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### STREETS AND HIGHWAYS CODE - SHC

**DIVISION 2. COUNTY HIGHWAYS [900 - 1757]** ( *Division 2 enacted by Stats. 1935, Ch. 29.* )

**CHAPTER 5.5. The Care and Protection of County Highways [1450 - 1470]** ( *Chapter 5.5 added by Stats. 1965, Ch. 789.* )

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#### **ARTICLE 2. Permit Provisions [1460 - 1470]** ( *Article 2 added by Stats. 1965, Ch. 789.* )

**1460.** The road commissioner may issue written permits, as provided in this chapter, authorizing the permittee to do any of the following acts:

- (a) Make an opening or excavation for any purpose in any county highway.
- (b) Place, change or renew an encroachment.
- (c) Place or display in, under or over any county highway any kind of advertising sign or device. Any such sign or device placed or displayed contrary to the provisions of this section is a public nuisance and the road commissioner may immediately remove it. The provisions of this section shall not prohibit the posting of any notice in the manner required by law or by the order of any court of this state.
- (d) Plant, remove, cut, cut down, injure or destroy any tree, shrub, plant or flower growing within any county highway.

Any person who does any of the acts specified in this section, without the authority of such a permit, is guilty of a misdemeanor and is liable to the public agency for all expenses and damages caused thereby.

(*Amended by Stats. 1971, Ch. 439.*)

**1461.** Any act done under the authority of a written permit, issued pursuant to the provisions of this chapter, shall be done in accordance with the applicable provisions of this chapter, and the terms and conditions of such permit.

(*Added by Stats. 1965, Ch. 789.*)

**1462.** Any permit issued under the provisions of this chapter may provide that the permittee will pay the entire expense of replacing the highway in as good condition as before, and may provide such other conditions as to the location and the manner in which the work is to be done as the road commissioner finds necessary for the protection of the highway.

(*Added by Stats. 1965, Ch. 789.*)

**1463.** Any permit issued to a public agency or a public utility having lawful authority to occupy the highways shall contain a provision that in the event the future improvement of the highway necessitates the relocation of such encroachment the permittee will relocate the same at his sole expense. In said event the road commissioner shall serve on the permittee his written demand specifying the place of relocation, and specifying a reasonable time within which the work of relocation must be commenced. The permittee must commence such relocation within the time specified in said demand and thereafter diligently prosecute the same to completion.

All permits other than those issued to public agencies or a public utility having lawful authority to occupy the highways are revocable on five days' notice and the encroachment must be removed or relocated as may be specified by the road commissioner in the notice revoking the permit and within a reasonable time specified by the road commissioner unless the permit provides a specified time.

Public utilities may be required, within a reasonable time, to relocate such of their facilities as interfere with an enlarged public use of the highway, except in those cases where the enlarged use of the highway involves a state freeway.


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### STREETS AND HIGHWAYS CODE - SHC

**DIVISION 2. COUNTY HIGHWAYS [900 - 1757]** ( *Division 2 enacted by Stats. 1935, Ch. 29.* )

### CHAPTER 6. Obstructions and Injuries to County Highways [1480 - 1496]

( *Chapter 6 enacted by Stats. 1935, Ch. 29.* )

**1480.** As used in this chapter:

- (a) The term "highway" includes all or any part of the entire width of right of way of a county highway, whether or not such entire area is actually used for highway purposes.
- (b) The term "encroachment" includes any structure or object of any kind or character placed, without the authority of law, either in, under or over any county highway.

(*Enacted by Stats. 1935, Ch. 29.*)

**1480.5.** The road commissioner may immediately remove, or by notice may require the removal of, any of the following encroachments:

- (a) An encroachment which obstructs or prevents the use of a county highway by the public.
- (b) An encroachment which consists of refuse.
- (c) An encroachment which is a traffic hazard.
- (d) An encroachment which is an advertising sign or device of any description, unless excepted by subdivision (c) of Section 1460. The road commissioner may return such sign or device to its owner, or otherwise dispose of it in his discretion, except that if the commissioner determines in good faith that the sign or other device is of more than nominal value he shall not effect such other disposition until he has made a reasonable attempt to identify and notify the owner of the sign or device and provided a reasonable time for the owner to retrieve it under provisions of this section. The return of such sign or device to its owner may be conditioned upon payment of an amount sufficient to reimburse the road commissioner for the expense of removal.

