

WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK

OFFICIAL RECORDS OF
YUMA COUNTY RECORDER
SUSAN MARLER



FEE #: 2005 - 19803

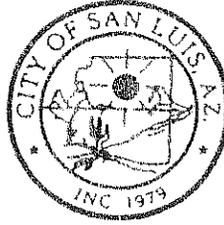
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REQ BY: CITY OF SAN LUIS
REC BY: PATTY MAGANA

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C A P T I O N H E A D I N G :

Resolution No. 597



Resolution

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

RESOLUTION NO. 597

A RESOLUTION OF THE CITY OF SAN LUIS, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED "ENCROACHMENT PERMITS IN GENERAL PROVISIONS APPLICABLE TO ALL ENCROACHMENT PERMITS" A PUBLIC RECORD; PROVIDING FOR EFFECTIVE DATE; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF San Luis:

Section 1: That the certain document entitled "Encroachment Permits In General Provisions Applicable To All Encroachment Permits", three (3) copies of which are on file with the City Clerk of the City of San Luis, is hereby made and declared a public record of the City of San Luis, Arizona, and made a part hereof as though fully set forth again in full.

Section 2: In the event of a conflict between the provisions of this resolution and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this resolution and the "Encroachment Permits In General Provisions Applicable To All Encroachment Permits" shall govern.

Section 3: If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

Section 4: Whereas, it is necessary for the preservation of the peace, health, safety and welfare of the City of San Luis, Arizona, and for further reason that the best interest of the City require the "Encroachment Permits In General Provisions

Applicable To All Encroachment Permits" to go into immediate effect, an emergency is declared to exist, and this resolution shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this 13th day of April, 2005.



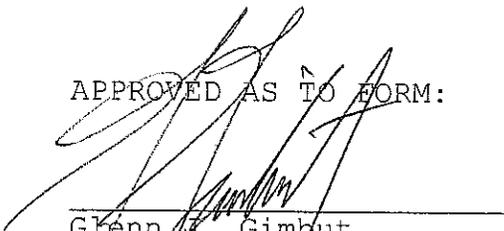
Guillermina Fuentes, Mayor

ATTEST:



Rosalicia Cordova, City Clerk

APPROVED AS TO FORM:



Glenn S. Gimbut
City Attorney

ENCROACHMENT PERMITS IN GENERAL PROVISIONS APPLICABLE TO ALL ENCROACHMENT PERMITS

11-3-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cable services means the one (1) way transmission to subscribers of video programming and other programming services, together with subscriber interaction, if any, which is required for the selection of such programming and programming services.

Commercial mobile radio services means two-way voice commercial mobile radio services as defined by the Federal Communications Commission in 47 United States Code Section 157.

Department means that Department, Division or City employee to whom responsibility for the administration of this chapter has been delegated by the City Manager. Generally the Department will be the City Engineer or the Director of Planning and Development and persons seeking permits pursuant to this chapter may obtain necessary forms and information from the permit counter in the Planning and Development Department.

Encroach or encroachment includes, but is not limited to, the performance of any of the following acts:

- A. Excavating, filling or disturbing the surface.
- B. Erecting or maintaining any flag, banner, decoration, post, sign, pole, fence, guardrail, wall, loading platform, news stand, mailbox, pipe, conduit, wire or other structure on, over or under the surface of any public place, highway or watercourse.
- C. Planting any tree, shrub, grass or other growing thing.
- D. Placing or leaving any rubbish, brush, earth or other material of any nature whatsoever.
- E. Constructing, placing, maintaining on, over or under the surface of any public place, right-of-way, street, pathway, sidewalk, driveway, curb, gutter, paving or other surface or subsurface drainage structure or facility, any pipe, conduit, wire, cable or telecommunication facility.
- F. Traveling by any vehicle or combination of vehicles or object of dimension, weight or other characteristic prohibited by law without a permit.
- G. Lighting or building a fire.
- H. Constructing, placing, planting or maintaining any structure, embankment, excavation or other objects adjacent to a right-of-way or watercourse which causes or will cause an encroachment.
- I. The application of paint or other marking materials to any pavement or curb.

