

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of _____

ORDINANCE NO. _____

ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 321-13 (A) AND (C); RELATING TO GENERAL SUBDIVISION REGULATIONS, OF TITLE III, DIVISION 2, CHAPTER 1 OF THE HUMBOLDT COUNTY CODE; AMENDING SECTION 326-13 (A), (B), AND (C), RELATING TO FINAL AND PARCEL MAPS, OF TITLE III, DIVISION 2, CHAPTER 6 OF THE HUMBOLDT COUNTY CODE; AMENDING SECTION 411-1 AND 411-11 (I) AND (J), RELATING TO ENCROACHMENT PERMITS, OF TITLE IV, DIVISION 1, CHAPTER 1 OF THE HUMBOLDT COUNTY CODE; AND AMENDING SECTION 341-11 (B), RELATING TO VISIBILITY, OF TITLE III, DIVISION 4, CHAPTER 1 OF THE HUMBOLDT COUNTY CODE.

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Section 321-13 (a) and (c) of Chapter 1, Division 2, Title III of the Humboldt County Code is hereby amended as shown on the attached pages.

SECTION 2. Section 326-13 (a), (b), and (c) of Chapter 6, Division 2, Title III of the Humboldt County Code is hereby amended as shown on the attached pages.

SECTION 3. Sections 411-1 and 411-11 (i) and (j) of Chapter 1 of Division 1 of Title IV of the Humboldt County Code are hereby amended as shown on the attached pages.

SECTION 4. Section 341-11 (b) of Chapter 1 of Division 4 of Title III of the Humboldt County Code is hereby amended as shown on the attached pages.

SECTION 5. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021.

AYES: Supervisors-
NOES: Supervisors-
ABSENT: Supervisors-

Chair of the Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
County of Humboldt

CHAPTER 1: GENERAL

321-13. Fees and Deposits for Contemplated Projects.

(a) A charge shall be imposed for all services in excess of two (2) hours of time which the Department of Public Works provides in relation to any contemplated project involving the improvement, division or development of property. A deposit shall be posted with the Department of Public Works after the initial two hours of service to cover the cost of such services. The amount of the required deposit shall be ~~estimated by the department, but the minimum deposit shall be Fifty Dollars (\$50.00)~~ established by the annual County Schedule of Fees and Charges Ordinance. (Ord. , § , 5/ /2021)

(b) The person requesting the service will be billed on a routine basis and the actual charges therefore deducted from the deposit.

(c) If charges exceed the amount on deposit, no additional services will be performed until the deposit is augmented by an amount estimated by the Public Works Department to cover the remainder of anticipated services, ~~but not less than Fifty Dollars (\$50.00)~~ or established by the annual County Schedule of Fees and Charges Ordinance. (Ord. , § , 5/ /2021)

(d) Upon written notice by the person requesting the service to the Department that no further service is needed, any balance remaining in the deposit shall be returned to said person. (Ord. 1615, § 1, 9/13/1983)

CHAPTER 6: FINAL AND PARCEL MAPS

326-13. Improvement Review and Inspection Fees.

The subdivider shall bear the actual costs of review and inspection which include, but shall not be limited to: review of improvement plans, review of drainage plans, consultation on improvement requirements where no plans are submitted, site review, laboratory fees, and all field inspections.

Deposits shall be posted with the Department of Public Works in accordance with the following:

(a) *Parcel and Final Maps Accompanied with a Subdivision Agreement and Security.* If the subdivider enters into a subdivision agreement and posts a security for the improvements, there shall be a cash deposit equal to the estimated cost of review and inspection which shall be ~~three percent (3%) or \$200.00, whichever is greater, of the estimated cost of all improvements included in the subdivision agreement~~ established by the annual County Schedule of Fees and Charges Ordinance. (Ord. , § , 5/ /2021)

(b) *Parcel Maps where there is an Unsecured Subdivision Agreement.* If the subdivider elects to construct improvements after recording a parcel map by entering into an unsecured subdivision agreement, a cash deposit equal to the estimated cost of review and inspection shall be posted prior to commencement of any

improvement work. The amount of deposit shall be ~~determined by the Department of Public Works, but shall be a minimum of \$200.00 established by the annual County Schedule of Fees and Charges Ordinance. (Ord. , § , 5/ /2021)~~

