

ORDINANCE NO. 1205

AN ORDINANCE OF THE CITY OF CHULA VISTA, REPEALING SECTIONS 20.3, 20.4 AND 20.5 OF CHAPTER 20, AND ALL OF CHAPTERS 27 AND 32 OF THE CHULA VISTA CITY CODE, AND ESTABLISHING A NEW CHAPTER 27, ENTITLED "PUBLIC RIGHTS-OF-WAY", INCORPORATING THE PROVISIONS CONTAINED THEREIN

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Sections 20.3, 20.4 and 20.5 of Chapter 20, and all of Chapters 27 and 32 of the Chula Vista City Code be, and the same are hereby repealed.

SECTION II: That Chapter 27, entitled "Public Rights-of-Way" is hereby established, to read as follows:

CHAPTER 27. PUBLIC RIGHTS-OF-WAY.

ARTICLE 1. GENERAL PROVISIONS; STREETS AND HIGHWAYS; DESIGNATING AND NAMING.

Sec. 27.101. Short Title.

This chapter shall be known and may be cited as the Public Rights-of-Way Improvement Code.

Sec. 27.102. Public Rights-of-way Improvements; Maps or Plans.

All street and highway improvements, as contained in this chapter shall relate to those streets and highways indicated on the Street Select System as it presently exists or as it may from time to time be amended, the street and highway element of the General Plan of the City of Chula Vista adopted by Resolution No. 3519 on the 22nd day of September, 1964, as amended, and such other specific plans for streets and highways as may be adopted from time to time by the City Council of the City of Chula Vista.

The term "drainage facility" as contained herein shall relate to those facilities indicated in plans and studies provided by or on file in the Office of the Director of Public Works of the City of Chula Vista and shall be undertaken in accordance with plans and specifications therefor as approved by the City Council of the City of Chula Vista.

In addition to street and highway improvements, this chapter shall provide regulations for the installation of all street furnishings and landscaping as a part of land development of public rights-of-way, including but not limited to benches, street lighting, trash containers and street trees in accordance with maps, plans, standards and specifications adopted by the City Council.

Sec. 27.103. Street Names.

Official street names for all streets and highways within the City of Chula Vista shall be those recommended by the Planning Commission of the City of Chula Vista, approved and adopted by the City Council of the City of Chula Vista. All names presently assigned to streets prior to the effective date of this ordinance are hereby accepted as the official names for said streets.

In the event that street names are changed in the future, said name changes shall be undertaken upon the recommendation of the Planning Commission to the City Council. There shall be no requirement that a public hearing be held by either the Planning Commission or the City Council in considering the proposed name changes; provided, however, that either of said bodies may conduct a public hearing, giving a written notice by mail to all parties to be affected by said name change, i.e., the residents of the subject street, or, in the event that a large number of residents are affected, by posting of notices along the street and by subject publication of said notice at least ten (10) days prior to the date of the hearing.

It shall be the duty of the City Council, in designating street names and in accepting recommendations for changes of street names to provide names which do not cause confusion and uncertainty to police, fire or other emergency vehicles by virtue of similarity of spelling or sound of said street names, and to act in changing such names so as to eliminate such confusion and uncertainty.

Sec. 27.104. Street Numbering System.

Buildings in the City shall be numbered in accordance with the following system:

1. One number shall be allotted to each fifty feet (50') of street frontage; provide, however, that where the frontage pursues a curved or irregular line it shall be the duty of the Director of Public Works, on application by the owner affected, to designate the proper frontage to which each number shall be allotted and to conform as nearly as possible to the plan hereinafter provided.

2. Numbers on the northerly side of streets the general direction of which are east and west shall be odd, and those on the southerly side shall be even.

3. Numbers on the easterly side of streets the general direction of which are north and south shall be odd, and those on the westerly side shall be even.

Sec. 27.105. Designation of Street Numbers.

All building permits hereinafter issued in the City shall give the correct number of the structure affected and it shall be the duty of the Director of Public Works, upon application, to inform the owner or occupant of any building in the City of the correct number to be placed upon such building.

Sec. 27.106. Size and Placement of Numbers.

A. *Regulations.* All numbers shall be placed in figures at least two and one-half inches (2-1/2") in height at some place in front of the building where the numbers may be easily seen from the street.

1. *Numbering Existing Buildings.* It shall be the duty of the lessee, occupant, or owner of any existing building to obtain the proper building number from the Director of Building and Housing Inspection and to place this number on said building within thirty (30) days from the effective date of this ordinance.

2. *Numbering New Buildings.* It shall be the duty of the lessee, occupant or owner of any new building to place the number assigned by the Director of Building and Housing Inspection on said building on or before the day final inspection is made by the Building Inspector.

B. *Enforcement; Notice.* If the Director of Building and Housing Inspection shall find any building upon which the proper number has not been properly placed as required by this section, he may order the applicant, lessee, occupant or owner to obtain and properly place such number within ten (10) days.

1. *Posting of Notice.* The posting of a notice upon the entrance door of such building shall meet the requirements of this section for legal service of such notice or order.

2. *Duty to Comply.* It shall be the duty of the lessee, occupant and/or owner of said building to comply with said order.

Sec. 27.107. Painting of Numbers on Curbs; Regulations.

A. *By Owner or Occupant.* The occupant of a residence may, at his own expense, paint or have painted the street number of such residence on the curb. No person other than the occupant shall paint street numbers upon the curb unless he shall first have permission of the occupant of the residence for which the numbers are proposed to be painted. Street numbers painted upon curbs shall meet the following specifications:

1. Street numbers may be painted only upon the vertical face of the curb abutting the residence.

2. Numbers shall be block numbers, and shall be four inches (4") in height, with a stroke width of not less than one-half inch (1/2"). The numbers shall be of sufficient dimensions to provide a one inch (1") margin around all figures.

3. All paint used for painting of street numbers on curbs shall be of good quality and shall conform or be equal to standard City specifications for traffic paint.

4. Under no circumstances shall the City be responsible for maintenance or replacement of street numbers painted on curbs.

*B. Curb Painting Solicitors; Special Registration Card.*

It is the policy of the City Council of the City of Chula Vista to restrict the business of painting street numbers upon curbs, except for the occupants of the premises, to non-profit civic organizations located within the City of Chula Vista. All persons or organizations engaged in painting or soliciting for the painting of street numbers on curbs shall carry on their persons at all times for presentation to the occupant or owner of the premises a special registration card which shall state thereon the maximum charge for such service. Said cards may be obtained, upon application, from the Chief of Police after approval has been granted by the City Council for the curb painting project. Solicitors shall comply strictly with the provisions set forth hereinabove, and shall exhibit such special registration card to the occupant when securing the permission required in subsection A hereof, calling attention to the maximum charge stated thereon. Failure to comply with any of the provisions and conditions contained herein shall be grounds for revocation of permission thus granted and termination of the project by either the Chief of Police or the City Council.

ARTICLE 2. MAINTENANCE AND REPAIR OF PUBLIC RIGHTS-OF-WAY.

Sec. 27.201. Damage to Streets and Sidewalks.

It shall be unlawful for any person to use any of the streets and sidewalks within the corporate limits of the City for the purpose of transporting machinery or implements of any kind over, upon or across any of such streets or sidewalks without doing the same in such manner that the streets or sidewalks shall not be damaged.

Sec. 27.202. Irrigation Waters Prohibited.

It shall be unlawful for any person owning or having charge of irrigating lands in the City to so irrigate said lands that waters used in such irrigation shall be cast upon or over or permitted to flow upon or over any of the public streets, alleys or public places in the City; provided, however, that in the event of an unavoidable accident in the process of such irrigation, whereby the water is uncontrollable, it shall not be deemed an offense, as hereinabove described, if such water is prevented from flowing upon or over such public streets, alleys or public places within a reasonable time sufficient to repair such accident.

Sec. 27.203. Obstructions Prohibited.

It shall be unlawful for any person owning or having charge of any properties in the City to allow vegetation to grow in such a manner so as to obstruct the streets, sidewalks, curbs and gutters so as to interfere with the passage of pedestrians or vehicles or to impede the use of street cleaning equipment.

Sec. 27.204. Maintenance and Repair of Sidewalks Required.

Any person owning, or having charge of any properties in the City is hereby charged with the duty of maintaining sidewalks, curbs and gutters adjacent to or contiguous to said properties free and clear of all dirt, rocks, debris and other materials which would tend to obstruct said sidewalks, curbs, and gutters. Said persons shall also be liable for the proper maintenance of street lines and sidewalks, as required by Section 5610 of the Streets and Highways Code of the State of California. In the event that said persons fail to maintain sidewalks, curbs, gutters and streets in accordance with the requirements of this section and the Streets and Highways Code of the State of California, notice shall be given, as provided in this Code and/or in the Streets and Highways Code, and in the event that the City is required to perform such maintenance, a lien shall be imposed to cover the cost of such work. Said lien shall be collected as a part of the assessment of the regular tax bill levied against the lot or parcel of land as provided in Section 5628 of the Streets and Highways Code of the State of California.

Sec. 27.205. Putting Debris in Streets.