Facilities means the plant, equipment, and property, including but not limited to boxes, poles, wires, pipe, conduits, pedestals, antenna, and other appurtenances placed in, on, or under highways.

FCC means the Federal Communications Commission, or a designated representative.

Franchise shall mean the same as defined under Article XIII of the Arizona Constitution.

Highway means the full width of the right-of-way of any road, street, highway, alley, land or pedestrian walkway used by or for the general public, whether or not the road, street, highway, alley, land or pedestrian right-of-way has been improved or accepted for

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maintenance by the City. "Highway" also means and includes land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility or pedestrian walkway purposes.

License shall mean any authorization granted under these licensing requirements or other sections of this Code, in terms of a privilege, permit, license or otherwise to construct, install, operate and/or maintain telecommunications facilities to provide telecommunications services, a fiber optic cable system, a cable television system or any other use in the City.

Public place shall mean any property owned, maintained or controlled by the City.

Right-of-way means the same as highway as defined hereinabove.

Street means the same as highway as defined hereinabove.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. The term does not include commercial mobile radio services, pay phone services, interstate services or cable services.

Telecommunications provider means a telecommunications corporation who constructs, installs, operates and maintains telecommunications facilities in the City.

Telecommunications corporation means any public service corporation to the extent that it provides telecommunications services in the state.

Telecommunications services means the offering of telecommunications for a fee directly to the public or to such users as to be effectively available directly to the public, regardless of the facilities used.

11-3-2. Encroachment permit required.

A. No person shall encroach nor place any encroachment upon, over or under the surface of any public place, highway, right-of-way, pathway, street, sidewalk, driveway, curb, gutter, paving or other surface or subsurface drainage structure or facility for any purpose whatsoever, without first obtaining a permit from the City in accordance with the provisions set forth herein.

B. No person shall excavate, erect, construct, place or maintain any pipe, conduit, wire, cable or other structure, on, over or under the surface of any public place, highway, right-of-way, pathway, street, sidewalk, driveway, curb, gutter, paving or other surface or subsurface drainage structure or facility for any purpose whatsoever, without first obtaining a permit from the City in accordance with the provisions set forth herein.

C. No person shall erect, place, display, maintain or use any obstruction, booth, stand, counter, furniture, sign, flag or temporary or permanent fixture upon any public place, highway, street, sidewalk, alley or other public right-of-way, for any purpose whatsoever, without first obtaining a permit from the City in accordance with the provisions set forth herein.

D. No work of any nature shall be performed in a public place or right-of-way, without first obtaining a permit from the City in accordance with the provisions set forth herein.

The Department shall provide the forms for and set forth the rules, regulations and procedures governing the issuance of permits.

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No person shall discharge or cause or allow to flow or run, any water or other liquid upon any highway, alley, public place or right-of-way within the City unless authorized, in writing, by the Department consistent with this chapter.

11-3-2.1. Exceptions to permit requirement.

A. The placement of traffic-control markings on pavements and curbs by the City and the marking of pavements, curbs and sidewalks by utility companies, engineers and surveyors to indicate the location of underground utility lines and monuments in connection with surveying, design, construction and maintenance work may be done without a permit; however, all other pavement, curb and sidewalk marking require a permit.

B. An encroachment permit for public utilities and other continuing uses may contain provisions allowing continuing maintenance of the permittee's facilities in the public rights-of-way and highways without securing a new and separate permit for each maintenance activity.

C. This chapter does not prevent any person from maintaining any pipe or conduit lawfully on or under any public highway, or from making excavations necessary for the preservation of life or property when an urgent necessity therefor arises while City offices are closed. A person making an emergency use or encroachment on a public street shall apply for a permit therefor within one (1) calendar day after the offices of the City are opened and shall pay all applicable fees, perform required pavement restoration and comply with all other applicable requirements of this chapter.

D. The City of San Luis is not required to obtain permits from itself pursuant to this chapter, however, contractors or other persons performing work under contract with the City or on behalf of the City in the City highway must obtain appropriate permits and comply with all the regulations set forth in this Article, notwithstanding any other provisions of the San Luis City Code.

E. There are some public utilities who have ownership or easement interests in property obtained prior to the City of San Luis obtaining ownership interest in that same property. Nothing in this chapter shall extinguish such prior interests in such property.

