

ORDINANCE NO. 1329

**AMENDING TITLE 15, CHAPTER 12 RELATING TO ENCROACHMENT PERMITS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN ORDAINS AS FOLLOWS:

**SECTION 1:** The Glenn County Code is hereby amended by amending Title 15, Chapter 12 to read in its entirety as follows:

**Chapter 15.12  
ENCROACHMENT PERMITS**

**Sections:**

- 15.12.010** *Encroachment Permit Required.*
- 15.12.015** *Indemnification, Defense and Hold-Harmless Condition*
- 15.12.020** *Permit Conditions.*
- 15.12.030** *Security to Guarantee Performance.*
- 15.12.040** *Reserved.*
- 15.12.050** *Fees.*
- 15.12.060** *Annual Permit for Public Utilities.*
- 15.12.070** *Permit Exceptions.*
- 15.12.080** *Fee Exemptions.*
- 15.12.090** *Long-Term and Permanent Encroachments by Adjacent Property Owners.*

**15.12.010 Encroachment Required.**

It is unlawful to do any of the following acts in any county road right-of-way without first obtaining an encroachment permit from the Public Works Director:

- A. Make an opening or excavation for any purpose in any county roadway.
- B. Place, change or renew any encroachment in any county roadway.
- C. Place or display in, under or over any county roadway any kind of advertising sign or device.
- D. Plant, remove, cut, cut down, injure, or destroy any tree, shrub, plant or flower growing within any county roadway.

Any person who does any of the acts specified in this section without the authority of a permit is guilty of a misdemeanor and is liable to the county for all expenses and damages caused thereby.

**15.12.015 Indemnification, Defense and Hold-Harmless Condition.**

Every permit issued under this Division must require the permittee to, and every permittee, regardless of the existence of any such requirement in the permit, must, defend, indemnify, and hold harmless the County of Glenn and its Board of Supervisors, officers, and employees, to the maximum extent permitted by law, from any loss or

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liability or damage, including expenses and costs, for property damage, personal injury, or death sustained by any person as a result of the encroachment or activity for which the permit was issued.

### **15.12.020 Permit Conditions.**

The Public Works Director may establish any permit conditions deemed necessary for the protection of the highway and may supervise any work done under the provisions of such permit.

### **15.12.030 Security to Grantee Performance.**

The Public Works Director may require the applicant to provide a bond or adequate surety in such amount as the Public Works Director deems sufficient to guarantee proper compliance with the conditions of the permit; but no bond nor adequate surety shall be required of a public agency or public utility unless that public agency or public utility has failed to comply with provisions of a previous permit.

### **15.12.040 Reserved.**

### **15.12.050 Fees.**

A. The permittee shall pay the reasonable cost of County supervision of the permitted work to the Public Works Director. Such supervision costs shall be determined, from time to time, by the Board of Supervisors and listed in the Glenn County Master Fee Schedule.

#### B. Public Utility Companies:

1. In addition to the encroachment permit fee set forth in the Glenn County Master Fee Schedule, the permittee may be required to pay the actual County costs of providing inspection for and other work related to tree removal and the placement of underground facilities, including, but not limited to, water lines, sewers, telephone lines, power lines, gas lines, electrical transmission lines, communication lines, pipelines and cables that are placed within the right-of-way limits of the County roads. The cost of inspection and other related work shall be chargeable to the owner of the utility.

2. Upon completion of the work, if the County's cost is less than the amount of the deposit, the County shall either refund any amount remaining from the deposit after the County's cost has been deducted or apply the amount remaining to a future permit. If the County's cost exceeds the amount of the deposit, the permittee shall pay an additional amount to fully compensate the County for its cost.

C. Public Agencies, special districts (as defined by Government Code section 16271(d)) providing public utility services, or any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State, may upon request and at the discretion of the Director of Public Works, be invoiced (billed) for the above-referenced fees and charges.

### **15.12.060 Annual Permit for Public Utilities.**

A. Any special district (as defined by Government Code section 16271(d)) providing public utility services, or any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State, may obtain a permit from the Public Works Director, valid for one (1) year from the date of issuance, permitting the following:

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1. Trim, brace, or perform such other acts with respect to trees, except removal, growing upon the public highways within the unincorporated areas of the County, or which grow upon private property, to the extent that such trees encroach upon the public highways, as may be necessary to maintain the safe operation of its business.

