



City of Calimesa Public Works Department

Encroachment Permit Conditions

Important Note: The following represents a summary of the most important encroachment conditions. Please see City of Calimesa Encroachment Ordinance for further details and requirements.

Sec. 7-4.105. Hold Harmless Agreement. Each applicant for a permit shall agree to hold the City and its officers, agents and employees harmless from any and all causes of action, penalties, liability or loss resulting from claims or court actions arising out of any accidents, loss or damage to persons or property occurring as a result of any work performed pursuant to the permit.

Sec. 7-4.106. Insurance. Before a permit is issued, the applicant or the contractor who is to perform the work, shall secure, at his own expense, a policy of broad form comprehensive general, liability insurance in a form acceptable to the City. If the work to be performed involves any excavation, the policy shall include an endorsement that affords coverage for explosion, collapse and underground hazards. The policy shall name the City and its officers, employees and agents as co-insured and shall protect them from claims for personal injury, death or property damage suffered by third persons and arising out of the work authorized by the permit and the manner of its installation or construction. The insurance shall be in effect on the date that the work is commenced and shall expire no sooner than one year after the date on which the work is completed. Insurance cancellation clause shall read, "The issuing company shall mail a 30-day written notice of cancellation to the certificate holder named." A certificate of the insurance shall be filed with the Public Works Department.

Sec. 7-4.107. Insurance Limits. If the work to be performed under a permit will involve an excavation in a street more than six (6") inches in depth, the applicant or contractor shall furnish the liability insurance coverage required in Section 306, in an amount not less than One Million and no/100ths (\$1,000,000.00) Dollars combined single limit. For all other permits, the applicant or the contractor shall furnish such liability insurance coverage in an amount not less than Three Hundred Thousand and no/100ths (\$300,000.00) Dollars single limit. If an applicant or a contractor maintains with the City a certificate of continuous insurance coverage, such applicant or contractor shall change his insurance coverage to be in compliance with the requirements of this section on or before the renewal date of the policy. The City Council may increase, decrease, or waive the insurance limits set forth above in those cases in which the City Council determines that special circumstances justify such an increase, decrease or waiver, and may be changed by resolution of the Council.

Sec. 7-4.108. Bonds.

- (a) Before a permit is granted by the Director, which authorizes excavation, trenching or removal of the surface of a street, a bond or other security acceptable to the City, shall be filed with the Director in a form approved by the Director, by the applicant, or by the contractor who will do the work. The bond shall be a surety bond and shall be issued by a corporation duly and legally licensed to transact business in the State of California and approved by the City. The bond or other security shall guarantee the performance of the work authorized by the permit in accordance with all of the provisions of the application, the permit and this Chapter and shall indemnify the City against faulty or improper workmanship or materials that may be discovered during the performance of the work and for the term of one year after the completion of the work. If the applicant, or the contractor performing the work, intends to perform more than one project requiring a permit under this Chapter, the bond may be written so as to apply to more than one permit and it shall indemnify the city against faulty or improper workmanship or materials that may be discovered during the performance of the work, intends to perform more than one project requiring a permit under this Chapter, the bond may be written so as to apply to more than one permit and it shall indemnify the City against faulty or improper workmanship or materials that may be discovered during the period of one year after the completion of the work authorized by each permit.

- (b) Bond Limits. The Director is hereby authorized to establish the amount of bond to be posted based upon his estimate of the maximum cost or damages which the City might incur in connection with the work authorized by the permit or permits.
- (c) Bonds-Exemption. Public agencies which apply for a permit are not required to furnish the aforementioned bond. However, this exemption shall not relieve the public agency or utility company of faulty or improper workmanship or materials guarantee.
- (d) The City Council may increase, decrease, or waive the bond limits set forth above in those cases in which the City Council determines that special circumstances justify such an increase, decrease or waiver, by Resolution of the City Council.

SAFETY DEVICES

1. Safety Devices, Lights, Barricades – In the conduct of the encroachment work, supplies and excavated material shall be properly placed and the permittee shall provide and maintain such safety devices, including but not limited to lights, barricades, signs, and watchmen as are necessary to protect the public. Any omission on the part of the city to specify in the permit what safety devices shall be provided by, or preventative action required of the permittee shall not excuse the permittee from complying with all laws, regulations and ordinances relating to the protection of persons or property under the circumstances. If the City finds that suitable safeguards are not being provided, it may provide, maintain and relocate such safety devices or take action as is deemed necessary, charging the permittee the costs of such action.
2. Warning Lights – A permittee making any excavation or leaving any obstruction which could be a hazard to persons using a right-of-way shall provide and maintain warning lights far enough away from the excavation or obstruction to give adequate warning to such persons and at not more than 50-foot intervals along the excavation or obstruction, from one-half hour before sunset of each day to one-half after sunrise the next day, until the work is completed and the right-of-way made safe for use.
3. Safety Device Standards- All safety devices shall conform to the requirements of the Manual of Traffic Controls of the State of California, and the California Vehicle Code, so far as such manuals are applicable.