No person shall throw, deposit or drop, or cause to be thrown, deposited or dropped, any dirt, debris, boulders, pebbles, hardpan, rock, glass or any material whatsoever on any street in the City, or permit any dirt, debris, pebbles, hardpan, rock, boulders, or glass to drop, roll or leak from any vehicle on any street in the City.

Sec. 27.206. Reserved.

Sec. 27.207. Storing Building Materials in Streets, etc.

It shall be unlawful for any person to use any street, alley or public place in the City for depositing and storing building materials to be used in the construction of buildings or structures adjacent to such part of the street so to be used for any length of time, but not more than seven (7) days, without first obtaining a temporary encroachment permit so to use such street, alley or public way from the Director of Public Works. Whenever such permit is granted, it shall be deemed to be upon condition that (1) not more than twenty feet (20') immediately in front of the building or structure proposed to be constructed shall be so used; (2) the materials are easily removable and cause no obstruction to vehicular traffic; (3) during such construction, whenever practicable, a portion of the sidewalk in front of such work shall be kept open for public travel; and (4), that lights, during the period of darkness, shall be placed on such material deposited in the street in such manner that they may be plainly seen by travelers passing along such street, and afford sufficient warning against danger of driving or riding into or upon such obstruction.

The fee for such application for a temporary encroachment permit shall be three dollars (\$3.00).

Sec. 27.208. Placing Materials in the Streets, etc., Likely to Injure Tires.

It shall be unlawful for any person to place upon the surface of any street, alley or public place in the City any nails, broken glass, sharp implements, crushed rock, or any other substance tending to cause injury to the tires of vehicles passing along such street, alley or public place.

Sec. 27.209. Removal of Obstructions.

In the event that any unauthorized obstructions or debris are placed upon the sidewalks, curbs, gutters or streets, the Director of Public Works shall immediately notify the owner of record, the occupant or occupants, or person having charge of the real property lying adjacent to or contiguous to said portion of the public right-of-way containing said unauthorized obstructions which have been placed thereon at any time either prior to or subsequent to the effective date of this ordinance, and

being any obstruction, thing, object, material, whether organic or inorganic, that said obstruction shall be removed within two (2) weeks after receipt of said notice. In the event that said property owner, occupant or occupants, or person having charge of the property shall fail to remove the obstruction within two (2) weeks, the Director of Public Works shall cause said obstruction to be removed and a lien shall be imposed against the property in the manner provided in Sections 5610 through 5630 of the Streets and Highways Code of the State of California, and said lien shall be collected as a portion of the regular tax assessment as provided in Section 5628 of the Streets and Highways Code.

Sec. 27.210. Reserved.

Sec. 27.211. Reserved.

Sec. 27.212. Damage to Streets; Movement of Overweight Vehicles or Loads.

1. *Purpose and Intent.* It is the purpose and intent of the Council to permit the controlled operation and moving of vehicles or loads upon highways under its jurisdiction in excess of size and weight of vehicles allowed to be moved or operated on highways under the provisions of the Vehicle Code of the State of California, and protect the public safety and welfare by requiring a permit and the filing of a policy of insurance protecting the public against personal injury and property damage.

Sec. 27.213. Overload Moving; Permit Required.

1. *Transportation Permit Required.* No person shall move or cause to be moved over or across any public right-of-way under the jurisdiction of the City of Chula Vista any vehicle, load, trailer, or combinations thereof, which exceed the height, width, length, size or weight of vehicle or load limitations provided in Division 15 of the Vehicle Code of the State of California, without first obtaining a transportation permit therefor from the Director of Public Works.

2. *Term of Permit.* Said permit may be designated by the Director of Public Works as either a single-move transportation permit for the movement of a vehicle or load over a designated route and for a move on a specified date or dates, or a multiple load transportation

permit issued for the period specified on the permit but not to exceed six (6) months. Multiple load transportation permits may be issued on the type of vehicle carrying the load in the case of nonself-propelled vehicles and on the specific vehicle in the case of the self-propelled vehicles. Multiple load permits shall authorize the movement of the vehicles or loads specified on the permit; provided, however, that the vehicle or load shall not exceed a width of thirteen feet (13'), a height of sixteen feet (16'), or a length of one hundred feet (100'). If the load proposed under the multiple load transportation permit exceeds the weight limits as prescribed in Division 15 of the Vehicle Code of the State of California by more than twenty-five percent (25%), said move shall be subject to such route restrictions as designated by the Director of Public Works.

3. *Permit Denial.* The Director of Public Works shall not issue a transportation permit if any one of the following conditions exists:

1. If the overweight per axle exceeds the limits provided in Division 15 of the Vehicle Code of the State of California by fifty percent (50%);
2. If the move is determined by the Director of Public Works to be prohibitive from the standpoint of public safety or contrary to the public interest;
3. If the applicant has repeatedly violated conditions of previously issued permits, or if the applicant has unsettled claims against him for damages resulting from past moves.
4. If the applicant has failed to obtain a permit on the next regularly scheduled working day following interim approval for an emergency move.

Sec. 27.214. Application for Permit; Insurance Required.

Any person desiring a transportation permit shall make application in writing to the Director of Public Works, which application shall specifically describe the vehicle or load to be operated or moved, the type of permit requested, and such other information as the Director of Public Works may require. Thereafter, the Director of Public Works may issue a transportation permit to applicant when:

1. Applicant has provided the Director of Public Works with a policy of insurance which has been approved by the City Attorney, executed and delivered by a reliable insurance company authorized to carry on an insurance business in the State of California, by the terms of which said insurance company assumes responsibility for injuries to persons and property as a result of moving the vehicle or load by permittee, in the following amounts, to-wit:

Fifty Thousand Dollars (\$50,000.00) for property damage;

One Hundred Thousand Dollars (\$100,000.00) for death or injuries to two or more persons in any one occurrence;



Three Hundred Thousand Dollars (\$300,000.00) for death or injuries to two or more persons in any one occurrence.

Governmental agencies, including the State of California and its political subdivisions, shall not be required to provide the insurance required by this section, but shall be required to hold the City harmless as hereinafter provided.

2. The Director of Public Works has satisfied himself as to qualifications of applicant and that applicant has complied with all of the requirements of this article.

3. All fees provided for in Section 27.215 have been paid.

Duplicate copies of a transportation permit designated as a multiple load permit may be obtained when the permit is intended to authorize the movement of more than one non-self-propelled vehicle. Transportation permits shall be carried on the vehicle whose movement is authorized by such permit and shall be available for inspection by any police officer or any authorized agent of the City of Chula Vista. Transportation permits issued pursuant hereto shall be nontransferable.

Sec. 27.215. Permit Fees.

Permit fees required in this Article shall be collected by the Director of Public Works. Transportation permit fees are hereby established as follows:

1. Single move transportation permit.....\$5.00
2. Multiple load transportation permit for a period up to six (6) months.....\$25.00
3. Duplicate copies of continuing transportation permit, each.....\$1.00
4. Emergency move permit fees shall be double the single move fee.

Governmental agencies, including the State of California and any of its political subdivisions, shall make application for permits under the provisions of this article, and shall be issued a no-fee permit in accordance with the provisions herein. A contractor working for a governmental agency shall not be considered to be acting on behalf of that governmental agency and shall not be exempt from the payment of fees.

An extension of the effective date or an amendment to a single move permit may be made without payment of additional fees if approved by the Director of Public Works, provided that the request for such extension or amendment is received before the expiration of the permit.

Sec. 27.216. Overload Moving; Regulations.

1. All moving operations under a transportation permit shall be in conformance with all general and special conditions set forth by the Director of Public Works on said permit.

2. The permittee shall have the responsibility to ascertain the adequacy of the route requested for the move. When an over-height load is authorized (over thirteen feet, six inches (13'6")), the permittee shall check all underpasses, bridges, overhead wires, and other limiting structures or facilities for adequate clearance. The permittee shall notify the owners of all overhead lines or structures subject to disturbances or damage by his move and shall make arrangements for the temporary removal or relocation of the conflicting facility if required. The permittee shall bear all costs for such relocation where the facility is located in accordance with State and local regulations.

3. For any move involving a load or vehicle whose vertical height is twenty feet (20') or over, or whose width is thirty feet (30') or more, the permittee shall submit to the agencies whose facilities will be affected by such move the proposed route for approval at least seventy-two (72) hours in advance of the move. No permit shall be issued until clearances have been received from the power company and telephone company. Applicant shall be responsible for obtaining such clearances.

4. Permittee shall hold the City harmless from any loss arising out of injury to persons or damage to property resulting directly or indirectly from the operation permitted by the transportation permit, including the defense of any action arising therefrom at no cost to City.

5. Permittee shall provide "wide load" signs as necessary to be visible from both the front and rear of all loads in excess of ten feet (10') in width. Signs shall be at least three feet by five feet (3' x 5') in dimension; shall have a yellow background with black lettering; shall spell out "WIDE LOAD" in bold letters; and shall have an amber flasher mounted on each of the upper corners of such sign.

6. In case of damage to any street or other public street improvement by reason of the moving of any vehicle or load under transportation permit, the City shall cause such work to be done as may be necessary to restore the public street improvement to as good a condition as the same was in prior to such damage, and shall charge the cost thereof to the permittee. Such damages as occur may be recovered from the insurance required under Section 27.214 of this article.