The road commissioner may recover from the person causing any of the above encroachments, in an action brought in the name of the county for that purpose, the court costs of the road commissioner, the expense of such removal, and any other damages caused by the encroachment.

(*Amended by Stats. 1975, Ch. 159.*)

**1481.** The road commissioner may, by notice, require the removal of any other encroachment not specified in Section 1480.5 from any county highway.

(*Amended by Stats. 1971, Ch. 439.*)

**1482.** The notice referred to in Sections 1480.5 and 1481 shall be served upon the occupant or owner of the land, or the person causing, controlling or owning the encroachment, or shall be left at the place of residence of such occupant, owner or person if he resides in the county and is known to the person giving such notice. If the person upon whom notice is to be served does not reside in the county, the notice shall be posted on the encroachment. The notice shall specify the breadth of the highway, the place and extent of the encroachment, and shall require the removal of such encroachment within 10 days.

(*Amended by Stats. 1971, Ch. 439.*)

**1483.** If the encroachment is not removed, or its removal not commenced and diligently prosecuted, prior to the expiration of 10 days from and after the service or posting of the notice, the person causing, owning, or controlling the encroachment forfeits three hundred fifty dollars (\$350) for each day the encroachment continues unremoved.

**1490.** The board of supervisors of any county may construct and maintain bridges over any ditches which are used exclusively for irrigation purposes and which cross county highways in the county. Such board may, with the consent of the owners of such ditches, declare any of such bridges to be public property, and may then maintain and repair such bridges at the expense of the county.

*(Enacted by Stats. 1935, Ch. 29.)*

**1491.** Any person who wilfully injures any county bridge is guilty of a misdemeanor, and is also liable for actual damages for such injury, to be recovered by the county in a civil action.

*(Enacted by Stats. 1935, Ch. 29.)*

**1492.** Any person who wilfully removes or injures any mile-board, milestone or guide-post, or any inscription thereon, erected on any county highway, is liable for a penalty of ten dollars, recoverable as provided in section 1496, for every such offense, and is also guilty of a misdemeanor.

*(Enacted by Stats. 1935, Ch. 29.)*

**1492.5.** Survey monuments shall be preserved, referenced, or replaced pursuant to Section 8771 of the Business and Professions Code.

*(Added by Stats. 1994, Ch. 458, Sec. 11. Effective January 1, 1995.)*

**1493.** Any person may notify the occupant or owner of any land, from which a tree or other obstruction has fallen upon any county highway, to remove such tree or obstruction forthwith. If it is not thus removed, the owner or occupant is liable for the expense of removal and for a penalty of one dollar for every day after such notification that such tree or obstruction is not removed. The penalty and the expense of removal are recoverable as provided in section 1496.

*(Enacted by Stats. 1935, Ch. 29.)*

**1494.** Any person who cuts down a tree which falls into any county highway shall immediately remove the tree, and is liable for a penalty of ten dollars, recoverable as provided in section 1496, for every day such tree remains in the highway.

*(Enacted by Stats. 1935, Ch. 29.)*

**1495.** Any person who maliciously digs up, cuts down, injures or destroys any shade or ornamental tree on any county highway, unless such tree is considered an obstruction by the road commissioner and is removed under his direction, is liable to a penalty of one hundred dollars, recoverable as provided in section 1496, for each such tree.

*(Enacted by Stats. 1935, Ch. 29.)*

**1496.** The road commissioner shall recover all penalties or forfeitures given in this chapter and the recovery of which is not otherwise provided for, by suit in the name of the county. He shall pay such recoveries into the road fund.

The provisions of this section are applicable to Sections 1484, 1485, 1487, 1492, 1493, 1494, and 1495, and to any other provision in this chapter imposing penalties or forfeitures.

*(Amended by Stats. 1961, Ch. 801.)*