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Title 3 PUBLIC SAFETY							

Chapter 14 ENCROACHMENT PERMITS

Note

* Chapter 13, as added by Ordinance No. 2774 c.s., eff. 8-22-96, renumbered to Chapter 14 by codifier because Chapter 13 is in use.

3-14.01 Unpermitted encroachments prohibited.

It is unlawful and a violation of this Code for any person to encroach upon any City right-of-way, easement, or property of any kind without first having obtained a permit for that encroachment; provided, however, that this chapter shall not apply to driveways, walkways or landscaping related to or serving an abutting (as that term is defined in Redondo Beach Municipal Code Section 10-2.402) residentially zoned property. (§ 2, Ord. 2774 c.s., eff. August 22, 1996)

3-14.02 Permitted encroachments.

The City may, at its sole discretion, grant permission under the terms and conditions imposed hereunder, for any person with rights in property which abuts a City right-of-way, easement or property or any person with a need to perform work in the public right-of-way to occupy said public right-of-way, easement or property subject to the terms of this chapter. (§ 2, Ord. 2774 c.s., eff. August 22, 1996)

3-14.03 Encroachment permit.

Any person owning, leasing or renting property which abuts a public right-of-way, easement, or property or desiring to perform any work, construction or improvement in the public right-of-way wishing to occupy said right-of-way, easement or property for any purpose may apply with the Permit Administrator for an encroachment permit which shall be issued at the sole discretion of the Permit Administrator or designee. Any such permit application shall be subject to a fee to be established by resolution by the City Council. Each such permit issued shall, at a minimum, provide the following:

- (a) Specify the purpose of the encroachment and limit the uses permitted;
- (b) That the permittee shall defend, indemnify and hold harmless the City its officers, agents, and employees from and against any and all claims of injury, damage, liability, cost and expense, including attorney fees, resulting from or in any way connected with the permittee's occupancy of the public right-of-way, easement or property;
- (c) That the permittee shall procure and maintain at its own cost during the term of the permit comprehensive general liability insurance covering its occupancy of the public right-of-way, easement, or property from an insurer admitted in California or having a minimum rating of or equivalent to A:VIII in "Best's Insurance Guide" in an amount to be determined by the Permit Administrator which shall be not less than One Million and no/100ths (\$1,000,000.00) Dollars. Said policy shall name the City as additional insured. The permittee shall deliver to the City, prior to occupying the City right-of-way, easement, or property a certificate of insurance with endorsements. Said certificate shall provide that the City shall receive thirty (30) days prior notice before cancellation or change of coverage. Said insurance and the certificates therefor shall be subject to the review and approval of the City;

(d) A provision that the permit is terminable by the City at any time at the City's sole discretion and that upon termination any improvements made by the permittee must be removed within a specified time or shall become the property of the City and that upon termination the property encroached upon shall be returned to the condition it was in prior to the encroachment;

(e) A provision that the permitted encroachment is non-exclusive and the City will be permitted to interfere with the permittee's enjoyment of its permit rights when necessary for the public health, safety or welfare;

(f) That said permit shall be for a term to be determined by the Permit Administrator at which time the permittee may apply to the Permit Administrator for renewal and may be required to pay a renewal fee which may be established by resolution of the City Council;

(g) Imposition of whatever conditions are deemed necessary and appropriate by the Permit Administrator or designee;

(h) That said permit shall be personal to the permittee and non-transferable and shall not run with the ownership of the permittee's abutting property rights. (§ 2, Ord. 2774 c.s., eff. August 22, 1996)

3-14.04 Appeal.

The decision of the Permit Administrator regarding any permit granted for construction activities in the public right-of-way or the term of which is ten (10) days or less shall be final. The decision of the Permit Administrator

regarding every other permit granted hereunder shall be appealable to the City Council. The applicant or any interested party may appeal the grant or denial of such a permit to the City Council by filing a notice of appeal, on a form approved by the City Clerk, with the City Clerk within ten (10) days of the date of grant or denial of the permit. Upon timely filing of such a notice the matter shall be considered by the City Council at a public hearing. The City Council may, by resolution, set or adjust fees for said appeal. No notice of appeal shall be deemed filed unless accompanied by the appropriate fee. (§ 2, Ord. 2774 c.s., eff. August 22, 1996)

3-14.05 Permit Administrator.

The Permit Administrator for all encroachment permits for construction, improvements or other work in the public right-of-way shall be the City Engineer. For all encroachment permits in the Harbor area (as defined in Redondo Beach Municipal Code Section 12-1.108(s)) the Waterfront and Economic Development Director shall act as Permit Administrator. For all other encroachment permits the Permit Administrator shall be the person designated by the City Manager. (§ 2, Ord. 2774 c.s., eff. August 22, 1996, as amended by § 1, Ord. 3103 c.s., eff. February 8, 2013)

3-14.06 Revocation.

Any permit granted hereunder may be revoked without prior notice or hearing at any time by the Permit Administrator or by vote of the City Council. Where revocation is by the Permit Administrator the permittee or any interested party may appeal the revocation to the City Council by filing a notice of appeal, on a form approved by the City Clerk, with the City Clerk within ten (10) days of the date of mailing of any written notice of revocation. The City Council may, by resolution, set or adjust fees for said appeal. No notice of appeal shall be deemed filed unless accompanied by the appropriate fee. (§ 2, Ord. 2774 c.s., eff. August 22, 1996)

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