

COUNTY OF MONTEREY

HOUSING AND COMMUNITY DEVELOPMENT



PLANNING - BUILDING - HOUSING
 1441 Schilling Place, South 2nd Floor
 Salinas, California 93901-4527
 (831)755-5025

Application For Encroachment Permit

Please complete ALL fields and type "N/A" if not applicable. All fields shall be typed or printed clearly.

Permittee Information			
Permittee Name:			
Contact Person:			
Mailing Address:	City:	State:	Zip Code:
Phone Number:	Email Address:		
Check All That Apply <input type="checkbox"/> Owner <input type="checkbox"/> Owner-Builder <input type="checkbox"/> Agent For Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Agent For Contractor <input type="checkbox"/> Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Developer <input type="checkbox"/> Tenant			
Contractor Information			
Contractor Name:	License Number:	License Type:	
Mailing Address:	City:	State:	Zip Code:
Contact Person:	Email:	Phone Number:	
Description Of Work To Be Performed Within Right Of Way			
Project Location:			
Detailed Description Of Work:			
Is This Permit Associated With Any Existing Project/Permit? <input type="checkbox"/> No <input type="checkbox"/> Yes	Associated With Existing Project/Permit/Case #:		
Road Name:	Nearest Cross Street:		
Assessor Parcel Number:	Latitude/Longitude:		
USA Ticket #	Work Start Date:	Work End Date:	
Type Of Encroachment (Check All That Apply) <input type="checkbox"/> Boring (Bell Hole Quantity _____) <input type="checkbox"/> Commercial Drive Approach (Quantity _____) <input type="checkbox"/> Fence <input type="checkbox"/> Filming/Photography/Videography <input type="checkbox"/> Gate (Quantity _____) <input type="checkbox"/> Residential Drive Approach (Quantity _____) <input type="checkbox"/> Road Closure (Start Date: _____ End Date: _____) <input type="checkbox"/> Sidewalk, Curb Or Gutter (Linear Feet Quantity _____)	<input type="checkbox"/> Special Event (# Of Attendees _____) <input type="checkbox"/> Street Excavation (Sq. Ft. _____) <input type="checkbox"/> Street Improvements (Sq. Ft. _____) <input type="checkbox"/> Traffic Control/Signage <input type="checkbox"/> Traffic Striping, Marking Or Signal Improvements <input type="checkbox"/> Tree Trimming/Tree Removal/Landscaping <input type="checkbox"/> Underground Utility Trenching (Linear Feet Quantity _____) <input type="checkbox"/> Utility Poles (Quantity _____) <input type="checkbox"/> Other: _____		
Permittee Shall Contact (USA) Underground Service Alert 1-800-227-2600 Prior To Any Excavation			

RELEASE AND HOLD HARMLESS

The undersigned hereby applies for a permit to encroach on county right-of-way as indicated above and agrees that all work will be done in accordance with all existing county of Monterey ordinances; General conditions of: [title 14](#) and constructed to designated grades and specification requirements. Work shall be in accordance with stamped approved plans from county of Monterey housing and community development department and all indicated form(s) for the building and/or encroachment permit to be acknowledged as complete.

Permittee shall be responsible for preservation and/or perpetuation of all existing monuments which control subdivisions, tracts, boundaries, streets, highways, or other rights-of-way, easements, or provide survey control which will be disturbed or removed due to permittee's work. Permittee shall provide a minimum of ten (10) working days' notice to project surveyor prior to disturbance or removal of existing monuments. Project surveyor shall coordinate with permittee to reset monuments or provide permanent witness monuments and file the required documentation with the county surveyor pursuant to business and professions code section 8771.

By my signature below, I certify to each of the following: I have read this application and the information I have provided is correct. I have read the description of work and verify it is accurate. I agree to comply with all applicable county ordinances and state laws relating to construction.

