ORDINANCE NO. 913

AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 24, SOLANO COUNTY CODE TO PROVIDE
FOR THE CARE AND PROTECTION OF COUNTY ROADS
BY REGULATING ENCROACHMENTS THEREON

The Board of Supervisors of the County of Solano,
State of California, does ordain as follows:

SECTION I.

Article II. Excavations, Sections 24-6 through 24-14, and
Article III, Construction of Sidewalks, Curbs, Culverts, Etc.,
Sections 24-15 through 24-23, Chapter 24 of the Solano County
Code are hereby repealed.

SECTION II.

Article II. Chapter 24 of the Solano County Code is
amended to read as follows:

ARTICLE II. Encroachments.

Section 24-6. Definitions:

a. County Road. "County Road" means all or any part
of the entire width of any road or street, including the
width of any right-of-way therefor dedicated to, reserved
for, used by, or for the general public, when those roads
or streets have been accepted as and declared to be a part
of the Solano County Road System.

b. Encroachment. "Encroachment" means any tower, pole
pole line, pipe, pipeline, driveway, private road, curb and
gutter, sidewalk, fence, wall, billboard, stand, building,
structure, tree, shrub, or object of any kind or character
not particularly mentioned herein which is placed in, under
or over any portion of the county road.

c. Director. "Director" means the "Public Works Di-
rector of Solano County, or his agents.

d. Person. "Person" means any individual, firm, com-
pany, corporation, association, public district, political
subdivision or organization.

e. Permittee. "Permittee" means any person as herein
defined that has been issued a permit for an encroachment. All obligations, responsibilities, and other requirements of the permittee shall be binding on the owner or subsequent owners of the encroachment.


a. It shall be unlawful for any person to construct, make, place, or install any encroachment along or on any county road without first obtaining a permit to do so in the manner herein provided.

b. This Ordinance shall not prevent any person from performing emergency maintenance on any pipe, conduit, pole, line, or appurtenance thereto lawfully on or under any county road, or from making immediate installation of utility service, or from making an emergency use, or encroachment as may be necessary for the preservation of life or property when an urgent necessity therefor arises, except that the person making an emergency use or encroachment of a county road shall apply for a written permit therefor within a reasonable time thereafter.

Section 24-8. Issuance of Permits.

a. Any person desiring to construct, make, place, or install an encroachment shall make application to the Director for a permit therefor. Each application shall be made on a form furnished by the Director and shall include the following information:

1. The name and address of the person desiring to make the encroachment.

2. The type of encroachment proposed and the purpose thereof.

3. The location of the proposed encroachment.

4. The time when the encroachment is proposed to be made and the duration thereof.
5. Such other information in the form of exhibits, including, but not limited to, plans, specifications, maps, plats or sketches as may be required by the Director to adequately describe the encroachment and the manner in which it is proposed to be done.

b. The Director shall receive applications to construct, make, place, or install encroachments, and may issue written permits therefor, subject to the terms and conditions provided herein, and such additional terms and conditions as he may deem necessary.

c. Any permit issued under the provisions of this Ordinance shall require that the permittee will pay the entire expense of replacing the county road in as good condition as existed prior to the start of work on the encroachment.

d. A fee may be charged for any permit issued under the provisions of this Ordinance. The amount of the fee shall be as established in a fee schedule adopted by resolution by the Board of Supervisors. The applicant shall deposit the required fee with the Director prior to the issuance of the permit.

e. Any permit issued to a public agency or a public utility having lawful authority to occupy the county road shall contain a provision that in the event the future improvement of the county road necessitates the relocation of such encroachment, the permittee will relocate the same at his sole expense.

f. All permits, other than those issued to public agencies or a public utility having lawful authority to occupy the county road, are revocable on five (5) days' notice, and the encroachment must be removed or relocated as may be specified by the Director of Public Works.
g. Any permit issued to public agencies or utilities having the lawful authority to occupy the county road, shall require that such of their facilities as interfere with an enlarged use of the county road shall be relocated upon thirty (30) days' notice by the Director.

h. All permits issued hereunder shall be nontransferable, and the work authorized by the permit must be completed within six (6) months of the date of issuance thereof. The Director of Public Works may grant a reasonable time extension when warranted. In the event the work authorized by the permit is not completed within six (6) months of the date of issuance of the permit, or within the time extension if any granted by the Director, the permit shall be void and the permittee shall restore the road to its original condition prior to start of work on the encroachment.

