other warnings to the public of the location of such hole, trench or ditch. All such excavations shall at all times be safely guarded against the possibility of persons, vehicles or animals or other property being injured by the same. (Ord. 1205 § 2, 1969; prior code § 27.602(3)).

12.16.050 Area to be refilled and replaced to original condition.

All ditches, trenches or excavations shall be refilled and replaced, and the street, alley or sidewalk shall be placed in the same condition it was prior to such excavation, to the satisfaction of the department of public works. (Ord. 1205 § 2, 1969; prior code § 27.603(1)).

12.16.060 Backfilling requirements.

All excavations in the public streets, alleys, sidewalks or other public places in the city shall be backfilled without undue delay. Backfilling shall be accomplished in accordance with standard specifications as approved by the city council. (Ord. 1205 § 2, 1969; prior code § 27.603(2)).

12.16.070 Repaving requirements.

All excavations in paved surfaces shall be repaved in accordance with said standard specifications. Any person so repaving an excavation shall inspect the same after 30 days have expired to detect and to correct, at his own expense, any settlement. If, in the opinion of the director of public works, a seal coat of bitumuls and screenings is necessary, the same shall be applied at once by any person so repaving such excavations at any time within two years after repaving is completed. (Ord. 1205 § 2, 1969; prior code § 27.603(3)).

12.16.080 Bond – Required when – Determination of amount – Deposit in lieu of when.

A. Any person, other than a public utility, or persons who have obtained permits pursuant to Chapters 12.20, 12.24 and 12.28 CVMC, who shall apply for a franchise or permit to cut or excavate a surfaced or paved street, alley, public place or sidewalk for any purpose mentioned in CVMC 5.30.020, shall post with the city a good and sufficient surety company bond or a cash deposit in an amount equal to twice the estimated cost of replacing such surfaced or paved street, alley, sidewalk or public place in the same condition as before the

same is excavated or cut, to insure and to guarantee all cost of replacing such surfacing or paving in the same condition as before the same was cut or excavated and in the manner provided for in CVMC 12.16.050 through 12.16.070, and to insure and guarantee the cost of maintaining such surfacing or paving for a period of two years from the date the same is replaced. The director of public works shall determine the amount of such bond in accordance with this section, and his determination of the estimated cost of replacing such surfacing or paving shall be final.

B. Any general contractor, licensed by the state and the city, may, in lieu of posting a bond for each job as above provided, post a cash deposit or a blanket bond in the sum of \$4,000 issued by a surety company acceptable to the city and approved by the city attorney, which, by its terms, is made to guarantee the replacing and maintenance of such surfaced streets, alleys, sidewalks or public places as above provided, and which shall, by its terms, not be subject to withdrawal or cancellation without the consent of the council, until two years have expired since the last job performed by such contractor involving excavations in such surfaced streets, alleys, sidewalks or other public places has been completed. (Ord. 1205 § 2, 1969; prior code § 27.604).

Chapter 12.20

**CONSTRUCTION OF STREET
IMPROVEMENTS***

Sections:

- 12.20.010 Permit required – Application – Issuance prerequisites – Performance bond required – Exemptions.
- 12.20.020 Performance bond – Required – Description.
- 12.20.030 Performance bond – Conditions – Conformity with specifications required – Scope.
- 12.20.040 Performance bond – Conditions – Effect of failure to perform.
- 12.20.050 Performance bond – Conditions – Default procedure – Penalty.
- 12.20.060 Performance bond – Conditions – Effect of failure to remedy default.
- 12.20.070 Performance bond – Conditions – Completion of defaulted work – Liability.
- 12.20.080 Performance bond – Cash deposit in lieu when – Effect.
- 12.20.090 Performance bond – Type – Amount – Filing – Cancellation notices.
- 12.20.100 Permit – Fees required – Exemptions – Refunds.
- 12.20.110 Work to conform with standards and specifications.
- 12.20.120 Driveways – Permit required when.
- 12.20.130 Driveways – Installation specifications and regulations.
- 12.20.140 Driveways – Maximum width – Generally.
- 12.20.150 Driveways – Maximum width – Commercial or industrial.
- 12.20.160 Driveways – Minimum distance between.
- 12.20.170 Driveways – Limitation on percent of frontage to be used.
- 12.20.180 Driveways – Location restrictions.
- 12.20.190 Driveways – Concrete specifications.
- 12.20.200 Driveways – Gutters not to be obstructed.
- 12.20.210 Driveways – Grade requirements.
- 12.20.220 Driveways – Safety requirements during construction.
- 12.20.230 Driveways – Removal of debris required.
- 12.20.240 Driveways – Permit required for certain installation variances – Application – Criteria for

consideration – Fee – Appeal of denial.

- 12.20.250 Driveways – Removal required when abandoned – Procedure.
- 12.20.260 Permit – Insurance requirements prerequisite – Exemptions.
- 12.20.270 Interpretation of provisions.
- 12.20.280 Violations deemed misdemeanors.

* For statutory provisions regarding construction of sidewalks, see Str. and Highways Code §§ 5870 – 5895.54; for provisions regarding the repair of sidewalks, see Str. and Highways Code § 5600, et seq.; for provisions authorizing cities to require removal of encroachments, see Gov. Code § 38775.

12.20.010 Permit required – Application – Issuance prerequisites – Performance bond required – Exemptions.

Every person, other than subdividers authorized pursuant to subdivision improvement agreements, constructing public improvements and/or installing, adjusting or repairing public utility facilities in the public right-of-way shall present an application for a public works construction permit to the director of public works. Upon receipt of proper fees, bonds, policy of insurance, plans and such other pertinent documents as required by the director of public works, said director may issue a public works construction permit to perform specified work in the public right-of-way. The specified work shall be undertaken by a utility company properly franchised by the city or a properly qualified contractor, licensed under the laws of the state; provided, however, that in the case of encroachments being constructed in the public rights-of-way which do not affect public improvements either requiring the construction, reconstruction or relocation thereof, they may be performed by the property owner as provided in Chapter 12.28 CVMC. The application shall be filed on forms approved by the director of public works and shall contain assurances or stipulations that the applicant is a franchised utility company or such a licensed contractor and that he will construct all work or improvements in a good and workmanlike manner and in strict conformity to the provisions of this title and the standards and specifications adopted by the city, as presently existing or as same may be amended. Said application for the construction and installation of public improvements by private contractor meeting said qualifications shall be accompanied by a performance bond of the nature and in

the amount set forth in CVMC 12.20.020 through 12.20.090; provided, however, the following are exempt from the requirements of depositing said performance bond:

A. No performance bond, under the provisions of this title, shall be required from the state or any of its political subdivisions or any governmental agency;

B. A contractor working for the state, or any of its political subdivisions or any governmental agency, shall present a performance bond unless proof is submitted that the work is covered by a bond insuring to the benefit of the state or agency. (Ord. 2521 § 1, 1992; Ord. 1240 § 6, 1969; Ord. 1205 § 2, 1969; prior code § 27.401).

12.20.020 Performance bond – Required – Description.

Persons performing private contract work under a permit issued in accordance with this title shall furnish a bond or cash deposit in accordance with the provisions set forth in CVMC 12.20.030 through 12.20.080. Said performance bond shall be issued by a surety company authorized to do business in the state, and shall be approved as to form by the city attorney. The bond shall be in favor of the city and shall be conditioned upon the completion, free of liens, of the work authorized by the permit in accordance with the requirements of this title and the conditions prescribed by the permit. (Ord. 1205 § 2, 1969; prior code § 27.402).

12.20.030 Performance bond – Conditions – Conformity with specifications required – Scope.

The conditions of work shall include that all such work to be done and improvements to be made shall be done and made to the official grade and according to the specifications therefor as prescribed by the ordinances of the city in force at the time of making such improvements or doing such work; that when such improvement or work consists of or includes sidewalks, that portion of the sidewalk not paved shall be graded to the official grade; and that all debris and surplus material shall be removed from the street upon the completion of such work or improvement. Every bond executed under the provisions of this chapter shall inure to the benefit of the city, and to and for the benefit of all persons who may suffer damage by reason of the breach of any of the conditions thereof and any person so damaged may bring suit upon such bond in his own name. No such bond shall be void upon the first recovery thereof, but suit may be after-

wards brought from time to time and judgments may be recovered thereon by the city or any person to whom a right of action has accrued against the principal and sureties of this bond, until the whole penalty of such bond is exhausted. (Ord. 1205 § 2, 1969; prior code § 27.402(1)).

12.20.040 Performance bond – Conditions – Effect of failure to perform.

In the event any person giving such bond, or his assigns, shall fail to procure or complete such work according to this title and the specifications contained in the ordinances of the city governing such work, and in accordance with the contract, or to grade the unpaved portion of the sidewalk to the official grade thereof, or shall fail to remove the debris or surplus dirt upon completion of such work, the street department, or the person owning the property fronting upon the street or other public place where the work is contracted to be done, may do or complete such work according to the contract and the specifications in force at the time such work is done, and may remove the debris and material from the street, as the case may be, and such person giving such bond, and the sureties thereon, shall be liable to the city, or to the person causing the work to be completed, in a civil action upon such bond for the costs and expenses necessarily incurred in connection with the completion of such contract and the removal of such debris and surplus material. (Ord. 1205 § 2, 1969; prior code § 27.402(2)).

12.20.050 Performance bond – Conditions – Default procedure – Penalty.

The bond shall be conditioned upon the payment to the city of any costs incurred by the city in completing the required work or in employing a private contractor to complete such work. Whenever the director of public works finds that a default has occurred in the performance of any term or condition of work authorized by a permit, he shall give written notice of such default to the principal and surety of the bond. Such notice shall state the work remaining to be done, the estimated cost of completion and the time estimated by the director of public works to be necessary for the completion of the work. After receipt of such notice, the principal or the surety must, within the time specified, either complete the work satisfactorily or deposit with the city an amount equal to the director of public works' estimate of the completion cost, plus an additional sum equal to 25 percent of such cost. (Ord. 1205 § 2, 1969; prior code § 27.402(3)).