Indemnity and Hold Harmless: applicant/permittee shall indemnify, defend, and hold harmless the county, its officers, agents, and employees, from and against any and all claims and losses whatsoever accruing or resulting to any and all persons, firms or corporations, and public and private property in connection with the encroachment or the conduct of the special event, unless arising out of the sole negligence or willful misconduct of county.

Permittee/Agent print: _____ Signature: _____ Date: _____

Time limitation of application. An application for a permit for any proposed work shall expire 365 days after the date of filing unless a permit has been issued or the building official has granted an extension of time.

Inspection Request: Email: Encroachment@Co.Monterey.Ca.Us Or Call (831) 755-5025 To Schedule Inspection At Least 48 Hrs Prior To Any Work.

Permittee Shall Contact (USA) Underground Service Alert 1-800-227-2600 Prior To Any Excavation.

Licensed Contractor's Declaration:

I Hereby Affirm I Am Licensed Under Provisions Of Chapter 9 (Commencing With Sect. 7000) Of Division 3 Of The Business And Professions Code, And My License Is In Full Effect.

License Number: _____ **Classification:** _____

Contractor's Signature: _____ **Date:** _____

Worker's Compensation Declaration:

(This Section Need Not Be Completed If The Project Value Is \$100 Or Less)

- I Hereby Affirm Under Penalty Of Perjury One Of The Following Declarations:
- I Have And Will Maintain Worker's Compensation Insurance As Required By Section 3700 Of The Labor Code For The Performance Of Work For Which This Permit Is Being Issued. My Workers' Compensation Insurance Carrier And Policy Number Are:

Carrier: _____ **Policy Number:** _____ **Expiration Date:** _____

- I Certify That In The Performance Of The Work For Which This Permit Is Issued, I Shall Not Employ Any Person In Any Manner So As To Become Subject To The Workers' Compensation Laws Of California And Agree That If I Should Become To Subject To The Workers' Compensation Provisions Of Sect. 3700 Of The Labor Code, I Shall Forthwith Comply With Those Provisions.
- I Have And Will Maintain A Certificate Of Consent To Self-Insure For Workers' Compensation Pursuant To Sect. 3700 Of The Labor Code For The Performance Of The Work For Which This Permit Is Issued.

Applicant's Signature: _____ **Date:** _____

- Owner**
- Contractor**
- Agent**

Warning: Failure To Secure Workers' Compensation Is Unlawful And Shall Subject An Employer To Criminal Penalties And Civil Fines Up To \$100,000, In Addition To The Cost Of Compensation, Damages As Provided For In Sect. 3706 Of The Labor Code, Interest, And Attorney Fees.

General Conditions From Monterey County Code - Title 14

An Ordinance To Protect The County Highways And Works Incidental Thereto By Regulating Their Excavation And Encroachment.

Note: Below Are General Requirements For Work Within All Public Rights Of Way Or County Property. In Addition To These Requirements, The Permittee Must Also Comply With All The Terms, Conditions, Rules, And Procedures Of The Encroachment Ordinance, Encroachment Agreement, And The Standard Specifications And Standard Plans ("County Of Monterey Standards") Of The County Of Monterey.

Ca St & Hwy Code § 1480 (2021) "Encroachment" Includes Any Structure Or Object Of Any Kind Or Character Placed, Without Authority Of Law, Either In, On, Under, Or Over Any County Highway.

Sec.14.04 .010 Definitions. "County Highway" Means And Includes All Or Any Part Of The Entire Width Of Right-Of-Way Of Any Road, Street, Land, Alley, Way, Place, Or Cul-De-Sac Maintained By The County And Open To The Use Of The Public For Purposes Of Travel, Whether Or Not Such Entire Width Is Actually Used For Highway Purposes, And Whether Or Not It Has Been Accepted Into The County Road System By Resolution Of The County Board Of Supervisors. It Also Includes Bridges, Culverts, Curbs, Drains, Ditches, And All Works Incidental To County Highway Construction, Improvement, And Maintenance.

