CHAPTER 7

GRADING, EROSION AND SEDIMENT CONTROL

SECTION:

8-7-1: TITLE:

This chapter shall be known as the *GRADING ORDINANCE OF THE CITY OF PLACERVILLE.* (Ord. 1523, 4-11-1995)

8-7-2: PURPOSE:

This chapter is enacted for the purpose of regulating grading on private property within the incorporated area of the city to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with nutrients, sediments or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended use of a graded site is consistent with the city's general plan, any specific plans adopted thereto, and applicable ordinances including the zoning ordinance and the California building code. (Ord. 1642, 6-14-2011)

8-7-3: SCOPE:

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedures for issuance of permits; and provides for approval of plans and inspection of grading construction and all grading specific to single parcel site improvements, except single-family residence construction unless exceeding prescriptive standards as defined in the city's design and improvement standards manual. Where the grading or earthwork involves multiple parcels, parcel maps, subdivisions, land divisions, or roads the design and improvement standards manual shall be used for design purposes. (Ord. 1523, 4-11-1995)

8-7-4: DEFINITIONS:

Unless the particular provision or the context otherwise requires, wherever the following terms are used in this chapter, they shall have the meanings ascribed to them in this section:

AGRICULTURAL OPERATION: Any land related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purposes when conducted on agriculturally zoned lands and is not surface mining or borrow pit operations.

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM): A membership society that is the foremost United States source of information on the specifications and testing of materials.

BEDROCK: The solid undisturbed rock in place either exposed at the ground surface or beneath superficial deposits of loose rock or soil.

BENCH: A relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

BORROW: Earth material acquired from an off site location for use in grading on a site.

CITY ENGINEER: The city engineer of the city, acting either directly or through his authorized deputies.

CIVIL ENGINEER: A professional engineer registered as a civil engineer by the state of California.

CIVIL ENGINEERING: The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design, and construction of civil works for the beneficial uses of mankind.

COMPACTION: The increase of density of a soil or rock fill by mechanical means.

CUT: See definition of Excavation (Cut).

DEPTH OF CUT: The vertical dimension from the exposed cut surface to the original ground surface at the cut's deepest point, generally at the hinge point. Where the construction slope is steeper than three to one (3:1) the depth shall be measured from the top of the cut.

DEPTH OF FILL: The vertical dimension from the exposed fill surface to the original ground surface at the fill's deepest point, generally at the hinge point. Where the construction slope is steeper than three to one (3:1) the depth shall be measured from the toe of the slope.

EARTH MATERIAL: Any rock, natural soil or fill and/or any combination thereof.

EMBANKMENT (FILL): The deposit of soil, rock or other materials placed by man and includes the conditions resulting therefrom.

ENCROACHMENT PERMIT: A written permit issued by the engineering department authorizing certain work within a publicly maintained right of way.

ENGINEERING GEOLOGIST: A registered geologist certified as an engineering geologist by the state of California.

ENGINEERING GEOLOGY: The application of geologic knowledge in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

ENVIRONMENTAL HEALTH SPECIALIST: A professional, registered as an environmental health specialist by the state of California.

EROSION: The wearing away of earth material as a result of the movement of wind, water or ice.

EXCAVATION (CUT): The removal of earth materials by mechanical means, and includes the conditions resulting therefrom. It excludes temporary stockpiles.

EXISTING GRADE: The elevation of the ground surface at a given point prior to excavating or filling.

EXPANSIVE SOIL: Any soil which exhibits significant expansive properties as determined by the procedures defined in the California building code.

FILL: See definition of Embankment (Fill).

FINISHED GRADE: The grade of the site after excavating or filling which conforms to the approved final grading plan. The finished grade is also the grade at the top of a paved surface (final grade).

GENERAL GRADING: The movement of earth for any purpose, including, but not limited to, earthwork required to establish grade for construction projects (i.e., the preparation of a lot or parcel for a future building pad, or the placement of embankment or excavation of materials for improvement of the lot or parcel where no structure is planned, small earthen dams, access roads and driveways, etc.).