12.20.060 Performance bond – Conditions – Effect of failure to remedy default.

In the event that the principal or surety fails to complete such work within the time specified in the notice, or fails to deposit the estimated cost plus 25 percent with the city, the director of public works may cause the required work to be completed. The principal and the surety shall be liable for the cost of completing such work. (Ord. 1205 § 2, 1969; prior code § 27.402(4)).

12.20.070 Performance bond – Conditions – Completion of defaulted work – Liability.

If the principal or surety deposits the estimated cost plus 25 percent as set forth in the notice, the director of public works shall cause the required work to be completed. The unexpended money shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost. The principal and surety shall hold the city blameless from any liability in connection with the work so performed by the city or the contractor employed by the city. The city shall not be liable in connection with such work other than for the expenditure of said money. (Ord. 1205 § 2, 1969; prior code § 27.402(5)).

12.20.080 Performance bond – Cash deposit in lieu when – Effect.

In lieu of a surety bond, the permittee may post a cash deposit with the city finance officer in an amount equal to the required bond. Notice of default as provided above shall be given to the principal, and if the default is not corrected within the time specified, the director of public works shall proceed without delay and without further notice of proceedings whatsoever to use the cash deposit or any portion of such deposit to complete the required work. The balance, if any, of such cash deposit shall, upon completion of the work, be returned to the depositor or to his successors or assigns after deducting the cost of the work. (Ord. 1205 § 2, 1969; prior code § 27.402(6)).

12.20.090 Performance bond – Type – Amount – Filing – Cancellation notices.

A. The performance bond may be for a specific private contract or an annual and continuing bond may be filed with the city covering the costs of several private contracts. The amount of the bond covering a specific job shall be based on the amount of the estimate submitted by the person doing the

work and approved by the director of public works and in accordance with the schedule in subsection (B) of this section. An annual and continuing bond may be in an amount of \$1,000, \$2,000, \$3,000, \$4,000, \$5,000 and \$10,000, or any larger amount in multiples of \$5,000. This bond shall qualify the contractor to do work for which the aggregate total of bond amounts as determined from the schedule in subsection (B) of this section and approved cost estimates of work in progress shall not exceed the amount of the bond. Annual and continuing bonds shall have a noncancellation without notice clause.

B. The bond or cash deposit amount shall be based on an estimate of the cost of the work approved by the director of public works and in accordance with the following schedule:

1. Public improvements – 110 percent of cost estimate;

2. Encroachments – 110 percent of cost estimate.

C. Bonds shall be filed with the city.

D. Notice of cancellation shall be sent to the city.

E. In lieu of said surety bond, a cash deposit in the amounts indicated may be deposited with the city. (Ord. 1205 § 2, 1969; prior code § 27.403).

12.20.100 Permit – Fees required – Exemptions – Refunds.

A. All construction of public works improvements within the public rights-of-way shall be authorized through issuance of public works construction permits issued by the director of public works, excepting that work performed by public utility organizations under franchise from the city council and improvements installed under subdivision improvement agreements, or city public works contracts.

B. The permit fees required by this section shall be collected prior to issuance of a public works construction permit.

C. The state, or any of its political subdivisions, or any governmental agency shall file applications for permits and shall be issued permits as required by this chapter; provided, however, that no fees shall be required for private plan review.

D. Permit fees for public works construction permits shall be the required fee(s).

E. In the event a public works construction permit fee refund is requested by the permittee, and the director of public works has determined that it is in the public interest to allow the permittee to abandon the work, the director of public works shall cancel the permit and refund the unused por-

tion of the fee. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1240 § 7, 1969; Ord. 1205 § 2, 1969; prior code § 27.404).

12.20.110 Work to conform with standards and specifications.

All public improvements constructed in the public rights-of-way shall conform to the standards and specifications as adopted by the city, as presently existing or as they may be amended from time to time. (Ord. 1205 § 2, 1969; prior code § 27.405).

12.20.120 Driveways – Permit required when.

No person shall cut, break or remove an existing sidewalk or curb for the installation of a driveway or any other purpose without first obtaining a permit therefor from the director of public works. No permit shall be issued to remove any curbing unless a concrete driveway between curbing and sidewalk is to be installed. (Ord. 1205 § 2, 1969; prior code § 27.406).

12.20.130 Driveways – Installation specifications and regulations.

The director of public works shall grant the permits required by this chapter for the installation or construction of driveways or the cutting, breaking or removal of any curbs or sidewalks, and such permits shall be subject to the conditions set forth in CVMC 12.20.140 through 12.20.230. (Ord. 1205 § 2, 1969; prior code § 27.408).

12.20.140 Driveways – Maximum width – Generally.

The maximum width of any driveway, other than a commercial driveway, shall be not more than 25 feet, as measured at the top of the curbing. (Ord. 1205, 1969; prior code § 27.408(1)).

12.20.150 Driveways – Maximum width – Commercial or industrial.

Maximum width of any commercial or industrial driveway shall be not more than 35 feet, as measured at the top of curbing. (Ord. 1205, 1969; prior code § 27.408(2)).

12.20.160 Driveways – Minimum distance between.

Minimum distance between driveways on any single property shall be 22 feet. (Ord. 1205, 1969; prior code § 27.408(3)).

12.20.170 Driveways – Limitation on percent of frontage to be used.

Not more than 40 percent of the frontage upon any street of any lot or parcel of land which is used for residential purposes, or 60 percent of street frontage in a C zone or industrial zone, shall be devoted to driveways. (Ord. 1205, 1969; prior code § 27.408(4)).

12.20.180 Driveways – Location restrictions.

No driveway shall be located so as to interfere with intersecting sidewalks, traffic signals, lamp-posts, fire hydrants, or utility poles. (Ord. 1205, 1969; prior code § 27.408(5)).

12.20.190 Driveways – Concrete specifications.

All concrete work shall be done in accordance with the standards and specifications adopted by the city council, as presently existing or as they may be amended from time to time. (Ord. 1205, 1969; prior code § 27.408(6)).

12.20.200 Driveways – Gutters not to be obstructed.

No driveway shall be constructed so as to cause a gutter obstruction. (Ord. 1205, 1969; prior code § 27.408(7)).

12.20.210 Driveways – Grade requirements.

Applicant shall construct the driveway to an official grade in accordance with the latest revisions of the standards and specifications adopted by the city council, as presently existing or as they may be amended from time to time. (Ord. 1205, 1969; prior code § 27.408(8)).

12.20.220 Driveways – Safety requirements during construction.

Applicant shall maintain the premises in a safe manner and shall provide adequate barricades and lights at his own expense to protect the safety of the public using adjacent streets or sidewalks, and shall hold the city free from any damage resulting from said construction. (Ord. 1205, 1969; prior code § 27.408(9)).

12.20.230 Driveways – Removal of debris required.

All debris and surplus materials shall be promptly and properly removed upon completion of the work by the applicant. (Ord. 1205, 1969; prior code § 27.408(10)).

12.20.240 Driveways – Permit required for certain installation variances – Application – Criteria for consideration – Fee – Appeal of denial.

A. The director of public works may authorize issuance of a permit to construct and maintain driveways in excess of the limitations contained in CVMC 12.20.140 through 12.20.170. Applications for such special permits shall be made in writing to the director of public works. The applicant shall specify the exact size and location of the proposed driveway and its relationship to nearby facilities, and shall provide justification for deviation from standard.

B. The director of public works shall approve, conditionally approve, or deny the application. Said approval, conditional approval or denial shall be based upon a presentation of sufficient justification for variance from city standards. Additional consideration shall be afforded the following criteria:

1. Traffic and pedestrian safety and convenience;
2. Volume and type of traffic use anticipated;
3. Relocation of existing facilities in the public right-of-way, e.g., street lights, signal standards and fire hydrants;
4. Destruction of landscaping or removal of trees;
5. Effect on nearby property;
6. Conformity with future street plans.

C. The required nonrefundable fee(s) shall accompany each application for such special permit. No application shall be considered unless such fee shall have been paid.

D. Decisions of the director of public works shall be subject to appeal by the applicant to the city council. Appeals shall be made in writing and shall be accompanied by the required nonrefundable fee(s). The decision by the city council shall be final. (Ord. 2506 § 1, 1992; Ord. 1811 § 1, 1978; Ord. 1415 § 1, 1972; Ord. 1205 § 2, 1969; prior code § 27.409).

12.20.250 Driveways – Removal required when abandoned – Procedure.

It is unlawful for any property owner, occupant or occupants, or person having the charge and care of any property, to maintain upon such property, parcel or premises an abandoned driveway. An abandoned driveway shall be defined as any driveway which does not serve the purpose of affording

ingress and egress to the subject property or premises. Any abandoned driveway shall be removed and the curbs and sidewalks shall be properly restored to conform to the condition of curbs and sidewalks adjacent thereto by said property owner, occupant or occupants, or person having charge or care of such property. The director of public works shall cause a written notice of such abandoned driveway to be delivered to said responsible party, and in the event that the driveway has not been removed and the curb and sidewalk properly restored, said work shall be undertaken by the director of public works and a lien imposed in the manner provided in CVMC 12.12.110 relating to the removal of obstructions in public rights-of-way, including the use of adding the amount of said lien to the tax assessment on said property as the method of collection. (Ord. 1205 § 2, 1969; prior code § 27.410).

12.20.260 Permit – Insurance requirements prerequisite – Exemptions.

Prior to issuance of a public works construction permit, the applicant shall have provided the director of public works with a policy of insurance which has been approved by the city attorney, executed and delivered by a reliable insurance company authorized to carry on an insurance business in the state, by the terms of which said insurance company assumes responsibility for injuries to persons and property as a result of constructing the work set forth in the permit, in the following amounts:

- A. One hundred thousand dollars (\$100,000) for property damage;
- B. Two hundred thousand dollars (\$200,000) for death or injuries to any person, in any one occurrence;
- C. Five hundred thousand dollars (\$500,000) for death or injuries to two or more persons, in any one occurrence.

Governmental agencies, including the state of California and its political subdivisions, shall not be required to provide the insurance required by this section, but shall be required to hold the city harmless. (Ord. 1510 § 3, 1973; Ord. 1240 § 8, 1969; Ord. 1205 § 2, 1969; prior code § 27.411).

