



Article 6 Streets, Rights of Way, and Encroachments

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Chapter 6.1 Introduction to Article 6

6.1.10 Purpose of this Article

The purpose of this Article is to establish general traffic regulations and other regulations to govern roadway protection, roadway encroachment, maintenance and parking control.



Chapter 6.2 Traffic (Traffic Ordinance)

6.2.10 Purpose of this Chapter

This Chapter serves as the City of La Habra Heights Traffic Ordinance.

6.2.20 Traffic Regulations

Except as hereinafter provided, Title 15, Vehicles and Traffic, Division 1, Traffic Code and Division 2, Miscellaneous Regulations, of the Los Angeles County Code as amended and in effect on June 29, 2006, is hereby adopted by reference as the City of La Habra Heights Traffic Ordinance. The following amendments have been made to Title 15:

- A. **Vehicles Transporting Hazardous Materials.** A vehicle transporting a hazardous material or substance (as identified in Title 49 of the Code of Federal Regulations) must adhere to all applicable County, State, and Federal regulations. Further, Harbor Boulevard is the only designated route for the transport of hazardous materials through the City.
- B. **Vehicles in Excess of Three (3) Tons Prohibited on City Streets.** No person shall drive or operate any vehicle in excess of three (3) tons unladen vehicle weight on any street within the City. This Subsection does not apply to vehicles exempt by County or State statutes and regulations, or to the following:
 - 1. Emergency vehicles, as defined in Section 165 of the California Vehicle Code.
 - 2. Any vehicle operated or used in connection with the installation, operation, maintenance or repair of any public utility or any street.
 - 3. Any vehicle operated in accordance with Sections 1031 through 1036 of the California Public Utilities Code.
 - 4. Any passenger vehicle operated, engaged and used for the sole and exclusive purpose of picking up or discharging passengers at any location upon any street.
 - 5. Any vehicle entering or leaving the City by direct route when necessary for occasional pickup or delivery of merchandise to or from any location within the City.
 - 6. Any vehicle entering or leaving the City by direct route when delivering materials to be used in any project for which an encroachment permit or a building permit has been obtained.
 - 7. Any vehicle the use of which is expressly authorized in connection with any use permitted pursuant to Article 7 of this Code, so long as the vehicle is operated in accordance with all Conditional Use Permits or other land use approvals, all conditions thereof, and all other applicable laws and regulations.
 - 8. Any vehicle entering or leaving the City by direct route to and from a street address at which the vehicle is regularly and lawfully parked.
- C. **Traffic Speed Limits.** Speed limits for City streets shall be twenty-five (25) miles per hour or less unless otherwise determined in accordance with the provisions of the California Vehicle Code.



Chapter 6.3 Roadway Protection

6.3.10 Purpose of this Chapter

The Chapter establishes rules and regulations that are designed to protect the integrity of the public and private roadways in the City.

6.3.20 Unauthorized Work

No person may alter or otherwise damage a public roadway, or the parkway extending six (6) feet beyond edge of pavement, without first obtaining an *Encroachment Permit*.

6.3.30 Transporting Materials

All transport related to grading, demolition or construction that requires a building or grading permit also requires and must be conducted in conformance with a *Haul Route Permit*. Additionally, the following requirements are applicable to all transport of materials in the City of La Habra Heights:

- A. **Deposition of Materials.** No person shall transport material of any kind over, along, or across a public road in a manner that would result in the materials being transported to fall or otherwise be deposited upon the road or right-of-way.
- B. **Cleaning of Transport Vehicles.** All vehicles used to haul or transport earth or other bulk material along the public roads shall be cleaned before leaving the loading place.
- C. **Solid Waste Transport.** Any vehicle hauling solid waste shall be constructed and designed so that no material is deposited upon the roads. During the compression of the loaded refuse, no water or other material shall escape the vehicle.
- D. **Restoration.** In case material is accidentally deposited upon any public or private road, such material shall be immediately cleaned from the road and removed by the person responsible for the transport. If spilled material is not so removed, City crews may perform such work and charge the responsible person for the cost of such services.

6.3.40 Roadway Protection

This Section specifies those activities that are expressly prohibited or restricted to protect the roads.