7. Movement of oversize loads and/or vehicles shall be prohibited during the hours of darkness (one-half hour after sunset to one-half hour before sunrise), and between the hours of 7:00 a.m. and 9:00 a.m., and 4:00 p.m. and 6:00 p.m. unless otherwise approved by the Chief of Police.

Sec. 27.217. Emergency Moves.

For moves which, because of their emergency nature, require approval during periods other than the regularly scheduled working hours of the City of Chula Vista, the Director of Public Works, or Chief of Police, or authorized representatives thereof, may grant interim approval for such moves on the condition that a permit will be acquired during the next regularly scheduled working day. Failure to acquire such permit may result in disqualification for a six (6) month period.

Sec. 27.218. Moves Excluded.

The requirements of this article shall not affect the requirements of any other article of the City Code requiring permits, fees, and bonds, including the requirements for moving and relocating structures.

ARTICLE 3. AUTHORIZATION FOR ENCROACHMENT IN PUBLIC RIGHTS-OF-WAY.

Sec. 27.301. Intent and Purpose.

It is the intent of the City Council to authorize the use of, or encroachment into, the public rights-of-way for certain private purposes by property owners in those instances and under such circumstances that said use or encroachment does not interfere with or obstruct the overriding public use for which said rights-of-way have been dedicated. It is the purpose of the Council in adopting this article to provide procedures and regulations so that such property owners may make appropriate use of the dedicated public rights-of-way adjacent to or contiguous to their private property.

Sec. 27.302. Council Authorization Required.

All encroachments in the public rights-of-way shall be authorized by resolution of the City Council, except those specifically delegated to the Director of Public Works; provided further that the following types of encroachments are hereby specifically reserved for Council authorization:

Applications for permits for which the provisions of this article or schedule of fees do not properly apply shall require authorization by City Council resolution.

In all cases requiring authorization by resolution of the City Council, the Director of Public Works shall submit the application with his recommendations to the Chief Administrative Officer for presentation to the City Council. Upon approval of the City Council, the Director of Public Works shall collect the prescribed fees and issue the required permit.

Sec. 27.303. Encroachments Authorized by Director of Public Works.

The Director of Public Works is hereby authorized to issue encroachment permits without prior authorization from the City Council for the installation of the following improvements:

1. Fences in accordance with zoning and building codes.
2. Retaining walls in accordance with zoning and building codes, not to exceed five feet (5') in height.
3. Private utility service, including telephone, gas and electric, cable television, sprinkling system, private lighting system and mail box.
4. In addition thereto, the Director of Public Works may permit temporary encroachments in the public right-of-way upon application for an encroachment permit and the payment of the fee as prescribed in Section 27.207 of this chapter for the placing of materials or equipment in the public right-of-way, for a period not to exceed ninety (90) days, provided that said materials are of such a nature as to be easily removable and cause no obstruction to the free passage of vehicular and pedestrian traffic along the public right-of-way, and said encroachment is necessitated by the applicant's construction or development of his property.

All other encroachments in the public right-of-way of any nature other than those defined as temporary shall constitute permanent encroachments for which permits may be issued and fees collected as prescribed in this chapter. The issuance of said permits by the Director of Public Works shall conform with the requirements of this article.

Sec. 27.304. Encroachment Maintenance and Removal Agreements.

Applications for encroachment permits for any buildings or structures of any nature shall be accompanied by an encroachment application fee in the sum of Three Dollars (\$3.00), and an Encroachment Maintenance and Removal Agreement, which shall authorize the construction and use of the building or structure and shall be signed by the property owner and properly acknowledged. Said Agreement shall be prepared by the Director of Public Works and shall contain the following covenants with the City of Chula Vista:

1. The encroachment shall be installed and maintained in a safe and sanitary condition at the sole cost, risk and responsibility of the owner and successor in interest, who shall hold the City harmless with respect thereto.
2. The agreement is made for the direct benefit of the property owner's land described in the agreement, and the covenants therein shall run with the property and shall be binding upon the assigns and successors of the owners.

3. The encroachment shall be abandoned, removed or relocated by the property owner upon demand in writing by the Director of Public Works. The property owner must remove or relocate said encroachment within thirty (30) days after such notice or within such longer period as may be provided specifically within said agreement in the instance of buildings or structures which would require a longer period to effectuate such removal or relocation. If the owner fails to remove or relocate the encroachment within the period allotted, the Director of Public Works may cause such work to be done and the cost thereof shall be imposed as a lien upon the property as provided in Section 27.209 of this chapter, relating to removal of unauthorized obstructions in the public rights-of-way.

4. Said Encroachment Maintenance and Removal Agreement for buildings or structures built over or upon the public rights of way shall be recorded in the Office of the County Recorder of San Diego County, and shall constitute an obligation and burden upon said property, provided, however, that said agreement encompassing encroachments authorized by the Director of Public Works pursuant to Section 27.303 need not be recorded.

Sec. 27.305. Encroachments; Fees.

1. Engineering and permit fees required by this section shall be collected by the Director of Public Works. Such fees shall be based upon estimates for the work to be constructed, except for permanent encroachment structures to be built over and covering the public rights-of-way, in which case the estimate shall include the cost of the replacement or relocation of the facility to be eliminated by the permanent encroachment structure, including the cost of any alteration of the facility for its protection. The estimates shall be made or verified by the Director of Public Works. No permit shall be issued and no work in the public rights-of-way shall be permitted until the fees applicable under this section have been received by the Director of Public Works.

2. The State of California, or any of its political subdivisions, or any governmental agency shall file applications for permits and shall be issued permits as required by this section; provided, however, that no fees shall be required when the work is done by persons working directly for the State or agency.

3. A contractor working for the State of California or any of its political subdivisions or any governmental agency shall obtain a permit and pay the permit fee. Permit fees are hereby established pursuant to the following schedule. (All figures shown are in dollars unless otherwise noted):

<u>Estimated Construction Cost</u>	<u>Private Plan Review</u>	<u>Plan Preparation &amp; Preliminary Survey</u>	<u>Construction Surveys</u>	<u>Inspections</u>	<u>Special Investigation Encroachment Only</u>
0-104	10	10	10	5	10
105-144	10	12	12	6	12
145-194	10	15	15	8	15
195-254	10	19	19	11	19
255-329	10	23	23	14	23
330-419	10	27	27	19	27
420-529	10	31	31	24	31
530-659	15	36	36	30	36
660-809	15	41	41	37	41
810-989	15	45	45	45	45
990-1209	15	50	50	50	50
1210-1479	15	55	55	55	55
1480-1819	20	61	61	61	61
1820-2259	20	67	67	67	67
2260-2699	20	73	73	73	73
2700-3139	20	78	78	78	78
3140-3579	20	83	83	83	83
3580-4059	20	88	88	88	88
4060-4579	25	92	92	92	92
4580-5139	25	98	98	98	98
5140-5739	25	104	104	104	104
5740-6339	25	110	110	110	110
6340-6979	30	116	116	116	116
6980-7659	30	122	122	122	122
7660-8379	30	128	128	128	128
8380-9119	35	134	134	134	134
9120-10,000	35	140	140	140	140
over 10,000	0.35%	1.4%	1.4%	1.4%	1.4%

Special investigation application fees are not refundable.

Sec. 27.306. Refunding of Permit Fee.

In the event a permit fee refund is requested by permittee, and the Director of Public Works has determined that it is in the public interest to allow the permittee to abandon the work, the Director of Public Works shall cancel the permit and refund the unused portion of the fee, but no more than ninety percent of the Plan Preparation & Preliminary Survey Fee, and ninety percent of the Inspection Fee, if no work has been done by the Engineering Department.

Sec. 27.307. Bond Requirements.

Every person constructing buildings or structures as encroachments in the public rights-of-way shall provide a performance bond as required by Sections 27.402 and 27.403.

No performance bond, under the provisions of this article, shall be required for the construction of those encroachments for which authorization has been specifically delegated to the Director of Public Works and for which he has authority to issue a permit as set forth in Section 27.303.

ARTICLE 4.           CONSTRUCTION OF PUBLIC IMPROVEMENTS IN THE PUBLIC RIGHTS-OF-WAY.

Sec. 27.401.       Application and Performance Bond.

Every person, other than subdividers authorized pursuant to subdivision improvement agreements, constructing public improvements in the public rights-of-way shall present an application and performance bond to the Director of Public Works. Said work shall be undertaken by a properly qualified contractor, licensed under the laws of the State of California; provided, however, that in the case of encroachments being constructed in the public rights-of-way which do not affect public improvements either requiring the construction, reconstruction or relocation thereof, may be performed by the property owner as provided in Article 3 of this chapter. The application shall be filed on forms provided by the Director of Public Works and shall contain assurances or stipulations that the applicant is such a licensed contractor and that he will construct all work or improvements in a good and workmanlike manner and in strict conformity to the provisions of this article and the standards and specifications adopted by the City of Chula Vista as presently existing or as same may be amended. Said application for the construction and installation of public improvements by private contractor meeting said qualifications shall be accompanied by a performance bond of the nature and in the amount set forth in Sections 27.402 and 27.403; provided, however, the following are exempt from the requirements of depositing said performance bond:

1. No performance bond, under the provisions of this article, shall be required from the State of California or any of its political subdivisions or any governmental agency.

