



# City of Gilroy

Public Works Department | Engineering Division  
7351 Rosanna Street | Gilroy, California 95020  
Phone (408) 846-0451 | www.cityofgilroy.org

## CITY USE ONLY

Permit No.: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

## Permit for Encroachment

(Non-Transferable)

Construction – Private Facilities

Construction – Public Facilities

Emergency

Other

### APPLICANT INFORMATION: Complete all fields

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Home / Office #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Private Individual/Entity

State-certified Communication Co.

Gilroy Franchised Utility

Other

**Project Location:** \_\_\_\_\_

**Project Description:** \_\_\_\_\_

### CONTRACTOR INFORMATION: Complete all fields

Contractor Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Office #: \_\_\_\_\_

24-hr. Emergency #: \_\_\_\_\_

### REQUIRED SUBMITTALS: (see submittal requirement document)

<input type="checkbox"/> Improvement Plans	<input type="checkbox"/> Construction Schedule
<input type="checkbox"/> Traffic Control Plans	<input type="checkbox"/> Other
<input type="checkbox"/> Construction Cost Estimate for all City infrastructure work in public right-of-way such as remove & replace curb, gutter, sidewalk, pavement, striping, etc. <i>(Do not include non-City infrastructure such as conduits, utility boxes, etc.)</i>	
Construction Estimate: \$ _____	Final Amount: \$ _____

### CITY APPROVAL CHECK LIST: (City Use Only)

<input type="checkbox"/> City Business License (for contractor)	<b>REQUIRED</b>
<input type="checkbox"/> Class _____ CA Contractors License	<b>REQUIRED</b>
<input type="checkbox"/> Bond	<input type="checkbox"/> Waived
<input type="checkbox"/> Insurance Certificate	<input type="checkbox"/> Waived
<input type="checkbox"/> Insurance Endorsement	<input type="checkbox"/> Waived
<input type="checkbox"/> Permit Fee \$ _____	<input type="checkbox"/> Waived

Checks payable to: City of Gilroy

### INSPECTIONS REQUIRED: (City Use Only)

Inspection Type	Subgrade	Form	Place	Final
<input type="checkbox"/> Sidewalk				
<input type="checkbox"/> Driveway				
<input type="checkbox"/> Curb <input type="checkbox"/> Gutter				
<input type="checkbox"/> Paving				
<input type="checkbox"/> ADA Curb Ramp(s)				
<input type="checkbox"/> Alley Construction				
<input type="checkbox"/> Other				

Inspection Type	Trench	Install	Backfill	Final
<input type="checkbox"/> Storm				
<input type="checkbox"/> Sewer				
<input type="checkbox"/> Gas				
<input type="checkbox"/> Water				
<input type="checkbox"/> Telephone				
<input type="checkbox"/> Electric				
<input type="checkbox"/> Other				

Contractor must call (408) 846-0451 two (2) working days prior to beginning any work and for each inspection request.  
**UNINSPECTED WORK WILL BE REJECTED.**

### Applicant Acknowledgement and Signature

I understand the State of California Contractors License Requirements.

I have read the General Conditions attached to this application and will comply with them, any special conditions, and all provision of Gilroy Municipal Code Chapter 20, Article IX, Section 20.7 through 20.114.

Note: Applicant must also sign Page 5 of Permit Conditions.

\_\_\_\_\_  
Name of Applicant / Agent (Print)

\_\_\_\_\_  
Signature of Applicant / Agent

\_\_\_\_\_  
Date

### City of Gilroy Official Approval

**Permission is hereby granted** to the above-named applicant for **Encroachment** at the specified location on or between designated dates in the above application, subject to the attached conditions and City of Gilroy Municipal Code Chapter 20, Article IX, Section 20.7 through 20.114.

\_\_\_\_\_  
Name of Public Works Department Official (Print)

\_\_\_\_\_  
Signature of Public Works Department Official

\_\_\_\_\_  
Date



## Encroachment Permit General Conditions of Approval

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NOTE: Below are general requirements for work within all public street or utility easement areas. The Permittee also must comply with all the terms, conditions, rules, and procedures of the Encroachment Ordinance, Encroachment Agreement, and the Standard Specifications and Details (City of Gilroy Standards) of the City of Gilroy.

