



Municipal Code Amendment:

Regulations for Encroachment in Public Right-Of-Way

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Background

Gov. Code section 38775 permits the City to regulate the use of the public right-of-way.

In 1965 City adopted ordinance establishing street and sidewalk excavation procedures, Chapter 12.04 of Municipal Code.

The Ordinance has not been updated since.



Background

Chapter 12.04 of the Municipal Code currently provides a regulatory framework that is missing key components and is due for an update.

- No “Definitions” included in the original ordinance;
- Limited standards for review of permit requests;
- Limited standards placed on performance of work in public right-of-way;
- No insurance requirement.



Proposed Ordinance

Key changes to Chapter 12.04

- Adds “Definitions” section to clarify meaning of key terms.
- Adds detailed permitting procedures, mandates permittee insurance coverage, and establishes comprehensive construction and engineering standards and pavement restoration guides for encroachment.
- Adds graphics and more detail to overall process.



Municipal Code Update Sub-Committee

- On April 11th, the City Attorney and staff presented and discussed the proposed ordinance with the Municipal Code Update Subcommittee.
- The Subcommittee recommended approval of the proposed ordinance as presented.

Staff Recommendation

Staff recommends the City Council conduct a first reading of the proposed ordinance.

Questions and Discussion

