PROJECT NUMBER

ENCROACHMENT PERMIT

City of Orange, California
PUBLIC WORKS DEPARTMENT

Permit No. _____

APPLICANT: _____

ADDRESS: _____
ADDRESS *CITY* *STATE* *ZIP*

CONTACT NAME: _____ PHONE: _____

ADDITIONAL CONTACTS: _____

CITY OF ORANGE BUSINESS LICENSE: _____ CONTRACTOR LICENSE NO. _____ LICENSE CLASS: _____

JOB LOCATION: _____

PROPOSED WORK: _____

TRAFFIC CONTROL: **Comply with current California M.U.T.C.D. and W.A.T.C.H. handbook**
☐ Traffic Control Plan Attached Work Hours: _____

INSURANCE: ☐ General Liability ☐ Workers Comp ☐ Exempt (Self-Insured)

ADDITIONAL REQUIREMENTS:

Call 714-744-5526
for Inspection
24 hr. before start of work

After-Hour Emergency
Call 714-538-1961

Street Tree Trimming, Planting, Removal, & Root Pruning Not Permitted (O.M.C. 12.28, 12.32)

Digalert Number Required

Validate Your Permit * Validate Your Permit * Validate Your Permit * Validate Your Permit
Call 811 or Visit DIGALERT DigAlert.org

NPDES WATERSHED:
☐ Lower Santa Ana
☐ San Diego
☐ Los Alamitos

PRIORITY:
No Inspection

I hereby certify that I will comply with the General Conditions and any Additional Requirements stated on this permit.

APPLICANT: _____ **DATE:** _____

FEES:		AMOUNT	ACCOUNT NO.
PERFORMANCE DEPOSIT:		$ _____	811-20351
PLAN CHECK:		$ _____	100-5001-46310
INSPECTION:		$ _____	100-5001-46320
PERMIT ISSUANCE:		$ _____	100-5001-42285
METHOD OF PAYMENT:	_____ **TOTAL:**	$ _____	

This permit is based upon an approved plan for said work, duly filed in the office of the City Engineer, which is hereby referred to and made a part of; and is subject to all rules and regulations of the Municipal Code of the City of Orange in regard to such work, and all amendments thereto.

APPROVED: _____ DATE: _____ EXPIRATION DATE: _____
(Public Works Department)

DISTRIBUTION: ☐ APPLICANT ☐ INSPECTOR ☐ FINANCE ☐ CENTRAL FILE ☐ OTHERS

INSPECTION Date Project Completed: _____ Inspector: _____

SIGN OFF: Deposit Refund: ☐ OK to Refund ☐ Hold Deposit _____

(08/2011)

GENERAL CONDITIONS
FOR ENCROACHMENT PERMIT

1 **Permit Authorization:** Permittee is authorized to place its facilities in City streets and rights-of-way in accordance with plans, specifications, and drawings submitted to and approved by the Director of Public Works ("Director") and the conditions set forth below, and in compliance with the provisions of Chapter 12.64 of the Orange Municipal Code.

2 **Codes and Standards:** Permittee agrees to perform the work authorized by this permit in a good and workmanlike manner subject to the approval of the Director. Permittee shall install and maintain its facilities in accordance with the requirements of the Orange Municipal Code, the California Public Utilities Commission General Order No. 128, the City of Orange Department of Public Works Standard Plans & Specifications ("City Standard Plan"), and the Standard Plans and Specifications for Public Works Construction ("Greenbook"), as it now exists or may hereafter be amended. Permittee shall strictly adhere to all building and zoning codes currently or hereafter in force.

Permittee shall arrange, install and maintain its lines, cables, structures, facilities, and appurtenances on both public and private property in a manner that will cause no unreasonable interference with the use of that public or private property. All structures, lines, equipment, and connections in and upon the streets, public rights-of-way, or other public ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe condition, in good order and repair, and free of visual blight.