12.20.270 Interpretation of provisions.

The provisions of this chapter shall be interpreted as imposing additional requirements and restrictions, and not as repealing existing laws relating to the same subject matter. Where this chapter imposes a greater restriction on the construction of sidewalks, curbs or gutters, or the

granting of permits and licenses therefor, than are imposed or required by other laws, the provisions of this chapter shall control. (Ord. 1205 § 2, 1969; prior code § 27.414).

12.20.280 Violations deemed misdemeanors.

Any person violating any of the forms, requirements, regulations or provisions of this chapter, or willfully making and subscribing to any statement which is false or untrue as to any material matter contained in any application or report required by this chapter, shall be guilty of a misdemeanor. (Ord. 1205 § 2, 1969; prior code § 27.415).

Chapter 12.24

DEDICATIONS

Sections:

- 12.24.010 Purpose and intent of provisions.
- 12.24.020 Definitions.
- 12.24.030 Requirements for dedication – Permit prerequisites.
- 12.24.040 Installation of public improvements – Required – Standards and specifications.
- 12.24.050 Compliance prerequisite to issuance of certain certificates.
- 12.24.060 Requirements waived when – Fee – Appeal of denial.
- 12.24.070 Requirements deferred when – Deposit or bond required when – Appeal of denial.

12.24.010 Purpose and intent of provisions.

The city council finds that lack of sidewalks within the city often encourages or forces pedestrians, especially school children, to walk in the streets, thus being subjected to the hazards of vehicular traffic, and during the rainy season, waters create inconveniences constituting a hazard to the health and safety of pedestrians; streets and highways of inadequate width and design hinder vehicular movement and constitute a hazard to the health and safety of users; the lack of curbs, storm drain facilities and improved alleys results in poor drainage and a collection of filth and waste matter; and the lack of adequate street lighting contributes to the criminal infringement upon the rights of persons and property; therefore, such conditions are found and declared to be dangerous to the public health and safety of the inhabitants of the city. It is the purpose of the city council, in adopting the provisions of this chapter, to impose reasonable requirements of dedication and street improvement upon individuals and corporations engaged in the development and construction of new buildings or structures which tend to make increased demands upon the existing public rights-of-way and streets and highways in the city, thereby increasing the danger to the public health and safety.

It is the intent of the council to extend the basic requirements of the Subdivision Map Act of the state by establishing standards and requirements for street dedication and improvement in connection with land development in which no subdivision is involved. Further, it is the purpose of the council to spread the costs of public improvements

upon all abutting property in an equitable manner and to cause the installation of those improvements required by the city to serve property about to be developed at the time of its development. The city council shall require, in accordance with the provisions of this chapter, the dedication of portions of the public rights-of-way, including streets, highways, alleys and storm drain facilities, and construction of curbs, gutters, sidewalks and paving contiguous to the property, from the property line to the centerline of the public rights-of-way, and storm drain facilities and street lighting as necessitated by the nature and type of the building or structure being constructed and the use to which the property is being put. The nature and extent of the dedication or improvements required pursuant to this chapter shall be limited to the danger that the proposed development or construction will tend to create, add or impose a burden upon the public rights-of-way of the city. (Ord. 1205 § 2, 1969; prior code § 27.501).

12.24.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

A. "Alley" means a public or private way, permanently reserved as a secondary means of access to abutting property.

B. "Building or structure" means any building or structure of which the construction cost is in excess of \$20,000, or any building or structure moved or installed upon property for residential, commercial and industrial use, or such building or structure for use as a place for the assemblage of persons. The \$20,000 amount shall be annually increased, effective July 1st of each year, by the proportionate growth in the "Construction Cost Index" reported in the Engineering News Record since the date of the last adjustment. (Ord. 2541 § 1, 1993; Ord. 1834 § 1, 1978; Ord. 1205 § 2, 1969; prior code § 27.502).

12.24.030 Requirements for dedication – Permit prerequisites.

No building permit shall be issued for the erection, construction, enlarging, altering, repairing, improving, converting or relocation of any building or structure as herein defined in the city until the owner of the parcel or property upon which the building or structure is to be situated shall have provided, by means of an offer of dedication or other appropriate conveyance as approved by the city attorney, a dedication of any necessary street,

highway, or alley right-of-way as shown or designated as being necessary on the street and highway element of the general plan of the city, or upon any specific plan adopted by the city council, as such may presently exist or as they may, from time to time, be amended. Said dedication of additional street, highway, or alley right-of-way is required in order to properly align curb, gutter, sidewalk or paving with the existing or planned improvement in the same block frontage, in accordance with said general plan or specific plans. In addition, the city may require the dedication of necessary rights-of-way for storm drain facilities in order to properly align said facilities with existing or planned storm drains, in conformance with the adopted general plan or specific plans and studies as approved by the city council. (Ord. 2541 § 2, 1993; Ord. 1205 § 2, 1969; prior code § 27.503).

12.24.040 Installation of public improvements – Required – Standards and specifications.

Every person erecting, constructing, enlarging, altering, repairing, improving, converting or relocating any building or structure as defined herein in the city shall install, prior to the completion of such building or structure, in conformity with the provisions of this chapter and other ordinances of the city, sidewalks, curbs and gutters, pavement in streets, highways and alleys from the gutter or edge of travelway, if no gutters have been required, to the centerline or such portion of major streets as are required for subdivisions, and necessary drainage facilities and lighting structures. All public improvements required pursuant to this section shall be installed in accordance with standards and specifications adopted by the city council, and in conformity to the circulation element of the general plan of the city, and any specific plan adopted by the city; provided further, that street lighting, including ornamental street lighting, shall be installed in those cases where specific plans have been adopted or where adopted standards of lighting are in existence which would require the installation of additional lighting units.

The permits required for the construction of said public improvements shall be secured prior to the frame or electrical inspection approval in connection with the construction or erection of any building or structure; provided, however, that the frame and electrical inspection may be made upon the acceptance of an appropriate acknowledgment of the nature and extent of the obligations contained in this chapter, guaranteeing compliance with the

requirements contained herein prior to the completion of said building or structure. (Ord. 2541 § 3, 1993; Ord. 1566 § 1, 1974; Ord. 1205 § 2, 1969; prior code § 27.504).

12.24.050 Compliance prerequisite to issuance of certain certificates.

No final inspection, completion certificate, or certificate of occupancy shall be issued for any building or structure installed or erected after July 18, 1969, until complete compliance shall be had with the terms and requirements of this chapter. (Ord. 1205 § 2, 1969; prior code § 27.505).

12.24.060 Requirements waived when – Fee – Appeal of denial.

A. The property owner or his agent may apply to the planning commission for a waiver of the requirements of CVMC 12.24.050 in circumstances and conditions including but not limited to the following:

1. Where adequate improvements of the nature and type required already exist;
2. Sidewalks may be waived where the topography is such that the installation of sidewalks would be impracticable;
3. Where the street or alley, for practical reasons, has not or cannot be readily graded to the established grade;
4. Where installation of sidewalks would be hazardous to pedestrians because of grade;
5. Where the city council has, by resolution, in conjunction with the development of a subdivision or otherwise, waived or modified requirement of curbs, gutters, sidewalks, paving or dedication, or any combination thereof, which resolution shall include a finding that due to the nature of the topography or development in the area, the installation of said improvements would not be feasible or consistent therewith.

B. The applicant for a waiver of improvements shall pay, at the time the application is filed, the required nonrefundable fee(s) to cover the cost of investigation and processing of such request. The fee is payable prior to planning commission consideration of the request. Such fee is not refundable.

C. In the event that the planning commission shall deny the request for a waiver of said improvements, the property owner or his agent may appeal said denial to the city council, by filing said appeal with the city clerk within 10 days from the date of such ruling of the planning commission and paying the required appeal fee therefor. The council shall thereupon, at their next regular meeting, or at such

time thereafter as they may designate, consider the waiver of such requirements in accordance with the circumstances and conditions set forth herein; provided, such findings shall be made by resolution of the city council. If the city council shall fail to act upon said appeal within 20 days of filing the appeal, the waiver shall be deemed to be approved.

D. If the erection of new structures as contemplated by this chapter is to be undertaken in subdivisions approved by the city council wherein sidewalks have not been required as a condition of the map and have purposely been omitted, no application for waiver or deferral shall be required. (Ord. 2506 § 1, 1992; Ord. 1811 § 1, 1978; Ord. 1240 § 9, 1969; Ord. 1205 § 2, 1969; prior code § 27.506).

12.24.070 Requirements deferred when – Deposit or bond required when – Appeal of denial.

A. In the event that the installation of all or any of the improvements required by CVMC 12.24.040 would, if presently installed, create a hazardous or defective condition or be impractical, or if said installation of any or all of said improvements would be incompatible with the present development of the neighborhood or be impractical or premature because of the existing condition of the surrounding property, or that it would be desirable to install said improvements as a part of the overall plan for the development of public improvements in a certain area, the property owner or his agent may apply to the city engineer for a deferral of the requirements of this chapter, stating the grounds and reasons therefor.

B. If the city engineer, at his discretion, feels that such grounds or exceptions are reasonable and that the requested deferral should be granted, the city engineer may defer imposition of the requirements of this chapter on such applicant, subject to the conditions set forth herein. Any deferral of the requirements for the installation of public improvements may be limited to a specific period of time by the city engineer, or may be subject to the determination of the city engineer as to the time at which said improvements should be installed, but in no event longer than three years. In the event that the improvements are deferred, the property owner shall deposit with the city a sum equal to the estimated cost of the improvements, as approved by the city engineer, plus 10 percent of such cost. If it is determined that the requirements for the installation of said public improvements will not be necessary within a reasonable and feasible time period, or if the owner demonstrates a financial hardship,

the property owner may grant to the city, in lieu of said cash deposit, a lien upon the property in an amount estimated by the city engineer to be sufficient to install such public improvements at such time as they shall be required, and said lien shall also provide for reasonable attorney fees and costs in the event that it becomes necessary for the city to foreclose upon such lien; provided further, that said agreement shall stipulate that should said lien be extinguished by foreclosure of prior liens or otherwise, the improvements may be installed or provided by the city and the cost thereof become a lien against said property as provided in CVMC 12.12.070.

