

## DEFINITIONS FOR PUBLIC WORKS ENGINEERING PERMITS

**BUILDING PERMIT:** Before a person, firm or corporation may erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building, structure or wall they must first obtain a building permit. Building permits are issued by the Community Development Department (CD), Building Division. Telephone CD is (415) 899-8989.

**CODE ENFORCEMENT:** Code Enforcement is the prevention, detection, investigation and enforcement of violations of statutes or ordinances regulating public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs. Encroachment or Grading permits issued to remedy a code violation must be signed of by the Code Enforcement Officer prior to release of securities. The Community Development Department (CD) oversees the City's Code Enforcement Division. Telephone CD is (415) 899-8989.

**CONTRACTOR or OWNER BUILDER:** Anyone who contracts for bids on construction work in California on jobs that total \$500 dollars or more in labor and materials he/she must be licensed by Contractors State License Board (CSLB). When permit application is signed as an owner-builder, the owner-builder assumes full responsibility for the entire project and its integrity. See State California Department of Consumer Affairs website at <http://www.cslb.ca.gov> or call 1-800-321-2752 to verify contractor's license, or for more information about Owner-Builder Exemption (B&P 7044)

**COST RECOVERY AGREEMENT:** A Cost Recovery Agreement for payment of full cost recovery fees for application processing and inspection services may be required depending on the value and/or complexity of the proposed work and whenever any outside consultant services are required. (i.e. Consulting or City Attorney Services) A Cost Recovery Agreement and City Fee Schedule are on the City's website [www.ci.novato.ca.us](http://www.ci.novato.ca.us) see Community Development Department and Application Forms.

**DEPOSIT / SECURITIES / BOND:** Based upon scope and cost estimate for work, refundable deposits may be required for new infrastructure, erosion control (mud & dust) and city's costs (legal & administrative). When required by the City, the full construction may be guaranteed by cash or bond in the amount equal to the approved Engineer's cost estimate. A separate improvement agreement is required when work is valued at \$75,000.00 or more, and may be required for large scale or complex projects.

**DUMPSTERS, BINS AND STORAGE CONTAINERS:** Dumpsters, bins, temporary storage containers are prohibited from being placed or stored in the City right-of-way, temporarily or permanently. Applications for this type of encroachment request cannot be processed and any application materials received for this type of request will be returned to the applicant.

**EASEMENTS:** In general, an easement is a restricted right to specific, limited, definable use of activity upon another's property. Easements are created on maps or by deed recordation. A comprehensive title report should include all easements affecting a property. Examples are drainage easement (DE), sanitary sewer (SS), public utilities (PUE), water service (WE), flood control (FCE), emergency access (EAE) or access (AE), open space (OSE) and pedestrian easement (PE). Unless a drainage easement was accepted by the City, or County Flood Control District, the property owner is responsible for the complete maintenance of the easement including maintenance of the drainage facilities. Construction of any permanent structures within a given easement is normally illegal. Any illegal structures found within an easement may be subject to immediate removal at the owner's expense and may also be subject to code enforcement action. Also, see "Right-of-Way."

**ELECTRICAL SERVICE:** Electrical service is provided by Pacific, Gas & Electric Company. [www.pge.com](http://www.pge.com) For any work that includes overhead utilities or utility undergrounding contact PG&E for separate permit.

**EROSION CONTROL:** Dirt, debris and other construction waste must be kept on the construction site and not permitted to flow into the public right-of-way, any storm drains or any local creeks, streams or waterways. All construction activities that result in any illegal discharges from the project site are the sole responsibility of the applicant. Refer to Marin County Stormwater Pollution Prevention Program (MCSTOPPP) [www.mcstoppp.org](http://www.mcstoppp.org) and State Water Resources Control Board (SWRCB) [www.swrcb.ca.gov](http://www.swrcb.ca.gov)

**EMERGENCY WORK:** Any person requiring an emergency use or encroachment shall first notify the Public Works Department at (415) 899-8246. During the hours that the City Offices are closed, notification shall be given to the **Police Department by calling 9-1-1 or police hotline (800) 848-0101.**

**FEES:** Fees are provided on the Fee Schedule, City's website [www.ci.novato.ca.us](http://www.ci.novato.ca.us) under the Community Development Department, Application Forms. The Engineer's cost estimate must be reviewed and approved by the City before the final fee amount is determined. Any outstanding fees owed must be paid by the applicant prior to issuance of a permit. Balances owed to the applicant will first be applied to any other deposits or fees owed by the applicant prior to authorizing a refund. Also, see refund policy stated in the City's Fee Schedule.