GEOLOGIC HAZARD: Any condition in naturally occurring earth materials which may endanger life, health or property.

GEOTECHNICAL ENGINEER: A civil engineer registered by the state of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title "soil engineer".

GEOTECHNICAL ENGINEERING: The application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and may include the inspection, testing and construction thereof. Any civil engineer who is competent to do so may practice geotechnical engineering.

GRADE: The vertical location (elevation) of the ground surface, either natural or manmade.

GRADE, ROUGH: The stage at which the grade approximately conforms to the approved plan.

GRADING: Any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative ground cover.

GRADING PLAN: A plan prepared in accordance with this chapter showing grading and related work.

GRADING WORK: Grading and related work such as, but not limited to, drainage improvements and erosion and sediment control.

INSPECTION: Checking or testing permit construction against established standards, rejecting materials and workmanship not in conformity with permit requirements and enforcing the provisions of the permit. For the geotechnical professional, inspection is equivalent to observation, evaluations, consultation and the documentation of conformity or nonconformity.

KEYWAY: A special excavation for placing of compacted fill slopes which is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

LANDSCAPE ARCHITECT: A landscape architect registered by the state of California.

LOT: See definition of Parcel.

MASS PAD GRADING (MASS LOT GRADING): The grading of any lot or parcel more than the following percentage of surface area:

(A) Two thousand (2,000) square feet through five thousand nine hundred ninety nine (5,999) square feet, eighty percent (80%);

(B) Six thousand (6,000) square feet through nineteen thousand nine hundred ninety nine (19,999) square feet, sixty percent (60%);

(C) Twenty thousand (20,000) square feet through forty three thousand five hundred fifty nine (43,559) square feet, fifty percent (50%);

(D) One acre to two (2) acres, thirty percent (30%);

(E) Greater than two (2) acres, twenty percent (20%).

OWNER: The person shown as the legal owner of the property on the latest equalized assessment roll in the office of the county assessor.

PARCEL (LOT): Land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the county recorder's office.

PERMIT: An approved grading permit issued pursuant to this chapter authorizing certain grading work.

PERMITTEE: Any person to whom a permit is issued pursuant to this chapter.

PERSON: Any natural person, firm, corporation or public agency whether principal, agent, employee, or otherwise.

PRELIMINARY GRADING PLAN: A plan that shows the proposed grading work in relation to the existing site prepared and submitted with the application for a grading permit.

RAINY SEASON: The period of the year during which there is a substantial risk of rainfall. For the purpose of this chapter, the "rainy season" is defined as from October 15 to May 1, inclusive.

SEDIMENT: Any material transported or deposited by water, including soil debris or other foreign matter.

SITE: Any lot or parcel of land or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy, where grading is to be performed or has been performed, except within city rights of way.

SLOPE: An inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

SOIL: All earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

SOIL CONSERVATION SERVICE: The United States department of agriculture soil conservation service acting as staff for the resource conservation district.

SOIL SCIENTIST: A professional soil scientist certified by the American registry of certified professionals in agronomy, crops and soils (ARCPACS).

TERRACE: A relatively level step constructed in the face of a graded slope surface for drainage, maintenance or other purposes.

VEHICULARWAY: Any public or private roadway or driveway designed for or used by vehicles (as defined by the California Vehicle Code).

WATERCOURSE: Any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store stormwater runoff as shown on the city's one inch equals one hundred feet (1"=100') topographic maps.

WORK: See definition of Grading Work. (Ord. 1523, 4-11-1995; amd. Ord. 1642, 6-14-2011)

8-7-5: GENERAL REQUIREMENTS; GRADING PERMIT REQUIRED:

Except for the specific exemptions listed hereinafter, no person shall do or permit to be done any grading on any site in the incorporated area of the city without a valid permit obtained from the city engineer. (Ord. 1523, 4-11-1995)

8-7-6: EXEMPTIONS:

The following grading may be done without obtaining a permit. Exemptions from the administrative requirement of obtaining a permit shall not be deemed as permission to violate any provision of this chapter, which includes among others the compliance with CEQA.