2. A contractor working for the State of California, or any of its political subdivisions or any governmental agency shall present a performance bond unless proof is submitted that the work is covered by a bond inuring to the benefit of the State or agency.

The application fee shall be the sum of Three Dollars (\$3.00).

Sec. 27.402. Private Contract Performance Bond Required.

Persons performing private contract work under a permit issued in accordance with this article shall furnish a bond or cash deposit in accordance with the following provisions. Said performance bond shall be issued by a surety company authorized to do business in the State of California, and shall be approved as to form by the City Attorney. The bond shall be in favor of the City of Chula Vista and shall be conditioned upon the completion, free of liens, of the work authorized by the permit in accordance with the requirements of this article and the conditions prescribed by the permit.

1. That all such work to be done and improvements to be made shall be done and made to the official grade and according to the specifications therefor as prescribed by the ordinances of the City in force at the time of making such improvements or doing such work; that when such improvement or work consists of or includes sidewalk, that portion of the sidewalk not paved shall be graded to the official grade; that all debris and surplus material shall be removed from the street upon the completion of such work or improvement. Every bond executed under the provisions of this section shall inure to the benefit of the City, and to and for the benefit of all persons who may suffer damage by reason of the breach of any of the conditions thereof and any person so damaged may bring suit upon such bond in his own name. No such bond shall be void upon the first recovery thereof, but suit may be afterwards brought from time to time and judgments may be recovered thereon by the City or any person to whom a right of action has accrued against the principal and sureties of this bond until the whole penalty of such bond is exhausted.

2. That in the event any person giving such bond, or his assigns, shall fail to procure or complete such work according to this article and the specifications contained in the ordinances of the City governing such work, and in accordance with the contract, or to grade the unpaved portion of the sidewalk to the official grade thereof, or shall fail to remove the debris or surplus dirt upon completion of such work, the street department, or the person owning the property fronting upon the street or other public place where the work is contracted to be done, may do or complete such work according to the contract and the specifications in force at the time such work is done, and may remove the debris and material from the street, as the case may be, and such person giving such bond, and the sureties thereon, shall be liable to the City, or to the person causing the work to be completed, in a civil action upon such bond for the costs and expenses necessarily incurred in connection with the completion of such contract and the removal of such debris and surplus material.

3. The bond shall be conditioned upon the payment to the City of any costs incurred by the City in completing the required work or in employing a private contractor to complete such work. Whenever the Director of Public Works finds that a default has occurred in the performance of any term or condition of work authorized by a permit, he shall give written notice of such default to the principal and surety of the bond. Such notice shall state the work remaining to be done, the estimated cost of completion and the time estimated by the Director of Public Works to be necessary for the completion of the work. After receipt of such notice,



the principal or the surety must, within the time specified, either complete the work satisfactorily or deposit with the City of Chula Vista an amount equal to the Director of Public Works estimate of the completion cost plus an additional sum equal to twenty-five percent (25%) of such cost.

4. In the event that the principal or surety fails to complete such work within the time specified in the notice, or fails to deposit the estimated cost plus twenty-five percent (25%) with the City, the Director of Public Works may cause the required work to be completed. The principal and the surety shall be liable for the cost of completing such work.

5. If the principal or surety deposits the estimated cost plus twenty-five percent (25%) as set forth in the notice, the Director of Public Works shall cause the required work to be completed. The unexpended money shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost. The principal and surety shall hold the City blameless from any liability in connection with the work so performed by the City or the contractor employed by the City. The City shall not be liable in connection with such work other than for the expenditure of said money.

6. In lieu of a surety bond, the permittee may post a cash deposit with the City Finance Officer in an amount equal to the required bond. Notice of default as provided above shall be given to the principal and if the default is not corrected within the time specified, the Director of Public Works shall proceed without delay and without further notice of proceedings whatever to use the cash deposit or any portion of such deposit to complete the required work. The balance, if any of such cash deposit shall, upon completion of the work, be returned to the depositor or to his successors or assigns after deducting the cost of the work.

Sec. 27.403. Type and Amount of Performance Bond Established.

1. The performance bond may be for a specific private contract or an annual and continuing bond may be filed with the City covering the costs of several private contracts. The amount of the bond covering a specific job shall be based on the amount of the estimate submitted by the person doing the work and approved by the Director of Public Works and in accordance with the schedule in subsection 2 of this section. An annual and continuing bond may be in an amount of \$1,000.00, \$2,000.00, \$3,000.00, \$4,000.00, \$5,000.00, \$10,000.00 or any larger amount in multiples of \$5,000.00. This bond shall qualify the contractor to do work for which the aggregate total of bond amounts as determined from the schedule in subsection 2 of this section and approved cost estimates of work in progress shall not exceed the amount of the bond. Annual and continuing bonds shall have a non-cancellation without notice clause.

2. The bond or cash deposit amount shall be based on an estimate of the cost of the work approved by the Director of Public Works and in accordance with the following schedule:

Public Improvements.....110% of cost estimate  
Encroachments.....110% of cost estimate

3. Bonds shall be filed with the City of Chula Vista.

4. Notice of cancellation shall be sent to the City of Chula Vista.

5. In lieu of said surety bond, a cash deposit in the amounts indicated may be deposited with the City of Chula Vista.

Sec. 27.404. Reserved.

Sec. 27.405. Standards and Specifications.

All public improvements constructed in the public rights-of-way shall conform to the standards and specifications as adopted by the City of Chula Vista, as presently existing or as they may be amended from time to time.

Sec. 27.406. Specific Improvements; Installation of Driveways; Permit Required.

No person shall cut, break or remove an existing sidewalk or curb for the installation of a driveway or any other purpose without first obtaining a permit therefor from the Director of Public Works. No permit shall be issued to remove any curbing unless a concrete driveway between curbing and sidewalk is to be installed.

Sec. 27.407. Reserved.

Sec. 27.408. Installation of Driveways; Specifications and Regulations.

The Director of Public Works shall grant the permits required by this article for the installation or construction of driveways or the cutting, breaking or removal of any curbs or sidewalk, and such permits shall be subject to the following conditions:

1. *Maximum Width; Generally.* The maximum width of any driveway, other than a commercial driveway, shall be not more than twenty-five feet (25'), as measured at the top of the curbing.

2. *Maximum Width; Commercial, Industrial.* Maximum width of any commercial or industrial driveway shall be not more than thirty-five feet (35') as measured at the top of curbing.

3. *Minimum Distance.* Minimum distance between driveway on any single property shall be twenty-two feet (22').

4. *Driveway Frontage.* Not more than forty percent (40%) of the frontage upon any street of any lot or parcel of land which is used for residential purposes or sixty percent (60%) of street frontage in a "C" Zone or Industrial Zone shall be devoted to driveways.

5. *Location.* No driveway shall be located so as to interfere with intersecting sidewalks, traffic signals, lampposts, fire hydrants, or utility poles.

6. *Concrete Specifications.* All concrete work shall be done in accordance with the standards and specifications adopted by the City Council as presently existing or as they may be amended from time to time.

7. *Gutter Obstruction.* No driveway shall be constructed so as to cause a gutter obstruction.

8. *Grade.* Applicant shall construct the driveway to an official grade in accordance with the latest revisions of the standards and specifications adopted by the City Council as presently existing or as they may be amended from time to time.

9. *Safety during Construction.* Applicant shall maintain the premises in a safe manner and shall provide adequate barricades and lights at his own expense to protect the safety of the public using adjacent streets or sidewalks, and shall hold the City free from any damage resulting from said construction.

10. *Removal of Debris.* All debris and surplus materials shall be promptly and properly removed upon completion of the work by the applicant.

Sec. 27.409. Installation of Driveways; Specifications and Regulations; Exceptions.

The City Council may, in special cases, by resolution, order the issuance of a permit to construct and maintain driveways in excess of the limitations contained in subsections 1, 2 and 3 of Section 27.408. Applications for such special permits shall be made to the Director of Public Works who shall recommend to the Council the granting or denial of the same. A non-refundable fee of ten dollars (\$10.00) shall accompany each application for such special permit. No application shall be considered unless such fee shall have been paid.

Sec. 27.410. Removal of Abandoned Driveways.

It shall be unlawful for any property owner, occupant or occupants, or person having the charge and care of any property to maintain upon such property, parcel or premises an abandoned driveway. An abandoned driveway shall be defined as any driveway which does not serve the purpose of affording ingress and egress to the subject property or premises. Any abandoned driveway shall be removed and the curbs and sidewalks shall be properly restored to conform to the condition of curbs and sidewalks adjacent thereto by said property owner, occupant or occupants, or person having charge or care of such property. The Director of Public Works shall cause a written notice of such abandoned driveway to be delivered to said responsible party, and in the event that the driveway has not been removed and the curb and sidewalk properly restored, said work shall be undertaken by the Director of Public Works and a lien imposed in the manner provided in Section 27.209 of this chapter relating to the removal of obstructions in public rights-of-way, including the use of adding the amount of said lien to the tax assessment on said property as the method of collection.

