

Article 270

Encroachment Permits

Sec. 270.1

Purpose. The District maintains and operates water and sewage pipelines and appurtenant facilities necessary to provide water and sewer service to its customers. In connection therewith, the District owns interests in real property, including easements and interests in fee. This article establishes policies and procedures whereby real property in which the District has legal interests may be jointly used by others.

Sec. 270.2

Definitions.

Permittee means a person or entity who owns or seeks some interest in District real property and who makes application for an encroachment permit and all successors in interest.

District interest means the recorded legal rights owned by the District in real property.

District real property means easements or fee parcels of land in which the District has recorded interests.

Encroachment means a joint use of District real property by the permittee.

Encroachment permit means a written document executed between the permittee and District authorizing the permittee to a joint use of District real property.

Sec. 270.3

General Requirements.

- (a) No person or entity shall do or cause to be done any work on District real properties without first having obtained an encroachment permit.
- (b) All work performed shall be in accordance with the requirements and conditions set forth in the encroachment permit signed by the District Engineer or designee and the Permittee.
- (c) All authorized work upon District real properties shall be performed by the permittee or by persons duly licensed by the State of California to perform the type of work described in the encroachment permit.
- (d) Authorization to use District real properties shall only be given in writing in the form of an encroachment permit.

Article 270Encroachment Permits (Cont'd.)Sec. 270.3General Requirements (Cont'd.)

- (e) The District Engineer is responsible for administering the use of District real properties pursuant to this article. The District Engineer, however, may assign some or all responsibilities for implementing this article to designee(s).
- (f) The permittee shall notify the District at least 24 hours prior to the start of construction to schedule inspection of the encroachment construction by the District. All encroachment construction may be carried out as specified by the District, in its sole discretion.

Sec. 270.4

Requests for Encroachment Permit. All requests for encroachment upon District real properties shall be reviewed by the District Engineer and Director of Operations.

Sec. 270.5Guidelines for Granting Encroachment Permits.

- (a) The permittee must acknowledge the prior right, title, and interests of the District with respect to the District's real property and the facilities of the District within said District real property.
- (b) All requests for an encroachment upon District real properties shall be determined on a case-by-case basis depending on the language used in the recorded document which fixed the legal rights of the District.
- (c) A change in existing ground conditions shall be permitted only when adequate precautions are employed, as required by the District Engineer, to protect the District's facilities, including but not limited to provisions for adequate clearance (12" minimum) between the applicant's installation and the District's existing or proposed facilities, noninterference with access of the District to the District's facilities over patrol roads during the applicant's construction and finish grading to provide access across the encroachment which is acceptable to the District.
- (d) Facilities such as water pipelines, sewer tight lines, underground utilities, conduits, culverts, drainage ditches, and other comparable installations of the applicant shall cross the District's facilities at a 90 degree angle.

Per Ordinance No. 2004-12 Adopted 7/6/04 [Sec. 270.3(e)&(f)]

Per Ordinance No. 2007-10 Adopted 7/16/2007 [Sec. 270.4]

Sec. 270.5Guidelines for Granting Encroachment Permits (Cont'd.)

- (e) Proposed road improvements to be constructed by the applicant over the District's real property must be approved by the District Engineer and shall be limited in scope as further outlined in this section.
- (f) Proposed underground facilities of the applicant which parallel the District's facilities must maintain a 10 foot clearance between non-potable and potable water facilities, and 5 foot clearance for other utilities.
- (g) All encroachment permits granted for use of or access to District easements must also be approved by the fee holder of the property involved unless the Permittee can show proof of reserved rights or other legal rights.
- (h) The applicant shall indemnify and hold harmless to the fullest extent authorized by law the fee holder and the District from any and all claims, demands, and actions resulting from the construction and maintenance of the applicant's facilities for any damage to the facilities of the applicant constructed in the area of the encroachment permit resulting from the District's operation of existing facilities or the installation of additional facilities. The applicant shall be responsible for any damage or injury occurring to the District's facilities or the District's real property by reason of the applicant's facilities as well as for the cost of any relocation or replacement of the facilities of the District or the applicant's facilities installed within the District's real property in the event such relocation or replacement becomes necessary by reason of the operation or construction by the District of additional facilities.
- (i) When required by the District, the applicant shall provide detailed plans and specifications of the proposed encroachment for District review.
- (j) The following types of improvements will generally be permitted as a joint use of District real properties if satisfactory to District Engineer:
 - 1. Planting and growing of turf and other minor landscaping (trees and deep rooted shrubs not permitted).
 - 2. A maximum of 4" asphalt/cement on a gravel or decomposed gravel base totaling a maximum of 12" in thickness.
 - 3. Unreinforced concrete slabs less than 4" in thickness. (A 3' wide cold joint seam may be required over existing pipelines.)

