

BRANNAN-ANDRUS  
LEVEE MAINTENANCE DISTRICT

Levee Encroachment Regulations

March 28, 1985

(Includes regulations and modifications proposed and  
adopted at March 28, 1985 meeting of Board of Directors)

## Brannan-Andrus Levee Maintenance District

### Levee Encroachment Regulations

Regulations controlling Alterations to and Encroachments upon, Through or Over the District's Levee System.

Adopted by the Board of Directors of said above Brannan-Andrus Levee Maintenance District, as follows:

Section I. Purpose. The purpose of these Regulations is to protect the integrity of the levees of the Brannan-Andrus Levee Maintenance District from the adverse effects caused by improper alterations to or encroachments upon District levees and to assure adequate access for relocations, reconstruction, and routine and emergency inspection, maintenance and repair.

Section II. Definitions. As used in these Regulations, the following words and phrases shall, unless otherwise provided, have the following definitions:

- a) "District": Brannan-Andrus Levee Maintenance District.
- b) "Levee" and "District Levee": Any embankment or structure designed or used to protect lands from flooding which was constructed by the District or its predecessors or which is maintained, operated or controlled by the District or which is subject to the maintenance, operation, or control of the District
- c) "District Area of Jurisdiction": The District Levee and the area on the landside and waterside of the District Levee that is require to satisfy the stability, safety and integrity of the District Levee and the levee operating, maintenance, relocation and reconstruction requirements of the District. (See "District Area of Jurisdiction" map incorporated as part of these Regulations).
- d) "Person": Any person, persons, company, partnership, corporation, governmental body or any agent thereof.
- e) "Camp": To establish or pitch or attempt to establish or pitch a camp, tent, or temporary shelter or to reside temporarily or otherwise in any camp, tent or temporary shelter.
- f) "Boat": Any vessel for transport by water regardless of size, use, construction or method of propulsion.
- g) "Livestock": Any horses, cattle, sheep, goats, pigs, or other useful animal or animals, excepting household pets, of a type kept or raised on a farm or ranch.
- h) "Owner": The legal owner, equitable owner, or any person harboring or having custody and control of livestock or an otherwise item of personal or real property.

i) "Obstructive vegetation": Any trees, shrubs, bamboo, briars, vines, or other vegetation which is or could be a hindrance to access or to visual inspection excluding low grass and lawns.

j) "Adjacent": The area adjoining the District levee within the District Area of Jurisdiction as defined in Section II c) above.

k) "Flood Control Works": The levee, rock revetment or other works to provide flood protection and wave wash protection.

l) "Project Levee": The levees along the left bank of the Sacramento River and right bank of Georgiana Slough which are part of the Sacramento River Flood Control Project as approved by the Congress of the United States and the Legislature of the State of California.

m) "Non-Project Levee": The levees along the right bank of the Mokelumne River, the right bank of the San Joaquin River and right bank of Sevenmile Slough which are not considered to be part of the Sacramento River Flood Control Project.

n) "Encroachments, Improvements and Developments": These terms are considered to be interchangeable -- See Section IV for definitions.

### Section III. Responsibilities.

a) Maintenance of the levees and flood control works are the responsibility of the District.

b) Maintenance cost of levee and flood control works in District approved development areas attributable to the development will be the responsibility of the developer and/or the owner.

c) Maintenance and maintenance cost of County roads on levees will be the responsibility of the County.

Section IV. Encroachments. No person shall and it shall be unlawful for any person to do any of the following , among others (all of which are deemed to be encroachments):

1) Excavate, grade, level, fill, widen, raise, cut, disturb, rip or dig upon; or

2) place, erect, construct, or maintain any pipeline, fence, parking lot or area, pole, pole line, utility lines, cable, gate, barricade, conduit, rail, dock, ramp, wharf, landing, building, structure, obstructive vegetation, or works of any kind upon or over; or

3) leave, place, store or maintain any lumber, pipe, or any other object or item upon; or

4) leave, place, maintain, ride, drive, feed or control livestock upon;  
or

5) park or place any vehicle or other item so as to obstruct traffic or interfere with the District's maintenance and operation of the levee (any vehicle left standing in one place for 48 hours or more is deemed to be abandoned and will be removed at the owner's expense) or park upon or over; or

6) camp on; or

7) except from a launching ramp or other facility maintained for that purpose, launch any boat from;

any levees or flood control works (including the rock riprap or other wave wash protection thereon) of the District or upon lands owned or maintained by the District or within the District area of jurisdiction except when expressly permitted to do so by a proper and revocable written permit, easement or agreement executed between said person and the District and upon payment to the District of any required fees, expenses, rental, or other compensation thereof.