11-3-2.2. Application.

A. The City shall prescribe and provide a regular form of application for the use of applicants for permits required by this chapter. The application shall show such information and details as the City deems necessary to establish the exact location, nature, dimensions, duration and purpose of the proposed use or encroachment and shall be submitted to the Department together with the non-refundable application fee and other applicable fees established by council resolution.

B. The application shall be accompanied by construction plans, engineered designs, maps, sketches, diagrams or similar exhibits. The same shall be of the size and in the quantity prescribed by the City and of sufficient clarity to illustrate the method of construction, design, location, dimensions, nature and purpose of the proposed encroachment and its relation to existing and proposed facilities in the right-of-way.

C. The applicant shall also enclose with or attach to the application a certified statement that the applicant will obtain any and all other licenses, permits or approvals required by the City or any other governmental agency or other private party.

D. No substantial changes shall be made in the plans, design, location, dimensions, character or duration of the encroachment or use as granted by the permit except upon

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written authorization of the City. Such changes made without prior authorization are made at the applicant's risk.

11-3-2.3. Other licenses. An encroachment permit shall not be issued until any such other required licenses, permits or approvals are first obtained and certification thereof filed with the City, provided, however, some very complex encroachment permits for proposals also needing a license from the City may, at the discretion of the Department, be processed simultaneously with the application for the license.

11-3-2.4. Determination of appropriate permit, need for a license and appropriate encroachment fees.

A. Upon review of the application and other required documents, unless otherwise determined by City Council action, the Department shall determine which class of encroachment permit is appropriate, whether the use sought to be made of the City's highways requires a license or use agreement, which of the fees adopted by Council resolution apply to this permit, whether other fees, charges or taxes apply to such use and which approval process must be followed for that application. Additional licenses or fees may be required pursuant to other provisions of this code or other state or federal laws.

B. If a person files applications for more than one (1) type of encroachment permit or one (1) or more licenses together with an application for an encroachment permit, the Department may combine such applications and issue one (1) encroachment permit authorizing encroachments to be used for more than one (1) license or franchise. In no event, however, may required licenses be combined and applicants shall be required to apply for and obtain a separate license or franchise for each activity as required herein.

C. The City Council will establish a base application processing fee to be paid for each type of encroachment permit, however, for complex applications the non-refundable application processing fee shall be in an amount established by the Department as necessary to recover all reasonably related costs including outside consultants, incurred by the City to review and process the application.

D. Applications for encroachment permits and all documents and other information required to be submitted will be reviewed by such City staff or retained consultants as deemed necessary by the Department. Based on such review the encroachment permit application may be approved, conditionally approved or denied by the Department. If the City finds that the application is in accordance with the requirements of this chapter, it may issue a permit for the use or encroachment, attaching such conditions as are necessary for the health, safety and welfare of the public, including but not limited to aesthetic considerations. If the City finds the application is in conflict with the provisions of this chapter or any state or federal law, the permit shall be denied and the applicant given written reasons for the denial. No permit is valid unless signed by an authorized representative of the City.

11-3-2.5. Non-interference with public works. No permit shall be granted for a use which would unduly interfere with the public works of the City, endanger the public or permanently restrict, block or interfere with traffic.

11-3-2.6. Terms and conditions of all encroachment permits.

A. Indemnification. No encroachment permit shall be issued until the permittee has executed and filed with the City an indemnity agreement satisfactory to the City Attorney. The permittee shall be responsible for and indemnify the City from all claims, demands, expenses or liability including but not limited to personal injury and property

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damage arising out of or related to work performed by the permittee under the permit, arising out of the failure on the permittee's part to perform work under the permit, arising from or caused by the structures or encroachments placed in, on or under the City's right-of-way. If any claim of such liability is made against the City, its officers or employees, permittee shall defend, indemnify and hold the City harmless from such claim, including claims alleging the negligence of the City, its officers and employees.