1. **Encroachment Permit Compliance Required.** No person shall make a right-of-way encroachment or cause any street cut to be made without having secured the proper permit two (2) working days in advance of the date specified to begin work except when an emergency street cut is necessary. All work shall be performed in strict compliance with the terms and conditions of this permit. (Gilroy Muni Code 20.72b)
2. **Failure to Comply.** Failure to comply with the requirements of this permit may result in one or more of the following:
  - A. The City Engineer shall order immediate suspension of work until non-compliance is resolved.
  - B. Should the Permittee or the Permittee's contractor fail to correct the non-compliances, the City Engineer may cause removal and replacement of deficient work and/or completion of work to bring the project into compliance at the Permittee's expense.
  - C. The City Engineer shall cause traffic controls to be set, as deemed necessary by the City Engineer, at the expense of the Permittee.
  - D. If the City Engineer deems emergency repairs necessary, he or she will attempt to notify the Permittee. If the Permittee cannot be contacted or fails to respond in a timely fashion, the City Engineer shall cause the work to be done at the Permittee's expense.

Where corrective work described above is ordered by the City Engineer, the cost of that work shall be charged to the Permittee on a Labor, Equipment and Materials basis plus overhead to reimburse the City for its actual costs.

3. **Notification.** The Permittee shall notify the City at least two (2) working days prior to start of work and at that time shall provide a project schedule. Permittee shall notify the Police Department if the work may impede the passage of emergency vehicles (Gilroy Muni Code 20.72b). Temporary ~~No~~ Stopping, ~~No~~ Parking, and/or ~~Tow-Away~~ signs shall be posted by the Contractor at least seventy-two (72) hours prior to commencement of work. Signs shall state days and hours when restrictions apply.
4. **Emergency Street Cut.** A permit for an emergency street cut shall be secured no later than the working day immediately following the emergency street cut. If the emergency street cut is performed during business hours, the Permittee shall attempt to reach the City Engineer by telephone in advance of the work. (Gilroy Muni Code 20.73h, 20.95c)
5. **Time Extension.** If the completion/expiration date stated on the permit will be exceeded, an application for a time extension must be filed and approved by the City Engineer. The new completion date shall be indicated on the permit. (Gilroy Muni Code 20.83)
6. **Inspection.** Work shall be inspected as indicated on the permit. Uninspected work shall be removed as deemed appropriate by the City Engineer. To request an inspection, call (408) 846-0450 at least

one (1) working day in advance of requested inspection time. Inspection shall be scheduled Monday through Friday, except holidays, from 8:15 A.M. to 4:15 P.M. (Gilroy Muni Code 20.85b)