C. The city engineer may, from time to time, extend the period of deferral; however, such extension of time shall be conditioned upon the continued effectiveness of a valid cash deposit or lien, as established herein. The applicant for a deferral of such improvements shall pay a fee as presently designated, or as may be in the future amended, in the master fee schedule to cover investigation and processing of such requests.

D. The applicant for a deferral of such improvements shall pay the required fee(s) to cover investigation and processing of such requests.

E. The denial of a request for a deferral of public improvements may be appealed to the city council in the same manner as provided for appeal of requests for waiver of public improvements, as set forth in CVMC 12.24.060. (Ord. 2541 § 4, 1993; Ord. 2506 § 1, 1992; Ord. 1880 § 1, 1979; Ord. 1811 § 1, 1978; Ord. 1205 § 2, 1969; prior code § 27.507).

Chapter 12.28

ENCROACHMENTS*

Sections:

- 12.28.010 Purpose and intent of provisions.
- 12.28.020 Council authorization required when – Procedure.
- 12.28.030 Improvements not requiring council authorization – Temporary encroachments.
- 12.28.040 Installations exempt from fee requirements.
- 12.28.041 Installations exempt from permit requirements.
- 12.28.050 Maintenance and removal agreement – Required when – Contents.
- 12.28.060 Fees – Payment required when – Schedule – Exemptions.
- 12.28.070 Refunds of permit fees.
- 12.28.080 Bond requirements.
- 12.28.090 Insurance requirements – Exemptions – Liability agreements.

* For statutory authority for cities to require removal of encroachments, see Gov. Code § 38775.

12.28.010 Purpose and intent of provisions.

It is the intent of the city council to authorize the use of, or encroachment into, the public rights-of-way for certain private purposes by property owners in those instances and under such circumstances that said use or encroachment does not interfere with or obstruct the overriding public use for which said rights-of-way have been dedicated. It is the purpose of the council in adopting this chapter to provide procedures and regulations so that such property owners may make appropriate use of the dedicated public rights-of-way adjacent to or contiguous to their private property. The uses and encroachments permitted by this chapter are in addition to those specifically authorized under Chapters 44 and 45 of the 1967 Uniform Building Code as adopted by the city, which uses and encroachments are exempt from the provisions of this chapter. (Ord. 1240 § 3, 1969; Ord. 1205 § 2, 1969; prior code § 27.301).

12.28.020 Council authorization required when – Procedure.

All encroachments in the public rights-of-way shall be authorized by resolution of the city council, except those specifically delegated to the city engineer and those exempted below; provided fur-

ther, that the following types of encroachments are specifically reserved for council authorization.

Applications for permits for which the provisions of this chapter or schedule of fees do not properly apply shall require authorization by city council resolution.

In all cases requiring authorization by resolution of the city council, the city engineer shall submit the application with his recommendations to the city manager for presentation to the city council. Upon approval of the city council, the city engineer shall collect the prescribed fees and issue the required permit. (Ord. 2011 § 1, 1982; Ord. 1205 § 2, 1969; prior code § 27.302).

12.28.030 Improvements not requiring council authorization – Temporary encroachments.

A. The city engineer is authorized to issue encroachment permits without prior authorization from the city council for the installation of the following improvements:

1. Fences, in accordance with zoning and building codes;

2. Retaining walls, in accordance with zoning and building codes, not to exceed five feet in height.

B. In addition thereto, the director of public works may permit temporary encroachments in the public right-of-way upon application for an encroachment permit and the payment of the fee as prescribed in CVMC 12.12.100 for the placing of materials or equipment in the public right-of-way for a reasonable period as determined by the director of public works and indicated on such permit; provided, that the materials are of such a nature as to be easily removable and cause no obstruction to the free passage of vehicular and pedestrian traffic along the public right-of-way, and the encroachment is necessitated by the applicant's construction or development of his property.

C. All other encroachments in the public right-of-way of any nature other than those defined as exempt or as temporary shall constitute permanent encroachments for which permits may be issued and fees collected as prescribed in this title. The issuance of said permits by the director of public works shall conform with the requirements of this title. (Ord. 2011 § 1, 1982; Ord. 1677 § 1, 1976; Ord. 1529 § 1, 1974; Ord. 1240 § 4, 1969; Ord. 1205 § 2, 1969; prior code § 27.303(A)).

12.28.040 Installations exempt from fee requirements.

Encroachments in the public right-of-way for the installation of sprinkling systems and mail boxes as required by the postal service shall be exempted from fee requirements as set forth in CVMC 12.28.060; provided, that the installation shall be subject to the execution of an encroachment maintenance and removal agreement. (Ord. 1529 § 1, 1974; Ord. 1240 § 4, 1969; Ord. 1205 § 2, 1969; prior code § 27.303(B)).

12.28.041 Installations exempt from permit requirements.

Sidewalk underdrains, irrigation systems and private utility systems shall be exempt from the requirements of this chapter. (Ord. 2011 § 2, 1982).

12.28.050 Maintenance and removal agreement – Required when – Contents.

Applications for encroachment permits for any buildings or structures of any nature shall be accompanied by the required application fee(s) in the sum as presently designated, or as may be in the future amended, in the master fee schedule, and an encroachment maintenance and removal agreement, which shall authorize the construction and use of the building or structure and shall be signed by the property owner and properly acknowledged. The agreement shall be prepared by the city engineer and contain the following covenants with the city:

A. The encroachment shall be installed and maintained in safe and sanitary condition at the sole cost, risk and responsibility of the owner and successor in interest, who shall hold the city harmless with respect thereto.

B. The agreement is made for the direct benefit of the property owner's land described in the agreement, and the covenants therein shall run with the property and shall be binding upon the assigns and successors of the owners.

C. The encroachment shall be abandoned, removed or relocated by the property owner upon demand in writing by the city engineer. The property owner must remove or relocate the encroachment within 30 days after such notice or within such longer period as may be provided specifically within the agreement in the instance of buildings or structures which would require a longer period to effectuate such removal or relocation. If the owner fails to remove or relocate the encroachment within the period allotted, the city engineer may cause such work to be done and the cost thereof shall be

imposed as a lien upon the property as provided in CVMC 12.12.110, relating to removal of unauthorized obstructions in the public rights-of-way.

D. The encroachment maintenance and removal agreement for buildings or structures built over or upon the public rights-of-way shall be recorded in the office of the county recorder of San Diego County, and shall constitute an obligation and burden upon the property; provided, however, that the agreement encompassing encroachments authorized by the city engineer pursuant to CVMC 12.28.030 and 12.28.040 need not be recorded. (Ord. 2506 § 1, 1992; Ord. 1961 § 1, 1982; Ord. 1205 § 2, 1969; prior code § 27.304).

12.28.060 Fees – Payment required when – Schedule – Exemptions.

A. The required fee(s) for engineering and permits required by this section shall be collected by the city engineer. No permit shall be issued and no work in the public rights-of-way shall be permitted until the fees applicable under this section have been received by the director of public works.

B. The state of California, or any of its political subdivisions, or any governmental agency shall file applications for permits and shall be issued permits as required by this section; provided, however, that no fees shall be required when the work is done by persons working directly for the state or agency.

C. A contractor working for the state, or any of its political subdivisions, or any governmental agency shall obtain a permit and pay the required permit fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1811 § 1, 1978; Ord. 1205 § 2, 1969; prior code § 27.305).

12.28.070 Refunds of permit fees.

In the event a permit fee refund is requested by the permittee, and the director of public works has determined that it is in the public interest to allow the permittee to abandon the work, the director of public works shall cancel the permit and refund the unused portion of the fee, but no more than 90 percent of the plan preparation and preliminary survey fee, and 90 percent of the inspection fee, if no work has been done by the engineering department. (Ord. 1205 § 2, 1969; prior code § 27.306).

12.28.080 Bond requirements.

Every person constructing buildings or structures as encroachments in the public rights-of-way shall provide a performance bond as required by CVMC 12.20.020 through 12.20.090.

No performance bond, under the provisions of this chapter, shall be required for the construction of those encroachments for which authorization has been specifically delegated to the director of public works and for which he has authority to issue a permit as set forth in CVMC 12.28.030 and 12.28.040. (Ord. 1205 § 2, 1969; prior code § 27.307).

12.28.090 Insurance requirements – Exemptions – Liability agreements.

A. The director of public works may require submission of insurance which has been approved by the city attorney, executed and delivered by a reliable insurance company authorized to carry on an insurance business in the state, by the terms which said insurance company assumes responsibility for injuries to persons and property as a result of constructing the work and/or storing materials in the street as set forth in the permit. The insurance, when required, shall be in the following amounts:

1. One hundred thousand dollars (\$100,000) for property damage;

2. Two hundred thousand dollars (\$200,000) for death or injuries to any person in any one occurrence;

3. Five hundred thousand dollars (\$500,000) for death or injuries to two or more persons in any one occurrence.

B. Governmental agencies, including the state of California and its political subdivisions, shall not be required to provide the insurance required by this section, but shall be required to hold the city harmless.

C. Any permittee for whom insurance requirements have been waived shall be required to hold harmless and defend the city, its elective and appointive boards, officers, agents and employees, from any liability for damage or claims for damage for personal injury, including death, as well as from claims which may arise from the permittee, or any subcontractors or agents or employees thereof, in performing under the permit. (Ord. 1510 § 2, 1973; Ord. 1240 § 5, 1969; prior code § 27.308).

Chapter 12.30

STREETS – NEWSRACKS

Sections:

- 12.30.010 Purpose and intent.
- 12.30.020 Prohibition.
- 12.30.030 Definitions.
- 12.30.040 Standards for newsracks placed on sidewalks.
- 12.30.050 Unlawful use.
- 12.30.060 Size, appearance and placement.

12.30.010 Purpose and intent.

The council of the city finds and declares that:

A. The uncontrolled placement of newsracks in public rights-of-way presents an inconvenience and danger to the safety and welfare of persons using such right-of-way, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control, and emergency services.