Permittee shall at all times use ordinary care and shall install and maintain commonly accepted methods and devices to prevent failures and accidents and thereby avoid any potential damage or injuries to the public or the creation of any public nuisances.

3 **Graffiti:** Permittee shall, whenever feasible, coat its above-ground facilities with a graffiti-resistant coating and shall submit a graffiti plan to the Director in compliance with Orange Municipal Code Section 8.37.075.

4 **Undergrounding:** Permittee shall make every effort to underground its facilities whenever feasible.

5 **Aesthetic Appearance:** Above-ground facilities may be placed in appropriate pedestals, provided that they have been approved by the Director and they do not unreasonably burden the use, enjoyment, or safety of public or private property. When feasible and requested by the Director, such pedestals shall be screened, camouflaged, landscaped or otherwise mitigated against visual impacts.

6 **Relocate or Removal:** Permittee shall from time to time, upon reasonable notice from the City, and in an orderly manner that will enable Permittee to minimize disruption of service to any of Permittee's customers, protect, support, temporarily or permanently dislocate (as may be required), remove or relocate its facilities. This will be accomplished without expense to the City, the Orange County Water District, the Orange County Sanitation District, the Orange County Transportation Authority, or any other public agency or public utility that has pre-existing rights. Similarly, Permittee shall protect, support, temporarily or permanently dislocate, remove, or relocate any of the facilities installed, used, and maintained by Permittee in City streets or rights-of-way if and when made necessary by any lawful change of grade, alignment, or width of any public street, including the construction of any subway or viaduct by any of these above-referenced entities, or made necessary by any other public improvement or alteration of any public street, right-of-way, or other public property.

If Permittee permanently discontinues the use of any portion of its facilities, it must notify the Director within 10 days of that discontinuance. Within 60 days after receipt of notice from the Director, Permittee must remove those discontinued facilities unless the Director authorizes them to be abandoned in place. Upon their removal, Permittee must promptly restore the street, right-of-way, or other public area to as good a condition as existed prior to removal.

7 **Emergency Removal of Facilities:** City reserves the right to remove any portion of Permittee's facilities, as may be required in any emergency that is lawfully declared by the City, without liability for any interruption of service. Further, the City shall not be obligated to restore service, or to pay the costs or expenses of restoring service, except to the extent that the City has been negligent. City shall attempt to notify Permittee of any such emergency and give Permittee an opportunity to remove its facilities, if time permits. In emergencies where City is unable to notify Permittee prior to the removal of Permittee's equipment or facilities, the City shall provide notice as soon as is practical. Permittee shall provide to City a 24-hour telephone number for emergency calls

8 **Temporary Removal:** If it is necessary to temporarily move or remove any of the facilities installed pursuant to this Encroachment Permit in order for a person or entity to lawfully move a large object, vehicle, building, or other structure, Permittee shall, upon reasonable notice from the City and in an orderly manner that will enable Permittee to minimize disruption of service to any of Permittee's customers, move its facilities at the expense of the person or entity requesting the temporary move or removal. Permittee shall permanently or temporarily move its facilities at its own cost, if that temporary or permanent move or removal is required in order to accommodate projects jointly funded by the City and any entity hereafter specified, or is otherwise required by the City, the Orange County Flood Control District, the Orange County Sanitation District, the Orange County Water District, the Metropolitan Water District, the Irvine Ranch Water District, the East Orange County Water District, the Serrano Water District or any other public agency or public utility with pre-existing rights.

9 **Violation:** Violation of Orange Municipal Code, including working within City streets and rights-of-way without a permit is subject to fines as defined in OMC 12.64.260.

10 **Certificate of Insurance:** At all times that Permittee has facilities on or in City property or public rights-of-way, Permittee must maintain comprehensive general liability insurance or commercial general liability insurance written on an occurrence basis and that provides for a combined single-limit of $2 million per occurrence for bodily injury, death, and property damage. A certificate of insurance evidencing this coverage shall be provided to the City prior to the start of any work under this Encroachment Permit. The City's Risk Manager may from time to time increase the limits of the required insurance coverage.