7. **Underground Alert.** The Permittee must telephone Underground Service Alert (USA) at (800) 227-2600 to verify utility locations at least two (2) working days prior to any excavation. Failure to do so shall result in issuance of a Stop Work Notice. Permittee is responsible for all utility relocations. (Gilroy Muni Code 20.95a)
8. **Unknown Underground Facility.** If an unknown underground facility is encountered, work shall cease immediately and both the City Engineer and the utility believed to own the facility shall be notified. Work shall not proceed until permission is granted by the City Engineer. (Gilroy Muni Code 20.95b)
9. **Posting.** The Permittee must keep the signed permit at the worksite or on the premises of the encroachment at all times. (Gilroy Muni Code 20.84a)
10. **Emergency Call-out.** A Permittee shall provide a 24-hour emergency telephone number on the application and shall display its company name and emergency telephone number on its barricades. Failure to respond to an incident promptly shall require corrective measures by the City, the cost of which shall be borne by the Permittee. (Gilroy Muni Code 20.84c, 20.100)
11. **Standards.** Work shall be constructed in accordance with applicable ordinances, codes, and Gilroy Standards, for the City of Gilroy. A copy of the City of Gilroy Standards can be purchased at the Public Works Department at City Hall. (Gilroy Muni Code 20.89; 20.101)
12. **Other Regulations.** It is the Permittee's responsibility to comply with all City laws and regulations and to obtain all necessary permits. Such laws, regulations, and permits include, but are not limited to, the City Business License, Americans with Disabilities Act (ADA) and Division of Occupational Safety & Health standards. (Gilroy Muni Code 20.75c, 20.89a, 20.97c, 20.88a,)
13. **Access.** The Permittee shall provide access to all areas in the vicinity of the encroachment and shall provide necessary temporary sidewalk and warning signs. (Gilroy Muni Code 20.74b, 20.88, 20.96, 20.97)
14. **Public Safety.** The Permittee shall furnish, erect, and maintain barricades, lights, signs, flagmen, fencing, and other safety measures to give adequate protection to the public at all times. Failure of the Permittee to set required warning devices may result in a project shutdown and charges to the Permittee for costs incurred by the City. (Gilroy Muni Code 20.88)
15. **Site Maintenance.** Work areas shall be maintained in a neat, clean and safe condition at all times. Debris shall be removed daily. The site shall be treated for dust control as necessary. Dirt tracked from the work site shall be cleaned from City streets, curbs, gutters, and sidewalks. The flushing of dirt and debris to storm drain or sanitary sewer facilities is strictly prohibited. The Permittee shall employ construction practices that will prevent pollutants such as mud, silt, chemical residue, and washings from concrete and saw cutting from entering storm drains. The site shall be properly secured during non-work hours. (Gilroy Muni Code 20.89d)
16. **Excavations.** All trenches created in existing pavement shall be neatly saw cut. Trench spoils shall be removed from the job site. Backfill shall consist of sand or approved granular material compacted to 95% Relative Compaction. Excavations within the public right-of-way shall be backfilled, compacted, and temporarily paved with cold mix but back-type A.C. prior to 4:00 P.M. to allow for vehicular and pedestrian traffic. The use of non-skid trench plates is allowed, provided the Contractor covers all edges of the plates with cold mix material. It shall be the Permittee's and the Contractor's responsibility to maintain on a daily basis, including weekends and holidays, the

amount of material necessary to maintain the trench surface flush with the existing street or sidewalk. In addition, the Contractor shall respond to and correct shifting trench plates regardless of the time of day. If Contractor fails to correct sinking backfill material or shifting trench plates in a timely manner, City reserves the right to correct the problem at the expense of the Contractor. All trenches shall be fully restored within thirty (30) days of first street cut. (Gilroy Muni Code 20.89d)

17. **Vehicle & Pedestrian Traffic.** The Permittee shall follow Caltrans standards for traffic control. The parking of any construction-related vehicles or storage of any material is not allowed on a public street or sidewalk unless approved in advance by the City Engineer. (Gilroy Muni Code 20.88, 20.103)
18. **Travel Lane & Sidewalk Closures.** The Permittee shall assure that all City streets, travel lanes, and sidewalks remain open at all times, unless a traffic control plan has been approved in advance by the City Engineer or his or her representative. A traffic control plan shall be submitted to the City Engineer or his or her representative for review and approval with Encroachment Permit Application.

Depending on project scope and site conditions, traffic control plans may need to be prepared by a California-licensed Traffic Control Firm. Traffic control plans must follow the current edition of the *California Manual on Uniform Traffic Control Devices* (CA MUTCD). Plans must be specific to the project site and conditions and phased, as appropriate, to the address construction of project improvements. Sample plans are not allowed.

City approval of the traffic control plan must precede notification of any closures. The City Engineer shall be notified of closure dates and duration at least five (5) working days in advance of proposed closure. (Gilroy Muni Code 20.89d)