Sec.14.04 .020 Permit—Required For Designated Acts.

A - When Satisfied An Applicant's Right Or Necessity, The Public Works Director May Issue To Him Or Her, A Writing Permit, Which Shall Not Be Transferable, Authorizing Him Or Her To Do Any Of The Following Acts:

1. Make An Opening Or Excavation For Any Purpose In Any County Highway;
2. Place, Change, Or Renew An Encroachment.
3. Construct, Grade, Or Place Any Driveway Within A County Highway; But No Driveway Shall Be Located Within Any Portion Of The Normal Curve Returns Of Any Intersection;
4. Plant, Remove, Cut, Cut Down, Injure Or Destroy Any Tree/Shrub/Plant/Flower Growing Within Any County Highway. (Ord. 1162 § 6, 1960)

14.04.030 - Permit—Late Issuance Fee.

Any Person Who, Having Violated Any Of The Provisions Of Section 14.04.020a, Thereafter Applies For A Permit Pursuant To This Chapter To Do The Act Which Constituted Such Violation Shall Pay A Late Issuance Fee, In Addition To The Regular Required Fee, In Such Amount As May Be Fixed By Resolution Of The Board Of Supervisors. No Person Shall Be Permitted To Apply For, Or Obtain, A Late Issuance Fee For A Special Event Encroachment Permit. (Ord. 3889, 1996)

Sec.14.04 .070 - Emergency Excavations.

A - This Chapter Shall Not Be Construed To Prohibit Any Act For Which A Permit Is Required When The Performance Of Such Act Is Reasonably Necessary For The Preservation Of Life Or Property In An Emergency. In All Such Cases, However, The Person Performing Such Act Shall Promptly Notify The Public Works Director And Shall Apply For A Permit Therefor At The Earliest Practicable Time Thereafter, In Any Event Not Later Than The Next Succeeding Day During Which The Office Of The Public Works Director Is Open.

B - Any Person Who Violates Any Of The Provisions Of This Section Is Guilty Of A Misdemeanor. (Ord. 1162 § 11, 1960)

Sec.14.04 .100 - Supervision Of Work.

The Public Works Director May, But Is Not Required To, Supervise Any Work Done Under Any Permit Issued Under The County, But No Cost Of Supervision Shall Be Charged By The Public Works Director To Any Public Agency. (Ord. 1162 § 11, 1960)

Sec.14.04 .110 4.04.110 - Duties Of Permittees.

A - Every Permittee Shall:

1. Notify The Public Works Director At Least Forty-Eight (48) Hours, Exclusive Of Saturdays, Sundays, And Legal Holidays, Before Starting Any Permit Work;
2. Keep His Or Her Permit, Or A Copy Thereof, At The Site Of The Permit Work At All Times When He Or She Is Actually Engaged In Work Thereat, And Exhibit It To The Public Works Director, Or His Or Her Representative Or Any Peace Officer, Upon Demand;
3. Promptly Remove All Refuse, Debris, Equipment, And Excess Material From The Site Of The Permit Work Upon Its Completion, And Leave The Premises In As Presentable A Condition As Before The Work Started;
4. Place And Maintain Suitable Warning Lights, Signs, Barriers, Devices, Or Flagmen, Which Be The Types Specified In Section 21406 Of The California Vehicle Code;
5. Deliver To The Public Works Director, Upon His Or Her Demand, After The Completion Of Any Permit Work, A Plan Or Drawing Showing Locations And Details Of Permitted Encroachments And Connections, If Any, To Existing Structures Where **Such** Encroachments And Connections Differ Substantially From Any Plats And Diagrams Submitted With The Application For A Permit;
6. In Every Case Where He Or She Has Disturbed The Existing Surface Of A County Highway, Replace, Repair Or Restore Such Highway In Accordance With The Terms Of His Or Her Permit. In Case His Or Her Permit Contains No Such Terms, Then He Or She Shall Do Such Replacing, Repairing, Or Restoring At His Or Her Own Expense Promptly Upon Completion Of His Or Her Permit Work, In A Good And Workmanlike Manner As Directed By The Applicable Provisions Of This Chapter, To As Good Condition As Before The Permit Work Started; Provided, However, That If The Surface Which Was Disturbed Was A Bituminous-Surfaced Roadway, Such Surface Shall Be Replaced, Repaired Or Restored With Not Less Than One And One-Half Inches, Compacted In Thickness, Of Asphaltic Concrete Surfacing, Over A Minimum Of Six Inches, Compacted, In Depth, Of Aggregate Base Material Of A Type Approved By The Public Works Director;
7. Comply With All Of The Terms And Conditions Of His Or Her Permit;
8. Comply With All Construction Standards And Methods Specified In This Chapter;
9. Store, Place Or Deposit No Material Within Five Feet (5') From The Edge Of The Pavement Or Traveled Way Or Within The Shoulder Line, Where The Shoulders Are Wider Than Five Feet (5'), Of Any County Highway, Without The Prior Approval Of The Public Works Director;
10. Diligently Pursue The Permit Work In Such A Way As Not To Cause An Unreasonable Interference Or Inconvenience To The Traveling Public.