Section V. Non-Conforming Encroachments. Any encroachments (as set forth in Section IV above) upon or over any levees or flood control works of or within the District which encroachments exist at the time of adoption of these Regulations are hereby declared non-conforming with these Regulations. No such non-conforming encroachments may be expanded or modified by any person except when expressly permitted to do so by a proper and revocable written permit executed between said person and the District and upon payment to the District of any required fees, expenses, rental, or other compensation thereof. If a non-conforming encroachment is damaged or destroyed in whole or in major part, by or from any cause (including fire, flood or wind) and the damage sustained requires repair work costing more than the fair market value of the encroachment prior to the damage, then such non-conforming encroachment shall not be repaired or reconstructed back into a non-conforming condition. These regulations are not intended to and shall not render legal or proper any encroachment heretofore occurring which was not in accordance with law including the Regulations of the District.

Section VI. Levee Excavation. When the District has issued a permit which allows and excavation within the District area of jurisdiction, the District nevertheless reserves the right to require all excavation activity to cease, and such excavation to be immediately refilled, when, in the opinion of the District superintendent, anticipated high water conditions within the area of excavation pose a threat to the levee stability or integrity.

Section VII. Encroachment Permit. All encroachments, improvements, developments or use, existing or proposed, whether on or adjacent to the levees, within the District Area of Jurisdiction, are subject to written permit of the District.

Inquiries about proposed encroachments or encroachment permits should be directed to the District office in Rio Vista.

Encroachment permits issued by the District will use as a guide the "Standards for Encroachments" as approved by the Reclamation Board in conjunction with the Regulations of the District.

Approval and issuance of an encroachment permit shall be by the Board of Directors or Committee of the Board (duly designated by the Board of Directors of the District) pursuant to these Regulations. Such approval and issuance shall be contingent upon

- 1) the applicant agreeing to assume all liability resulting from the Applicant's encroachment,
- 2) the applicant agreeing to hold the District harmless from additional costs occasioned by such encroachment and necessitated by any future work by the District in the District area of jurisdiction, and
- 3) the applicant complying with any other conditions which the Board or Committee of the Board in its discretion may from time to time deem appropriate.

The Board or Committee of the Board may in its discretion refuse to issue any or all permits and may from time to time modify its adopted Regulations for encroachments or guidelines for encroachments (including pipes and conduits) which shall be conditions to the issuance of any permit.

The Board or Committee of the Board may from time to time in its discretion adopt a standard application form or forms for use in administration of the permit procedure provided herein.

A permit, when issued, may be subsequently modified by action of the Board or Committee of the Board.

In addition to an encroachment permit issued by the District, the applicant must also obtain approval from other permitting agencies as required by law (such as, Reclamation Board, Corps of Engineers, Sacramento County, etc.).

The encroachment permit issued by the District should be obtained prior to obtaining other agency permits.

Section VIII. Application for Encroachment Permit. Requests for "Application for Encroachment Permit" forms or inquiries about completing the forms should be directed to the District office in Rio Vista.

Completed applications for an encroachment permit should be submitted to the District at the Rio Vista Office.

Applications for approval of plans for encroachments must be submitted on the Application for Encroachment form provided by the District and must be accompanied by drawings and supporting data that provide sufficient detail to permit a good and proper review of the proposed work. Generally, the following information must be shown on or accompany the application:

1. Name, address, and telephone number of applicant, and signature.
2. A detailed description of the proposed encroachment, including the intended purpose of the project.

3. A location description including the lot number or County Assessor's Parcel or some other means of identifying the exact location.

4. A location map showing the exact position of the proposed encroachment related to existing identifiable landmarks. These include, but are not limited to the following:

- a) Name of the waterway that the project is on or adjacent to.
- b) Distance to and name of local town or community, roads, bridges, or other identifying landmarks.
- c) North arrow.

