



## PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

<u>Subject:</u> Licenses for encroachments into County or Flood Control District Rights-of-Way	Policy Number	Page
	F 54.3	1 of 3

**PURPOSE:** The purpose of this policy is to set forth the conditions under which a License Agreement for encroachments into Pima County or Pima County Flood Control District (collectively, “County”) rights-of-way may be issued to ensure consistent and fair treatment of such encroachments.

**BACKGROUND:** Developers and land owners sometimes request permission to put encroachments such as fences, walls and landscaping into County rights-of-way. To ensure these requests are received, considered and monitored in a uniform and fair manner, County wishes to develop guidelines and procedures for the use of License Agreements to allow encroachments.

**POLICY:** Pima County may authorize encroachments in County rights-of-way and collect fees commensurate to the use of the County property.

**PROCEDURE:**

1. Encroachments into County rights-of-way may be reviewed by the County Department of Transportation and Flood Control District for potential permit, license, or other requirements. A License Agreement must be approved and executed by the Board of Supervisors or the Flood Control District Board of Directors (the “Board”), and all appropriate permits shall be acquired prior to use of the property by the applicant.
2. Requests to place encroachments within County rights-of-way shall be submitted to Public Works-Real Property Services on an application form along with proof of ownership for the abutting property and a plot plan and legal description identifying the location of the intended encroachment. Real Property Services will assist the applicant in determining if the right-of-way is owned by Pima County or Pima County Flood Control District.
3. When landscaping is to be placed within the rights-of-way, a landscaping plan shall be submitted in accordance with Policy No. F54.1, Planting in Pima County Right-of-Way. If the landscaping meets the criteria outlined in said policy, the owner will be exempt from this license policy and all license fees will be waived.

<u>Subject:</u> Licenses for encroachments into County or Flood Control District Rights-of-Way	Policy Number	Page
	F 54.3	2 of 3

4. If the request is approved by the County Department of Transportation and Flood Control District, a License Agreement will be submitted to the Board for approval. Unless a reduced amount is approved by Risk Management Department, a \$5,000,000 commercial general liability insurance policy to cover the intended encroachments must be provided. The policy shall name Pima County or Pima County Flood Control District as an additional insured and an original Certificate of Insurance must be returned with the License Agreement.
5. Real Property Services shall record License Agreement approved by the Board.
6. Prior to installing the encroachment, all applicable permits must be obtained. This includes a Right-of-Way Use Permit and, when appropriate, a County Use Permit or Building Permit (which can be obtained from Development Services) or a Floodplain Use Permit (which can be obtained from the Flood Control District).

FEE SCHEDULE:

**RESIDENTIAL ENCROACHMENTS**

For landscaping, natural buffers, fences, walls, masonry mailboxes, and other miscellaneous encroachments into rights-of-way for individual residential use, there will be charged a one-time initial processing fee of an amount set from time to time by county ordinance, plus an annual fee of \$50.

**COMMERCIAL ENCROACHMENTS**

For landscaping, natural buffers, fences, walls, permanent signs, traffic devices, parking, storage, bus benches, bus bays, or other occupancy for commercial use or use by a homeowners association, there will be a charged a one-time initial processing fee in an amount set from time to time by County ordinance, plus an annual fee determined by Real Property Services on a case by case basis based on the value of the County property. The annual fee will be adjusted every five years based on the increase in the consumer price index over the previous five year period.

**COLLECTION**

Fees shall be invoiced and collected annually. At the discretion of the Board, the annual fees may be waived in cases where there is a benefit to public health, safety and welfare.

<u>Subject:</u> Licenses for encroachments into County or Flood Control District Rights-of-Way	Policy Number	Page
	F 54.3	2 of 3

FAILURE TO OBTAIN LICENSE: In the event that any type of improvement or facility is installed in Pima County Rights-of-Way without a license first being obtained therefore, the installer or current owner of such improvement or facility will be required to promptly apply for such a license, and will pay twice the normal initial processing fee. In the event that the application is not ultimately approved, the installer or owner of the improvement will remove it immediately upon receipt of notification from Pima County.

RESPONSIBLE DEPARTMENT: The process shall be administered by the Department of Transportation.

Effective Date: April 13, 2004