- A. **Deposit of Petroleum Products.** It is unlawful for any person or entity to permit the deposit or flow of any oil or liquid of petroleum content onto a public or private road in the City.
- B. **Deposit of Water.** It is unlawful for any person or entity to allow the deposition of any irrigation, pool, waste or other water onto a public or private road.
- C. **Utilities Installation.** Public utilities that alter a road or its subsurface must restore the roadway to all current roadway construction and repair standards to the satisfaction of the Community Development Director pursuant to the terms of an Encroachment Permit.
- D. **Illegal Dumping.** It is unlawful for any person to deposit rubbish or other materials on private or public property without the property owner's consent. This prohibition includes the deposit of soil, rocks, vegetation or other materials whether intentional or unintentional.



- E. **Exemption.** This Section shall not apply to any alteration or deposit allowed by permit for building or improvement purposes.

6.3.50 Debris Removal and Damage to Roads

The following provisions govern the enforcement of regulations prohibiting placement of materials (including materials that are deposited unintentionally) on roads and the mitigation thereof.

- A. **Removal of Debris.** The Community Development Director or his designee has the right to remove the materials and to submit a statement of the cost of such removal to the *responsible party* and that party shall pay the itemized cost to the City.
- B. **Action to Recover Cost.** The City may bring an action against the responsible party to recover the cost of such removal by the Community Development Director or his designee and for collection of costs of enforcement.
- C. **Injunction.** The City may bring an action to enjoin any continued such placing, tracking or other depositing by such a person, his or her employer, employee or agent, and for collection of costs of enforcement.



Chapter 6.4 Roadway Encroachment

6.4.10 Purpose of this Chapter

The purpose of this Chapter is to establish regulations for encroachments into public places by establishing requirements for *Encroachment Permits*. For purposes of this Chapter, an encroachment is defined as any activity conducted or any obstruction located within a public right-of-way or within six (6) feet from the edge of any public pavement.

6.4.20 Encroachment Permit Required

No person shall excavate, construct, reconstruct, or undertake repair of any kind in any road or other public right-of-way or within six (6) feet of any public roadway pavement, without first obtaining an *Encroachment Permit*. Those activities requiring an Encroachment Permit may include, but are not limited to, grading and the installation, modification or construction of walls and fences, *curbs*, *walks*, *gutters*, driveways, pavement, sanitary sewers, storm drains, culverts, pipelines, utility connections, vegetation, fences, gates, lights or *bollards*.

6.4.30 Encroachment Permit Requirements

The following provisions govern *Encroachment Permits*:

1. No permit shall be issued unless a written application (on a form provided by the Community Development Director) for the issuance of a permit, accompanied by any required fee, is submitted to the Community Development Department not less than forty-eight (48) hours before the work is proposed to commence. Any person who begins any work that requires an Encroachment Permit without first obtaining the permit, shall stop all work and apply for such permit.
2. The Community Development Director is authorized to issue permits to encroach provided that the permit is terminable on not more than ninety (90) days' notice. The decision of the Community Development Director may be appealed to the City Manager not later than fifteen (15) days following the date of the Community Development Director's decision.
3. The Community Development Director for good and sufficient reasons may grant an extension of time for the permit.
4. The Community Development Director may impose such conditions, including reasonable bonds or insurance, and require such changes in the application as deemed necessary for the protection of the roadway, the prevention of undue interference with traffic, the safety of persons using the public place or the reasonable and customary use and enjoyment of neighboring properties.
5. The Community Development Director shall establish such standards and specifications as may be deemed necessary for the proper construction, use, and maintenance of encroachments. Any work or use done under such permit shall conform to such standards and specifications. In the absence of specific standards and specifications, recognized standards of construction or approved practices shall govern the work or use.
6. The permittee shall be responsible for all liability imposed by law for personal injury or property damage proximately caused by work done by the permittee under permit or proximately caused by failure of the permittee to perform all obligations of such permit. If any claim of such liability is made against the City, its officers, or employees, the permittee shall defend, indemnify, and hold them, and each of them, harmless from such claim insofar as



permitted by law.

