



## ENCROACHMENT PERMIT APPLICATION AND INFORMATION OUTLINE

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**T**his outline provides you with information on how to apply for an Encroachment Permit. We hope that the information will be beneficial in instructing you on what information is required and what steps must be taken to review your application. The more thorough and complete the application submitted to the Town, the better we are able to serve you and help you achieve your goals.

Included is the **ENCROACHMENT PERMIT APPLICATION**. Should you have any questions, please contact the Public Works Department at (760) 369-6579 x308. The Public Works Department is located in the Community Development/Public Works Department building at 58928 Business Center Drive, off of Indio and Yucca Trail, north of the Monterey Business Center. You may visit our website for additional information at: <https://www.yucca-valley.org/our-town/departments/public-works-engineering>

### **What is an Encroachment Permit?**

An Encroachment Permit is required when plans construct, obstruct, reconstruct, remove, excavate or encroach under, over, or on any sidewalk, curb, gutter, cross gutter, drainage facility, street, parkway, easement, square, plaza, park, mall, parking lot or any other public or semipublic (private) property or miscellaneous structures owned or maintained by, or under the control of, the Town.

### **Is a special license required to work in the Town's Right-of-Way?**

Excepting for work by regular full-time employees of the United States, or the state of California, and those regular employees of utility companies, special districts, and county of San Bernardino personnel, all work done within the right of way of the Town shall be performed by contractor(s) licensed by the state of California, working within the area of expertise authorized by their license, and as required by the Town. (Ord. 260, 8-16-2016)

### **Does the Town require a Certificate of Liability on file to work in the Right of Way?**

Yes, the Commercial General Liability Insurance must possess no less broad than ISO form CG 00 01 with minimum limits of \$1,000,000 per Occurrence; \$2,000,000 General Aggregate. The Town of Yucca Valley must be additionally insured for liability arising out of ongoing and completed operations by or on behalf of the contractor. Town of Yucca Valley shall continue to be an additional insured for completed operations for one (1) year after completion of the work. A Certificate of Insurance must be attached, naming the Town of Yucca Valley as additional insured; an Additional Insured Endorsement at least as broad as ISO form CG 20 12 or 20 26 and CG 20 37 must also be provided. **Automobile Liability**

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insurance in the amount of \$1,000,000 per occurrence. **Workers' Compensation Insurance** with statutory limits as required by the State of California Labor Code. If the Permittee has no employees, Permittee may sign a certification stating such. The insurance provided to the Town of Yucca Valley as an additional insured must apply on a primary and non-contributory basis with respect to any insurance or self-insurance program maintained by the Town of Yucca Valley. Permittee grants to the Town of Yucca Valley a waiver of any right to subrogation which any insurer of Permittee may acquire against the Town of Yucca Valley, by virtue of the payment of any loss under such insurance. The Permittee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the Town of Yucca Valley for all work performed by the Permittee, its employees, agents, and subcontractors.

### **How long is my permit valid?**

The Permittee shall begin the work or use authorized by a permit issued within fifteen (15) working days from the date of issuance, unless a different period is stated in the permit. If the work or use is not begun within fifteen (15) working days or within the time frame stated in the permit, then the permit shall become void, unless before its expiration, the start time has been extended in writing by the Public Works staff. A permit for temporary encroachments shall be valid for a term of sixty (60) days from the date of issuance.

### **Fees**

The Encroachment Permit Fee includes administrative expenses involved in the issuance of an encroachment permit, checking plans for compliance with Chapter 12.60 of the Town of Yucca Valley Development Code and other ordinances, and field inspections conducted to ensure compliance with this chapter and the terms and conditions under which the encroachment permit was issued, including costs for any necessary enforcement actions.

Fee schedules may be established and amended from time to time by resolution of the Town Council. Encroachments subject to full cost recovery as set forth by resolution of the Town Council shall make a general deposit, in the amount established by Town Council resolution(s), to be sufficient to pay the costs of the permit, engineering and inspection fees. The general deposit is in addition to any security deposits that may be required under Chapter 12.60 of the Town of Yucca Valley Development Code.

