

Chapter 13.16**IMPROVEMENTS****Sections:**

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Section 13.16.010 Permit required.

No person shall grade, prepare subgrade, pave, lay sewer or drain pipe, construct curbs, gutters, driveways, sidewalks, manholes, catch basins or similar structures in any street, alley, way or easement, which street, alley, way or easement is dedicated or proposed to be dedicated for public use, within the City, without first obtaining a written permit from the City so to do. (Ord. 3927 § 3 (part), 1972; prior code § 17.1)

Section 13.16.020 Application contents.

Any person desiring a permit required by Section 13.16.010 shall present a written application therefor to the Director of Public Works, setting forth the name and address of the applicant, details concerning the location, nature and extent of construction intended to be made, and the purpose for which such construction is to be made and used. (Ord. 3927 § 3 (part), 1972; prior code § 17.2)

Section 13.16.030 Fees.

The fees for permits for the construction, repair or alteration of sidewalks, curbs, gutters, driveways, subgrades, pavement, sewers, manholes, catch basins and other structures, and for excavating, laying and backfilling sewer and drain pipelines, for which work specifications, grades and lines have been approved by the Director of Public Works, shall be computed and determined by the Director of Public Works in accordance with the schedule of fees as may be established by the City Council by resolution. (Ord. 4822 § 1, 1980; Ord. 4132 § 1, 1974; Ord. 3927 § 3 (part), 1972; Ord. 3530 § 2, 1968; prior code § 17.3)

Section 13.16.040 Regulations generally.

A. Permits to perform work pursuant to this Chapter will be issued only to state licensed contractors meeting the requirements concerning city business tax regulations. Prior to the issuance of any permit, the applicant shall file and maintain with the Public Works Department a valid and current policy or policies or sufficient certificate or certificates evidencing the policy or policies of liability insurance, covering all operations of the applicant and/or his contractor, agents or employees and subcontractors, whether liability is attributable to the contractor or the City. The policy or policies shall contain an endorsement naming the City of Riverside as an additional insured, shall provide that the City will be given 30-days written notice prior to cancellation or material change, and shall be in such minimum limits as set by resolution of the City Council. The applicant shall also agree to indemnify, defend and hold harmless the City of Riverside, its officers, agents and employees, from and against all claims, damages, losses and expenses including attorney's fees arising out of the acts or omissions of the applicant, its servants, agents, contractors or subcontractor, during or as a result of the work performed in the City's public rights-of-way, except to the extent the damages claimed or caused by acts or omissions of the City.

B. No person performing work under this chapter shall fail, neglect or refuse to remove all used materials and debris within three days after completion of the work from any street, alley, way or easement which is, or is proposed to be, dedicated for public use. Such failure or neglect shall constitute authority of the Director of Public Works to order necessary removal at the expense of the permittee. The Director of Public Works may refuse issuance of construction permits to persons failing to reimburse the City for the expense so incurred.

C. The material used in the construction work may be stored on adjacent public property during the course of construction; provided the same are so placed and safeguarded by lights, warning signs and barricades as not to constitute a hazard to public peace and safety. If the Director of Public Works finds that adequate safeguards have not been placed or maintained, he may order correction thereof at the permittee's expense. The Director of Public Works may refuse issuance of permits to persons failing to reimburse the City for the expense so incurred.

D. No driveway approach shall cross over a lot line as extended into the street right-of-way without the consent of the Director of Public Works.

E. Raw materials and workmanship for work provided under this chapter shall conform to applicable provisions as determined by the Director of Public Works. All paving installed between the curb and the property line shall be portland cement concrete in accordance with the standard drawings and specifications of the Public Works Department.