B. Insurance. No encroachment permit shall be issued until and unless the applicant has filed and maintained on file with the City evidence of self insurance satisfactory to the City or a certificate of insurance demonstrating sufficient public liability and property damage insurance coverage issued by an insurance carrier authorized to do business in the state, insuring the applicant and the City and its agents, against loss by reason of injuries to, or death of persons, or damages to property arising out of or related to work performed by the applicant, its agents or employees while performing any work under the permit. Such insurance shall be primary and provide coverage for all liability assumed by the applicant under subsection A of this subsection 11-3-2.6 and shall be provided by the permittee in minimum amounts as required by the City's Risk Manager.

C. Performance bonds or other financial security. The Department may require as a condition of issuing any encroachment permit, applicant to post performance bonds or other approved financial security to ensure satisfactory completion of any work to be performed in, on or under any public place, highway, or right-of-way and to insure adequate maintenance of encroachments.

D. Commencement of work. The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within one hundred eighty (180) days from date of issuance, unless a different period is stated in the permit. If the work or use is not so begun, then the permit shall become void. The permittee shall complete the work or use authorized by the permit within the time specified in the permit. Where an encroachment involves a permanent installation or obstruction, conditions so specified in the permit, license or other agreement with the City shall remain in effect until the construction or obstruction is removed.

E. Term. All permits shall specify the time, not longer than one (1) year, within which work or construction in the highway must be completed. Permits for continued use of the highway, shall be issued for a specified period of time. All permits may be renewed or extended upon such terms as are consistent with the provisions of this chapter.

F. Relocation. Any encroachment including but not limited to pipes, conduit, wire, cable, appurtenances or other structures or facilities installed or maintained in, on or under any public place, right-of-way or highway, shall be relocated, at the sole expense of the permittee, as may be necessary to facilitate a public purpose or any City project. Such relocations shall be under the same terms and conditions as the initial installation allowed pursuant to permit. The Department will not exercise the right to require such relocation in an unreasonable or arbitrary manner.

G. Assignment. Encroachment permits shall be applied for by and issued to the person or company who will make use of the permit and not to the contractor who has been employed to construct the improvements, provided, however, all contractors and subcontractors who will be performing work in the highway shall be named and identified in the encroachment permit application. The rights granted by the permit shall not be assignable without the express prior written consent of the Department.

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H. Supplemental. The Department may require additional conditions for the issuance of a permit as are applicable and necessary to meet specific situations, for public safety and to insure compliance with this chapter and all other City, state or federal regulations.

I. Acceptance. Acceptance of any permit granted under the provisions this chapter shall not become effective until written acceptance thereof shall have been filed by the permittee with the Department. By accepting this permit, the permittee covenants and agrees to perform and be bound by each and all of the terms and conditions imposed by the City of San Luis, and the permit.

J. In the event there is a conflict between the provisions of this chapter and the provisions contained in a franchise or license granted by the City to an applicant, the provisions of the franchise or license shall prevail.

11-3-2.7. Terms of construction.

A. All work done or uses made under such permits shall be to the satisfaction of the City and shall be in accordance with the terms and conditions of the encroachment permit and all adopted regulations, standards and specifications of the City including the regulations and specifications for pavement restoration. Installation of all facilities shall meet the standard specifications, details and requirements of the Department. The Department may require a permittee to retain an approved utility line identification or locator service such as Arizona Blue Stake.

B. The permittee shall, to the satisfaction of the City, repair all water and sanitary service lines, streets, sidewalks, curbs, gutters or other property, structures, improvements or facilities damaged by construction or operation pursuant to the permit. All such repairs shall be done in accordance with City standard specifications, details and requirements of the Department.

C. No pavement cuts in new streets.

1. Permission to excavate in new streets shall not be granted for two (2) years after completion of street construction, reconstruction or renovation (major rehabilitation).

Utilities shall determine alternate methods of making necessary repairs to avoid excavating in new streets. Exceptions to the above are as follows:

(a) Emergency which endangers life or property.

(b) Interruption of essential utility service.

(c) Work that is mandated by city, county, state or federal legislation.

(d) Service for buildings where no other feasible means of providing service exists.

For the purposes of the section, a street is considered "new" when it is first constructed, when it is reconstructed or when it is renovated. Renovation shall mean a major rehabilitation which shall include mill and overlay or other similar roadway improvement work that physically modifies the surface of the roadway prior to applying new roadway surface or other similar work as determined by the City Engineer. Reconstruction shall mean completely rebuilding all the lanes of the street by removing all the pavement and aggregate base course material, re-compacting the sub-base and restoring the base material and then completely re-paving for a distance approved by the City Engineer. The Public Works Director/designee shall determine the date of completion for new streets and the date each street was last reconstructed or renovated, based on the date the street was opened or reopened for traffic.