**FIRE DISTRICT:** For **Novato Fire Protection District (NFPD)** regulations and design requirements contact NFPD at 95 Rowland Way, Novato, CA 94945, or by Telephone: (415) 878-2690. NFPD website: [www.novatofire.org](http://www.novatofire.org). No streets may be closed to traffic without obtaining a permit approved by Novato Police Department and pre-authorization of NFPD.

**FLOOD ZONE:** In the Special Flood Hazard Areas (SFHA), special rules apply that require new developments be protected from flood damage, elevating their lowest level above the base flood elevation. The SFHA is the area subject to inundation by a 100-year flood, as shown on the current Flood Insurance Rate Map (FIRM) compiled by the Federal Emergency Management Agency (FEMA). FEMA website: [www.fema.gov](http://www.fema.gov).

**GAS SERVICE:** Gas service is provided by Pacific, Gas & Electric Company. [www.pge.com](http://www.pge.com) For any work that includes relocation, replacing existing or providing new gas lines, contact PG&E for separate permit.

**HOURS OF WORK:** Construction work hours are restricted from 7:00 AM to 6:00 PM weekdays and Saturdays between 10:00 AM to 5:00 PM, with no work permitted on Sundays or any City recognized holidays, unless specifically stated otherwise on an approved Encroachment Permit with City Manager’s authorization. City Inspection services will only be scheduled during the hours of Monday through Thursdays, and alternating Fridays between the hours of 7:00 AM to 4:00 PM. City Inspector’s hourly rates apply and will be invoiced to the Applicant through a cost recovery agreement for any inspection time scheduled beyond regular City hours and is not covered by the inspection flat fee paid.

**ILLEGAL WORK:** Any work performed in the City’s right-of-way without a valid encroachment permit is illegal. When any illegal work has occurred, it must be immediately removed and the disturbed area fully restored at the complete expense of the property owner(s) and their contractor(s). Only on a case-by-case basis, may the City at its sole discretion may approve illegally performed work provided the applicant obtains and complies with all required permits to the satisfaction of the City Engineer and City Attorney.

**NOISE:** Noise related to construction activities is only permitted during authorized work hours. Construction noise activities includes, but is not limited to, truck traffic coming to and from the site for any purpose, warming-up or servicing of equipment, demolition, any preparation for construction work and any music from stereos or radios. Noise reduction measures must be met when required by the City. Applicant is responsible for controlling noise from the job site at all times.

**NOVATO MUNICIPAL CODE (NMC):** The NMC is available in its entirety on the City’s website [www.ci.novato.ca.us](http://www.ci.novato.ca.us). NMC, **Chapter XV (15) - Streets & Sidewalks** applies to every encroachment permit. Other Chapters of the NMC that may also apply to an encroachment permit are;

Chapter V (5) - Development Standards	Chapter XII (12) – Planning
Chapter VI (6) - Excavations and Fill	Chapter XVIII (18) – Traffic
Chapter IX (9) – Land Subdivisions	Chapter XIX (19) – Zoning

**PLANS:** The Applicant is responsible for providing all plans for proposed work and for paying fees prior to issuance of permits. When required by the City Engineer and per the NMC, all approved plans must be signed and sealed by licensed professionals, (i.e. engineer, architect, surveyor).

**PUBLIC WORKS INSPECTIONS:** All inspections are scheduled by calling the City Inspection Hotline at (415) 899-8240. After the Public Works Inspector has signed the permit as final deposits, bonds or securities will authorized to be released. Refund checks are returned within 1-3 weeks once the City’s Senior Account Clerk is authorized to release the deposit.

**REPORTS:** Professional engineering reports, such as Geotechnical/Soils, Structural, Hydrology/Hydraulic, Drainage, or Traffic, must be no older than one (1) year from the date of the permit application, unless author of the report has prepared a legal letter that clearly states that the report information is still valid and current, and includes any exceptions or recommendations for the current project plans. Professional letters must be signed, sealed and submitted with an original copy of the report.

**RETAINING WALLS:** Prior to issuance of an encroachment permit, applicant must obtain a building permit for any new or replacement of existing retaining wall(s). See “Building Permit.”

**RIGHT-OF-WAY:** The term right-of-way is used to describe the use of an easement. It is generally a strip or area of land, including the surface and overhead or underground space, which is granted by deed or easement for construction and maintenance of public services such as; power, telephone, cable, roadway, gas, water, sewer and storm drainage. Right-of-way typically is split into two categories, “public right-of-way” for the general public, and “private right-of-way” which might be limited to specific users as defined in the grant, as opposed to the general public. The term right-of-way often is used to define and describe the total width of

a street right-of-way including areas beyond asphalt paving for utilities, sidewalks and landscaping. Only a licensed surveyor can determine and identify the exact physical locations of property lines, right-of-way and easements on an individual property.