F. Any person doing work under this chapter shall cause all such work to be inspected by the Director of Public Works' office and shall notify the Public Works Department, engineering division, twenty-four hours before time set for inspection, exclusive of Saturday, Sunday and holidays. If any work, including that for public agencies, requires inspection other than during regular City hours, the contractor shall pay the expense and wage of the inspectors at the rate determined by the Director of Public Works. Work completed without such notice or request for inspection will not be accepted by the City. All work to be performed under this chapter shall be to the satisfaction of the City and in accordance with City standards and under the supervision of the Director of Public Works or his authorized inspectors. (Ord. 6307 § 1, 1996; Ord. 4926 § 1, 1981; Ord. 3927 § 3 (part), 1972; prior code § 17.4)

Section 13.16.050 Effect of chapter upon other permits and fees.

The permits and fees provided for by this chapter are only for the construction or reconstruction and inspection of the improvements herein specified in streets, alleys, easements or ways. The provisions of this code and other ordinances of the City relating to permits, fees, charges and inspections in connection with other work and improvements at locations outside of

streets, alleys, easements and ways are not affected by this chapter.

The fees required by this chapter are distinct from the connection fees and service charges imposed by other provisions of this code and other ordinances or by department rules and regulations.

The fees imposed by this chapter for the inspection of work which is by or on behalf of public entities, except the cost of inspection performed on an overtime basis, are waived, and the permit for such work, which is required by this chapter, shall be issued without payment of the inspection fees imposed hereby. (Ord. 3927 § 3 (part), 1972; prior code § 17.5)

Section 13.16.060 Obligations of contractor for curbs, gutters and sidewalks when constructing buildings.

Any person obtaining a permit to erect, construct, place or replace or relocate a building, structure or dwelling or, with the exception of single family dwellings, to enlarge or make additions thereto in excess of six hundred fifty square feet shall, at his expense, provide for the plans and construction of curbs, gutters, sidewalks, street lights, street trees, driveway approaches, base, paving, barricades, catch basins and drain pipe along all street and alley frontages in accordance with the standard drawings and standard specifications of the Department of Public Works, and of the Department of Public Utilities in the case of street lights.

Any combination of permits issued within a twelve month period which provide or result in enlargements or additions of six hundred fifty square feet, or more, to existing buildings shall be considered as a single permit for the purpose of applying the requirements of this chapter.

Where existing driveway depressions or approaches are abandoned or not required for access to the property, they shall be removed and replaced with curb and gutter and sidewalk, as necessary.

In addition to the above, the applicant shall do all grading necessary to install the above improvements and shall, at his expense, relocate or remove all structures, utilities, trees and irrigation lines within the right-of-way which interfere with the installation of the above improvements.

Where additional street or alley right-of-way is required in order to properly align the required curb, gutters, street lights, sidewalks or paving with existing or planned improvements on the same block frontage, or in accordance with the planned street lines established in Chapter 19.72 in conformance with the circulation element of the City master plan of land use, streets and highways, or in accordance with existing or planned dedicated alley right-of-way, or to provide corner cut-offs, the applicant shall be required to dedicate the necessary property and install improvements.

The building official shall not issue a permit requiring improvements pursuant to this section until the applicant has:

A. Guaranteed construction by a cash deposit or suitable bond, letter of credit or deposit agreement approved as to amount by the Director of Public Works and approved as to form by the City Attorney; and

B. Dedicated the required right-of-way. (Ord. 3927 § 3 (part), 1972; Ord. 3575 § 1, 1968; prior code § 17.7)

Section 13.16.070 Conduit stub down or pull box may be required.

In order to decrease the obstruction of streets and ways and to increase the safety and convenience of the public in their use and because of the additional economic burden which otherwise would be imposed upon persons required to convert utility lines from overhead to underground in existing buildings, structures or dwellings which are not being erected, constructed, replaced, relocated or enlarged, the provisions in this section are declared to be for the welfare and safety of the inhabitants of the City.

Any person obtaining a permit to erect, construct, place or replace or relocate a building, structure or dwelling or to enlarge or make additions thereto in excess of six hundred fifty square feet may be required to provide, in addition to the usual overhead utility lines and structures, a conduit stub down or pull boxes or both in compliance with the existing regulations and directions of the Public Utilities Department of the City in any area designated by that department as an area scheduled for future conversion from overhead utility lines to underground utility lines. (Prior code § 17.7-1)

Section 13.16.071 Street lighting charge.