2. In addition to the payment of the Pavement Restoration Fee, a condition of any street cut permit for cutting the pavement of a street within one (1) year of construction,

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reconstruction or renovation, shall be that the permittee renovate such street by mill and overlay/inlay, for a minimum of the full width of all lanes impacted by the cut(s) (outside lane includes to the curb) and for arterial streets extending a minimum length of fifty (50) feet both directions from the area of the cut(s) and for collector streets extending a minimum length of twenty-five (25) feet both directions from the area of the cut(s), all as more specifically directed by the City Engineer/designee. Provided, however, for pavement cuts smaller than two (2) square feet, the requirement to renovate the street by mill and overlay/inlay shall not apply. All permits which are issued under subsections (a) through (d) above shall be in accordance with such standards as may be adopted by the City of San Luis.

D. Pavement Restoration Fee.

1. Whenever any encroachment permit is required to cut into, open, bore, attach to, or make any break or disturbance to the street pavement of any arterial or collector street within the City, the permittee shall, in addition to the repairs required by this City Code, pay to the City the Pavement Restoration Fee established by Council Resolution in the City Fee Schedule. The Pavement Restoration Fee adopted by Council resolution shall be reviewed annually with the budget for street repair.

2. The pavement restoration fee shall be paid prior to or at the time a street cut permit is issued. In the event changes or amendments to the street cut permit are required which would result in a change in the amount of the Pavement Restoration Fee, an adjusted fee shall be assessed and charged as follows:

(a) if the original pavement cut approved was from one (1) square yard up through twenty (20) square yards, the pavement restoration fee shall be recalculated and an adjusted fee assessed if the increase/decrease to the pavement cut is one (1) square yard or larger.

(b) if the original pavement cut approved was from twenty-one (21) square yards up through one hundred (100) square yards, the pavement restoration fee shall be recalculated and an adjusted fee assessed if the increase/decrease to the pavement cut is more than five (5) percent of the original.

(c) if the original pavement cut approved was for more than one hundred (100) square yards, the pavement restoration fee shall be recalculated and an adjusted fee assessed if the increase/decrease to the pavement cut is more than five (5) square yards.

Such amended permit shall be applied for and any additional fees shall be paid within one (1) week of the field change or prior to any new encroachment permits issued to applicant.

3. The Public Works Director may authorize payment of the fee by the City upon finding that a street cut was made on an emergency basis to avoid a threat to public health, life or safety, or in an extraordinary circumstance the fee may be paid by the City upon approval of the City Council.

E. Construction signs required for work.

Whenever any work which requires a pavement cut is being done in the City streets, easements or right of way for which approval by the City of a traffic control plan is required, the person or persons performing such work shall maintain at the site of such work at all times during which any such work is being done, signage meeting the requirements set forth below and providing information to the public as follows:

1. If the work will take one (1) week or longer to perform such signage shall:

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- (a) Be installed so that the bottom of the sign is at least seven (7) feet above grade, or as otherwise approved by the City Transportation Engineer;
- (b) Be at least three (3) by five-foot in size or large enough to contain all the information required below whichever is larger.
- (c) Be placed in such positions that they can be read by traffic from each direction.
- (d) Be colored "construction orange" with black letters.
- (e) Have block letters at least six (6) inches in height;
- (f) Contain the following information: the name of the company for whom the work is being performed; the name of the contractor actually performing the work; a general description of the work to be done; the time frame within which the work will be performed, i.e. the date work will commence and the date all work will be completed; a twenty-four-hour contact phone number where persons may speak with a representative of the company for whom the work is being performed or may leave a request to speak with such a representative and for which all calls will be returned by such a representative within twenty-four (24) hours.

