

**CHAPTER 12.08
EXCAVATIONS IN PUBLIC RIGHTS-OF-WAY**

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Statutory reference:

For statutory provisions authorizing cities to grant franchises for privileges on state highways within local jurisdiction, see Str. and Hwys. Code § 682;

For provisions authorizing cities to prevent obstructions to streets, see Cal. Gov't Code § 38775

~~For statutory provisions authorizing cities to prevent encroachments and obstructions on public ways, see Cal. Veh. Code § 38775~~

12.08.010 Permit – Required.

(A) Except as provided in subsection (B), no person shall make any excavation in, along or under the surface of any street or other public place in the city or dig in, plow up, tear up, fill, cover, disturb or change any portion of the same or permit to be constructed, put upon, maintained or left therein any obstruction or impediment to travel, pile or place thereon any material without first obtaining a written permit therefor, which permit shall be issued by the ~~Public Works Director~~City Engineer upon compliance by the applicant with the requirements set forth in this

chapter. Any excavation or encroachment for which no permit is obtained and which does not fully comply with subsection (B) shall constitute a nuisance and shall be subject to such enforcement actions and penalties as are set forth in this code.

(B) No encroachment permit shall be required in connection with the removal of turf or grass from a parkway in front of a residential structure for the purpose of installing water-efficient landscaping and/or irrigation systems, provided that all of the following conditions are met:

(1) No excavation will occur at a depth greater than 12 inches;

(2) No plants will be planted which will grow to a height greater than 18 inches at maturity;

(3) The property owner calls Underground Service Alert of Southern California, and otherwise complies with Section 4216 et seq. of the California Government Code (as it may be amended), prior to disturbing the surface of the parkway;

(4) The excavation and/or installation work does not interfere with any existing utility facilities regardless of their depth;

(5) Street trees requiring irrigation are not deprived of such irrigation;

(6) The turf or grass is replaced with plants listed in or consistent with the City of Corona Landscape Design Guidelines for Residential Development described in § 17.70.070 of the Corona Municipal Code, as such guidelines may be amended, and provided that the property owner may use a list of acceptable plants produced by any department of the City of Corona; and

(7) All requirements of the City of Corona Landscape Design Guidelines with respect to parkways are met.

12.08.015 Definitions

For purposes of this chapter, the words and phrases in this section shall have the following meanings.

“City Engineer” means the City Engineer for the City of Corona or another employee of the City of Corona who possesses a current and valid professional civil engineer license issued by the State of California and who is designated by the City Engineer to perform the duties of the City Engineer under this chapter.

“Department” means the Planning and Development Department of the City of Corona.

12.08.020 Permit – Application.

The applicant for such permit shall sign and file ~~in the~~with the ~~office of the Public Works Director Department on a form to be supplied by the Public Works Director~~ an application which shall set forth the name, address and principal place of business of the person making the same, the location and dimensions of the excavation to be made, the proposed purpose thereof, the nature of and the location at which it is proposed to place obstructions, materials and debris in connection therewith and the length of time which will be required to complete such work, backfill the excavation and remove all obstructions, material and debris. The applicant for a permit under this

chapter shall pay all permit, plan check and inspection fees in the amount established by resolution of the City Council.

12.08.030 Plat – Required.

An applicant for a permit to excavate in any street or other public place shall file in the ~~office of the Public Works Director Department~~ a plat in duplicate, designating the street or other public place and the location thereof, together with a designation thereon of the location of the proposed excavation, the dimensions thereof and any and other details which may be requested by the ~~Public Works Director~~City Engineer; provided, however, that plats shall not be required when excavations are to be made for service connections or for the location of trouble in conduit or pipes or making repairs.

12.08.040 Plan – Modification by ~~Public Works Director~~City Engineer.

The applicant shall show to the satisfaction of the ~~Public Works Director~~City Engineer a right to use and occupy, for the purpose mentioned in the application, the street or other public place wherein the excavation is proposed to be made. The ~~Public Works Director~~City Engineer may modify the time specified for the completion of the work, the backfilling of the excavation and the removal of all obstructions, materials and debris and make such changes in the application, plans or permit as to the nature, location, size and depth of such excavation as he or she may deem necessary for the protection of the street, or other public place wherein such excavation is to be made, or are in his or her judgment necessary for the proposed purpose thereof, and may make such changes as to the location, size and character of obstructions to be placed in any street or other public place as in his or her judgment are necessary to prevent undue interference with traffic or danger to the safety of persons using the same.