Sec. 27.411. Reserved.

Sec. 27.412. Reserved.

Sec. 27.413. Reserved.

Sec. 27.414. Interpretation of Article.

The provisions of this article shall be interpreted as imposing additional requirements and restrictions, and not as repealing existing laws relating to the same subject matter. Where this article imposes a greater restriction on the construction of sidewalks, curbs or gutters or the granting of permits and licenses therefor than are imposed or required by other laws, the provisions of this article shall control.

Sec. 27.415. Violations of Article.

Any person violating any of the terms, requirements, regulations or provisions of this article, or wilfully making and subscribing to any statement which is false or untrue as to any material matter contained in any application or report required by this article, shall be guilty of a misdemeanor.

ARTICLE 5.            STREET DEDICATION AND IMPROVEMENT IN CON-  
JUNCTION WITH BUILDING CONSTRUCTION.

Sec. 27.501.        Purpose and Intent.

The City Council of the City of Chula Vista finds that lack of sidewalks within the City often encourages or forces pedestrians, especially school children, to walk in the streets, thus being subjected to the hazards of vehicular traffic, and during the rainy season, waters create inconveniences constituting a hazard to the health and safety of pedestrians; streets and highways of inadequate width and design hinder vehicular movement and constitute a hazard to the health and safety of users; the lack of curbs, storm drain facilities and improved alleys results in poor drainage and a collection of filth and waste matter; and the lack of adequate street lighting contributes to the criminal infringement upon the rights of persons and property; therefore, such conditions are hereby found and declared to be dangerous to the public health and safety of the inhabitants of the City. It is the purpose of the City Council, in adopting the provisions of this article, to impose reasonable requirements of dedication and street improvement upon individuals and corporations engaged in the development and construction of new buildings or structures which tend to make increased demands upon the existing public rights of way and streets and highways in the City of Chula Vista, thereby increasing the danger to the public health and safety.

It is the intent of the Council to extend the basic requirements of the Subdivision Map Act of the State of California by establishing standards and requirements for street dedication and improvement in connection with land development in which no subdivision is involved. Further, it is the purpose of the Council to spread the costs of public improvements upon all abutting property in an equitable manner and to cause the installation of those improvements required by the City to serve property about to be developed at the time of its development. The City Council shall require, in accordance with the provisions of this article, the dedication of portions of the public rights-of-way, including streets, highways, alleys and storm drain facilities, and construction of curbs, gutters, sidewalks and paving contiguous to the property from the property line to the center line of the public rights-of-way, and storm drain facilities and street lighting as necessitated by the nature and type of the building or structure being constructed and the use to which the property is being put. The nature and extent of the dedication or improvements required pursuant to this article shall be limited to the danger that the proposed development or construction will tend to create, add or impose a burden upon the public rights-of-way of the City of Chula Vista.

Sec. 27.502.        Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

"Alley shall mean a public or private way, permanently reserved as a secondary means of access to abutting property.

"Building or structure" shall mean any building or structure of which the cost price of erecting the same is in excess of five thousand dollars (\$5,000.00), or any building or structure moved or installed upon property for residential, commercial and industrial use, or such building or structure for use as a place for the assemblage of persons.

Sec. 27.503. Requirements for Dedication.

No building permit shall be issued for the erection, construction, enlarging, altering, repairing, improving, converting or relocation of any building or structure as herein defined in the City of Chula Vista until the owner of the parcel or property upon which the building or structure is to be situated shall have provided, by means of an offer of dedication or other appropriate conveyance as approved by the City Attorney, a dedication of any necessary street, highway, or alley right-of-way as shown or designated as being necessary on the adopted State Select System, the street and highway element of the General Plan of the City of Chula Vista, or upon any specific plan adopted by the City Council of the City of Chula Vista, as such may presently exist or as they may, from time to time, be amended. Said dedication of additional street, highway, or alley right-of-way is required in order to properly align curb, gutter, sidewalk or paving with the existing or planned improvement in the same block frontage in accordance with said Select System, General Plan or specific plans. In addition, the City may require the dedication of necessary rights-of-way for storm drain facilities in order to properly align said facilities with existing or planned storm drains in conformance with the adopted General Plan or specific plans and studies as approved by the City Council of the City of Chula Vista; provided that such dedication shall not be required in the R-1 or R-2 zones unless fifty percent (50%) or more of the street or alley-way in the block in which the subject property is located has been previously dedicated.

Sec. 27.504. Requirements for Installation of Public Improvements.

Every person erecting, constructing, enlarging, altering, repairing, improving, converting or relocating any building or structure as defined herein in the City of Chula Vista shall install, prior to the completion of such building or structure, in conformity with the provisions of this article and other ordinances of the City of Chula Vista, sidewalks, curbs and gutters, pavement in streets, highways and alleys from the gutter or edge of travelway, if no gutters have been required, to the centerline or such portion of major streets as are required for subdivisions,

and necessary drainage facilities and lighting structures. All public improvements required pursuant to this section shall be installed in accordance with standards and specifications adopted by the City Council of the City of Chula Vista, and in conformity to the State Select System of Streets and Highways, the circulation element of the General Plan of the City of Chula Vista, and any specific plan adopted by the City of Chula Vista; provided, further, that street lighting, including ornamental street lighting shall be installed in those cases where specific plans have been adopted or where adopted standards of lighting are in existence which would require the installation of additional lighting units.

The permits required for the construction of said public improvements shall be secured prior to the placing of any Portland cement concrete in connection with the construction or erection of any building or structure; provided, however, that the placing of said Portland cement concrete may be permitted upon the acceptance of an appropriate acknowledgment of the nature and extent of the obligations contained in this article, guaranteeing compliance with the requirements contained herein prior to the completion of said building or structure.

Sec. 27.505. Completion Certificate; Certificate of Occupancy.

No final inspection, Completion Certificate, or Certificate of Occupancy shall be issued for any building or structure installed or erected after the effective date of this ordinance until complete compliance shall be had with the terms and requirements of this article.

Sec. 27.506. Waiver of Requirements for Public Improvements.

The property owner or his agent may apply to the Planning Commission for a waiver of the requirements of Section 27.505 in circumstances and conditions including but not limited to the following:

1. Where adequate improvements of the nature and type required already exist.
2. Sidewalks may be waived where the topography is such that the installation of sidewalks would be impracticable.
3. Where the street or alley, for practical reasons, has not or cannot be readily graded to the established grade.
4. Where installation of sidewalks would be hazardous to pedestrians because of grade.

5. Where the City Council has, by resolution, in conjunction with the development of a subdivision or otherwise, waived or modified the requirement of curbs, gutters, sidewalks, paving or dedication, or any combination thereof, which resolution shall include a finding that due to the nature of the topography or development in the area, the installation of said improvements would not be feasible or consistent therewith.

In the event that the Planning Commission shall deny the request for a waiver of said improvements, the property owner or his agent may appeal said denial to the City Council of the City of Chula Vista, by filing said appeal with the City Clerk of the City of Chula Vista within ten (10) days from the date of such ruling of the Planning Commission. The Council shall thereupon, at their next regular meeting, or at such time thereafter as they may designate, consider the waiver of such requirements, in accordance with the circumstances and conditions set forth herein, provided such findings shall be made by resolution of the City Council. If the City Council shall fail to act upon said appeal within twenty (20) days of filing the appeal, the waiver shall be deemed to be approved.

If the erection of new structures as contemplated by this article is to be undertaken in subdivisions approved by the City Council wherein sidewalks have not been required as a condition of the map and have purposely been omitted, no application for waiver or deferral shall be required.

Sec. 27.507. Deferral of Requirements for Public Improvements.

In the event that the installation of all or any of the improvements required by Section 27.504 would, if presently installed, create a hazardous or defective condition or be impractical, or if said installation of any or all of said improvements would be incompatible with the present development of the neighborhood or be impractical or premature because of the existing condition of the surrounding property, or that it would be desirable to install said improvements as a part of the overall plan for the development of public improvements in a certain area, the property owner or his agent may apply to the Planning Commission for a deferral of the requirements of this article, stating the grounds and reasons therefor.

If the Planning Commission, in its discretion, feels that such grounds or exceptions are reasonable and that the requested deferral should be granted, the Planning Commission may exempt such applicant from the requirements of this article, subject to the conditions set forth herein. Any exceptions to the requirements for the installation of public improvements may be limited to a specified period of time by the Planning Commission, or may be subject to the determination of the Director of Public Works as to the time at which said improvements should be installed. In the event that the improvements are deferred, the property owner shall deposit with the City a sum equal to the estimated



cost of the improvements plus ten percent (10%) of such cost, or in lieu thereof, shall post a bond in said amount as approved by the City Attorney. If it is determined that the requirements for the installation of said public improvements will not be necessary within a reasonable and feasible time period, the property owner may grant to the City, in lieu of said cash deposit or bond, a lien upon his property in an amount estimated by the Director of Public Works to be sufficient to install such public improvements at such time as they shall be required, and said lien shall also provide for reasonable attorney fees and costs in the event that it becomes necessary for the City to foreclose upon such lien; provided, further, that said agreement shall stipulate that should said lien be extinguished by foreclosure of prior liens or otherwise, the improvements may be installed or provided by City and the cost thereof become a lien against said property as provided in Section 27.204.