**SANITARY SEWER:** For **Novato Sanitary District (NSD)** regulations and design requirements contact NSD at 500 Davidson Street, Novato, CA 94945, by Telephone: (415) 892-1694, by Fax: (415) 898-2279 or website: [www.novatosan.com](http://www.novatosan.com).

**STOP WORK ORDERS:** Per Novato Municipal Code (NMC) 4-1.4, whenever any work is being done contrary to the provisions of the NMC, or any other ordinance rules and regulations of other public agencies that are applicable to the work being done, the City may order the work stopped by notice in writing (**RED TAG**) served on any persons engaged in doing or causing such work to be done. Such persons shall stop work until authorized, in writing, by the City to proceed with the work.

**STORM DRAIN:** Storm drainage design and construction shall meet all City standards. See “Novato Municipal Code” definition and reference to NMC Chapters. New storm drainage systems must be within approved storm drainage easements.

**STORM WATER POLLUTION PREVENTION:** Refer to the Marin County Stormwater Pollution Prevention Program (**MCSTOPPP**) website: [www.mcstoppp.org](http://www.mcstoppp.org) for current information and requirements applicable to all applicants, homeowners, developers, contractors and design professionals. Also see NMC Chapter VII (7) – Health, Section 7-4 – Urban Runoff Pollution Prevention.

**SURVEYING:** The City does not offer or provide any surveying services to the public. Websites for Land Surveyor information are [www.lsrp.com](http://www.lsrp.com) and [www.californiasurveyors.org](http://www.californiasurveyors.org). A legal survey may be necessary or required by the City to identify the legal property boundaries or other property features such as the location of existing buildings, utilities, easements or encroachments.

**TEMPORARY SIGNS:** Temporary signs for non-profit organizations may be placed within the City’s right-of-way at approved locations after obtaining an encroachment permit. Temporary signs shall be erected and maintained for a limited period as specified in the encroachment permit. All temporary signs within the City’s right-of-way, whether signs are permitted or not, are subject to removal at any time by the City without any notice, or any remedies, to the temporary sign’s owner, agency or representative.

**TITLE REPORTS:** Submission of a preliminary title report, no older than six (6) months from the date of the permit application, may be required in order to process the encroachment permit application particularly on larger scale or more complex projects.

**TREE REMOVAL / ALTERATION PERMIT:** A separate Tree Removal / Alteration permit is required from the Planning Division in order to remove a tree more than 6 inches in diameter (19 inches in circumference), or to remove, trim, prune, or alter a heritage tree. A heritage tree has a diameter of 24 inches or more (circumference of 75 inches or more) measured 24 inches above existing ground. Replacement tree(s) may be a condition that is required by the tree removal /alteration permit. For questions and to obtain a Tree Removal / Alteration permit, contact the Community Development Department (CD) Planning Division at (415) 899-8989. Refer to NMC Chapter XVII (17) Trees & Shrubs.

**UNIFORM CONSTRUCTION STANDARDS:** The County of Marin Public Works Uniform Construction Standards (USC) is permitted unless a specific detail(s) is deleted or modified by the City Engineer. All USC details are available on the County of Marin Website at [www.co.marin.ca.us/depts/pw/main/standards.cfm](http://www.co.marin.ca.us/depts/pw/main/standards.cfm). The City may require specific design detail(s) to meet the site conditions or other project constraints. Custom details must be prepared by a professional licensed to provide such details (i.e. architect, landscape architect, civil engineer, structural, geotechnical, mechanical or electrical engineer)

**UTILITIES AND UTILITY UNDERGROUNDING:** Refer to NMC Chapter XII (12) Planning.

**WATERCOURSE, CREEKS, STREAMS & WATERWAYS:** Refer to NMC Chapter XV (15), 15-1.4 and 15-2. “*Watercourse*” means the existing route, whether artificial or natural, for the flow and passage of storm waters. Any work proposed within a designated watercourse, creek, stream or waterway requires a City encroachment permit. If regulated by the County Flood Control District, City Permit requirement may be waived by the City Engineer at his/her sole discretion. Additional permits may also be required from the California Department of Fish & Game, the U.S. Army Corps of Engineers and the Regional Water Quality Control Board. Additional information on working within creeks, streams or waterways is available on the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) website: [www.mcstoppp.org](http://www.mcstoppp.org)

**WATER SERVICE:** For **North Marin Water District (NMWD)** regulations and design requirements contact NMWD by Telephone: (415) 897-4133, by Fax: (415) 892-8043 or website: [www.nmwd.com](http://www.nmwd.com).