(A) Minor projects which have cut or fill slopes which are less than two feet (2') in vertical depth, and which include all of the following:

1. Less than fifty (50) cubic yards of graded material.

2. The removal, plowing under or burial of less than ten thousand (10,000) square feet of vegetation on slopes ten percent (10%) or steeper or any amount of vegetation on slopes flatter than ten percent (10%).

3. No unstable or erodible slopes are created.

4. No encroachment onto sewage disposal systems or areas is created.

5. Are not intended for support of a structure and having fills less than two feet (2') in depth.

6. Will not alter previously placed erosion control items or alter natural drainage courses.

(B) Grading done by or under the supervision or construction control of a public agency or utility that assumes full responsibility for the work to the extent required by law.

(C) Excavations in connection with a building, structure, or swimming pool authorized by a valid building permit provided that the prescriptive standards herein are met.

(D) Grading necessary for agricultural operations unless such grading will create a cut or fill whose failure could endanger any structure intended for human or animal occupancy or any public road, or could obstruct or increase the sediment in any watercourse or drainage conduit.

(E) Trenching, excavation, and grading incidental to the construction or installation of city approved underground pipe lines, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for approved wells or post holes.

(F) Excavations for soil, geotechnical, geological, or environmental studies by engineers, geologists, environmental health specialists or soil scientists.

(G) Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan or sanitary landfill.

(H) Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.

(I) Routine cemetery excavations and fills.

(J) Performance of emergency work necessary to protect life or property when an urgent necessity therefor arises. The person performing such emergency work shall notify the city engineer promptly of the problem and work required and shall apply for a permit therefor within ten (10) calendar days after commencing said work. (Ord. 1523, 4-11-1995)

8-7-7: GENERAL REQUIREMENTS FOR GRADING:

No person shall do or permit to be done any grading:

(A) In such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise moved from the site, except as specifically

provided for by a permit.

(B) Prior to obtaining the required land use approvals (i.e., general plan amendment, zoning change, conditional use permit, and other applicable land use ordinances). (Ord. 1523, 4-11-1995)

8-7-8: WATER OBSTRUCTION:

No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of stormwaters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainageways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including, but not limited to, these permit requirements. (Ord. 1523, 4-11-1995)

8-7-9: CONSTRUCTION IN PUBLIC RIGHTS OF WAY:

No person shall perform any grading work within the right of way of a public road or street, or within a public easement under the jurisdiction of the city or any other appropriate jurisdiction (county, utility district, etc.), without prior approval of the city engineer. (Ord. 1523, 4-11-1995)

8-7-10: HAZARDS:

Whenever the city engineer determines that any grading on private property constitutes a condition which is a hazard to public safety, endangers property, adversely affects the safety, use or stability of adjacent property, or an overhead or underground utility, or a public way, watercourse or drainage channel, or could adversely affect the water quality of any water bodies or watercourses, the owner of the property upon which the condition is located, or other person or agent in control of said property, upon receipt of notice in writing from the city engineer shall, within the period specified therein, obtain a grading permit and conform to the conditions of said permit. The city engineer may require the submission of plans or soil or geological reports, detailed construction recommendations, or other engineering data prior to and in connection with any corrective or proposed work or activity. (Ord. 1523, 4-11-1995)

8-7-11: ADMINISTRATION:

This chapter shall be administered for the city by the development services department. (Ord. 1523, 4-11-1995; amd. Ord. 1654, 6-25-2013)

8-7-12: APPLICATION PROCEDURE:

Applications for permits shall be filed with the development services department. Each application shall include a plan checking fee and other fees as required, preliminary or final grading plans and a statement of the intended use of the site. Only one application and permit is allowed for grading work to be done on a site. The city engineer shall determine whether the application is complete in accordance with provisions of this chapter and may require additional information from the applicant before accepting the application as complete. (Ord. 1523, 4-11-1995; amd. Ord. 1654, 6-25-2013)

8-7-13: COMPLIANCE WITH CEQA:

The California environmental quality act (CEQA) may require the preparation of environmental documents concerning a proposed grading project. In such event, the city will function as the lead

agency. The city engineer will advise the applicant as to any additional information required with the permit application. (Ord. 1523, 4-11-1995)

8-7-14: REFERRAL TO OTHER PUBLIC AGENCIES:

The city engineer may refer an application to other interested public agencies for their recommendations. (Ord. 1523, 4-11-1995)

8-7-15: PERMIT CONDITIONS:

(A) No permit shall be issued until the city engineer is satisfied that a proposed project conforms with the city general plan, any specific plans adopted thereto, and applicable ordinances including the zoning ordinance.