The Planning Commission may, from time to time, extend the period of deferral; however, such extension of time shall be conditioned upon the continued effectiveness of a valid cash deposit, bond or lien, as established herein. The applicant for a deferral of such improvements shall pay a fee in the amount of fifteen dollars (\$15.00) to cover the cost of investigation and processing of such requests.

The denial of a request for a deferral of public improvements may be appealed to the City Council in the same manner as provided for appeal for requests for waiver of public improvements, as set forth in Section 27.506.

ARTICLE 6.            EXCAVATIONS IN PUBLIC RIGHTS-OF-WAY.

Sec. 27.601.        Notice to be Given.

It shall be unlawful for any person to excavate or cause to be excavated any hole, trench or ditch in any street, alley or sidewalk within the City limits of the City of Chula Vista without first having notified either the Department of Public Works of the City between the hours of 8:00 a.m. and 5:00 p.m., or the Police Department before 8:00 a.m. and after 5:00 p.m., of their intention to do so, stating the time and place and approximate duration of such excavation. Where the place of excavation is not specifically fixed by a franchise or permission, the place shall be designated by the Director of Public Works or the superintendent of streets and the work done under the direction of such individual.

Sec. 27.602.        Regulations; Generally.

1. *Work to be Done Expeditiously.* Any work of excavating the streets, sidewalks, alleys or public places of the City shall be done with all possible expedition.

2. *Placing of Poles.* All poles shall be placed and set, and all excavations made so that the same shall discommode adjoining property owners and the general public as little as possible.

3. *Barricades and Lights.* It shall be unlawful for any person to excavate or cause to be excavated any hole, trench or ditch in any street, alley or sidewalk within the City limits of the City without maintaining barricades on such hole, ditch or trench with adequate lights and other warnings to the public of the location of such hole, trench or ditch. All such excavations shall at all times be safely guarded against the possibility of persons, vehicles or animals or other property being injured by the same.

Sec. 27.603. Return of Area to Original Condition.

1. *Generally.* All ditches, trenches or excavations shall be refilled and replaced and the street, alley or sidewalk shall be placed in the same condition it was prior to such excavation to the satisfaction of the Department of Public Works.

2. *Backfilling.* All excavations in the public streets, alleys, sidewalks or other public places in the City shall be backfilled without undue delay. Backfilling shall be accomplished in accordance with standard specifications as approved by the City Council of the City of Chula Vista.

3. *Repaving.* All excavations in paved surfaces shall be repaved in accordance with said standard specifications. Any person so repaving an excavation shall inspect the same after thirty (30) days has expired to detect and to correct, at his own expense, any settlement. If, in the opinion of the Director of Public Works, a seal coat of bitumuls and screenings is necessary, the same shall be applied at once by any person so repaving such excavations at any time within two (2) years after repaving is completed.

Sec. 27.604. Bond Requirements.

Any person, other than a public utility, or persons who have obtained permits pursuant to Articles 3, 4 or 5, who shall apply for a franchise or permit to cut or excavate a surfaced or paved street, alley, public place or sidewalk for any purpose mentioned in Section 27.702 shall post with the City a good and sufficient surety company bond or a cash deposit in an amount equal to twice the estimated cost of replacing such surfaced or paved street, alley, sidewalk or public place in the same condition as before the same is excavated or cut, to insure and to guarantee all cost of replacing such surfacing or paving in the same condition as before the same was cut or excavated and in the manner provided for in Section 27.603, and to insure and guarantee the cost of maintaining such surfacing or paving for a period of two (2) years from the date the same is replaced. The Director of Public Works shall determine the amount of such bond in accordance with this section, and his determination of the estimated cost of replacing such surfacing or paving shall be final.

Any general contractor, licensed by the State and the City may, in lieu of posting a bond for each job as above provided, post a cash deposit or a blanket bond in the sum of four thousand dollars (\$4,000.00) issued by a surety company acceptable to the City and approved by the City Attorney, which, by its terms, is made to guarantee the replacing and maintenance of such surfaced streets, alleys, sidewalks of public places as above provided, and which shall, by its terms, not be subject to withdrawal or cancellation without the consent of the Council until two (2) years have expired since the last job performed by such contractor involving excavations in such surfaced streets, alleys, sidewalks or other public places has been completed.

ARTICLE 7.            PUBLIC UTILITIES IN PUBLIC RIGHTS-OF-WAY.

Sec. 27.701.        Franchise Required.

It shall be unlawful, without first obtaining a franchise therefore from the City Council, or having a valid franchise heretofore granted by the City, for any person or public utility, their agents or employees, to use, connect, install, keep or maintain any meter, or to measure any service, or to enter into a contract, agreement, promise or understanding with any consumer or person to sell, furnish, transmit or carry any service to such consumer or person; or to make any charge or debit, or to render any bill or statement for any service; or engage in the business of a public utility for any service.

Sec. 27.702.        Use of Streets; Defined.

It shall be unlawful, without first obtaining a permit therefor from the Director of Public Works or a franchise therefor from the City Council, or having a valid franchise heretofore granted by the City for any person or public utility, their agents or employees, to place, string, lay, erect, maintain, keep or use any pole, wire, pipe or equipment, in, on, upon, over or under any street, avenue, alley or public place in the City for any of the following uses or purposes, which are herein defined for the purpose of this article as "services":

1. For transmitting electricity for light, heat, power communication, or for any other use or purpose.
2. For transporting or piping gas for light, heat, power, or for any other use or purpose.
3. For a sewer for carrying sewage.
4. For water or carrying water, or for any other use, purpose or service whatever.

Sec. 27.703. Services Delivered via Public Ways Subject to Franchise Tolls.

All electricity, gas, or other service furnished, sold, transmitted or delivered to any person or consumer thereof, through the use of the public streets, alleys, avenues or other public places in the City, or through the use, operation or possession of a franchise, shall be deemed and held to be sold, transmitted or delivered solely for the uses or purposes, or service or services, for which any franchise was granted, regardless of the use or purpose for which such electricity, gas, or other service or part thereof may be devoted by any person or a consumer thereof, and the franchise toll for the use of such public streets, alleys, avenues or other public places shall be paid thereon, and the gross receipts therefor shall be included in the statement furnished to the City and deemed to be gross receipts arising from the use, operation or possession of the franchise, and the tolls must be paid thereon.

Sec. 27.704. Reserved.

Sec. 27.705. Reserved.

Sec. 27.706. Reserved.

Sec. 27.707. Public Telephones in Public Rights-of-Way.

*Purpose and Intent.* It is in the public interest that public telephones be placed on the public sidewalks of the City of Chula Vista at locations to be approved as provided in Section 27.708 of this article. Such telephones will, among other things, aid fire protection, the prevention and detection of crime and the reporting of accidents and other emergencies. Such telephones will also be a convenience to the public. When so located, such telephones will not unreasonably interfere with the rights of the public to use such sidewalks and will be consistent with their dedication to the public.

Sec. 27.708. Permits Required.

*Issuance.* The Director of Public Works is authorized to issue permits from time to time to the serving telephone company for the installation and maintenance of public telephones on the public sidewalks of the City of Chula Vista. The Director of Public Works shall approve the number and location of such public telephones so as to best serve the public interest.

Sec. 27.709. Permits; Contents.

Permits issued pursuant to Section 27.708 shall include the following provisions:

1. The permittee shall maintain the public telephones and any associated booths in good repair and safe and slightly condition at permittee's expense and to the satisfaction of the Director of Public Works.

2. The permittee shall save the City of Chula Vista harmless from any and all losses, claims or judgments for damages to any person or property arising from the installation, maintenance or presence of the public telephones.

3. The permit shall be revocable on thirty (30) days' prior written notice to the permittee from the Director of Public Works, in which event the permittee shall, at its own expense, remove the public telephone or telephones installed pursuant to the permit and shall restore the sidewalk as nearly as practicable to its condition prior to such installation.

Sec. 27.710. Violations of Article.

Any person or public utility violating any provision of this article shall be deemed guilty of a misdemeanor and each day's continuance of any such violation shall constitute a separate offense.

ARTICLE 8. STREET TREES AND SHRUBS IN PUBLIC RIGHTS-OF-WAY.

Sec. 27.801. Purpose and Intent; Definitions.

*Purpose and Intent.* It is the purpose and intent of the Council to establish rules and regulations to control and protect planting within the public rights-of-way in the City of Chula Vista. Such regulations shall include provisions for the planting of street trees and other landscaping materials, as well as provisions for care, trimming and preservation of all vegetation within the public rights-of-way.

*Definitions.* For the purpose of this article, the words and phrases contained herein shall have the meaning respectively ascribed to them by this section:

"City" shall mean the City of Chula Vista, acting by and through its authorized representatives.

"Hedge" shall include any plant material, shrub or plant when planted in dense, continuous line of area so as to form a thicket or barrier.