19. **Construction Staging Areas.** Proposed locations of construction staging areas shall be approved by the City Engineer. Any construction staging area proposed outside of the public right-of-way shall be disallowed unless the Permittee has secured the prior written approval of the owner. (Gilroy Muni Code 20.89d)
20. **Street Cuts.** The Permittee shall use boring and jacking as an alternative to open cut of streets if required by the City Engineer. No street pavement shall be cut unless specifically approved in writing pursuant to an Encroachment Permit. Trench restoration shall be according to the Gilroy Standards, except as modified by additional Special Conditions of Approval or a design by a licensed civil engineer approved by the City Engineer. (Gilroy Muni Code 20.92)
21. **Hazardous Materials.** The Permittee is responsible for satisfying all applicable procedures and regulations in the event hazardous materials are encountered. This includes notification to emergency phone number 911. (Gilroy Muni Code 20.89d)
22. **Monument Preservation.** Location of monuments shall be tied out prior to work. Any City monument damaged, displaced, or destroyed by Permittee's work shall be replaced by Permittee at Permittee's sole expense. (Gilroy Muni Code 20.106)
23. **Removal of Markings.** All sidewalk and/or pavement markings painted by Underground Service Alert (USA), utility companies, or Permittee shall be removed to the satisfaction of the City Engineer within ten (10) working days after completion of construction. (Gilroy Muni Code 20.90)
24. **Work Hours.** All work in the public right-of-way is restricted to non-holiday weekdays 8:00 AM to 5:00 P.M. and No work allowed on weekends, except as noted in Additional Special Conditions of Approval or Construction Guidelines for Continuing Encroachment Installations, if applicable. Work is not allowed Sundays and City holidays. (Gilroy Muni Code 20.89d)

25. **Traffic Striping and Pavement Markings.** Any traffic striping and/or pavement markings damaged or destroyed by Permittee's work shall be replaced by Permittee to the satisfaction of the Traffic Engineer at Permittee's sole expense. (Gilroy Muni Code 20.90)

26. **Additional Special Conditions of Approval:**

- (a) Design and construction of the encroachment that is the subject of this Permit shall be coordinated with the City of Gilroy and all utilities having jurisdiction.
- (b) Master Plan and Schedule of Work shall be updated weekly.
- (c) Work site(s) shall have full-time Site Superintendence.
- (d) 24-hour emergency phone numbers shall be updated as changes occur.
- (e) Method of trench restoration shall be approved in advance of permit and shall be made an attachment to the permit.

*The following to be completed by Public Works staff, as necessary.*

- (f) \_\_\_\_\_  
\_\_\_\_\_
- (g) \_\_\_\_\_  
\_\_\_\_\_
- (h) \_\_\_\_\_  
\_\_\_\_\_
- (i) \_\_\_\_\_  
\_\_\_\_\_

27. **City License.** Contractors and Subcontractors must obtain a City of Gilroy Business License. (Gilroy Muni Code 20.88a)

28. **Bonding.** The Permittee is responsible for furnishing a performance bond to be executed in the face amount not less than one hundred percent (100%) of the total construction cost. (Gilroy Muni Code 20.77, 20.78)

29. **Insurance.** The Permittee is responsible for furnishing a completed Certificate of Insurance with proper endorsements naming as additional insured the City of Gilroy, its Officers, Officials, Representatives, Agents, Employees, and Volunteers. Certificate of Insurance forms are available at the Public Works Department at City Hall. (Gilroy Muni Code 20.76)

30. **Indemnification.** To the fullest extent permitted by law, Permittee shall defend through counsel approved by City (which approval shall not be unreasonably withheld,) indemnify and hold harmless the City of Gilroy, its officers, officials, representatives, agents, employees, and volunteers against any and all suits, damages, costs, fees, claims, demands, causes of action, losses, liabilities and expenses, including without limitation attorneys' fees, to the extent arising or resulting directly or indirectly from any act, errors or omissions of Permittee or Permittee's assistants, employees or agents, including all claims relating to the injury or death of any person or damage to any property. (Gilroy Muni Code 20.76)

