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**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
November 23, 2004

SUBJECT: Ordinance No. 18 Relating to Encroachment Permit Fees

RECOMMENDED MOTION:

At the conclusion of the public hearing, the Board of Supervisors adopt Ordinance No. 18.

BACKGROUND:

Implementation of Ordinance No. 18 would result in fees paid for services rendered. The recommended fee schedule would require that fees be deposited in individual accounts upon submission of a permit application and expenses tracked specifically for each application.

FINANCIAL:

N/A

FORM APPROVED
COUNTY COUNSEL

OCT 07 2004

ZS:ac

BY 
ASSISTANT COUNTY COUNSEL



WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature



- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: All

Agenda Number:

11.2

ORDINANCE NO. 18

**AN ORDINANCE OF THE RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
RELATING TO ENCROACHMENT PERMITS**

The Board of Supervisors of the Riverside County Flood Control and Water Conservation District (District), State of California, does ordain as follows:

Section 1. GENERAL. Subject to the control of the Board of Supervisors, there is hereby delegated to the General Manager-Chief Engineer the administration of the use of District facilities, right of way and/or easements for excavation, connections and other types of encroachments, and the issuance, modification and revocation of permits for such uses, along with the establishment of a Deposit Based Fee (DBF) schedule for District Services.

Section 2. ENCROACHMENTS AND EXCAVATIONS. No person, including firms, corporations, public districts, public agencies or political subdivisions, shall make any excavation in, or construct, install or maintain any improvement, structure, utility or encroachment in, on, over or under any District facility, right of way or easement thereof, without first obtaining from the District General Manager-Chief Engineer a permit therefor, or maintain the same without such permit or in violation of the terms or conditions thereof. Such a permit shall be issued by the District General Manager-Chief Engineer only upon written application therefor, and payment of the required fee or fees. Such permit shall be issued only if the applicant is a public utility holding a current franchise from the County of Riverside, or a public district, public utility or public service agency having lawful authority for the purpose specified, or a developer whose development has been approved by the Flood Control District, County of Riverside, or City with jurisdiction, or the owner of an easement for such purpose within the District's right of way and/or easement, or if the General Manager-Chief Engineer is satisfied that the use proposed is in the public interest and that there will be no substantial injury to District facilities or impairment of its use as the result thereof, and that the use is reasonably necessary for the performance of the functions of the applicant. Every such permit shall be revocable and the uses and installations thereunder shall be subordinate to any prior right of the District to use the right of way and/or easement for public drainage purposes. Every such permit shall be subject to such conditions as the District General Manager-Chief Engineer determines are necessary to assure the safety of the public and the restoration of the right of way and/or easement. If any permittee shall fail to refill any excavation or to restore the District's right of way or easement to its same condition as prior to the permitted work, the District General Manager-Chief Engineer shall have the right to perform said work and collect in the name of the District the cost thereof.

Section 3. FEES. The filing fee for each of the permits subject to this Ordinance shall be \$500, with the exception of a permit for access to adjacent properties which shall be \$250. This fee, which is for the preparation of the permit and includes research and plan check, is nonrefundable and will be deducted from the initial Deposit. District shall draw against the remaining deposited funds for inspection and related services performed. If the initial deposit

1 should be depleted, the 2nd deposit shall be made prior to continuing work under the subject
2 permit.

3 **Section 4. DEPOSITS.** The Initial Deposit for Filing required by this Ordinance shall
4 be paid at the time the application is filed. Additional Deposits (if required) shall be paid prior to
5 continuing to work under the subject permit. Said deposits for permits shall be as follows:

<u>Type of Permit</u>	<u>Initial Deposit for Filing</u>	<u>Additional Deposit</u>
801 – Storm Drain Connections	\$2000	\$1000
802 – Access to Adjacent Properties	\$750	\$500
803 – Utility Crossing – Underground	\$2000	\$1000
804 – Utility Crossing – Aerial	\$2000	\$1000
805 – Parallel Utility – Underground	\$2000	\$1000
806 – Parallel Utility – Aerial	\$2000	\$1000
807 – Major Construction	\$3000*	\$1000*
808 – Surplus Material Removal	\$2000	\$1000
809 – Miscellaneous Encroachment	\$2000	\$1000
810 – Government	\$2000	\$1000

13 * Major Construction Encroachment Permits may be required to deposit a greater amount if it is
14 determined by the General Manager-Chief Engineer that the project is large enough and that the
15 standard \$3000 deposit will not be sufficient to complete the review of the project, compliance
16 with CEQA, issuance of the encroachment permit and inspection of work to be performed under
17 said encroachment permit.

18 **Section 5. PENALTIES.** Work commencing prior to obtaining permit authorization will
19 pay a \$1000 penalty (non-refundable) in addition to other fees which will be required as
20 stipulated herein. (No public entity applicant shall be liable for payment of the penalties set forth
21 herein.)

22 **Section 6. UNUSED FUNDS.** Once a project is finished and the final inspection is
23 completed, a Notice of Completion will be prepared and all unused funds in the applicant's
24 account will be refunded within 60 days.
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Section 7. DATE OF EFFECT. This Ordinance shall take effect thirty (30) days after the date of its adoption.

Adopted and approved this 23rd day of November 2004.

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: _____
JAMES A. VENABLE, Chairman
Board of Supervisors
Riverside County Flood Control
and Water Conservation District

ATTEST:

Nancy Romero
Clerk to the Board

By: _____
Deputy

(SEAL)

FORM APPROVED
COUNTY COUNSEL

OCT 07 2004

BY 
ASSISTANT COUNTY COUNSEL