The Public Works/Engineering Fee Schedule can be viewed at: <https://www.yucca-valley.org/our-town/departments/public-works-engineering>

### **What do I do after I receive my Approved Encroachment Permit?**

The Application becomes a Permit upon its approval by the Town. Upon receipt of the signed Approved Encroachment Permit, you must call for an inspection prior to backfilling, concrete pouring, paving, excavation, etc., at least forty-eight (48) hours before the work is

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performed. You must supply your Encroachment Permit Number when requesting an inspection, and you must have your permit in your possession at the job site so that the inspector may sign it after he approves the work. You also must have at the job site any approved plans, grading permits, etc., for inspection.

**INSPECTION REQUEST CALL (760) 369-6579 EXT. 303  
48 HOURS NOTICE REQUIRED**

**What to do in the event work is delayed?**

The Encroachment Permit will expire in sixty (60) calendar days from the date of issuance unless additional time is granted at the time of permit approval, or an extension is granted. In the event work is delayed beyond the expiration date, the contractor may submit an Application for Extension of Time for Grading/Right-of-Way Permits. This extension application must be received prior to the permit expiration. If no application for extension is filed, a new encroachment application will need to be submitted. The Application for Extension of Time for Grading/Right-of-Way Permits can be found at <https://www.yucca-valley.org/our-town/departments/public-works-engineering/engineering-engineering-applications>

**Submittal Requirements**

- A copy of the Contractor's California State License and valid Town of Yucca Valley Business Registration.
- Required Liability Insurance as described in the Information Outline.
- A sketch of the work area or one set of engineered plans for checking and approval along with the application. This should be done one to two weeks prior to the planned start of construction, to allow for checking and processing.
- A traffic control plan detailing lane, shoulder, and/or parking closures and any required pedestrian re-routing for sidewalk closures showing the type, location, and spacing of traffic control devices (signs, cones, barricades, etc.) and the location of flaggers, if necessary.
- For ground disturbance, applications require a report by a Desert Native Plant Specialist showing no impact to the Western Joshua Tree. More information regarding the report can be found at <https://www.yucca-valley.org/our-town/departments/community-development/planning/western-joshua-tree>
- Confirm no Survey Monumentation will be disturbed during construction. Information regarding Monumentation Location Preservation can be found at <https://www.yucca-valley.org/our-town/departments/public-works-engineering/engineering/engineering-applications>

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# Encroachment Permit Application

**(FOR TOWN USE ONLY)**

Date Received \_\_\_\_\_

By \_\_\_\_\_

Fee \_\_\_\_\_

EP # \_\_\_\_\_

## General Information

**APPLICANT** \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**CONTRACTOR** \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

State License Number: \_\_\_\_\_

## Project Information

Property Location(s) \_\_\_\_\_

Assessor Parcel Number(s) \_\_\_\_\_

Estimated Start Date/Time \_\_\_\_\_ Estimated Completion Date/Time \_\_\_\_\_

Estimated Total Cost/ Value of Work \$ \_\_\_\_\_

Location (attach map) and Scope of Work \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Excavation (LF) Length \_\_\_\_\_ by \_\_\_\_\_ Pavement Cut (SF) \_\_\_\_\_

**\*\*INCOMPLETE INFORMATION OR MISSING DOCUMENTS/FORMS MAY DELAY THE APPROVAL OF YOUR APPLICATION\*\***

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EP # \_\_\_\_\_

**Indemnity and Hold Harmless:**

To the full extent permitted by law, Permittee and Contractor (if applicable) shall indemnify, hold harmless, release and defend the Town of Yucca Valley, its officers, elected officials, employees, agents and volunteers from and against any and all actions, claims, demands, damages, disability, losses, expenses including attorney's fees and other defense costs and liabilities of any nature that may be asserted by any person or entity including Permittee, in whole or in part, arising out of Permittee's activities hereunder, including the activities of other persons employed or utilized by Permittee in the performance of this Written Agreement (including design defects and regardless of Town of Yucca Valley's approval, use or acceptance of the work or work product hereunder) excepting liabilities due to the sole negligence or willful misconduct of Town of Yucca Valley. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable by or for Permittee under Worker's Compensation, disability or other employee benefit acts or the terms, applicability or limitations of any insurance held or provided by Permittee and shall continue to bind the parties after termination/completion of this Permit.