(c) *Maps where there is no Subdivision Agreement.* If the Subdivider elects to construct improvements prior to recording a parcel map or final map and not enter into a subdivision agreement, a cash deposit shall be posted prior to commencement of any improvement work. The amount of deposit shall be ~~determined by the Department of Public Works, but shall be a minimum of \$200.00 established by the annual County Schedule of Fees and Charges Ordinance. (Ord. , § , 5/ /2021)~~

(d) *Deposition of Deposit.* The actual cost of review and inspection shall be deducted from the cash deposit established pursuant to subsections (a), (b) or (c) above. Any surplus remaining thereafter shall be refunded to the subdivider. If actual costs of review and inspection exceed the cash deposit, the subdivider shall pay to the County any excess upon receipt of a billing from the County for such excess charge. (Ord. 1146, § 72, 7/19/1977; Ord. 1615, § 2, 9/13/1983)

CHAPTER 1: ENCROACHMENT PERMIT REGULATIONS FOR THE PROTECTION OF COUNTY HIGHWAYS

411-1. General Prohibition.

It shall be unlawful for any person to erect, maintain, or fail to remove, or repair, upon notification in accordance with the provisions of this chapter, and the Resolution regarding the Correction of Damaged or Defective Sidewalks, any encroachment as defined herein situated within any County right of way. (Ord. 2142, § 1, 5/3/97; Ord. , § , 5/ /2021)

411-11. Permits.

(a) *Act Requiring Permit; Emergency Work.* No person or representative of any utility company, public corporation, city, political subdivision, governmental unit, or their contractors shall make or cause to be made any encroachment as defined by this chapter without first obtaining from the Director a permit to do so.

Any agency, public or private, may perform emergency maintenance without first securing an encroachment permit, provided the Director is notified prior to the starting work. "Emergency" as used herein means any unforeseen maintenance requiring immediate action to prevent injury to persons or property. When County offices are closed, notice shall be given to the Sheriff's Office in Eureka and the California Highway Patrol Office in Sunnybrae. The agency shall then apply for a permit within one (1) day after the offices of the department are first opened subsequent to the making of such encroachment. (Ord. 896, § 210, 12/21/1972)

(b) *Application.* An application for a permit or special permit required by this chapter shall be made in writing to the Director of Public Works on a form provided by the department. Such application shall be accompanied by plans sufficient to show the scope of the proposed encroachment and the filing fee in an amount prescribed by

resolution of the Board of Supervisors. Such plans may be waived in writing by the Director whenever he determines that the nature and scope of the proposed encroachment does not require plans. (Ord. 1279, § 1, 10/10/1978; Ord. 1609, § 4, 8/9/1983)

(c) *Permit Terms.* Any permit issued pursuant to this chapter shall provide that the permittee will pay the entire expense of replacing the roadway in as good condition as existed before the conducting work under the permit and shall include such other conditions deemed necessary by the Director for the protection of the public or the County highway. (Ord. 896, § 212, 12/21/1972)

(d) *Term of Permit; Beginning of Work or Use.* The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within thirty (30) calendar days from the date of issuance, unless a different period is stated in the permit. If the work or use is not begun within thirty (30) calendar days, or within the time stated in the permit, then the permit shall become void unless, before its expiration date, the time for beginning has been extended in writing by the Director. (Ord. 896, § 213, 12/21/1972)

(e) *Term of Permit; Completion of Work.* The permittee shall complete the work or use authorized by a permit within the time specified in the permit. If at any time the Director finds that delay in beginning, prosecuting, or completing the work or use is due to lack of diligence by the permittee, he may cancel the permit and have the right of way restored to its former condition. The permittee shall reimburse the County for all expenses incurred by the County in restoring the right of way. (Ord. 896, § 214, 12/21/1972)

(f) *Permit Transferable.* A permit may be transferred, providing the permittee informs the transferee in writing of any unfinished work required by the original permit, and the transferee agrees in writing to accept the terms of the permit and to complete the work required. A copy of said transfer agreement shall be delivered to the department. Until the department is notified of a transfer, the permittee of record in the department may be held liable for costs and damages in connection with the permit and may be held responsible for completion of the work specified in the permit. (Ord. 896, § 215, 12/21/1972; Ord. 1217, § 1, 5/2/1978)

(g) *Encroachment Changes.* No changes shall be made in the location, dimensions, character, or duration of the encroachment or the use granted by the permit, except on written authorization by the Director. (Ord. 896, § 216, 12/21/1972)