2. Conduct emergency repairs.

3. Install an individual service line outside of pavement.

4. Patch paving asphalt concrete pavement, as may be necessary to comply with the safety regulations of the Commission and as may be necessary to maintain the safe operation of its business.

B. Annual permits shall not be issued for any activity which disturbs the surface or subsurface of any county highway, except solely to patch paving asphalt concrete pavement; nor for excavation, tree removal, root cutting, tree destruction, nor for any activity other than planting, pruning, or bracing trees, or patching paving asphalt concrete pavement. Activities other than planting, pruning, or bracing trees, or patching paving asphalt concrete pavement shall be permitted only pursuant to site specific permits which authorize a specific project or operation.

C. The Public Works Director may revoke any such annual permit if the permittee fails to comply with the provisions of this chapter, and/or Streets and Highways Code, Division 2, Chapter 5.5, Article 2, and/or the terms and conditions of any permit. When any such permit is revoked, such person is entitled to a permit only on furnishing a bond as provided in Streets and Highways Code section 1467, as amended from time to time, unless the revocation is reversed by the Board of Supervisors or a court of law.

### **15.12.070 Permit Exceptions.**

In the case of an emergency by a public utility requiring an immediate encroachment and/or excavation upon a County right-of-way when the Glenn County Public Works Department is not open, the person making the emergency encroachment and/or excavation shall make application for a permit on the next business day following the encroachment and/or excavation whether the work has been completed or not.

### **15.12.080 Fee Exemptions.**

A. The following entities are exempt from paying the issuance fee:

1. The United States.
2. The State of California.
3. All departments and agencies of the County.
4. All municipal corporations.
5. All school districts.
6. All special districts organized under state law.

B. The Director may issue a permit without fees in any of the following circumstances:

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1. Where the work to be done has been requested by the County in connection with proposed public works, when no inspection of the encroachment work is required.
2. Where the permit is for a long-term encroachment, as described in this Chapter.
3. Where the work is done by entities listed in this section for routine maintenance in the roadway, where there is no excavation in the roadway.
4. When a special event is hosted by a non-profit organization.

### **15.12.090 Long-Term and Permanent Encroachments by Adjacent Property Owners.**

A. The Public Works Director has the authority to remove or require removal of all unpermitted encroachments in the right-of-way, regardless of how long the encroachment has been in place.

B. The Public Works Director may issue a permit for any previously unpermitted encroachment that the Public Works Director determines is a long-term encroachment. The Public Works Director may also issue a permit for any permanent encroachment.

C. Where a property owner has been issued a permit for a long-term encroachment or a permanent encroachment, as authorized by this Chapter, the permit must require the property owner to, and the property owner must, record the encroachment permit, including the conditions described in Section 15.12.020, with the County Recorder as an encumbrance on the parcel. Notwithstanding any provision to the contrary, a long-term encroachment permit and its conditions will run with the parcel and be binding on any successor owner of that parcel. If a permittee fails to record a long-term encroachment permit or permanent encroachment permit as required by this subdivision, that permit will automatically terminate upon any conveyance of the parcel.

D. A "long-term encroachment" means an encroachment immediately adjoining that parcel, where the encroachment has been in existence for so long, and is of such a nature, that the encroachment is not dangerous to users of the right-of-way.

E. A "permanent encroachment" means an encroachment, other than a utility, installed by the owner of either the servient parcel or the nearest adjacent parcel at the location of the encroachment, that is intended to remain in the right-of-way for an indefinite period.

**SECTION 2:** The Board of Supervisors hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15601, subdivision (b)(3) (there is no possibility the activity in question may have a significant impact on the environment). In addition to the forgoing general exemptions, the Board of Supervisors further finds that the Ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment).

**SECTION 3:** If any section, subsection, sentence, clause, portion, or phrase of this ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have passed this

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Chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

**SECTION 4:** This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in a newspaper of general circulation, printed and published in the County of Glenn, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

**THIS ORDINANCE WAS PASSED AND ADOPTED** by the Glenn County Board of Supervisors, State of California, at the meeting of said Board held on June 4, 2024, by the following vote:

**AYES:** Supervisors Carmon, Rossman, and Yoder (Chairman)

**NOES:** None

**ABSENT:** Supervisor Arnold



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**JIM YODER**, Chairman  
Glenn County Board of Supervisors

**ATTEST:**



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**SCOTT H. DE MOSS**, Clerk of the Board  
County of Glenn, California

**APPROVED AS TO FORM:**



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**DEBORAH MICHELI**, Interim County Counsel  
County of Glenn, California