Sec. 270.5Guidelines for Granting Encroachment Permits (Cont'd.)

4. Perpendicular underground utility crossings such as cable T.V., electric and telephone, etc. (Electric service lines crossing over existing pipelines shall be installed in a P.V.C. conduit with a 4" concrete encasement.)
5. Perpendicular private wastewater or septic tight line installations. Private wastewater and septic tight lines shall be installed in a 20 foot length of steel or P.V.C. pipe sleeve centered over the District pipeline. The sleeve shall be encased for its full length in accordance with District standards. The tight line must extend 25 feet from the edge of the District easement and no leach lines may be installed within 25 feet of any District easement.
6. Wood and chain link fences may be installed on the sidelines of the District's real property.
7. Perpendicular fence crossings will be permitted provided a minimum 16 foot wide gate is installed within the limits of the District's easement. All gates shall be electrically operated and actuated by a District approved transmitter, unless otherwise authorized by the District Engineer. Chain gates will not be allowed in the District.
8. Perpendicular drain pipe or culvert pipe installations.
9. Minor grading may be permitted within the following guidelines:

Earth Cut:

- Removal of material equaling 36" of cover for water pipelines 14" and smaller.
- Removal of material equaling 48" of cover for water pipelines 18" and larger.
- Removal of material equaling 60" of cover for wastewater pipelines 15" and smaller.
- Removal of material equaling 72" of cover for wastewater pipelines 18" and larger.

Earth Fill: A maximum of 36" of additional cover may be placed over existing water and wastewater pipelines provided it does not exceed 72" of cover.

Sec. 270.5Guidelines for Granting Encroachment Permits (Cont'd.)

10. Security entry gates will be permitted provided all fence, gate and guardhouse structures, including roof overhangs, are a minimum of 10 feet from District facilities. Gates shall be electrically operated and capable of being actuated with District approved transmitter.
11. Road paving improvements will be permitted if the water main is under the proposed pavement and the edge of pavement is located 5' or more from the centerline of a normally installed pipeline 12" or smaller. Variance can be considered when the proposed edge of pavement can be shown to be on a 1:1 slope from the top of pipe 12" or smaller.

Unpaved roads must be graded so normally installed pipelines 12" or less are no closer than 5' to the edge of the road.

If road improvement easements are greater in width than the District's existing easements, additional easements for the full width of the road easement must be granted to VCMWD at no cost to VCMWD.
12. Unreinforced concrete slabs no thicker than 3-1/2" (such as cross gutters, Arizona crossings, etc.) will be permitted if a set of cold joints are constructed to follow the trench line.

(k) A variance or a change from the requirements may be considered. A description of the reason for the variance, together with detailed drawings supporting the request are required to be considered.

Sec. 270.6

Unauthorized Use of District Easements. If the District determines that an unauthorized use is being made of a District real property, the District Engineer or designee shall give notice of the infraction by posting at the site and by certified mail to the persons or entity responsible for the unauthorized use of the District's real property. Any work in progress must immediately stop until an encroachment permit is obtained.

The District Engineer or designee shall engage in dialogue with the persons or entity for a reasonable period of time in order to remove the infraction or to complete a belated encroachment permit. If voluntary corrective action is not promptly undertaken by the persons or entity responsible for the unauthorized encroachment, the matter shall be referred to the District's legal counsel who, after approval by the General Manager, shall commence appropriate legal action to assert the District's interests and secure judicial relief.

Per Ordinance No. 2004-12 Adopted 7/6/04 [Sec. 270.5(k)]

Per Ordinance No. 2004-12 Adopted 7/6/04 [Sec. 270.6]

Per Ordinance No. 2007-10 Adopted 7/16/2007 [Sec. 270.5(j)(10)]