To provide for installation of street lights and to avoid a possible unreasonable burden on the applicant, a street lighting charge is established which charge shall be paid by the applicant in those cases where his approved plans indicate that less than five street lights are required. Said charge shall also be paid by the applicant where after the effective date of the ordinance codified herein, the City, at City expense, has installed street lights in the street abutting the applicant's development and the property on which the building is to be constructed is benefited by said rights and has not been assessed for street lights. Said charge shall be computed by the City Public Utilities Director in accordance with the units of benefit to the land as distinguished from front-footage assessments. In determining the unit of benefit, the Public Utilities Director shall follow the generally accepted methods for making and spreading assessments based upon the benefits to the land as distinguished from front-foot assessments. Such unit of benefit charge shall be established and approved as an electric rule and regulation. (Ord. 3575 § 2, 1968)

Section 13.16.080 Appeal to Board of Public Utilities.

The order of the Public Utilities Department requiring the provision of a conduit stub down or pull boxes or both may be appealed to the Board of Public Utilities by filing a written notice of appeal within fifteen days after the date of making the order, exclusive of holidays, on a form provided by the Board, by describing in the notice the order appealed from and by stating in the notice wherein such order is erroneous or invalid. Upon such appeal, the Board of Public Utilities shall determine by the affirmative vote of three or more of its members and in the manner prescribed by Section 2.40.050, so far as that Section is consistent with the provisions of this Section, whether such order is reasonably necessary for the welfare and safety of the inhabitants of the City. The decision of the Board of Public Utilities shall be final.

The operation of the order appealed from is suspended by the filing of the notice of appeal and until determination of the appeal or termination of proceedings thereunder.

In case of denial of waiver by the Public Utilities Director, the requirement for street lights may be appealed in the same manner as the provision for conduits, stub down or pull boxes. This requirement may be waived when it appears that such lights are not necessary for the welfare and safety of the applicant and the inhabitants of the City; that there is no reasonable likelihood that lights will be installed within a reasonable period of time; or that such a requirement places an unreasonable burden on the applicant in relation to the anticipated economic return from his proposed building. (Ord. 3575 § 3, 1968; prior code § 17.7-2)

Section 13.16.090 Modification of requirements.

A. Installation of all or part of the improvements required by Section 13.16.060 may be waived by the Public Works Director in accordance with the following:

1. Where adequate improvements of the nature and type required already exist, or where security adequate to guarantee the construction of such improvements has been provided;
2. In residential zones, curb and gutter may be waived if sixty percent of the property

frontage within the same block, has been developed without curb and gutter. For computing the sixty percent, "block" is defined as the length of street: (a) between intersecting public streets which existed on July 1, 1964; (b) between an intersecting public street and a dead end as they existed on July 1, 1964; or (c) between an intersecting public street and a tee intersection with a public street, as they existed on July 1, 1964. In determining the percentage of developed property frontage, allowance shall be made for future property divisions in accordance with existing zoning. If the installation of curb and gutter is waived hereunder, a minimum of twenty-four feet of paving, adequate provisions for drainage, and a six-foot graded shoulder for pedestrian and equestrian traffic shall be provided in accordance with the specifications of the Public Works Department; provided, however, the Public Works Director may waive the requirement for twenty-four feet of paving when he determines that such additional paving does not appreciably benefit the motorists utilizing such streets;

3. Sidewalks may be waived where no sidewalks exist within the distance of one hundred sixty-five feet from any point of intersection of any boundary line of the lot and side line of any street upon which such lot abuts at the front, side or rear; provided, however, that if the area of such lot is one-half acre or more, such distance shall be measured from the points of intersection of the projected lines of the required side and rear yards of the lots with such side street line;

4. Sidewalks only shall be waived where the topography is such that the installation of sidewalks would be impractical;

5. Where the street or alley, for practical reasons, has not been or cannot be readily graded to the established grade;

6. Where installation of sidewalks would be hazardous to pedestrians because of grade;

7. Where parcels in residential zones are divided into one-half acre or larger lots, the curb, gutter and paving or curb, gutter, sidewalk and paving need not extend a greater distance than the side yards or side and rear yards in the case of corner lots defined in Title 19;

8. Where the City Council has, within two years prior to the date of application and in accordance with established subdivision, record of survey or other procedure, waived or modified the requirement of curbs, gutters, sidewalks, street lights, paving or dedication, or any combination thereof, the Director of Public Works shall accordingly waive or modify the requirements of this chapter.