Permittee must also maintain worker's compensation insurance as required by the latest edition of the City of Orange, Public Works Standard Plans & Specifications.

The insurance certificate must name the City of Orange as additional insured, and there must be a "30-day written cancellation clause." The name of the insurance certificate holder must be identical to the name of the permit permittee. In lieu of this coverage, the utility company may provide a "Hold-Harmless Agreement", if the agreement is acceptable to the City Attorney's office.

Permittee shall, at its sole expense, indemnify, defend, and hold harmless the City, its officers, agents, employees, and contractors, from and against all claims, suits, or actions that in any manner arise out of the acts or omissions, whether negligent or willful, of Permittee, its agents, employees, or contractors, related to the performance of work authorized by this Encroachment Permit. Permittee's obligation to defend and indemnify the City does not apply to claims based on the City's active negligence or willful misconduct.

Permittee shall remain subject to all Workman's Compensation Laws as defined in Section 3800 of the Labor Code. All work performed on public right-of-way must be insured with coverage to include both Liability Insurance and Worker's Compensation Insurance.

A copy of the certificate of insurance must be attached.

Permittee may self-insure with respect to the insurance requirements, and will provide evidence of such self-insurance to the City.

11 **Contractor License:** The permittee and all its subcontractors must have a valid contractors license in the State of California. A **Class A** General Engineering Contractor's License allows the contractor to perform any type of construction under the Encroachment Permit. A **Class C** license also allows the contractor to perform trench cut and pavement repair on the street, provided that the work is incidental to the work authorized by the license. **Class B** license is not permitted to perform work under an Encroachment Permit.

12 **Improvement Plan:** An improvement plan showing the location and type of work is required for all permits.

a. **General Requirements:** The plan shall include, at the minimum, the following information:

i) Street layout showing dimension of property lines, curb lines, and street centerlines.
ii) Street names for all streets.
iii) The work area clearly identified and dimensioned.
iv) Locations, sizes and types of construction material should be clearly identified and dimensioned.
v) Include construction details or Engineering Standards.
vi) Show map scale and north arrow.

b. **Utility Main Line Constructions**: Improvement plans for utility main line constructions shall show all City owned utilities, including water, sewer, and storm drain systems.

c. **Clearance from Water Mains:** All utility lines must keep 6 feet minimum offset distance from city water lines. The City of Orange Water Division requires the follow construction notes be added to the improvement plans when working in the proximity of water mainlines.

i) Maintain 6 feet clear separation from all water mains for parallel runs.
ii) Maintain 12" of clear separation from all water mains for perpendicular crossings. Water crossings require approved sand or native backfill compacted 6" below and above pipe.
iii) Pothole all crossings of water mains prior to construction.
iv) For all cable/conduit runs in proximity of water mains, 16" and larger will require special attention over & above the aforementioned requirements.

d. **Drawing Size:** When possible, submit drawings on 11 x 17, ledger size pages.

13 **Traffic Control Plan**: A project-specific traffic control plan is required for all works on arterial streets. Half or full street closure requires special review and approval by the City Traffic Engineer.

14 **Inspection:** The Permittee shall request for regular inspections at least twenty-four (24) hours prior to actual work by calling (714) 744-5526. Inspections are required prior to beginning work, after completion of work, and at other times as specified by the City's Inspector during the initial inspection. Inspection hours are from 7:00 a.m. to 3:30 p.m., Monday through Thursday, except City-observed holidays.

15 **Underground Service Alert (U.S.A.):** The Encroachment Permit is valid only if an Underground Service Alert Inquiry Identification Number is obtained from Underground Service Alert. Prior to calling U.S.A., the excavator shall clearly mark the excavation site with white, water-soluble or spray chalk paint in paved areas or place flags, stakes, whiskers, or some other approved method in unpaved areas.