- 31. **Permit Commencement and Duration.** This Permit is valid for ninety (90) days from the date of issuance unless stated otherwise in the Additional Special Conditions of Approval. This Permit will become void if work is not begun within sixty (60) days from date of issuance. Final inspection and acceptance of work shall close this Permit. (Gilroy Muni Code 20.82, 20.83)
- 32. **One-Year Warranty.** The Permittee shall assume a one (1) year warranty period from the date of acceptance for all material and workmanship for all work performed under this Permit in the City right-of-way. Between thirty (30) and forty-five (45) days after notice of completion, the Permittee shall check for trench settlement and make necessary adjustment, if any, and then call for an inspection. Permittee shall be released one (1) year after completion notice from all requirements to maintain trench pavement and patches. (Gilroy Muni Code 20.77b, 20.78, 20.102)
- 33. **Acceptance.** The Permittee's acceptance of this Permit shall constitute acceptance of and agreement to all of the conditions and requirements of this Permit and the ordinance authorizing issuance of such permit. Permittee's acceptance of this Permit acknowledges that it is revocable by the City of Gilroy, and that upon notification of revocation Permittee shall remove the encroachment at Permittee's own expense, without cost or obligation to the City. The Permittee acknowledges that the Permittee is subject to, and must comply with, all sections of Chapter 20A of the City Code. (Gilroy Muni Code 20.78)

**Applicant Acknowledgement and Signature**

Signature of Permittee or Authorized Representative accepting General Conditions of Approval:

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Print Name Title Date

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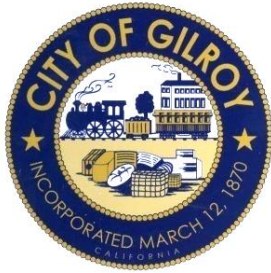
Signature

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Representing (Name and Address)

*Note: Applicant must also sign Encroachment Permit application.*

OFFICE USE ONLY	
Permit No.:	_____
Issue Date:	_____
Expiration Date:	_____



## City of Gilroy

**Public Works Department**  
7351 Rosanna St., Gilroy, CA 95020  
Phone (408) 846-0223; [www.cityofgilroy.org](http://www.cityofgilroy.org)

# Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs)

Checklist and Acknowledgement Sheet  
for all activities within the public right-of-way  
Last Revised – June 2021

### Introduction

The City of Gilroy Public Works Department requires applicants/contractors for encroachment permits to comply with certain General Provisions related to stormwater pollution prevention. Construction activities related to maintenance and improvement of existing utilities and installation of new utilities that disturb less than one acre of land are exempt from City Municipal Code Section 27C.24 but must implement best management practices (BMPs) to prevent stormwater pollution.

Applicants/Contractors shall determine the appropriate BMPs to be checked below for the activities being performed within, or adjacent to, the City right-of-way as part of the permitted project. Additional BMPs may be required if field conditions change or additional stormwater pollution prevention measures are required by the City. For more information, please contact [Permit.Tech@cityofgilroy.org](mailto:Permit.Tech@cityofgilroy.org).

### Sediment Control BMPs

*SE-5 Fiber Rolls*

A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be photodegradable or natural. When fiber rolls are placed at the bottom of slopes along contours, they intercept runoff, reduce its velocity, release the runoff as sheet flow, allow sedimentation, and also reduce sheet and rill erosion until vegetation is established

*SE-7 Street Sweeping and Vacuuming*

Sweeping and vacuuming are needed to remove sediment wherever it is tracked from the project site onto public or private paved streets and roads, typically at points of egress. After

sweeping is finished, sweeper waste should be properly disposed of at an approved dumpsite.

*SE-10 Storm Drain Inlet Protection*

Storm drain inlet protection consists of a sediment filter or an impounding area in, around or upstream of a storm drain, drop inlet, or curb inlet to prevent sediment from discharging to the storm drain. Storm drain inlet protection measures temporarily pond runoff before it enters the storm drain, allowing sediment to settle. Temporary geotextile storm drain inserts that attach underneath storm drain grates to capture and filter storm water can also be used. Inlet protection options can be used in combination with the following BMPs:

*SE-6 Gravel Bag Berm* - A gravel bag berm is a series of gravel-filled bags placed on a level contour to intercept sheet flows, pond runoff, and allow sediment to settle out.

*SE-8 Sandbag Barrier* - A sandbag barrier consists of a row of sand-filled bags placed on a level contour to intercept sheet flows, pond runoff, and allow sediment to settle out. Sandbag barriers should generally be used in conjunction with temporary soil stabilization.