B. The street lighting charge may be waived by the Public Utilities Director when it appears that there is no reasonable likelihood that such lights will be installed within a reasonable period of time; or when the land in question has been previously assessed for street lights; or when the application is for an addition to an existing building or a small accessory building and such a charge would place an unreasonable economic burden on the applicant in relation to the size and cost of his structure. (Ord. 5322 § 1, 1985; Ord. 4973 § 1, 1981; Ord. 4801 § 1, 1980; Ord. 4384 § 1, 1977; Ord. 3575 §§ 4, 5, 1968; prior code § 17.8)

Section 13.16.100 Final approval and acceptance not to be granted prior to construction guarantee.

The Building Inspector shall deny final approval and acceptance on public utility connections to any building or dwelling until portland cement concrete curbs and gutters or portland cement concrete curbs, gutters and sidewalks exist or are constructed or their construction is guaranteed by cash deposited with the City in a sum determined by the Director of Public Works or suitable bond, letter of credit or deposit agreement approved as to amount by the Director of Public Works and approved as to form by the City Attorney, based upon the number of lineal feet of portland cement concrete curb, gutter and sidewalks to be installed, except as set forth in Section 13.16.090. (Prior code § 17.9)

Section 13.16.110 Submission and preparation of plans.

Any person desiring or required to construct or install any public works improvement, including curbs, gutters, sidewalks, culverts, drains, driveway approaches, grading, paving, street lights, street trees, sewers or any appurtenant work thereto in a dedicated City right-of-way, shall submit engineering plans for such improvements. Such plans shall be prepared by a registered civil engineer of the state. Where such plans are prepared by the office of the City Engineer, a charge of seven percent of the estimated construction cost or seven hundred fifty dollars whichever is greater, shall be assessed for such work. Any person desiring or required to construct or install public landscape improvements, other than only street trees, in a dedicated City right-of-way shall submit landscape plans for such improvements. Such plans shall be prepared by a registered landscape architect of the State or other licensed professional within the restrictions of such license. (Ord. 5874 § 1, 1990; Ord. 5593 § 1, 1987; prior code § 17.10)

Section 13.16.120 Plans to be checked and approved by City Engineer.

The City Engineer or the authorized designee of the City Engineer shall thoroughly check the plans required by Section 13.16.110, require all necessary amendments and alterations, estimate total construction cost of the improvements, and shall indicate approval of the plans when completed. (Ord. 5593 § 2, 1987; prior code § 17.11)

Section 13.16.130 Plan check fees.

Plans that are made as required by or in conjunction with any subdivision map, parcel map, building permit, conditional use permit, planned residential development permit, plot plan approval, rezoning proceeding, or other similar application requiring City approval, shall be subject to plan check fees for the services specified in Section 13.16.120 in the amounts set by resolution of the City Council. (Ord. 5593 § 3, 1987; Ord. 4822 § 2, 1980; Ord. 4132 § 2, 1974; prior code § 17.12)

Section 13.16.140 Fees not required for altered or resubmitted plans.

In the event the City Council or Planning Commission of the City alters or requires alteration or resubmission of plans previously approved by the City Engineer or the authorized designee of the City Engineer, no additional plan check fee shall be required. (Ord. 5593 § 4, 1987; prior code § 17.13)

Section 13.16.150 Collection and disposition of fees.

The plan check fees provided for in this chapter shall be collected and deposited with the City Treasurer and shall be placed by the Treasurer in the general fund of the City. (Ord. 5593 § 5, 1987; prior code § 17.14)