Prior to field acceptance, Permittee shall remove all markings and markers made by the permittee and by all

utility companies caused by permittee's project. Removal of markings shall comply with requirements of the National Pollutant Discharge Elimination System (NPDES), the Regional Water Quality Control Board (RWQCB), and any other applicable federal, state, and local laws, rules, or regulations.

16 **Pre-Construction Notification:** The permittee is required to notify all residents or business within the project area by means of door-to-door notices. Notifications shall be made one week prior to the start of the project. "No Parking" signs shall be posted in the affected area 48 hours prior to start of construction. Consult with Public Works Traffic Division for specifications.

17 **Work Hours:** Unless specifically indicated on the permit, general work hours are from 7 a.m. to 8 p.m. to comply with city noise control ordinance. (OMC 8.24.070)

18 **Steel Plate Bridging Excavations:** Plate bridging shall be secured against movement and shall be installed to operate with minimum noise. Plates shall be ramped to the elevation of the contiguous pavement. (OMC 12.20.080)

19 **Excavation Backfill:** The proposed method for trench backfill shall be approved by the city inspector before start of work. Backfill is subject to compaction testing. The permittee is expected to pay for the actual number of tests performed, including re-tests of areas failing the initial testing.

20 **Trench Cut Repair:** Trench cut repair shall comply with City Standard Plan 125. All excavations in or modifications to any City street or public right-of-way made by Permittee shall be properly safeguarded to prevent accidents.

21 **Concrete Sidewalk and Driveway Repair** shall conform to City Standard Plans 115 through 118. Complete section of a concrete section, from joints or score marks, must be replaced when removal and repair is made.

22 **Failure to Restore Street Surface:** Whenever Permittee disturbs the surface of any public property for any purpose, Permittee shall restore that property to the condition that existed prior to that disturbance in accordance with City specifications. When any opening, cut, or other modification is made by Permittee in any City street or other public right-of-way, Permittee must promptly refill the opening, restore the pavement and remove all U.S.A. markings in accordance with City specifications.

After City's written notice to Permittee and after affording Permittee an opportunity to cure that is reasonable under the circumstances, the City may refill, repave, or remove U.S.A. markings if Permittee fails to perform that work in a timely manner or in accordance with City specifications. The cost to City for performing that work, whether by contract or by City forces, including the costs of inspection and supervision, shall be deducted from the Performance Deposit and the balance paid by Permittee within 30 days of receipt of an invoice for that work. Failure to pay that invoice within that time frame shall result in interest accruing at the rate of 1% per month, compounded monthly.

23 **Private Properties:** An approved Encroachment Permit does not authorize Permittee the access to private streets and private properties. The Permittee must obtain permission from property owners. This includes properties owned by public agencies. However, an Encroachment Permit is required for works performed over public utilities easements.

24 **Sewer Lateral:** Sewer laterals within the public right-of-way shall be VCP (vitrified clay pipe). Connection to sewer main shall comply with City Standard Plans 203 through 208.

25 **City Landscape:** The permittee shall protect in place all right-of-way landscaping and irrigation systems. Any plant material, PVC pipe, or controller wiring damaged by the contractor's operations shall be restored or repaired to the original condition.

26 **Street Trees:** Permittee shall not remove or trim any tree or any portion thereof within any public place or right-of-way without the City's prior written consent. City shall have the right to do the work with the actual cost of that work to be paid by Permittee. If that removal or trimming is not performed by the City, Permittee shall be responsible for all damages to any tree as a result of the removal or trimming, or to the land surrounding any tree that has been trimmed or removed by the Permittee.

27 **Driveway Apron:** New construction, removal, or modification of driveway aprons shall comply with all applicable zoning code. All driveway aprons shall conform to City Standard Plans 115 to 116.