"Person" as used herein shall mean individuals, firms, associations and corporations and agents, employees, or representatives thereof.

"Plant" shall include all other plant material, non-woody, annual or perennial in nature, not necessarily hardy.

"Shrub" shall include any woody perennial plant, normally low, several-stemmed, adaptable to shaping, trimming and pruning without injury, within the area planted.

"Streets" shall include all land lying between the boundaries of property abutting on all public streets, boulevards, alleys and walks.

"Street tree" shall include any woody perennial plant having a single main axis or stem commonly achieving ten feet (10') in height and capable of being shaped and pruned to develop a branch-free trunk at least nine feet (9') in height.

Sec. 27.802. Jurisdiction and Authority.

The Director of Public Works shall exercise jurisdiction and control over the planting, maintenance, care and removal of trees or plants in all streets or other public rights-of-way in the City of Chula Vista, and shall have such power, authority, jurisdiction and duties in relation thereto as prescribed in this article. Street tree planting shall be undertaken in individual lots or in subdivisions by the owners thereof in accordance with rules and regulations and the standards and specifications as recommended by the Director of Public Works and adopted by the City Council of the City of Chula Vista.

Sec. 27.803. Approval of Planting.

No tree, palm, shrub or plant shall be planted in any of the streets or other public rights-of-way of the City of Chula Vista until the Director of Public Works shall have first approved the kind and variety, designated the location therefor, and granted the permit for planting the same. The person obtaining such permit shall comply with all of the terms and conditions thereof.

Sec. 27.804. Application for Permit; Review.

Any person desiring a permit as required by this article shall make application therefor in the office of the Director of Public Works, on forms provided by that office. The application shall be reviewed with all interested City

departments regarding such items as effect on utilities, curbs and sidewalks, potential hazard to traffic through impairment of visibility at street intersections, etc., and after such investigation and review, the Director of Public Works may approve, conditionally approve or disapprove the application.

Sec. 27.805. Reserved.

Sec. 27.806. Reserved.

Sec. 27.807. Planting Restrictions.

Shrubs or plants attaining more than two feet (2') in height may be planted in the public rights-of-way, provided that:

1. They are not planted within thirty feet (30') of any intersection; and
2. They are spaced not closer than twenty feet (20') apart.

Hedges, cacti or dense thorny shrubs are prohibited as planting on any public rights-of-way.

Sec. 27.808. Prohibited Species.

It shall be unlawful to plant or permit to be planted on any public rights-of-way in the City the following named trees or shrubs:

Acacia Melanoxylou (Blackwood Acacia); Acacia Longifolia; Ailanthus Glandulosa (Tree Heaven); Eucalyptus Globulus (Blue Gum); Juglans Migra (Black Walnut); Ailanthus Glandulosa (Honey Locust, thorny variety); Liriodendron Maclura Pomifera (Osage Orange); Melia Azedarach (China Berry); Melia Azedarach Umbraculiformis (Texas Umbrella Tree); Morus Alba (Mulberry); Populus (Populars); Salix (Willows); Apples (except flowering Crab Apples); Apricots, Fig, Peach, Nectarines, Pear, Persimmon, Pomegranates (except varieties of Punica Granatum); Quince (except varieties of Cydonia Japonica); European Sycamore, Chinese Elm (except where parkways or strips are six feet (6') wide or more).

Sec. 27.809. Removal of Planting without Permit Prohibited.

It shall be unlawful for any person to remove or in any way injure or deface the trees, shrubs, plants, tree stakes or tree guards in or upon any public right-of-way within the City without first having obtained a written permit therefor from the Department of Public Works, setting forth the conditions under which the work may be done. Such permit shall specifically describe the work to be done, and shall be void after thirty (30) days from the date of issuance. The cost of removal of any tree, palm, shrub or plant for the benefit and convenience of any property owner shall be paid for by such property owner.

Sec. 27.810. Fastening Animals to Trees, etc., Prohibited.

No person, firm or corporation shall hitch or fasten any horse or other animal to any tree, palm, shrub or plant now or hereafter growing in any public right-of-way in the City of Chula Vista; nor shall any person, firm or corporation cause or permit any horse or other animal to stand or be near enough to any tree, palm, shrub or plant to bite or run against, or in any manner injure or deface the same, nor shall any person, firm or corporation place a post for hitching of horses or other animals within five feet (5') of any tree, palm, shrub or plant now or hereafter growing in any of the public rights-of-way of the City of Chula Vista.

Sec. 27.811. Attaching Devices; Detrimental Substances etc., to Trees; Prohibited.

No person, firm or corporation shall attach or place any rope, wire, sign, poster or handbill, or other thing on any tree, palm, shrub or plant now or hereafter growing in any public right-of-way in the City of Chula Vista, or on any guard or protection of same, without first having obtained a written permit from the Department of Public Works, which permit shall clearly indicate that no harm is being done to such vegetation by such devices; nor shall any person, firm or corporation deposit or throw upon any street or public highway, or into any gutter thereof, any brine water, oil, or any substance detrimental to the growth of any tree, palm, shrub or plant, or deposit in such gutter any receptacle containing such substance.

Sec. 27.812. Removal, Injury of Guard Device; Prohibited.

No person, firm or corporation shall remove, injure or misuse any guard or device placed to protect any tree, palm, shrub or plant now or hereafter growing in any public right-of-way in the City of Chula Vista.



Sec. 27.813. Attaching Electrical Devices; Prohibited.

No person, firm or corporation shall attach any electric wire insulator or any other device for holding electric wires, to any tree, palm, plant or shrub now or hereafter growing in any public right-of-way in the City of Chula Vista. No person, firm or corporation shall, without written permission from the Director of Public Works, trim, cut or break any part of such tree, palm, shrub or plant in order to make passage for such wires. Every person, firm or corporation having any wire charged with electricity shall securely fasten same so that such wire shall not come in contact with any tree, palm, shrub or plant in any public right-of-way in the City of Chula Vista.

Sec. 27.814. Open Space around Tree; Required.

No person, firm or corporation shall hereafter, without written permit from the Director of Public Works, place or maintain upon the ground in any public right-of-way of the City of Chula Vista, stone, cement or other material without leaving an open space of ground around the trunk of any tree, in accordance with standard specifications approved by the Director of Public Works; and whenever there is no such open space around any existing trees in any public right-of-way of the City of Chula Vista, the Director of Public Works may make such open space or cause the same to be made.

Sec. 27.815. Safeguarding Trees during Alteration, Moving etc., of Buildings.

In the erection, alteration, moving or repair of any building, structure or other object, the owner thereof, or his agent, shall place, or cause to be placed, such guards around all nearby trees in any public right-of-way of the City of Chula Vista as shall effectually prevent injury to them.

Sec. 27.816. Owners of Premises Required to Trim Branches.

The owner, or his agent, of every lot or parcel of land in the City of Chula Vista upon which any trees, palms, shrubs or plants are now, or may hereafter be standing, shall trim, or cause to be trimmed, the branches thereof, so that same shall not obstruct the passage of light from any street light located in any street or other public highway adjacent to the street or sidewalk, and such owner or his agent shall trim all branches of any trees, palms, shrubs or plants which overhang any street or other public highway, so that there shall be a clear height of eight feet (8') above the surface of the street or other public highway unobstructed by branches; and such owner or his agent shall remove from such trees, palms, shrubs or plants all dead, decayed or

broken limbs or branches that overhang such street or other public highway, and when any such trees, palms, shrubs or plants are dead, such owner or his agent shall remove the same so that they shall not fall in the street or other public highway.

The Director of Public Works, or his authorized agent, is empowered to direct the owner, or his authorized agent, of property upon which such tree, palm, shrub or plant exists to trim such plant. If such person does not comply with such direction of the Director of Public Works, or his authorized agent, within ten (10) days, the Director of Public Works, or his authorized agent, may proceed to cut and trim such plant so projecting or overhanging any street or other public highway in the City of Chula Vista.

Sec. 27.817. Notice of Damage, etc., by Property Owner to Director of Public Works; Removal and Replacement.

1. *Duty of Property Owner.* The duty is hereby imposed upon a property owner to notify the Director of Public Works when any tree, palm, shrub or plant in a public right-of-way adjacent to his property is injuring or damaging any public sidewalk, or other public property, or needs to be removed to protect the health and safety of the public.

2. *Removal; Cost Thereof.* The Department of Public Works is hereby authorized to have removed, at the expense of the City of Chula Vista, any such tree, palm, shrub or plant, or to otherwise remedy the dangerous condition. Determination of the existance of the dangerous condition or need shall be made by the Director of Public Works. Unless such dangerous condition or need exists, the cost of removing trees and shrubs shall be borne by the person requesting removal.

3. *Replacement of Trees and Shrubs.* It shall be the duty of the Director of Public Works, or his authorized agent, to plant, when possible, a replacement tree or shrub of approved kind for each tree or shrub so removed.

Sec. 27.818. Interfering with Director of Public Works in Performance of Duties.

It shall be unlawful for any person, firm or corporation to hinder, prevent or interfere with the Director of Public Works, or his authorized agent, while engaged in carrying out the provisions of this article, or while engaged in the care or removal of any tree or shrub in or about a public street or parkway in the City of Chula Vista.