*TC-1 Stabilized Construction Entrance/Exit*

The purpose of a stabilized construction entrance/exit is to reduce or eliminate the tracking of sediment onto public rights of way. A stabilized construction entrance /exit is a pad of aggregate underlain with filter cloth located at a point where traffic will be entering or leaving a construction site.

### **Good Site Management BMPs**

*WM-1 Materials Delivery and Storage*

The discharge of stormwater pollutants from construction material delivery and storage areas can be prevented or reduced by minimizing the storage of hazardous materials onsite, storing materials in watertight containers and/or containing the storage area with a berm or on an enclosed pad, and conducting regular inspections.

*WM-3 Stockpile Management*

All stockpiles of construction materials (such as soil, soil amendments, sand, pressure treated wood, and paving materials such as Portland cement concrete rubble, asphalt concrete, asphalt concrete rubble, aggregate base, aggregate sub-base or pre-mixed aggregate, and asphalt binder) should be covered with a tarp and protected with a temporary linear sediment barrier prior to the onset of precipitation.

*Waste Management*

Waste management includes storing materials properly to reduce the possibility of spills, stopping the source of spills, and the immediate containment, clean-up and proper disposal of spilled materials. Solid, liquid and sanitary waste should be properly disposed. Designated waste collection areas and containers should be provided, and regular disposal services arranged. All waste containers should be covered. Temporary sanitary facilities should be located away from storm drains and traffic areas.



*WM-8 Concrete Waste Management*

Stockpile management BMPs should be used to ensure that construction materials, including mortar, concrete, stucco, cement and block, and their associated wastes do not come in contact with stormwater flows. Concrete trucks should be washed only in contained concrete washout areas so that there is no discharge of concrete waste onto site soils or into storm drains.

## **Non-Stormwater Management**

*NS-3 Paving and Grinding Operations*

Stockpile management, sediment control and inlet protection BMPs should be implemented to prevent paving and grinding materials or wastes from entering storm drains. When feasible, paving during the rainy season should be avoided. Waste materials should not be washed or swept into storm drains. During saw-cutting and grinding operations, use as little water as possible. Block storm drain inlets using inlet protection BMPs and/or use absorbent materials to contain slurry. Remove saw-cut slurry, using a shovel, vacuum, or dry sweeping, as soon as possible.

*NS-6 Illicit Discharge*

The site should be inspected before beginning the job for evidence of illicit connections to the storm drain, illegal dumping or discharges. Any pre-existing conditions should be documented and the owner notified. Employees and sub-contractors should be trained to use BMPs to prevent any material from entering storm drains.

*NS-12 Concrete Curing, NS-13 Concrete Finishing*

Storm drain inlet protection BMPs should be implemented before conducting concrete curing and/or sandblasting. Water from curing and sandblasting operations should be directed to contained collection areas (so that there is no discharge to underlying soils or surrounding areas) and then properly disposed.

## **References**

California Stormwater Quality Association (CASQA) Construction BMP Handbook, November 2009. (Available by subscription only at [www.casqa.org](http://www.casqa.org))

State Water Resources Control Board, NPDES General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 2009-0009-DWQ, September 2009 (effective July 1, 2010).

Santa Clara Valley Urban Runoff Pollution Prevention Program, 2004 Urban Runoff Management Plan, Performance Standard and Supporting Documents for Public Streets, Roads, and Highways Operation and Maintenance, September 1, 2004.

**Acknowledgement/ Agreement:**

I (We), the Owner(s) of the subject property, the Utility Company, or the applicant/contractor performing work in the City Right of Way (ROW) have read, understood, and completed the Public Works Department Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs) Checklist, and shall ensure that all work occurring within the City of Gilroy ROW requires the implementation of construction BMPs for storm water pollution prevention in conformance with State Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) construction general permit.

\_\_\_\_\_  
**Print Name** of Owner, Utility Company's  
Representative or Applicant/Contractor

\_\_\_\_\_  
**Signature** of Owner, Utility Company's  
Representative or Applicant/Contractor

<b>For Office Staff only</b>
<b>Encroachment Permit(s) No.</b>
<b>Land Development File No.</b>
<b>Building Plan Check No.</b>