(h) *Relocation or Removal of Encroachment.* Any permit shall be issued to a permittee with the understanding that if the future improvement of the roadway necessitates the relocation or removal of such encroachment, the permittee will relocate or remove the same at no expense to the County. In said event the County shall give the permittee, by mail or actual service, its written demand specifying that the encroachment must be removed from the roadway or, if to be relocated within the roadway, the place of such relocation. The Director shall specify the time within which the removal or relocation must be completed. (Ord. 896, § 217, 12/21/1972)

(i) *Action for Removal Expense.* The department may remove, or cause to be removed, any encroachment upon the failure of the owner to comply with a notice or demand of the department under the provisions of subsection (h), and shall have an action to recover the expense of such removal, costs and expenses of suit and

reasonable attorney fees and, in addition thereto, the ~~sum of Ten (\$10)~~ amount set forth in Streets & Highway Code sections 1484 and 1485 for each day such encroachment remains after the expiration of the time specified in the notice. (Ord. 896, § 218, 12/21/1972; Ord. , § , 5/ /2021)

(j) *Abatement of Unauthorized Encroachments.* If the owner, occupant or person in possession of any unauthorized encroachment, or person causing or suffering such encroachment to exist, or any agent thereof disputes or denies the existence of such encroachment, or refuses to remove or permit the removal of such encroachment, the County may commence in any ~~court of competent jurisdiction~~ an any action, judicial or administrative, provided by law including, but not limited to, Chapter 1, Public Nuisance Abatement Procedures, of Division 5 of Title III of this Code to abate the encroachment as a public nuisance. If judgment is recovered by the County, it may, in addition to having such encroachment adjudged a nuisance and abated, recover the amount set forth in Streets & Highways Code section 1484 and 1485 ~~Ten (\$10)~~ for each day such encroachment remains after the service of notice in the manner provided in subsection (h) and may also recover its costs, expenses and reasonable attorney fees incurred in such action. (Ord. 896, § 219, 12/21/1972; Ord. , § , 5/ /2021)

(k) *Special Permits.* A special permit may be issued which allows the holder thereof to accomplish the replacing or repairing of any facility within the County highway or right of way and tree trimming for overhead utilities without necessity for obtaining a permit for each such encroachment activity.

Utility poles, wires, cables and other related appurtenances thereto may be installed under the provisions of a special permit; except that no facilities other than overhead wires and cables shall be placed within the traveled portion of any County highway or traveled portion of any County right of way.

Any excavations performed under the authority of a special permit shall not exceed four feet (4') in width and twenty-five feet (25') in length. The following organizations are eligible to apply for a special permit:

- (1) Any organization having facilities situated in Humboldt County that is regulated by the Public Utilities Commission of the State of California.
- (2) Any incorporated city in Humboldt County.
- (3) Any organization holding a franchise from the County of Humboldt or a franchise from the State of California.
- (4) A special district organized under the laws of the State of California and having facilities situated in Humboldt County. (Ord. 896, § 220, 12/21/1972)

(l) *Limitation of Activity.* All activities within the right of way under the terms of a special permit shall be done in conformance with the requirements in this chapter applicable to all permits. Any activity done in violation of such requirements shall be grounds for immediate revocation of the special permit by the Director. Any special permit shall be subject to such conditions as the Director finds necessary for the protection of the public or the County highway. Any opening or excavation made under the authority of a special permit shall not exceed four feet (4') in width or twenty-five feet (25') in length except that this limitation shall not apply to emergency work as defined in this chapter. (Ord. 896, § 221, 12/21/1972)

CHAPTER 1: VISIBILITY CORRIDOR ALONG STREETS AND DRIVEWAYS

341-11. Enforcement.

(b) Remedies. Any visibility obstruction maintained in violation of this division shall be deemed a public nuisance, whether erected before or after the effective date of this division. The Director of Public Works, or his authorized representative, may in his discretion enforce any violation of this division by posting upon the premises a notice to abate the said nuisance and by sending a copy of said notice by certified mail, return receipt requested, to the owner of record, as shown on the most recent assessment roll of the County, to provide the owner fifteen (15) days to either abate the nuisance or file a request for hearing before the Board of Supervisors. If a request for hearing has not been filed with the County Clerk within said fifteen (15) day period, then the Director of Public Works, or his authorized representative, may enter upon the premises and remove or eliminate the obstruction. The cost to the County of abating the nuisance may be assessed and levied against the property in the manner prescribed by Section 351-22 through 351-26 of this Code. (Ord. 1148, § 1, 7/19/1977; Ord. 1336, § 1, 6/26/1979; Ord. _____, § 5, /2021)