B. Newsracks so located as to cause an inconvenience or danger to persons using public rights-of-way, and unsightly newsracks located therein, constitute public nuisances.

C. The general welfare requires that the aesthetic appearance of public rights-of-way in the city, including the appearance of newsracks, be improved.

D. The provisions and prohibitions contained and enacted in this chapter are in pursuance of and for the purpose of securing and promoting the public safety and general welfare of persons in the city in their use of public rights-of-way. (Ord. 2019 § 1, 1983).

12.30.020 Prohibition.

No person shall knowingly place, install, use or maintain any newsrack which rests in whole or in part upon, in or on any portion of a public right-of-way or which projects onto, into or over any part of a public right-of-way, except in compliance with the provisions of this chapter. (Ord. 2019 § 1, 1983).

12.30.030 Definitions.

Whenever the following words and phrases are used in this chapter, they shall have the meanings ascribed to them in this section:

A. “Distributor” means the person responsible for placing and maintaining a newsrack in a public right-of-way.

B. “Newsrack” means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used or maintained for the display, sale or distribution of publications.

C. “Parkway” means the area between the sidewalk and the curb of a roadway, and where there is no sidewalk, that area between the edge of the traveled roadway and the edge of a public right-of-way. “Parkway” also includes any area within a roadway that is not open to vehicular travel.

D. “Public right-of-way” means any place of any nature which is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park square, and any other similar public way.

E. “Roadway” means that part of a public right-of-way that is designated and used primarily for vehicular travel.

F. “Sidewalk” means that part of a public right-of-way that is designated and ordinarily used for pedestrian travel. (Ord. 2019 § 1, 1983).

12.30.040 Standards for newsracks placed on sidewalks.

No person shall install, use, or maintain any newsrack:

- A. Within five feet of any marked crosswalk; or
- B. Within five feet of the curb return of any unmarked crosswalk; or
- C. Within five feet of any fire hydrant, fire call box or other emergency facility; or
- D. Within five feet ahead and 15 feet to the rear of any sign marking a designated bus stop; or
- E. In any location used, marked, or posted for public utility purposes, public transportation purposes, or government use; or
- F. Where placement unreasonably interferes with the use of poles, posts, traffic signs or signals, mailboxes, or mechanical sidewalk cleaning machinery; or
- G. Where placement interferes with the reasonable use or utility for display purposes of any display window of any building abutting the sidewalk or parkway, but in no event within three feet of such window; or
- H. Within five feet of any area improved with lawn, flowers, shrubs or trees; or
- I. Within five feet of any driveway; or
- J. Where placement unreasonably interferes with or impedes the flow of vehicular or pedestrian

traffic, but in no event at any location where the clear space for the passageway of pedestrians is reduced thereby to less than five feet; or

K. Where placement unreasonably obstructs, interferes with or impedes access to or the use of abutting property, including, but not limited to, residences, places of business, or legally parked or stopped vehicles. (Ord. 2019 § 1, 1983).

12.30.050 Unlawful use.

No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or other publication sold therein. (Ord. 2019 § 1, 1983).

12.30.060 Size, appearance and placement.

A. Every newsrack shall be maintained in a neat and clean condition and be in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

1. It is reasonably free of dirt and grease;
2. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
3. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereof;
4. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed, are unbroken and reasonably free of cracks, dents, blemishes, and discoloration;
5. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and
6. The structural parts thereof are not broken or unduly misshapen.

B. No newsrack shall exceed five feet in height, 30 inches in width, and two feet in depth.

C. Newsracks shall preferably be situated adjacent to the wall of a building or at the rear of the sidewalk, rather than near a curb. However, if the newsrack is placed near a curb, the back of said newsrack shall be situated not less than 18 inches, nor more than 24 inches, from the edge of the curb. When the newsrack is placed adjacent to the wall of a building, the back of said newsracks shall be situated parallel to, and not more than six inches from, such wall. No newsrack shall be installed, used, or maintained on any sidewalk or parkway opposite another newsstand or other newsrack.

D. No newsrack shall be chained, bolted or otherwise attached to any property without the express permission of the owner of said property.

E. Not more than three newsracks shall be placed immediately adjacent to each other, whether chained, otherwise attached, or freestanding. Any such group of up to three newsracks shall be separated by a space of not less than 36 inches from any other individual newsrack or group of newsracks.

F. No advertising signs or material, other than those with the name of the publication contained within the newsrack, shall be displayed on the outside of any newsrack.

G. Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event he is unable to receive the publication paid for. The coin-return mechanism shall be maintained in good working order.

H. Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this chapter. (Ord. 2019 § 1, 1983).

Chapter 12.32**STREET PLANTINGS***

Sections:

- 12.32.010 Purpose and intent.
- 12.32.020 Definitions.
- 12.32.030 Duties of public works director – Rules and regulations.
- 12.32.040 Approval and permit required.
- 12.32.050 Permit – Application – Investigation and review.
- 12.32.060 Height and other restrictions.
- 12.32.070 Prohibited species.
- 12.32.080 Removal – Permit required – Period of validity – Assignment of costs.
- 12.32.090 Injury by horses or other animals prohibited – Hitching restrictions.
- 12.32.100 Attachment of signs or devices – Permit required – Deposit of detrimental substances prohibited where.
- 12.32.110 Removal of protective devices prohibited.
- 12.32.120 Attachment of electrical devices prohibited.
- 12.32.130 Open space around tree required.
- 12.32.140 Protection during construction, moving and repairs required.
- 12.32.150 Trimming regulations – Owner responsibility – City to perform work when.
- 12.32.160 Removal – Owner notification duty when – Costs – Replacement.
- 12.32.170 Interference with officials prohibited when.
- 12.32.180 Uniform street planting map – Contents – Copies on file where.
- 12.32.190 Maintenance of public right-of-way by property owner.

* For statutory provisions authorizing cities to compel owners or controllers of property to remove weeds, etc., see Gov. Code § 39501; for additional provisions, see Health and Saf. Code § 14375, et seq.; for alternative abatement procedure, see Gov. Code § 39560, et seq.; for authority for the city council to declare what constitutes a nuisance, see Gov. Code § 38771; for provisions regarding abatement of nuisance, see Gov. Code §§ 38773 and 38773.5.

CROSS REFERENCE: Street Plantings, see CVMC Title 18.

12.32.010 Purpose and intent.

It is the purpose and intent of the council to establish rules and regulations to control and protect planting within the public rights-of-way in the city. Such regulations shall include provisions for the planting of street trees and other landscaping materials, as well as provisions for care, trimming and preservation of all vegetation within the public rights-of-way. (Ord. 1205 § 2, 1969; prior code § 27.801).

12.32.020 Definitions.

For the purpose of this chapter, the words and phrases contained herein shall have the meaning respectively ascribed to them by this section:

A. “City” means the city of Chula Vista, acting by and through its authorized representatives;

B. “Hedge” includes any plant material, shrub or plant when planted in a dense, continuous line of area so as to form a thicket or barrier;

C. “Person” as used herein means individuals, firms, associations, and corporations, and agents, employees or representatives thereof;

D. “Plant” includes all other plant material, nonwoody, annual or perennial in nature, not necessarily hardy;

E. “Shrub” includes any woody perennial plant, normally low, several-stemmed, and adaptable to shaping, trimming and pruning without injury, within the area planted;

F. “Streets” includes all land lying between the boundaries of property abutting on all public streets, boulevards, alleys and walks;

G. “Street tree” includes any woody perennial plant having a single main axis or stem, commonly achieving 10 feet in height and capable of being shaped and pruned to develop a branch-free trunk at least nine feet in height. (Ord. 1205 § 2, 1969; prior code § 27.801).

12.32.030 Duties of public works director – Rules and regulations.

A. The director of public works shall be responsible for the direction of the street tree-trimming crews and shall carry out a program of maintenance, care and removal of trees in the public rights-of-way.

B. This section shall in no way affect the responsibility of property owners to maintain that area of the public right-of-way immediately adjacent to their property in accordance with CVMC 12.32.190. Street tree planting shall be undertaken in individual lots or in subdivisions by the owners thereof in accordance with rules and regulations

and the standards and specifications as recommended by the director of public works and adopted by the city council. (Ord. 1910 § 2, 1980; Ord. 1205 § 2, 1969; prior code § 27.802).

12.32.040 Approval and permit required.

No tree, palm, shrub or plant shall be planted in any of the streets or other public rights-of-way of the city until the director of public works shall have first approved the kind and variety, designated the location therefor, and granted the permit for planting the same. The person obtaining such permit shall comply with all of the terms and conditions thereof. (Ord. 1205 § 2, 1969; prior code § 27.803).

12.32.050 Permit – Application – Investigation and review.

Any person desiring a permit as required by this chapter shall make application therefor in the office of the director of public works, on forms provided by that office. The application shall be reviewed with all interested city departments regarding such items as effect on utilities, curbs and sidewalks, potential hazard to traffic through impairment of visibility at street intersections, etc., and after such investigation and review, the director of public works may approve, conditionally approve or disapprove the application. (Ord. 1205 § 2, 1969; prior code § 27.804).

12.32.060 Height and other restrictions.

Shrubs or plants attaining more than two feet in height may be planted in the public rights-of-way; provided, that:

A. They are not planted within 30 feet of any intersection; and

B. They are spaced not closer than 20 feet apart.

Hedges, cacti or dense thorny shrubs are prohibited as planting on any public rights-of-way. (Ord. 1205 § 2, 1969; prior code § 27.807).

12.32.070 Prohibited species.

It is unlawful to plant or permit to be planted on any public rights-of-way in the city the following named trees or shrubs: Acacia Melanoxylou (Blackwood Acacia); Acacia Longifolia; Ailanthus Glandulosa (Tree Heaven); Eucalyptus Globulus (Blue Gum); Juglans Migra (Black Walnut); Ailanthus Glandulosa (Honey Locust, thorny variety); Liriodendron Maclura Pomifera (Osage Orange); Melia Azedarach (China Berry); Melia Azedarach Umbraculiformis (Texas Umbrella Tree); Morus Alba (Mulberry); Populus (Poplar); Salix (Willow); Apple (except flowering Crab Apple); Apri-

cot; Fig; Peach; Nectarine; Pear; Persimmon; Pomegranate (except varieties of Punica Granatum); Quince (except varieties of Cydonia Japonica); European Sycamore; Chinese Elm (except where parkways or strips are six feet wide or more). (Ord. 1205 § 2, 1969; prior code § 27.808).