5. A plan view drawn to scale and which shows the following:

- a) Location of proposed encroachment with respect to existing facilities and adjacent property lines.
- b) Location of cross sections or elevation views that are being submitted with the application.
- c) Direction of flow of stream.
- d) North arrow.

6. Elevation and/or cross section views (drawn to an appropriate scale) which provide the following:

a) Location of proposed encroachment with respect to levees, water surface, stream bank and berms measured both horizontally and vertically.

b) Elevations of project features and adjacent levee crown, and design flood plane for the Sacramento River Flood Control Project. Elevations must be referenced to bench marks identified by the District.

7. Material specifications, installation and/or construction details, and proposed construction schedule.

8. A copy with the results of any special study if such are required to determine the impact of the proposed project on the particular portion of the levee, stream or river system.

9. Names and addresses of owners of adjacent land parcels sharing a length or point of common boundary with the land upon which the proposed project is to be built.

10. A list of items which applicant is submitting with the application.

11. Engineering design calculations for features requiring structural, safety, stability or other engineering analyses.

12. Drawings, specifications and calculations required to support

engineered facilities must be prepared, signed and sealed by a California registered professional engineer.

13. Flood evacuation plan for the development project in conformance with County Ordinance No. 83-SPA 1, Section XI, B.10.

#### Section IX. Special Requirements.

##### Project Levees

No special requirements. The Board may require special provisions or conditions for encroachments on or adjacent to the Project Levees.

##### Non-Project Levees

The Board of Directors of Brannan-Andrus Levee Maintenance District will adopt levee standards, including geometry, dimensions and freeboard, that will provide acceptable levels of stability and safety. Special conditions may be added by the Board.

##### Stable Levee Sections and Foundations

Landside - No permanent or temporary structures, except District approved ramps and stairways shall be allowed within the District area of jurisdiction.

The height of any fill or embankment added to the existing ground levels shall be limited to elevations and construction standards (type of material, compaction, time length of loading and consolidation and staging of construction) designated by District.

For fills and embankments District designated tests to confirm stability and safety may be required to be conducted periodically by the applicant.

Waterside - no permanent buildings or structures will be allowed on the waterward slope of the levee.

##### Unstable Levee Sections and Foundations

Landside - no permanent or temporary structure (including fills and embankments) except District approved ramps and stairways shall be allowed within the District area of jurisdiction.

District designated test shall be conducted periodically by the applicant on fills and embankments to confirm stability and safety.

Waterside - no permanent buildings or structures will be allowed on the waterward slope of the levee.

#### Section X. District's Right of Entry. The District, by any authorized

agent or employee, shall have the right to enter upon any property within the District area of jurisdiction at all reasonable times and places to determine and enforce compliance with these Regulations.

Section XI. Cease and Desist Order. The District may at any time there is an encroachment in the District Area of Jurisdiction in violation of these regulations, whether or not an encroachment permit has been issued by the District, issue a written order signed by the President of the Board or his official designee to cease and desist such encroachment or issue an order to remove or alter such encroachment.

Section XII. Violation of Regulations. Any person who shall violate any of the provisions of these Regulations shall in addition to suffering from any remedy imposed by law be liable for all costs, expenses, and damages to the District caused by such violations.

In addition to all of the other remedies provided herein, the Board with regard to any violation of these Regulations after issuing a cease and desist order or order for removal or alteration and after issuing 72 hours prior written notice of the same by mail or by publication (in accordance with Government Code Section 6061) to the person or persons involved may perform at the cost and expense of the person or persons in violation any corrective work deemed appropriate or necessary by the Board to protect the integrity of the District Levee.

Section XIII. Interpretation, Constitutionality, Severability.

A. In interpreting and applying the provisions of these Regulations, the requirements contained herein are declared to be minimum requirements for the purposes set forth.

B. The provisions of these Regulations, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatement and continuations and not as new enactments.

C. If any section, subsection, sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Regulations. The Board hereby declares that it would have passed these Regulations and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

D. These Regulations shall upon effect supersede and replace the provisions of the other Regulations and laws of the District in conflict herewith.

Date: March 28th., 1985 .

s/Frank E. Silva, President - Board of Directors