Sec.14.04 .120 - Construction Requirements.

Unless The Permit Provides Otherwise:

- A. All Permit Work Shall Conform To Such Of The Following Specifications As May Be Designated By The Permit:
1. The Standard Specifications Of The Department Of Public Works Of The State Of California;
 2. The Special Provisions For Encroachment Work, On File In The Office Of The Public Works Director.
- B. No Tunneling, Ponding, Or Jetting Shall Be Done.

With The Exception Of Television Cables Laid In The Highway Pavement, No Underground Conduit, Pipe, Structure, Or Device Shall Be Installed Closer Than Two Feet From The Finished Grade Of Any Portion Of The Highway Cross Section.

C. Whenever, In The Opinion Of The Public Works Director, An Open Excavation For A Facility Crossing A County Highway Transversely Would Unduly Restrict The Public Use Of Such Highway, Such Facility Shall Be Jacked Or Otherwise Forced Beneath The Highway Improvements Without Disturbing The Surface Of The Highway, And In No Case Shall The Excavation For Jacking Devices Be Closer Than Five Feet From The Edge Of Any Highway Improvement, Or Lie Within A Prism Formed By One-To-One Slopes From Said Improvement To The Bottom Of The Excavation. (Ord 1162 § 13, 1960)

Sec.14.04 .125 Indemnity And Hold Harmless.

Indemnity And Hold Harmless: An Applicant Shall Agree To Indemnify, Defend, And Save Harmless The County, Its Officers, Agents, And Employees, From And Against Any And All Claims And Losses Whatsoever Accruing Or Resulting To Any And All Persons, Firms Or Corporations, And Public And Private Property In Connection With The Encroachment Or The Conduct Of The Special Event, Unless Arising Out Of The Sole Negligence Or Willful Misconduct Of County. (Ord. 3889, 1996)

14.04.140 - Insurance.

If, In The Opinion Of The Public Works Director, The Work Proposed In Any Permit Application Entails Any Undue Risk Of Injury, Death Or Damage To Any Member Of The Public, He Or She Shall, Prior To Issuing Such Permit, Require The Applicant To File With Him Or Her Satisfactory Evidence That The Applicant Is Insured Against All Such Risks, With Such Limits Of Coverage As The Public Works Director May Direct. This Section Shall Not Apply To Any Public Agency Authorized By Law To Establish Or Maintain Any Works Or Facilities In, Under Or Over Any Public Highway, Nor To Any Public Utility Holding A Valid Franchise.