12.32.080 Removal – Permit required – Period of validity – Assignment of costs.

It is unlawful for any person to remove, or in any way injure or deface, the trees, shrubs, plants, tree stakes or tree guards in or upon any public right-of-way within the city without first having obtained a written permit therefor from the department of public works, setting forth the conditions under which the work may be done. Such permit shall specifically describe the work to be done, and shall be void after 30 days from the date of issuance. The cost of removal of any tree, palm, shrub or plant for the benefit and convenience of any property owner shall be paid for by such property owner. (Ord. 1205 § 2, 1969; prior code § 27.809).

12.32.090 Injury by horses or other animals prohibited – Hitching restrictions.

No person, firm or corporation shall hitch or fasten any horse or other animal to any tree, palm, shrub or plant now or hereafter growing in any public right-of-way in the city; nor shall any person, firm or corporation cause or permit any horse or other animal to stand or be near enough to any tree, palm, shrub or plant to bite or run against, or in any manner injure or deface, the same; nor shall any person, firm or corporation place a post for hitching of horses or other animals within five feet of any tree, palm, shrub or plant now or hereafter growing in any of the public rights-of-way of the city. (Ord. 1205 § 2, 1969; prior code § 27.810).

12.32.100 Attachment of signs or devices – Permit required – Deposit of detrimental substances prohibited where.

No person, firm, or corporation shall attach or place any rope, wire, sign, poster or handbill, or other thing on any tree, palm, shrub or plant now or hereafter growing in any public right-of-way in the city, or on any guard or protection of same, without first having obtained a written permit from the department of public works, which permit shall clearly indicate that no harm is being done to such vegetation by such devices; nor shall any person, firm, or corporation deposit or throw upon any street or public highway, or into any gutter thereof,

any brine water, oil, or any substance detrimental to the growth of any tree, palm, shrub or plant, or deposit in such gutter any receptacle containing such substance. (Ord. 1205 § 2, 1969; prior code § 27.811).

12.32.110 Removal of protective devices prohibited.

No person, firm or corporation shall remove, injure or misuse any guard or device placed to protect any tree, palm, shrub or plant now or hereafter growing in any public right-of-way in the city. (Ord. 1205 § 2, 1969; prior code § 27.812).

12.32.120 Attachment of electrical devices prohibited.

No person, firm or corporation shall attach any electric wire insulator, or any other device for holding electric wires, to any tree, palm, plant or shrub now or hereafter growing in any public right-of-way in the city. No person, firm or corporation shall, without written permission from the director of public works, trim, cut or break any part of such tree, palm, shrub or plant in order to make passage for such wires. Every person, firm or corporation having any wire charged with electricity shall securely fasten same so that such wire shall not come in contact with any tree, palm, shrub or plant in any public right-of-way in the city. (Ord. 1205 § 2, 1969; prior code § 27.813).

12.32.130 Open space around tree required.

No person, firm or corporation shall hereafter, without written permit from the director of public works, place or maintain upon the ground in any public right-of-way of the city stone, cement or other material without leaving an open space of ground around the trunk of any tree, in accordance with standard specifications approved by the director of public works; and whenever there is no such open space around any existing trees in any public right-of-way of the city, the director of public works may make such open space or cause the same to be made. (Ord. 1205 § 2, 1969; prior code § 27.814).

12.32.140 Protection during construction, moving and repairs required.

In the erection, alteration, moving or repair of any building, structure or other object, the owner thereof, or his agent, shall place, or cause to be placed, such guards around all nearby trees in any public right-of-way of the city as shall effectually

prevent injury to them. (Ord. 1205 § 2, 1969; prior code § 27.815).

12.32.150 Trimming regulations – Owner responsibility – City to perform work when.

The owner, or his agent, of every lot or parcel of land in the city of Chula Vista upon which any trees, palms, shrubs or plants are now or may hereafter be standing shall trim, or cause to be trimmed, the branches thereof, so that same shall not obstruct the passage of light from any street light located in any street or other public highway adjacent to the street or sidewalk; and such owner or his agent shall trim all branches of any trees, palms, shrubs or plants which overhang any street, public sidewalk or other public highway, so that there shall be a clear height of eight feet above the surface of the street, public sidewalk or other public highway unobstructed by branches; and such owner or his agent shall remove from such trees, palms, shrubs or plants all dead, decayed or broken limbs or branches that overhang such street, public sidewalk or other public highway; and when any such trees, palms, shrubs or plants are dead, such owner or his agent shall remove the same so that they shall not fall in the street, public sidewalk or other public highway.

The director of public works, or his authorized agent, is empowered to direct the owner, or his authorized agent, of property upon which such tree, palm, shrub or plant exists to trim such plant. If such person does not comply with such direction of the director of public works, or his authorized agent, within 10 days, the director of public works, or his authorized agent, may proceed to cut and trim such plant so projecting or overhanging any street, public sidewalk or other public highway in the city. (Ord. 1768 § 1, 1977; Ord. 1205 § 2, 1969; prior code § 27.816).

12.32.160 Removal – Owner notification duty when – Costs – Replacement.

A. The duty is imposed upon a property owner to notify the director of public works when any tree, palm, shrub or plant in a public right-of-way adjacent to his property is injuring or damaging any public sidewalk, or other public property, or needs to be removed to protect the health and safety of the public.

B. The department of public works is hereby authorized to have removed, at the expense of the city, any such tree, palm, shrub or plant, or to otherwise remedy the dangerous condition. Determi-

nation of the existence of the dangerous condition or need shall be made by the director of public works. Unless such dangerous condition or need exists, the cost of removing trees and shrubs shall be borne by the person requesting removal.

C. It shall be the duty of the director of public works, or his authorized agent, to plant, when possible, a replacement tree or shrub of approved kind for each tree or shrub so removed. (Ord. 1205 § 2, 1969; prior code § 27.817).

12.32.170 Interference with officials prohibited when.

It is unlawful for any person, firm or corporation to hinder, prevent or interfere with the director of public works, or his authorized agent, while engaged in carrying out the provisions of this chapter, or while engaged in the care or removal of any tree or shrub in or about a public street or parkway in the city. (Ord. 1205 § 2, 1969; prior code § 27.818).

12.32.180 Uniform street planting map – Contents – Copies on file where.

The director of public works shall, from time to time, prepare plans which shall designate by means of a map of the city streets a uniform method of street tree planting, zoning certain streets for a certain specimen of tree or trees, and shrub or shrubs, showing the distance apart of said trees and shrubs, and the place where each tree or shrub is to be planted, and shall submit said plan to the chief administrative officer for approval or modification. After the same has been approved by the chief administrative officer, the same shall be submitted to the city council for modification or approval, and adoption by that body. Said plan shall then become the tree planting plan for the streets of the city, and shall be strictly adhered to in all future street planting improvement projects and in the removal and replacement of trees, shrubs and plants on the streets of the city. Said uniform plan of tree planting may, but need not be, adopted by the city council at one time, but the council may adopt said plan for different portions of the city within a reasonable length of time after the completed plan for any particular portion of the city has been submitted to the city council. Copies of said plan, or portions thereof, shall be kept on file in the office of the director of public works and may be obtained by the public. (Ord. 1205 § 2, 1969; prior code § 27.821).

12.32.190 Maintenance of public right-of-way by property owner.

Each property owner, lessee or agent of multiple-family, commercial and industrial property shall be required to maintain that portion of the public right-of-way immediately adjacent to property under his/her control and shall include the area between the private property line and the public curb line. This maintenance shall include all landscaping installed pursuant to the provisions of this code and the landscaping manual of the city and shall further provide that said area shall be kept free of all weeds, debris and other impediments. (Ord. 1910 § 1, 1980).

Chapter 12.36**STREET FURNITURE***

Sections:

- 12.36.010 Public telephones – Purpose and intent.
- 12.36.020 Public telephones – Permits for installation and maintenance – Issuance authority.
- 12.36.030 Public telephones – Permits for installation and maintenance – Conditions.
- 12.36.040 Public telephones – Violation deemed misdemeanor.
- 12.36.050 Uniform street lighting map – Scope.
- 12.36.060 Benches – Permission required for installation – Exemption.
- 12.36.070 Benches – Use for advertising prohibited – Exemption.
- 12.36.080 Trash containers – Approval required.

* For statutory authority for cities to regulate and prohibit encroachments and obstructions of streets, see Gov. Code § 38775.

12.36.010 Public telephones – Purpose and intent.

It is in the public interest that public telephones be placed on the public sidewalks of the city at locations to be approved as provided in CVMC 12.36.020. Such telephones will, among other things, aid fire protection, the prevention and detection of crime, and the reporting of accidents and other emergencies. Such telephones will also be a convenience to the public. When so located, such telephones will not unreasonably interfere with the rights of the public to use such sidewalks and will be consistent with their dedication to the public. (Ord. 1205 § 2, 1969; prior code § 27.707).

12.36.020 Public telephones – Permits for installation and maintenance – Issuance authority.

The director of public works is authorized to issue permits from time to time to the serving telephone company for the installation and maintenance of public telephones on the public sidewalks of the city. The director of public works shall approve the number and location of such public telephones so as to best serve the public interest. (Ord. 1205 § 2, 1969; prior code § 27.708).

12.36.030 Public telephones – Permits for installation and maintenance – Conditions.

Permits issued pursuant to CVMC 12.36.020 shall include the following provisions:

A. The permittee shall maintain the public telephones and any associated booths in good repair and safe and slightly condition at permittee's expense and to the satisfaction of the director of public works.

B. The permittee shall save the city harmless from any and all losses, claims or judgments for damages to any person or property arising from the installation, maintenance or presence of the public telephones.