TRAFFIC CONDITIONS

1. Maintain Traffic – Vehicular and pedestrian traffic on all streets shall be permitted to pass through the work area with as little inconvenience as possible. At no time shall the roads be closed without specific authorization.
2. Flagmen – Shall be used on all streets where the traffic is restricted to less than two (2) traffic lanes.
3. Comply with Green Book 7-10 – Maintaining of vehicular traffic through the work area shall conform to Standard Specifications for Public Works Construction (Green Book Section 7-10).
4. Replace Improvements – All improvements within the road right-of-way which include road signs, road striping, road symbols, etc., which were damaged, removed or obliterated as a result of the permittee's work shall be repaired and/or replaced. Repairs and replacements shall be equal to or better than the existing improvements and shall match them in finish and dimension.
5. End of Workday – At the end of each workday, all roads shall be restored to two-way traffic. The road surface shall be brought to a smooth, even condition, free of humps and depressions, satisfactory for use by the motoring public.
6. Detours – Shall be in accordance with Caltrans Traffic Manual, Chapter 5, And shall be approved by the Public Works Director three weeks before the anticipated date of the detour.

CLEANUP, BACKFILLING AND COMPACTION CONDITIONS

1. Cleanup After Completion - Immediately after completion of the work, the permittee shall cleanup and remove all materials, earth and debris of any kind. If the permittee fails to do so within 24 hours after having been notified to do so by the City, the work may be done by the city and the permittee charged the costs of such work. When a pole, guy-stub or similar timber is removed and not replaced, the entire length thereof shall be removed from the ground and the hole backfilled and compacted.

2. Backfilling and compaction – Backfilling and compaction of an excavation of an evacuation shall be in accordance with the Standard Specifications for Public Works Construction (Sections 301 and 306), as well as any special standards established by the City. Backfilling shall be completed before the end of the workday. No open trenches shall be left after normal working hours.
3. Restoration of right-of-way - upon completion of the encroachment work authorized by a permit, the permittee shall restore the right-of-way, including bridges and any other structure thereon, by replacing, repairing or rebuilding it in accordance with the specifications or any specific requirements, but not less than to its original condition before the encroachment work was commences. The permittee shall remove all obstructions, materials, and debris upon the right-of-way and shall do any other work necessary to restore the right-of-way to a safe and usable condition, as directed by the city. When the excavation occurs within an area already paved, the city may make the necessary restoration. The permittee can be notified or can respond to notification; the City may make the necessary restoration. The permittee shall reimburse the City in accordance with the costs of such work. All work shall be in accordance with City standards and Public work Standard Specifications for Construction (Green Book Section 302 and 306.)

PROTECTION AND REPAIR OF EXSISTING FACILITIES

1. Location of Existing Facilities - The permittee shall investigate and be aware of all existing facilities lawfully within the right-of-way which are within the limits of his activity.
Important Notice: Prior to making any excavation, the permittee shall contact Underground Service Alert at 1-800-422-4133 and obtain an identification number (Sections 4216 and 4217 of the Government Code) two working days prior to excavation.
2. Protection and repair of facilities – the permittee shall protect all wires, cables, pipes, conduits, poles and other apparatus, both aerial and underground, by a method satisfactory to the owner. The owner has the right to support or protect and of its facilities at the sole expense if the permittee. In case of any said wires, cables, pipes, conduits, poles, or apparatus should be damaged (and for this purpose, pipe coating or other encasement

-- end of conditions --



P.O. Box 1190
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Calimesa, CA 92320
(909) 795-9801 Fax (909) 795-4399

City of Calimesa Public Works Department

Encroachment Permit Application

FOR OFFICE USE ONLY	
Permit Number:	_____
Total Fee:	_____

THE UNDERSIGNED HEREBY APPLIES FOR PERMISSION TO ENCROACH ON THE FOLLOWING DESCRIBED CITY RIGHT-OF-WAY:

Location: _____
Description of Work: _____

SUBMIT A DETAIL DRAWING OF WORK TO BE DONE

Excavation Length: _____ Width: _____ Sq. Ft.: _____
Number of Days: _____ Beginning: _____ Ending: _____

I understand that the City may revoke any permit that may be granted as a result of this request at any time. In consideration for issuance of this permit, I agree, and by use hereof, my agents, employees, contractors agree to be bound by all of the provisions of Title 7, Chapter 4, of the Calimesa Municipal Code, the Standard Conditions attached to this from any claims defense and legal costs, judgments for damages, or other relief against the City as a result of acts, or omissions, by me or my representatives, in the performance of any activities permitted hereunder, whether the condition giving rise to the claim or judgment was created in whole, or in part, by me or my representatives. Any inspection by the City shall in no way relieve the permittee from responsibility for the work.

Applicant: _____ Phone No. _____
Mailing Address: _____
Signature: _____ Date _____

Contractor: _____ Phone No. _____
Contractor's License #: _____ Classification: _____
Mailing Address: _____ Business License #: _____
Signature: _____ Date _____

PERMITTEE SHALL NOTIFY Public Works Dept. 24 hours prior to commencing work.
Phone 909/795-9801, 7:00 a.m. – 5:30 p.m. Monday through Thursday.

FOR OFFICE USE ONLY

SPECIAL CONDITIONS: _____

Permission is hereby granted to perform the activities described above, subject to the statutes, ordinances and conditions described above. Special Conditions heron and attached hereto are made a part hereof by reference. Permission granted for the period of _____

By: _____ Date: _____