i. The issuance of a permit hereunder shall not be construed as imposing any liability upon the County of Solano or upon any of its officers or employees by reason of damage or injury to persons or property resulting from any excavation or obstruction authorized by said permit.

j. No changes may be made in the location, dimensions, character or duration of the encroachment, except on written authority of the Director.

a. If required by the Public Works Director, the applicant shall deposit with the Director a cash deposit, certified check or approved surety bond in an amount determined by the Director to be sufficient to restore the road to its original condition prior to start of work on the encroachment in the event that the permittee fails to complete the work in accordance with the provisions of the permit and to the satisfaction of the Public Works.
b. The condition of any bond or deposit made pursuant to this part shall be that the permittee will diligently, and in good faith, comply with all the terms of this Ordinance and conditions of the permit.

c. Within ninety (90) days after satisfactory completion of all work authorized in the permit, the bond or deposit will be released.

d. No deposit or bond, except as hereinafter provided in this paragraph, shall be required of any public district or political subdivision which is authorized by law to establish or maintain works or facilities in, under, or over the county road, nor shall the application of any such governmental unit be denied. Every such applicant shall be entitled as a matter of right to a permit, but shall otherwise be subject to the provisions of this Ordinance. The Director of Public Works shall have the right to require a bond from such applicant where the applicant has failed to comply with the provisions of this Ordinance under any previous permit.

Section 24-10. Performance.

a. The permittee shall perform the work to be done in accordance with the standard plans and specifications of the Department of Public Works of Solano County, and in accordance with the requirements of the permit.

b. The permittee, in the conduct of the work, use, or maintenance of an encroachment authorized by a permit issued pursuant to this Ordinance, shall provide, erect and/or maintain such lights, barriers, warning signs, patrols, watchmen, flagmen, and other safeguards as are necessary for public safety. Any omission on the part of the Director to specify in the permit what lights, barriers, or other
measures or devices; or the fact that the
Director may not specify sufficient lights, barriers, or
other protective measures or devices, shall not excuse the
permittee from complying with all requirements of law, and
appropriate regulations and ordinances for adequately pro-
tecting the safety of those using the county road. In any
time the Director finds that suitable safeguards are not
being provided after having informed permittee, as well as
having specified what corrective measures shall be taken,
the County may provide, erect, maintain or relocate such
safeguards as are deemed necessary, or may cancel the permit
and restore the right-of-way to its former condition, all
at the expense of the permittee.

c. The permittee shall notify the Director of Public
Works at the time of beginning work, and at the time of
completion of work authorized by the permit.
d. All work or use shall be planned and executed in a
manner that will cause the least interference with the safe
and convenient travel of the general public at the place
where the work or use is authorized, and at no time shall a
county road be closed or the use thereof denied the general
public without the written permission of the Director.
e. Upon completion of the work, act, or things for
which the encroachment permit was issued, the permittee shall
restore the county road as nearly as possible to its original
condition. Maintenance and repair or replacement of the
encroachment shall be the responsibility of the permittee.
In the event that the permittee fails to repair any injury,
damage, or nuisance to the county road resulting from the
work done under the permit, or should the permittee fail to
maintain the encroachment in a manner satisfactory to the
Director, the County may make the necessary repairs or
replacement, or perform the necessary work, and the permittee shall be charged with the costs of such repairs, replacement or necessary work.

f. Construction materials or material removed from excavation shall not be placed or stockpiled upon the travelled way or shoulder of the county road unless specifically allowed in writing on the permit.

g. The permittee shall properly provide for the passage of storm drainage water through the area of work.

SECTION III.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

RICHARD BRANN, Chairman of the Solano County Board of Supervisors

NEIL CRAWFORD, County Clerk
and ex officio Clerk of the Board of Supervisors,

Deputy Clerk

I, NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held on the 23rd day of Sept., 1975.

On the motion of Supervisor

and the Second of Supervisor

this
Ordinance was adopted at a regular meeting of said Board on the 30th day of Sept., 1975, by the following vote:

AYES: SUPERVISORS: 

NOES: SUPERVISORS: 

ABSENT: SUPERVISORS: 

WITNESS my hand and the Seal of said Board this day of Sept., 1975.

NEIL CRAWFORD, County Clerk

By S/ Deputy Clerk