C. The permit shall be revocable on 30 days' prior written notice to the permittee from the director of public works, in which event the permittee shall, at its own expense, remove the public telephone or telephones installed pursuant to the permit and shall restore the sidewalk as nearly as practicable to its condition prior to such installation. (Ord. 1205 § 2, 1969; prior code § 27.709).

12.36.040 Public telephones – Violation deemed misdemeanor.

Any person or public utility violating any provision of CVMC 12.36.010 through 12.36.030 shall be deemed guilty of a misdemeanor and each day's continuance of any such violation shall constitute a separate offense. (Ord. 1205 § 2, 1969; prior code § 27.710).

12.36.050 Uniform street lighting map – Scope.

The director of public works shall undertake the preparation of a uniform street lighting map for a portion of, or all of, the city, and recommend its adoption by the city council by resolution. Said uniform street lighting map shall indicate types of ornamental light design in particular locations, and lighting requirements as they may exist in various parts of the city, and after its approval and adoption by the city council, shall be, unless modified by resolution of the city council, adhered to in all future street lighting projects. Said map may be amended from time to time by resolution of the city council. (Ord. 1205 § 2, 1969; prior code § 27.901).

12.36.060 Benches – Permission required for installation – Exemption.

It is unlawful for any person to install, or cause to be installed, or to maintain any bench on or in any public right-of-way in the city without written

permission from the director of public works first being obtained by the person, firm or corporation desiring to install and maintain said bench. The city is exempt from the provisions of this section, and may install benches in the public rights-of-way at the discretion of the council. (Ord. 1205 § 2, 1969; prior code § 27.1001).

12.36.070 Benches – Use for advertising prohibited – Exemption.

It is unlawful for any person to install, place, or maintain any advertising on any benches presently installed on or in the public rights-of-way by the city, or which may hereafter be installed; provided, however, that the city is exempt from the provisions of this section, and may place such advertising thereon at the discretion of the council as they may see fit. (Ord. 1205 § 2, 1969; prior code § 27.1002).

12.36.080 Trash containers – Approval required.

All trash or litter containers placed within the public rights-of-way for the convenience of the public shall be subject to the approval of the director of public works, in conformity with accepted standards for street furnishings, and none shall be placed within the public rights-of-way without first establishing the location and placement of such trash containers. (Ord. 1205 § 2, 1969; prior code § 27.1005).

Chapter 12.40

STREET VACATIONS*

Sections:

- 12.40.010 Statutory regulations applicable – Public hearing procedure – Investigation.
- 12.40.020 Fees – Established – Refund regulations.
- 12.40.030 Fees – Waived when.
- 12.40.040 Permits – Grounds for denial.
- 12.40.050 Appeal – Procedure generally.
- 12.40.060 Appeal – Decision authority.

* For statutory provisions authorizing cities to regulate and prohibit encroachments and obstructions of streets, see Gov. Code § 38775.

12.40.010 Statutory regulations applicable – Public hearing procedure – Investigation.

In order to comply with the State Planning Act, the Street Vacation Act of 1941, and the Public Service Easement Vacation Law of the state, it is necessary to hold a public hearing prior to the vacation of any dedicated street or easement within the city. As a preliminary to said hearings, the city engineering department and the city planning department shall conduct reasonable investigations to ascertain whether or not the public interest would be served by closing or vacating a specific street or portion thereof, or by the vacating of a specific easement in said city. It is the purpose and intent of the city council to establish fees which shall be paid by the petitioner upon the filing of a request for the processing of an application for such street or easement vacations, in order to reimburse the city for expenses incurred. (Ord. 1205 § 2, 1969; prior code § 27.1401).

12.40.020 Fees – Established – Refund regulations.

Required fee(s) are hereby established for the vacation of public streets, or portions thereof, or easements for public purposes. (Ord. 2506 § 1, 1992; Ord. 1811 § 1, 1978; Ord. 1205 § 2, 1969; prior code § 27.1402(A)).

12.40.030 Fees – Waived when.

The fees established by this chapter are nonrefundable; provided, however, that the fees established herein to cover the cost of vacating or closing a dedicated street or a portion thereof shall

be waived in those cases where said dedicated street or portion thereof has previously been acquired by the city and it has been determined that the street is not needed by virtue of a change in plans by the city, or the property involved constitutes an unnecessary surplus after construction of the public improvement. Fees shall be waived in such cases only if the application for vacation is submitted within three years of the dedication of the public right-of-way. (Ord. 1205 § 2, 1969; prior code § 27.1402(B)).

12.40.040 Permits – Grounds for denial.

The director of public works shall not grant the permits required by this title under any circumstances or upon any condition when he finds that the granting of such permit will adversely interfere with or affect the necessary visibility from the street, necessary drainage in the immediate vicinity of the encroachment, present or contemplated vehicular and pedestrian traffic upon the street, or the maintenance of streets. (Ord. 1205 § 2, 1969; prior code § 27.1501).

12.40.050 Appeal – Procedure generally.

Any person who applies for a permit under the provisions of this title may appeal to the city council from a decision of the director of public works denying such application. The director of public works shall give written notice to such applicant of his failure to grant such application and stating the reason therefor.

Such appeal must be in writing and contain a copy of the written statement of the director of public works denying the application, and such appeal shall specify the reasons wherein and whereby it is alleged that the decision of the director of public works is in error and shall be filed with the city clerk within 15 days after receipt of the written denial of the proposed permit by the director of public works. (Ord. 1205 § 2, 1969; prior code § 27.1502).

12.40.060 Appeal – Decision authority.

Upon receipt of such appeal by the city clerk, the matter shall be placed upon the agenda of the next meeting of the city council, which shall, by formal resolution, render its decision thereon within 40 days from the date of receipt by the city clerk. The failure of the city council to act upon such appeal within the 40-day period shall be deemed a denial of such appeal. The decision of the city council shall be final and conclusive. (Ord. 1205 § 2, 1969; prior code § 27.1502).

Chapter 12.44

STREET NAMES

Sections:

- 12.44.010 Regulations for adoption or change.
- 12.44.020 Fees for name and regulatory signs.

12.44.010 Regulations for adoption or change.

A. Official street names for all streets and highways within the city shall be those recommended by the planning commission, and approved and adopted by the city council. All names presently assigned to streets prior to July 18, 1969 are accepted as the official names of said streets.

B. In the event that street names are changed in the future, said name changes shall be undertaken upon the recommendation of the planning commission to the city council. There shall be no requirement that a public hearing be held by either the planning commission or the city council in considering the proposed name changes; provided, however, that either of said bodies may conduct a public hearing, giving a written notice by mail to all parties to be affected by said name change, i.e., the residents of the subject street, or in the event that a large number of residents are affected, by posting of notices along the street and by subject publication of said notice at least 10 days prior to the date of the hearing.

C. It shall be the duty of the city council, in designating street names and in accepting recommendations for changes of street names, to provide names which do not cause confusion and uncertainty to police, fire or other emergency vehicles by virtue of similarity of spelling or sound of said street names, and to act in changing such names so as to eliminate such confusion and uncertainty. (Ord. 1205 § 2, 1969; prior code § 27.103).

12.44.020 Fees for name and regulatory signs.

Required fee(s) are hereby established for street signs and regulatory signs to be erected in subdivisions and certain street openings. (Ord. 2506 § 1, 1992; Ord. 1811 § 1, 1978; Ord. 1739 § 1, 1977; Ord. 1205 § 2, 1969; prior code § 27.1101).

Chapter 12.48

STREET NUMBERS

Sections:

- 12.48.010 System described.
- 12.48.020 Required on building permit – Information authorized when.
- 12.48.030 Size and placement.
- 12.48.035 Placement of street addresses at the rear of commercial and industrial buildings.
- 12.48.040 Existing buildings – Occupant duty to obtain number.
- 12.48.050 New buildings – Occupant to place number on building when.
- 12.48.060 Enforcement – Notice required – Occupant compliance required.
- 12.48.070 Painting of numbers on curbs – By owner or occupant – Specifications to be met.
- 12.48.080 Painting of numbers on curbs – By solicitors – Registration card required – Regulations.

12.48.010 System described.

Buildings in the city shall be numbered in accordance with the following system:

A. One number shall be allotted to each 50 feet of street frontage; provided, however, that where the frontage pursues a curved or irregular line, it shall be the duty of the director of public works, on application by the owner affected, to designate the proper frontage to which each number shall be allotted and to conform as nearly as possible to the plan hereinafter provided.

B. Numbers on the northerly side of streets, the general direction of which is east and west, shall be odd, and those on the southerly side shall be even.

C. Numbers on the easterly side of streets, the general direction of which is north and south, shall be odd, and those on the westerly side shall be even. (Ord. 1205 § 2, 1969; prior code § 27.104).

12.48.020 Required on building permit – Information authorized when.

All building permits hereinafter issued in the city shall give the correct number of the structure affected and it shall be the duty of the director of public works, upon application, to inform the owner or occupant of any building in the city of the correct number to be placed upon such building. (Ord. 1205 § 2, 1969; prior code § 27.105).

12.48.030 Size and placement.

All numbers shall be placed in figures at least three inches in height at some place in front of the building where the numbers may be easily seen from the street. The numbers must be painted in colors which contrast with the background, to aid in visibility. (Ord. 2195 § 1, 1987; Ord. 1205 § 2, 1969; prior code § 27.106(A)).

12.48.035 Placement of street addresses at the rear of commercial and industrial buildings.

All commercial and industrial buildings with access to the rear portion of the building shall post the correct street address number or numbers at least three inches in height on the back of the building where the numbers may be easily seen. The numbers shall be painted in colors which contrast with the background, to aid in visibility. (Ord. 2195 § 1, 1987).

12.48.040 Existing buildings – Occupant duty to obtain number.

It shall be the duty of the lessee, occupant, or owner of any existing building to obtain the proper building number from the director of planning and building and to place this number on said building within 30 days from July 18, 1969. (Ord. 2790, 1999; Ord. 1205 § 2, 1969; prior code § 27.106 (A)(1)).

12.48.050 New buildings – Occupant to place number on building when.

It shall be the duty of the lessee, occupant or owner of any new building to place the number assigned by the director of planning and building on said building on or before the day final inspection is made by the building inspector. (Ord. 2790, 1999; Ord. 1205 § 2, 1969; prior code § 27.106 (A)(2)).