A. Insurance For Special Event Encroachment Permits. Without Limiting Permittee's Indemnification, Permittee Shall Maintain In Force At All Times During The Conduct Of The Special Event A Policy Or Policies Of Insurance As Follows And In The Minimum Limits Of Liability As Stated Herein:

1. Comprehensive General Liability, Including But Not Limited To Premises, Personal Injuries, Products, And Completed Operations For Combined Single Limit Of Not Less Than One Million Dollars (\$1,000,000.00) Per Occurrence.
2. Comprehensive Automobile Liability, Including But Not Limited To Property Damage, Bodily Injury And Personal Injuries For Combined Single Limit Of Not Less Than One Million Dollars (\$1,000,000.00) Per Occurrence.

Liability Policies Shall Provide An Endorsement Naming The County Of Monterey, Its Officers, Agents And Employees As Additional Insureds And Shall Provide Thirty (30) Days Notice To The County Of Monterey In Advance Of Cancellations, Reductions In Limits, Or Non-Renewal Of Said Policies.

Liability Policies Shall Be Endorsed To Provide That Such Insurance Is Primary To Any Insurance Or Self-Insurance Maintained By The County And That No Insurance Of The Additional Insureds Shall Be Called Upon To Contribute To A Loss Covered By Permittee's Insurance.

Certified Copies Of Policies Must Be Filed With The County Public Works Director Five Working Days Prior To The Issuance Of The Permit. The Insurance Carried Must Be With Established And Reputable Companies Admitted To Transact Insurance Business In The State Of California And Acceptable To The County. Acceptance Or Approval Of Insurance Shall In No Way Modify Or Change The Indemnity And Hold Harmless Clauses In This Agreement, Which Shall Continue In Full Force And Effect.

3. The Public Works Director May Waive Or Modify The Insurance Requirement Upon A Finding

Of Unusual Circumstances In Which The County Administrative Officer, Risk Management, And County Counsel Concur. (Ord. 3889, 1996; Ord. 1162 § 15, 1960)

Sec 14.04.150 - Permit Revocation—Interference With County Highway Improvement.

A. Every Permit Issued Pursuant To This Chapter Is Issued Subject To The Right Of The County, To Be Exercised Through The Public Works Director, To Revoke The Same Whenever Any Contemplated Governmental Use Of A County Highway, Including The Improvement, Reconstruction, Or Repair Thereof, Necessitates The Removal Or Relocation Of Any Encroachment Authorized By Such Permit. When The Public Works Director Orders Revocation In Such Cases, The Permittee Is Required To Remove Such Encroachment At His Or Her Own Expense. B. The Duty To Remove Or Relocate An Encroachment Under This Section Shall Not Run In Favor Of The State In The Event That The Highway Involved Becomes A State Freeway. (Ord. 1162 § 16, 1960)

Sec.14.04.160 - Permit Revocation—Removal Of Encroachments.

When, Pursuant To This Chapter, The Public Works Director Determines That Any Permit Should Be Revoked, Any Encroachment Which Was Authorized Thereby Shall Thereupon Be Deemed To Be One Without The Authority Of Law, And The Public Works Director May Require And Enforce Its Removal By Giving The Notice And Taking The Action Specified In Those Sections Of [Chapter 6, Division 2](#), Of The Streets And Highways Code Of The State Of California Which Deal With Encroachments.(Ord. 3889, 1996; Ord. § 7, 1960)

Section 7031.5 Business And Professions Code: Any City Or County Which Requires A Permit To Construct, Alter, Improve, Demolish, Or Repair Any Structure, Prior To Its Issuance, Also Requires The Applicant For Such Permit To File A Signed Statement That He/She Is Licensed Pursuant To The Provisions Of The Contractor's License Law Chapter 9 (Commencing With Sect. 7000) Of Division 3 Of The Business And Professions Code Or That He/She Is Exempt Therefrom And The Basis For The Alleged Exemption. Any Violation Of Sect. 7031.5 By Any Applicant For A Permit Subjects The Application To A Civil Penalty Of Not More Than Five Hundred Dollars (\$500).