Sec. 27.819. Reserved.

Sec. 27.820. Reserved.

Sec. 27.821. Uniform Street Planting Map.

The Director of Public Works shall, from time to time, prepare plans which shall designate by means of a map of the City streets a uniform method of street tree planting, zoning certain streets for a certain specimen of tree or trees, and shrub or shrubs, showing the distance apart of said trees and shrubs, and the place where each tree or shrub is to be planted, and shall submit said plan to the Chief Administrative Officer for approval or modification. After the same has been approved by the Chief Administrative Officer, the same shall be submitted to the City Council for modification or approval, and adoption by that body. Said plan shall then become the Tree Planting Plan for the Streets of the City of Chula Vista, and shall be strictly adhered to in all future street planting improvement projects and in the removal and replacement of trees, shrubs and plants on the streets of the City. Said Uniform Plan of Tree Planting may, but need not be adopted by the City Council at one time, but the Council may adopt said plan for different portions of the City within a reasonable length of time after the completed plan for any particular portion of the City has been submitted to the City Council. Copies of said plan, or portions thereof, shall be kept on file in the Office of the Director of Public Works and may be obtained by the public.

ARTICLE 9. STREET LIGHTING.

Sec. 27.901. Uniform Street Lighting Map.

The Director of Public Works shall undertake the preparation of a Uniform Street Lighting Map for a portion of or all of the City, and recommend its adoption by the City Council by resolution. Said Uniform Street Lighting Map shall indicate types of ornamental light design in particular locations, and lighting requirements as they may exist in various parts of the City of Chula Vista, and after its approval and adoption by the City Council, shall be, unless modified by resolution of the City Council, adhered to in all future street lighting projects. Said map may be amended from time to time by resolution of the City Council.

ARTICLE 10. BENCHES, TRASH CONTAINERS AND OTHER OBJECTS IN THE PUBLIC RIGHTS-OF-WAY.

Sec. 27.1001. Installation and Maintenance of Benches in Public Rights-of-Way; Prohibited.

It shall be unlawful for any person to install or cause to be installed or to maintain any bench on or in any public right-of-way in the City of Chula Vista, without written permission from the Director of Public Works first being obtained by the person, firm or corporation desiring to install and maintain said bench. The City is exempt from the provisions of this section, and may install benches in the public rights-of-way at the discretion of the Council.

Sec. 27.1002. Use of Benches for Advertising Prohibited.

It shall be unlawful for any person to install, place upon, or maintain any advertising on any benches presently installed on or in the public rights-of-way by the City, or which may hereafter be installed; provided, however, that the City is exempt from the provisions of this section, and may place such advertising thereon at the discretion of the Council as they may see fit.

Sec. 27.1003. Reserved.

Sec. 27.1004. Reserved.

Sec. 27.1005. Trash Containers in Public Rights-of-Way.

All trash or litter containers placed within the public rights-of-way for the convenience of the public shall be subject to the approval of the Director of Public Works, in conformity with accepted standards for street furnishings, and none shall be placed within the public rights-of-way without first establishing the location and placement of such trash containers.

ARTICLE 11. STREET SIGNS AND LOADING ZONES.

Sec. 27.1101. Street Signs; Fees.

The following fees are hereby established for street signs to be erected in subdivisions and certain street openings:

1. Street Name and Regulatory Signs, with pole, fee per sign.....\$35.00
2. Street Name and Regulatory signs, fee per sign.....15.00

Sec. 27.1102. Curb Loading Zones; Fees.

Applicants for a curb loading zone permit shall pay a fee of forty dollars (\$40.00) to cover the cost of investigation and initial installation, plus an annual maintenance fee of twenty dollars (\$20.00). In addition, if it is necessary to remove an existing parking meter, the sum of fifty dollars (\$50.00) shall be charged to the applicant.

ARTICLE 12. RESERVED.

ARTICLE 13. RESERVED. -26-

ARTICLE 14. VACATIONS OF PUBLIC RIGHTS-OF-WAY AND EASEMENTS.

Sec. 27.1401. Purpose and Intent.

In order to comply with the State Planning Act, the Street Vacation Act of 1941, and the Public Service Easement Vacation Law of the State of California, it is necessary to hold a public hearing prior to the vacation of any dedicated street or easement within the City. As a preliminary to said hearings, the City Engineering Department and the City Planning Department shall conduct reasonable investigations to ascertain whether or not the public interest would be served by closing or vacating a specific street or portion thereof, or by the vacating of a specific easement in said City. It is the purpose and intent of the City Council to establish fees which shall be paid by the petitioner upon the filing of a request for the processing of an application for such street or easement vacations, in order to reimburse the City for expenses incurred.

Sec. 27.1402. Fees Established; Non-Refundable.

A. *Established.* The following fees for the vacation of public streets or portions thereof, or easements for public purposes are hereby established:

1. A fee of fifteen dollars (\$15.00) for the cost of investigating proposed street closings or vacations of easements for public purposes shall be paid to the Engineering Department at the time of filing of the application for said closing or vacation. This fee is non-refundable.
2. A fee of forty dollars (\$40.00) shall be paid at the conclusion of the investigation, to cover the cost of all services provided by the City in processing the application. Fifty percent (\$50.00) of this fee shall be refunded if the City is notified in writing prior to the ordering of posting of notice and advertising of the hearing before the City Council that the applicant wishes to withdraw his application.
3. Whenever it is necessary for the City to prepare a map, plat or legal description, an additional fee of thirty dollars (\$30.00) shall be paid for each such map, plat or legal description. This fee is non-refundable.

B. *Refund or Waiver of Fees.* The fees established by this section are non-refundable; provided, however, that the fees established herein to cover the cost of vacating or closing a dedicated street or a portion thereof shall be waived in those cases where said dedicated street or portion thereof has previously been acquired by the City and it has been determined that the street is not needed by virtue of a change in plans by the City, or the property involved constitutes an unnecessary surplus after construction of the public improvement. Fees shall be waived in such cases only if the application for vacation is submitted within three (3) years of the dedication of the public right-of-way.

ARTICLE 15. APPEAL PROCEDURES.

Sec. 27.1501. Denial of Permits.

The Director of Public Works shall not grant the permits required by this chapter under any circumstances or upon any condition when he finds that the granting of such permit will adversely interfere with or affect the necessary visibility from the street, necessary drainage in the immediate vicinity of the encroachment, present or contemplated vehicular and pedestrian traffic upon the street, or the maintenance of streets.

Sec. 27.1502. Appeal; Form.

Any person who applies for a permit under the provisions of this chapter may appeal to the City Council from a decision of the Director of Public Works denying such application. The Director of Public Works shall give written notice to such applicant of his failure to grant such application and stating the reason therefor.

Such appeal must be in writing and contain a copy of the written statement of the Director of Public Works denying the application, and such appeal shall specify the reasons wherein and whereby it is alleged that the decision of the Director of Public Works is in error and shall be filed with the City Clerk within fifteen (15) days after receipt of the written denial of the proposed permit by the Director of Public Works.

Sec. 27.1502. Decision by Council.

Upon receipt of such an appeal by the City Clerk, the matter shall be placed upon the agenda of the next meeting of the City Council, which shall, by formal resolution, render its decision thereon within forty (40) days from the date of receipt by the City Clerk. The failure of the City Council to act upon such appeal within the forty (40) day period shall be deemed a denial of such appeal. The decision of the City Council shall be final and conclusive.

ARTICLE 16. ENFORCEMENT.

Sec. 27.1601. Lien Procedure.

In addition to the penalties provided for violations of this chapter, which constitute misdemeanors, the City shall have the right to secure compliance of all of the provisions of this chapter by use of the notice and lien procedure as set forth in Section 27.204 of this chapter.

SECTION III: If any section, subsection sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION IV: A violation of any provision or the failure to comply with any of the requirements of this ordinance constitutes a misdemeanor. Any person convicted of such violation of such failure shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County jail for a period of not more than six (6) months, or by both such fine and imprisonment.

SECTION V: This ordinance shall take effect and be in full force on the thirty-first day from and after its passage and approval.

Presented by  
*Lane F. Cole*  
Lane F. Cole, Director of Public Works

Approved as to form by  
*George D. Lindberg*  
George D. Lindberg, City Attorney

ADOPTED AND APPROVED by the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, this 17th day of June, 1969, by the following vote, to-wit:

- AYES: Councilmen Scott, Sylvester, Hamilton, McAllister
- NAYES: Councilmen None
- ABSENT: Councilmen McCorquodale

*Thomas D. Hamilton Jr.*  
Mayor of the City of Chula Vista  
pro tem

ATTEST *Kenneth Campbell*  
City Clerk

(STATE OF CALIFORNIA )  
(COUNTY OF SAN DIEGO ) ss.  
(CITY OF CHULA VISTA )

I, \_\_\_\_\_, City Clerk of the City of Chula Vista, California, DO HEREBY CERTIFY that the above is a full, true and correct copy of Ordinance No. \_\_\_\_\_, and that the same has not been amended or repealed. DATED \_\_\_\_\_.

\_\_\_\_\_  
City Clerk