7. Permits shall be issued only to the person, firm, or corporation making the application and may not be assigned to another person by the permittee. If any permittee assigns his permit to another, the permit shall be void.
8. The permittee, in the conduct of the work, use, or maintenance of an encroachment authorized by a permit, shall provide, erect, and/or maintain such lights, barriers, warning signs, patrols, and other safeguards as are necessary to protect the public. Any omission on the part of the Community Development Director to specify in the permit what lights, barriers, or other protective measures or devices are required shall not excuse the permittee from complying with all requirements of law and otherwise adequately protecting the safety of those using the roads or otherwise effected by the work. If, at any time, the Community Development Director finds that suitable safeguards are not being provided, the City may provide, erect, maintain, relocate, or remove such safeguards as are deemed necessary or may cancel the permit and restore the right-of-way to its former condition, all at the expense of the permittee.
9. Whenever an *Encroachment Agreement* is required or permitted for any excavations, encroachments, and/or obstructions, the City Manager is authorized to execute such *Encroachment Agreement* on behalf of the City and in a form approved by the City Attorney. *Encroachment Agreements* shall be recorded with the County Recorder and shall run with the land.

6.4.40 Improvements Not Requiring an Encroachment Permit

The following excavations, encroachments and obstructions within a public place do not require a permit from the Community Development Director prior to construction:

1. *Parkway* lawn, ground cover or shrubs within the parkway area to the edge of pavement in conformance with the Fire Code.
2. Irrigation systems that do not cause ponding or transport of significant volumes of water onto road surfaces.
3. The property owner that installed such encroachment shall be responsible for its maintenance in a manner acceptable to the Community Development Director and in conformance with all applicable requirements of the City Municipal Code.

6.4.50 Revocation

The City Council of the City of La Habra Heights reserves the right and option to revoke an Encroachment Permit or order the removal of any permitted encroachment at its sole discretion. However, before any Encroachment Permit is revoked on less than the notice period specified in the Encroachment Permit, the permit holder will be notified of such intention and provided with an opportunity for a hearing.

6.4.60 Restoration

Immediately upon completion of any work that was authorized by any permit issued pursuant to this Article, the permittee shall promptly refill, re-compact, resurface, repair or remove the obstruction to the satisfaction of the Community Development Director or his designee. If any permittee fails or refuses to comply with this requirement, the City may do so or cause the same to be performed and



the permittee shall be responsible for all costs incurred by the City. If at any time it becomes necessary to again repair such surface due to settlement or any other cause attributable to such excavation or obstruction, the City may do so or cause the same to be performed and the permittee shall be responsible for all costs incurred for such additional repairs.



Chapter 6.5 On-Street Parking

6.5.10 Purpose of this Chapter

The purpose of this Chapter is to establish prohibitions related to *on-street* vehicle parking. For purposes of this Chapter, *on-street* parking is defined as the parking of any vehicle within three (3) feet from the edge of pavement. The development of any permanent parking area is subject to the additional restrictions found in Article 7.

6.5.20 On-Street Parking Prohibition

In addition to those restrictions imposed by state law, the following on-street parking limitations apply in the City of La Habra Heights:

1. Overnight on-street parking is prohibited on all roads in the City of La Habra Heights. Temporary on-street parking is permitted when and where it does not interfere with or obstruct the safe use of the street or adjacent properties
2. On-street parking is never allowed if such causes a significant increase in hazards for users of the road by narrowing useable pavement width to a degree causing impeded passage or access or by obstructing sight distance.
3. Parking is prohibited on Hacienda Road and Harbor Boulevard within the City.

6.5.30 Citations and Towing

The procedures for the citation of illegally parked vehicles, the towing of vehicles, and the retrieval of vehicles are governed by the applicable state statutes.



Chapter 6.7 Enforcement

6.7.10 Violations and Penalties

Any person or entity that violates any provision of this Article is guilty of a misdemeanor which shall be punishable pursuant to the procedures set forth in Article 8 of the La Habra Heights Municipal Code unless such violation is otherwise declared to be an infraction.

6.7.20 Procedure for Recovery of Costs

In addition to the violations and/or penalties specified in this Article, the City is empowered to recover all costs incurred in enforcing any provisions of this Article or repair of damages consequential to violation of this Article to the fullest extent permissible under state law. The procedures for recovery of costs are set forth in Article 8.

6.7.30 Other Remedies Available

Notwithstanding the provisions of this Article, the City may initiate appropriate civil and criminal action or an administrative proceeding for recovery of costs or other abatement of a nuisance existing within the City pursuant to any other provision of law. All remedies of the City are cumulative and the use of any remedy shall not bar the use of any other remedy with respect to the same or another property.