2. If the work will take less than one (1) week to perform such signage shall:

- (a) Be installed on temporary supports at an approved location;
- (b) Be placed in such positions that they can be read by traffic from each direction.
- (c) Be colored "construction orange" with black letters.
- (d) Have block letters at least six (6) inches in height;
- (e) Contain the following information: the name of the company for whom the work is being performed; a twenty-four-hour contact phone number where persons may speak with a representative of the company for whom the work is being performed or may leave a request to speak with such a representative and for which all calls will be returned by such a representative within twenty-four (24) hours.

46-2.8. Supervision and inspection of work. The city may make any inspections deemed necessary in connection with permits issued under this section. During the construction, the City will inspect all trenching, backfilling, street or pavement cuts, and other work as deemed necessary by the Department. Bus shelters and other construction utilizing electrical connections must obtain an electrical inspection from the City.

In addition to obtaining an encroachment permit pursuant to this chapter, before beginning any excavation in any City right-of-way, construction of or on any highway, sidewalk, curb, gutter or driveway approach, planting, trimming or removing trees, making, placing or causing an obstruction in any City right-of-way, the permittee shall notify the City at least twenty-four (24) hours in advance of the exact date and time work will commence unless, in the case of a continuing maintenance permit this requirement is not imposed. Upon completion of all work authorized in the permit, the permittee shall notify the City.

No work shall be deemed to be completed until notification of completion is given and the work is approved by the City.

11-3-2.9. Abandonment or removal.

- A. Upon the expiration of any encroachment permit, if the permittee shall not have acquired an extension or renewal thereof and accepted the same, it may remove its structures, cable, equipment or other facilities and appurtenances.
- B. If the permittee abandons use of structures, cable, equipment or other facilities placed in the right-of-way pursuant to the permit, then at City's option, City may require the

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permittee to remove all such structures, cable, equipment or facilities or may elect to accept ownership, in which case, title to such structure, cable equipment or other facilities shall vest in the City. Abandonment shall be presumed if the permittee does not remove its property, equipment, structures, facilities or other property placed in the highway, within one hundred eighty (180) days after expiration or termination of the permit. The permit may specify a different time period after which abandonment may be presumed.

11-3-2.10. Condemnation by City. Nothing in the permit shall be construed to deny the City the right to acquire the property of the permittee by the exercise of the right of eminent domain in accordance with the Arizona Revised Statutes.

11-3-2.11. Encroachment permit is revocable.

A. All encroachment permits may be revoked by the Department when the right-of-way, highway, or any portion thereof, occupied and used by the permittee is needed or required for a public use, and upon notice from the City, the permittee shall promptly remove all property belonging to permittee from the right-of-way.

B. If at any time the Department finds that the delay in the completion of the work or use authorized by an encroachment permit is due to lack of diligence on the part of the permittee, it may cancel the permit and restore the right-of-way to its former condition unless such restoration is completed by the permittee. The permittee shall reimburse the City upon demand for all expenses incurred by the City in restoring the public place or right-of-way.

11-3-2.12. Termination. All permits granted hereunder are subject to termination by the Department if:

A. The permittee fails to comply with the requirements of the permit or this chapter or any other rule or regulation validly adopted by the City Council applicable to the permit granted hereunder; or

B. The permittee fails to pay when due, any fee as required by the permit.

11-3-2.13. Appeal. Any person aggrieved by a decision of the Department acting under this chapter may appeal the decision to the City Council. The aggrieved person shall file notice, in writing, with the City Clerk within seven (7) days after final action of the Department. The City Council may affirm, modify or reverse the action of the Department. The decision of the City Council shall be final.

11-3-2.14. Cease and desist orders. Whenever any work is being done contrary to the provisions of this Code, the director of public works and/or the City Engineer may order the unauthorized work stopped by notice in writing served on any person engaged in the doing or causing such unauthorized work to be done, and any such person shall forthwith stop such unauthorized work. Any person performing work in the highway shall have a copy of a valid encroachment permit issued by the City at the site and make such permit available for inspection by the City at all times work is being performed or property or equipment is located in the highway.

11-3-2.15. Penalty. Any person violating any of the provisions of this chapter shall severally, for each and every such violation and non-compliance. A violation of this section is a civil offense punishable pursuant to the provisions of 10-3-22 of the City Code as adopted by Ordinance No. 189. Each and every day a violation of any provision of this chapter shall continue shall be considered a separate offense.

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