



# Encroachment Permit Process

Public Works Department

City Council  
April 25, 2017

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## CURRENT PROCESS

1. RMC Section 13.08.15: "No facilities or structures shall be constructed, or placed upon a street right-of-way or upon City-owned easements except upon issuance of an encroachment permit by the City."
2. It is standard practice for affected departments to review the encroachment permit application and for the Director of Public Works to provide final approval.

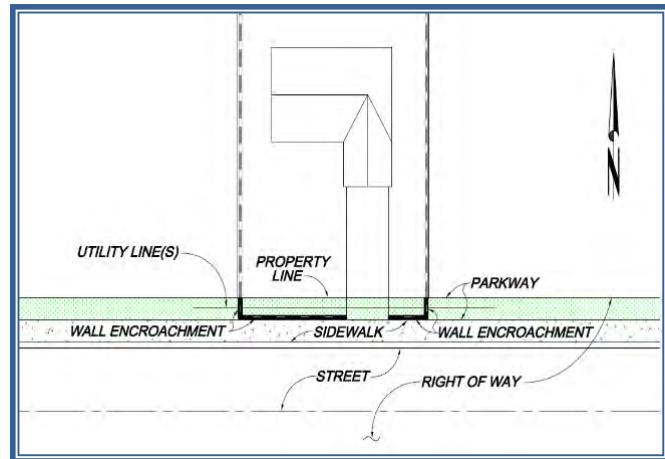


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## PRIVATELY OWNED WALLS AND/OR FENCE ENCROACHMENTS

Typically occurs where the public sidewalk is adjacent to the curb and there is parkway between the sidewalk and the private property line.



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## PRIVATELY OWNED WALLS AND/OR FENCE ENCROACHMENTS (CONT'D)

Private wall and/or fence encroachment applications are denied for the following primary reasons:

1. ROW is often set aside and relied on for various utilities.
2. ROW is often secured when streets are first constructed to allow for future widening of the roadway.
3. Private structures within the ROW present a liability to the City in terms of public safety.

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## PRIVATELY OWNED WALLS AND/OR FENCE ENCROACHMENTS (CONT'D)

1. Requests for privately owned walls and/or fence encroachments have increased.
2. Many property owners City-wide have built such improvements in the right-of-way without City approval.
3. Code Enforcement notifies property owners of illegal encroachments on a complaint basis.



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## REGIONAL CITY POLICIES FOR PRIVATELY OWNED WALLS AND/OR FENCE ENCROACHMENTS

Staff researched the following cities: Ontario, Rancho Cucamonga, East Vale, Fontana, Colton, Norco, Lake Elsinore, Grand Terrace, Loma Linda, Victorville, Moreno Valley, and Highland.

1. Only Ontario, Colton, Lake Elsinore, and Moreno Valley allowed private wall and/or fence encroachments in the public ROW.
2. These cities allow the subject encroachments only under specific conditions of approval.



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## RECOMMENDED REVISIONS TO CURRENT POLICY

Based on direction provided by the Committee, staff recommends revising policy to approve the construction of privately owned walls and/or fences subject to specific conditions.



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## CONDITIONS OF APPROVAL

1. An Encroachment Permit will be required for all private wall and/or fence encroachments.
2. A Covenant and Agreement must be recorded by the City with the County as a requirement of the Encroachment Permit.



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## COVENANT AND AGREEMENT CONDITIONS AND RESTRICTIONS

1. New Improvements can be constructed by owner/builder OR licensed contractor.
2. Walls and/or fences must comply with RMC Title 19.
3. Prior to construction, Utility Service Alert (USA) must be contacted to field locate existing utility lines.



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## COVENANT AND AGREEMENT CONDITIONS AND RESTRICTIONS (CONT'D)

4. Owner/applicant agrees to insure that improvement will not interfere with existing City or utility facilities.
5. City reserves the right to revoke permit at any time at applicant/owner's expense.
6. Applicant/owner agrees to indemnify City.



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## FOLLOW-UP ITEMS

1. Applicant/owner resources.
2. Existing private wall and/or fence encroachments.



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## RECOMMENDATIONS

That the City Council:

1. Revise current policy to allow the construction of privately owned walls and/or fences in the public right-of-way subject to the following conditions:
  - a. An Encroachment Permit will be approved and issued by the Director of Public Works, following input from the Councilmember of their respective ward;
  - b. A Covenant and Agreement Encroachment into Public Right-of-Way must be recorded by the City with the Riverside Assessor-County Clerk Recorder as a requirement of the Encroachment Permit.
2. Approve the attached Covenant and Agreement for Encroachment into Public Right-of-Way.



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