For purposes of Indemnity and Additional Insured Endorsement requirements, work shall be deemed to be performed for the Town of Yucca Valley if the work is performed for or by parties who have been issued a permit by the Town of Yucca Valley. Any contractor hired to perform work under this permit must also sign the application.

**ACKNOWLEDGMENT AND ACCEPTANCE:**

I certify under penalty of perjury that I have read this application and state that the information herein is true; that I acknowledge, understand, and accept the standard provisions and special provisions of this permit, and that I will abide by all applicable Town Ordinances. I further agree to pay for the removal and replacement of any additional items in excess of the amounts shown herein that may be cut or damaged as a result of any work accomplished under this permit. The Applicant and Contractor shall comply with all provisions of Underground Service Alert (Government Code § 4216) in regard to the contact of a regional notification center (1-800-227-2600) before excavating.

I also agree that if the permit expires, is revoked, or the project is vacated or abandoned, that I will immediately, and to the satisfaction of the Town, restore public places, street(s), right-of-way, easement(s), parkway(s) or other to the equivalent or better condition than it was on the date the permit was issued.

The Applicant, by signing below, agrees that any encroachment not in the Town's right-of-way, but property belonging to the Applicant, which is prior in time and/or right to the Town's right-of-way, if any encroachment permit as issued interferes with the subsequent improvement, grading or realignment of the public right-of-way by the Town or other Town project, then the Applicant/Permittee and his successors or assigns will at his own expense remove such encroachment or relocate it to a location designated, or mutually agreed to, by the Town.

The Applicant and Contractor, by signing below, agree to the terms and conditions contained in the "PERMIT FOR WORK WITHIN THE TOWN RIGHT-OF-WAY - STANDARD PROVISIONS" attached, and hereby made a part of this encroachment permit.

**THE UNDERSIGNED AGREES THAT THE WORK WILL BE DONE IN ACCORDANCE WITH THE TOWN OF YUCCA VALLEY STANDARDS AND SUBJECT TO THE PERMIT'S TERMS AND CONDITIONS, INCLUDING INSURANCE REQUIREMENTS IN THE INFORMATION OUTLINE OF THIS DOCUMENT, AND SUBJECT TO INSPECTION AND APPROVAL.**

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Contractor Signature \_\_\_\_\_ Date \_\_\_\_\_

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(FOR TOWN USE ONLY)

EP # \_\_\_\_\_

(FOR TOWN STAFF USE ONLY)

<u>FEE TYPE</u>	<u>DESCRIPTION/DIMENSION</u>	<u>FEE</u>
DRIVEWAY APPROACH	_____	_____
SIDEWALK/CURB & GUTTER	_____	_____
PAVEMENT PATCH	_____	_____
TRENCH EXCAVATION	_____	_____
UTILITY SERVICE CONNECTION	_____	_____
POLE REPLACEMENT/MAINT	_____	_____
GRADING IN R.O.W.	_____	_____
SLURRY FEE	_____	_____
PW INSPECTOR TIME	_____	_____
OTHER	_____	_____
	APPLICATION FEE	_____
	<b>TOTAL</b>	_____

## Permit Approval

Subject to the provisions and requirements of Yucca Valley Ordinances, the standard provisions and any special provisions that are attached hereto, permission is hereby granted to enter and/or encroach within Town right-of-way for the purpose of performing indicated work or other work on-site at the designated location. This permit is to be strictly construed and no work other than that specifically mentioned herein is authorized hereby. Performance of the work shall be deemed to be acceptance by the applicant and contractor of all terms and conditions of this permit.

Signature of Town Designee: \_\_\_\_\_ Date: \_\_\_\_\_

### Note:

If the work or use authorized under this permit is not initiated within fifteen (15) days from the date of issuance, then the permit may become void. Otherwise, this permit expires sixty (60) days from the date of issuance unless additional time is granted at the time of permit application, or an extension is granted.

Date of Permit Expiration: \_\_\_\_\_

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