12.48.060 Enforcement – Notice required – Occupant compliance required.

A. If the director of planning and building finds any building upon which the proper number has not been properly placed as required by this chapter, he may order the applicant, lessee, occupant or owner to obtain and properly place such number within 10 days.

B. The posting of a notice upon the entrance door of such building shall meet the requirements of this section for legal service of such notice or order.

C. It shall be the duty of the lessee, occupant and/or owner of said building to comply with said order. (Ord. 2790, 1999; Ord. 1205 § 2, 1969; prior code § 27.106(B)).

12.48.070 Painting of numbers on curbs – By owner or occupant – Specifications to be met.

The occupant of a residence may, at his own expense, paint or have painted the street number of such residence on the curb. No person other than the occupant shall paint street numbers upon the curb unless he shall first have permission of the occupant of the residence for which the numbers are proposed to be painted. Street numbers painted upon curbs shall meet the following specifications:

A. Street numbers may be painted only upon the vertical face of the curb abutting the residence.

B. Numbers shall be block numbers, and shall be four inches in height, with a stroke width of not less than one-half inch. The numbers shall be of sufficient dimensions to provide a one-inch margin around all figures.

C. All paint used for painting of street numbers on curbs shall be of good quality and shall conform or be equal to standard city specifications for traffic paint.

D. Under no circumstances shall the city be responsible for maintenance or replacement of streets numbers painted on curbs. (Ord. 1205 § 2, 1969; prior code § 27.107(A)).

12.48.080 Painting of numbers on curbs – By solicitors – Registration card required – Regulations.

It is the policy of the city council to restrict the business of painting street numbers upon curbs, except for the occupants of the premises, to non-profit civic organizations located within the city. All persons or organizations engaged in painting or soliciting for the painting of street numbers on curbs shall carry on their persons at all times for presentation to the occupant or owner of the premises a special registration card which shall state thereon the maximum charge for such service. Said cards may be obtained, upon application and approval by the director of public safety, for the curb painting project. The registration card shall be valid for one year. Solicitors shall comply strictly with the provisions set forth hereinabove, and shall exhibit such special registration card to the occupant when securing the permission required in CVMC 12.48.070, calling attention to the maximum charge stated thereon. Failure to comply with

any of the provisions and conditions contained herein shall be grounds for revocation of permission thus granted and termination of the project by the director of public safety. (Ord. 1958 § 1, 1981; Ord. 1205 § 2, 1969; prior code § 27.107(B)).

Chapter 12.50

TEMPORARY PLACEMENT OF SIGNS IN DESIGNATED PORTIONS OF THE PUBLIC RIGHTS-OF-WAY

Sections:

- 12.50.010 Purpose and intent.
- 12.50.020 Authority.
- 12.50.030 Definitions.
- 12.50.040 Permit issuance.
- 12.50.050 Time, place and manner restrictions.
- 12.50.060 Responsibility.
- 12.50.070 Removal of signs.
- 12.50.080 Loss or theft.
- 12.50.090 Violation/penalty.
- 12.50.100 Appeals.

12.50.010 Purpose and intent.

The purpose of this chapter is to allow limited placement of signs in the public rights-of-way under clearly defined time, place and manner requirements through the use of a permit process. The application and process will set forth the rights and responsibilities of any individual or group that seeks to place signs in the public rights-of-way. (Ord. 3082 § 1, 2007).

12.50.020 Authority.

California Penal Code Section 556 provides that signs may be temporarily placed in public rights-of-way only after the person placing the sign in the right-of-way has received the lawful permission of the City by permit and in accordance with the restrictions on signs set forth in this section. It shall be the responsibility of the Director of Planning and Building or his or her designee to receive applications and fees, issue permit stickers, and monitor the temporary placement of portable signs. (Ord. 3082 § 1, 2007).

12.50.030 Definitions.

For purposes of this chapter, the definitions found in CVMC 19.60.060 apply. (Ord. 3082 § 1, 2007).

12.50.040 Permit issuance.

A. Except for signs allowed under Section VIII of City Council Policy 465-02, no sign shall be placed within any portion of the public right-of-way without first being issued a temporary public right-of-way sign permit from the City of Chula Vista. To obtain a permit, the requestor/permittee shall:

1. Complete and sign an application form as required by the Director of Planning and Building.

2. Indemnify and hold the City, its officers, employees, and representatives harmless from all liability for damage or claims for damage for personal injury, including death, and claims for property damage, which may arise from the direct or indirect operations of the permittees, agents, employees, or other persons acting on the permittees' behalf for all damages and claims for damages suffered or alleged to have been suffered by reason of the obligations referred to in the permit, regardless of whether or not the City approved plans or specifications or inspected any of the signs erected pursuant to this permit.

3. Provide proof of and maintain in force policies or certificates of insurance, of comprehensive public liability insurance in a combined single limit amount of at least \$1,000,000. Such insurance shall be procured from an insurer authorized to do business in California, shall provide primary and not excess coverage, and shall name the City of Chula Vista as additional insured. Lapse of valid insurance shall immediately render void any permit issued pursuant to this section.

4. Remit the permit fee. Permit stickers are issued on a calendar year basis and are not prorated. The fee for the permit shall be set by the City Council. Two permit stickers numbered alike shall be issued for each fee paid so that a permit is visible on each side of every sign.

B. Permits are issued to an individual, business, or group and shall not be reassigned or transferred. (Ord. 3082 § 1, 2007).

12.50.050 Time, place and manner restrictions.

Except for signs allowed under Section VIII of City Council Policy 465-02, all portable signs are subject to the following conditions:

A. Size. The total face area of each sign shall not exceed 24 inches by 24 inches in size. Doubled-faced signs are considered a single sign and only require one permit with a permit sticker placed on each side of the sign.

B. Height and Width. The vertical distance measured from ground level to the highest point of such sign or supporting device and the width of the supporting device may not exceed three feet.

C. Type. Signs shall be portable, self-supporting, and of sufficient weight that the sign remains upright and in the same position for the entire time the sign is in the public right-of-way. No portion of the sign or supporting device shall be placed or

driven into the ground. Signs and supporting devices shall be maintained in good condition at all times and shall be constructed out of quality weather-resistant materials normally used in professional signage. No cardboard or paper signs are allowed.

D. Attachments. Signs and supporting devices may not contain brochure boxes, tear-off flyers/coupons, or any similar type of attachment. No balloons, flags, pennants, or similar devices may be attached to a sign or supporting device.

E. Identification. Signs must contain, in legible font, on an area no less than two inches by three and one-half inches (business card size) the name, mailing address, and contact phone number of the individual responsible for the sign.

F. Permit Sticker. Each sign placed in the public right-of-way must have a valid permit sticker affixed to both sides of each sign whether or not it is a double-faced sign.

G. Time. Signs shall only be displayed from Saturday at 6:00 a.m. through Sunday at 6:00 p.m. and on the listed City-observed holidays from 6:00 a.m. through 6:00 p.m.

1. January 1st (New Year's Day).
2. The third Monday in January (Martin Luther King, Jr. Day).
3. March 31st (Cesar Chavez Day).
4. The last Monday in May (Memorial Day).
5. July 4th (Independence Day).
6. The first Monday in September (Labor Day).
7. The second Monday in November (Veterans' Day).
8. The third Thursday of November (Thanksgiving Day).
9. The day after Thanksgiving Day.
10. December 25th (Christmas Day).

H. Location. No sign shall be placed, displayed, used or maintained:

1. On any sidewalk, walking path, bike lane, street, roadway area, traffic circle, roundabout, or center median or island area.
2. On public rights-of-way adjacent to streets undergoing active construction, repair, or maintenance, including landscape installation.
3. In such a manner as to obstruct the view of any official public sign.
4. On any right-of-way if the location obstructs the safe and convenient use by the public of any street, sidewalk, or curbside parkway area.
5. Within five feet of the beginning of the curb return of any intersections, whether the intersections have marked or unmarked crosswalks.

6. Within five feet of a fire hydrant, private or public driveway, traffic signal, traffic sign, USPS mail receptacle, community mailbox, public trash receptacle, designated bus stop/bench, or any other bench on the sidewalk.

7. On any traffic control signs or devices, street light, utility, or communications standards or poles and any of their supporting structures or equipment.

8. In any manner that causes a visual obstruction to traffic that may create a hazard to traffic and/or pedestrians.

9. In any manner that injures, damages and/or destroys any plantings or vegetation within the right-of-way.

10. Within 18 inches from the face of curb.

11. On any public right-of-way adjacent to streets during special events.

12. In any City park.

13. Within any vision clearance area as defined in CVMC 12.12.130. (Ord. 3082 § 1, 2007).

12.50.060 Responsibility.

For purposes of this section, and in accordance with California Penal Code Section 556.4, any and all information that appears on any sign, including, but not limited to, name (business or individual), address, telephone number, or e-mail address, may be used as evidence of responsibility for placement of a sign. Permittees and nonpermittees shall be responsible for monitoring sign placement and shall be held responsible should any sign they are responsible for be placed or moved to a location that violates any portion of this or any other applicable section of the Chula Vista Municipal Code. (Ord. 3082 § 1, 2007).

12.50.070 Removal of signs.

Any sign installed, placed, displayed, maintained, or located in violation of this or any other applicable section may be summarily removed by the City or its contractors and discarded. (Ord. 3082 § 1, 2007).

12.50.080 Loss or theft.

The City is not responsible for loss or theft of signs and/or permit stickers. (Ord. 3082 § 1, 2007).

12.50.090 Violation/penalty.

Violations of this chapter are strict liability offenses regardless of intent. Any person, firm, or corporation that violates any portion of this chapter may be subject to prosecution and/or administra-

tive enforcement under Chapters 1.20 and 1.41 CVMC. (Ord. 3082 § 1, 2007).

12.50.100 Appeals.

Any person aggrieved by any of the requirements of this chapter may appeal insofar as such appeal is allowed under Chapter 1.40 CVMC. (Ord. 3082 § 1, 2007).