

# Exhibit B

## **Chapter 12.08 – Encroachments on Highways**

### **12.08.010 Definitions.**

Unless the context otherwise requires, the definitions and general provisions set forth in this section govern the construction of this chapter:

- A. “County road commissioner” means the county road commissioner of Inyo County;
- B. “Encroach” includes going upon or using a public highway for any of the following purposes:
  - 1. Excavating or disturbing the public highway,
  - 2. Erecting or maintaining any post, sign, pole, loading platform or other structure on the public highway,
  - 3. Leaving on the public highway any rubbish, brush, earth or other material of any nature whatsoever,
  - 4. Constructing, placing or maintaining on the public highway any pathway, sidewalk, wall, culvert or other drainage facility, pipe, conduit or cable, traveling on the public highway by any vehicles or object of dimensions, weight or characteristic not permitted by law;
- C. “Public highway” means the full width of any paved or unpaved road, street, lane or alley, including any shoulder, used by or for the general public whether or not those roads, streets, lanes and alleys have been accepted as and declared to be part of the county system of public highways except highways forming a part of the state highway system or privately owned road, so posted;

### **12.08.020 Right of lawful use.**

Any permit granted under this chapter shall be subject to the right of the county, or any other person or persons, firm, corporation, district or other body of persons entitled thereto, to use that part of the public highway for any purpose for which it may be lawfully used, and no part of the highway shall be unduly obstructed at any time.

### **12.08.030 Exceptions.**

This chapter shall not apply to any officer or employee of the county in the discharge of his official duties, or to any work being performed by any person or persons, firm or corporation under contract with the county.

### **12.08.040 Permit—Required when.**

It is unlawful for any person, firm, corporation or other body or association of persons, without first obtaining an encroachment permit, to

1. Make or cause to be made any excavation of any nature whatever within, upon or under the limits of any public highway;
2. Make or cause to be made any alteration of any nature within, upon or under any public highway;
3. Construct, put upon or leave thereon, or to cause to be constructed, put upon, maintained or left thereon any obstruction or impediment of any nature whatsoever in any public highway,
4. Place any pipeline, conduit or other fixture in any public highway
5. Move over or cause to be moved over the surface of any public highway, or over any bridge, viaduct or other structure maintained by the county, any vehicle or combination of vehicles, or other object of dimension or weight in excess of that permitted by law.
6. Otherwise encroach upon any public highway.

Nothing in this section shall be construed to require a permit for any activities that, per Chapter 12.20, may be performed without a permit.

**12.08.050 Permit—Issuance.**

The encroachment permits required by this chapter shall be issued by the county road commissioner subject to conditions set forth in this chapter or required by law. The Board of Supervisors shall, by resolution, establish a fee schedule for such permits. The fee shall be calculated so as to recover the total cost of administration and enforcement of all rules and regulations surrounding encroachment permits, but shall not exceed the actual cost of the regulatory program authorized by this Chapter.

**12.08.060 Encroachment Permit—Application.**

The county road commissioner shall prescribe and provide a regular form of application for the use of any applicant for an encroachment permit required by this chapter. The application form shall contain space for the name, address and principal place of business of the applicant, together with such details as in the judgment of the county road commissioner are necessary to establish the exact location, dimensions, duration and purpose of the proposed use or other encroachment. The application form shall be completed and signed by the applicant and thereafter filed in the office of the county road commissioner.

**12.08.070 Violation—Penalty.**

Any person, firm, corporation or other body or association of persons who violates this chapter is guilty of a misdemeanor and is punishable as provided in Section 1.20.010. Each day's violation of this chapter is a separate offense. Any violation of this Chapter may also be

punished pursuant to the abatement procedures and fines set out in Cal. Streets & Highway Code, Division 2, Chapter 6 (section 1480, *et seq.*), as may be amended from time to time.