

Encroachment Ordinance

Board Of Supervisor Presentation

March 12, 2019

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Transportation Department

Tuesday, March 12, 2019

Agenda

- History of the Encroachment Ordinance
- Guidance and Results of Process Improvements
- Who is Affected by the Ordinance
- Major Changes to Ordinance
- Stakeholder and Public Outreach
- Recommended Actions

History of Encroachment Ordinance

- Encroachments are the uses of road right-of-way by Utilities and others that cross or otherwise occupy the right of way
 - Ministerial, non-discretionary permits
 - Includes any obstruction placed on, in, along, under, over, or across the roadway.
- Encroachment Ordinance 2041 was adopted on March 26, 1968 – (Division 12 of the Ventura County Code of Ordinances).
 - No changes to chapters 1-6 for the last 50 years
- Maintenance and Repair of Sidewalks (Ordinance 4355) was added as Chapter 7 on December 12, 2006
- Wireless Telecommunications Facilities (Ordinance 4454) was added as Chapter 8 on October 8, 2013.

Major Changes to the Ordinance

- Reorganized to improve the ease of finding information
 - Grouped Definitions, General Provisions, Work Standards, Application Requirements and Permits issuance into separate chapters
- Included provisions regarding Special Events
- Incorporated BOS approved policies for Adopt-a-Road & Speed Humps
- Updated language regarding work performed without a permit
 - Failure to stop unpermitted work constitutes a misdemeanor violation
 - Allows the Road Commissioner to issue a permit on the supposed permittee's behalf for unpermitted work and impose double fee
- Updated language for encroachment work standards

Major Changes to the Ordinance (cont.)

- Updated Application Requirements and Permit Issuance process
 - By applying for, paying for, or agreeing to pay for a permit, the permittee agrees to be bound by all the terms and conditions.
 - Updated provision allowing minor work under an Administrative permit (previously Annual Permit – utilities only).
 - Added new provisions on timeliness of permit issuance
- Updated permit fees and deposits
 - Fee exemptions for sidewalk repairs, long-term unpermitted encroachments, removal of dying or dead trees.
- Added permit exemptions
 - Low-lying landscape work (including pavers) by adjacent property owners in the parkway between sidewalk and curb.
 - Placement of USPS mail box
 - Trash receptacles for routine pick up during the 72 hours surrounding the pick-up

Stakeholder/Public Outreach

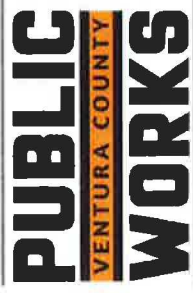
- October 26, 2018 – Draft of Updated Ordinance made available on the County website for 30-day public review period and emailed to
 - Major Utility companies
 - Board of Supervisors
 - Select Agencies, consultants and Cities
 - Ventura County Coalition of Labor, Agriculture and Business (CoLAB)
- December 16, 2018 – Extended review period to mid-December 2018

Comments Received

- Approximately 80 comments were received from six (6) governmental agencies or private entities
- Responses/comments were emailed back and/or discussed
- Most comments were incorporated into the Ordinance

Recommended Actions

- Open a public hearing, introduce, read in title only, and waive further reading of the proposed Ordinance to repeal and reenact Division 12 of the Ventura County Ordinance Code
- Schedule a second reading and final adoption of the Ordinance for March 19, 2019
- Authorize the Clerk of the Board to publish the summary of the Ordinance prepared by County Counsel at least five (5) days before March 19, 2019, and to post the summary and Ordinance in accordance with subdivision (b) of Section 25124 of the Government Code
- Declare the ordinance categorically exempt under the California Environmental Quality Act (CEQA)



Questions?