12.08.050 Work – Procedure.

The applicant shall agree in advance to commence and prosecute the excavation or other work and to fill such excavation in accordance with the permit, in accordance with laws and ordinances governing such work in the city and in accordance with the requirements of the ~~Public Works Director~~City Engineer. The applicant shall and to remove all obstructions, materials and debris placed in the street or public place by the applicant and fill the excavation, all to the satisfaction of the ~~Public Works Director~~City Engineer, and within the time limit specified in the permit therefor. In the event the applicant fails to do so, or that the excavation may be filled in such manner, and any obstruction, materials or debris may be removed by the ~~Public Works Director~~City Engineer at the expense of the applicant. The amount of ~~such all~~ costs incurred by the city to fill the excavation and remove any obstruction, materials or debris shall be payable on demand to the ~~Public Works Director~~City Engineer by the person to whom the permit was issued, and no further permit shall be issued to such person until such demand is paid in full. The decision of the ~~Public Works Director~~City Engineer as to the cost of any ~~work done by him or her or under his or her direction~~ expenses incurred by the city shall be final and conclusive ~~as to such costs~~.

12.08.060 ~~Restoration~~Security requirement.

~~At the time a person makes an application for a permit as provided in §§ 12.08.010 and 12.08.020, he or she shall simultaneously therewith deposit a sum of money, in an amount established by City Council resolution and any amendments thereto, for the purpose of guaranteeing that the person will repave and resurface the area in which the excavation is proposed to be made in a manner satisfactory to the City Engineer or Superintendent of Streets.~~

The City Engineer, in his or her discretion, may require that the applicant, before any permit is issued, file with the Department good and sufficient security, approved by the City Attorney and payable to the city, in the following amount:

(A) 100% of the total estimated cost of the excavation work, guaranteeing repavement and resurfacing of the excavation area;

(B) 50% of the total estimated cost of the excavation work, securing payment for labor, materials and equipment; and

(C) 25% of the total estimated cost of the excavation work, guaranteeing the work for one year after acceptance against defective workmanship or materials.

The applicant may post security in the form of a surety bond, an irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city.

12.08.070 Permit – Issuance, conditions.

Upon the compliance by the applicant with the conditions and requirements set forth in §§ 12.08.010 through 12.08.060, the applicant and plat aforesaid shall be approved by the ~~Public Works Director~~City Engineer, subject, however, to such conditions and restrictions as he or she may deem necessary for maintenance of public health, safety and welfare and shall be filed of public record ~~in with the office of the Public Works Director~~ Planning & Development Department; whereupon the ~~Public Works Director~~City Engineer shall issue, in such form as he or she may approve, a written permit to the applicant to do and perform the acts mentioned in the application. No permit so issued shall be transferable, and every such permit shall become void unless the excavation or other work thereby permitted to be done is commenced within the time limit specified therein and thereafter diligently and continuously prosecuted. If the same is not so commenced and diligently and continuously prosecuted, in the judgment of the ~~Public Works Director~~City Engineer, he or she shall have the power to cancel the permit. Permits shall be automatically canceled and become void if the applicant does not commence the work within 60 days from the date thereof.

12.08.080 Impediments to travel.

No person shall make any excavations or construct, put upon, maintain or leave any obstruction or impediment to travel or pile or place any material in or upon any street, alley or other public

place in the city at any location other than or in any area greater than that shown in the permit issued under this chapter.

12.08.090 Backfill – Safety procedure.

Upon the completion of the work for which the excavation was made, the permit holder shall promptly backfill the excavation in a manner conforming to all laws and ordinances of the city and all requirements of the ~~Public Works Director~~City Engineer and shall promptly remove all obstructions, materials and debris. The permittee shall maintain the backfill safe for traffic and shall, from the time of the beginning of the work for which the permit was issued, maintain barricades and warning lights and assume responsibility for all accidents which may occur, due to vehicles or pedestrians crossing the site of the excavation, until the surface of the street, alley or other public place has been replaced or restored by the ~~Public Works Director~~City Engineer.

12.08.100 Work – Completion.

Upon the completion of the backfill and the removal of all obstructions, material and debris as provided in this chapter, the permit holder shall give written notice thereof, on a form provided therefor, to the ~~Public Works Director~~City Engineer.

12.08.110 Exceptions – Emergency procedure.

Nothing in this chapter shall be construed to prevent any person from making such excavation as may be necessary for the preservation of life or property, when such necessity arises during such hours as the office of the ~~Public Works Director~~City Engineer is closed; provided, that the person making the excavation shall obtain a permit therefor within one day after the office of the ~~Public Works Director~~City Engineer is first open subsequent to the making of the excavation.

12.08.120 Exceptions – Work under separate authorization.

None of the provisions of this chapter shall apply to any work done along or under any street or other public place pursuant to any law of the state or any ordinance of the city providing for the improvement thereof or pursuant to any contract for street improvements authorized by the Council or to the storage in streets, alleys or other public places of materials to be used in the construction of buildings if authorized by a permit approved by the City Engineer.

12.08.130 Exceptions – Utilities.

Nothing contained in this chapter shall affect any ordinance or requirement of the city now or which may hereafter be in effect in respect to the inspection of plumbing, gas or electric construction or as to the making of connections with public sewers, or other mains or conduits in the city, or as to the payment required for the making of connections with public sewers.