(B) Where a proposed grading project is part of the subdivision of land, no grading permit shall be issued prior to approval by the applicable planning authority.

(C) The permit shall be limited to work shown on the grading plans as approved by the city engineer. In issuing a permit, the city engineer may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, and to assure proper completion of the grading, including, but not limited to:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings.

2. Improvement of any existing grading to comply with the standards of this chapter.

3. Requirements for fencing or other protection of grading which would otherwise be hazardous.

4. Requirements for dust, erosion, sediment and noise control, hours of operation and season of work, weather conditions, sequence of work, access roads and haul routes.

5. Requirements for safeguarding watercourses from excessive deposition of sediment or debris in quantities exceeding natural levels.

6. Requirements for safeguarding areas reserved for on site sewage disposal.

7. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of seismic activity or flooding can be eliminated or adequately reduced. (Ord. 1523, 4-11-1995)

8-7-16: PERMISSION OF OTHER AGENCIES OR OWNERS:

No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or agency of the city, or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. (Ord. 1523, 4-11-1995)

8-7-17: LOCATION OF PROPERTY LINES:

Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation or lis pendens has been filed, a survey by a licensed land surveyor or civil engineer, or resolution of title by a decision of the courts, all at the expense of the applicant, may be required by the city engineer prior to the application being approved or the grading operation resuming. (Ord. 1523, 4-11-1995)

8-7-18: TIME LIMITS:

(A) The permittee shall perform and complete all the work required by the permit within time limits specified in the permit. If the work cannot be completed within the specified time, a request for an extension of time setting forth the reasons for the requested extension shall be presented in writing to the city engineer no later than fifteen (15) days prior to the expiration of the permit. The city engineer may add additional time for the work.

(B) If all the permit work required is not completed within the time limit specified in subsection (A) of this section, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the city engineer who may require a new application and fees depending on the time between the expiration date and the renewal request, revisions in regulations, or changed circumstances in the immediate area. Any revised plan shall be submitted to the city engineer for review, and any costs thereof shall be at the applicant's expense. (Ord. 1523, 4-11-1995)

8-7-19: VALIDITY:

The issuance of a permit or approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations. (Ord. 1523, 4-11-1995)

8-7-20: APPEALS:

Appeals from decisions pursuant to this chapter shall be made to the city council in writing setting forth the specific grounds thereto within ten (10) working days from the date of such decision. (Ord. 1523, 4-11-1995)

8-7-21: APPLICATION, PLANS AND SPECIFICATIONS:

(A) Two (2) or more complete sets of plans, as determined by the city engineer, including, but not limited to, profiles, cross sections, topographic maps and specifications, and a legal description shall be submitted to the city engineer with each application for a grading permit, or when otherwise required by the city engineer for enforcement of any provision of this chapter. At the time of application, the applicant may provide those items determined by the city engineer to be necessary to establish the scope of the grading project from the list required for preliminary grading plans. At the completion of an on site investigation, the city engineer shall determine if any additional preliminary grading plan items shall be required. Prior to the issuance of a grading permit, the applicant must furnish final grading plans. Preliminary grading plans or other acceptable substitutes contained in this section, with appropriate changes and additions thereto may be accepted as final grading plans. When the final grading plans and other required documents have been approved, a grading permit will be issued by the city engineer. The work shall be done in strict compliance with the approved plans and specifications which shall not be changed or altered except in accordance with the provisions of this chapter.

(B) Single-family (if exceeding prescriptive standards), multi- family, commercial, and industrial grading plans shall be part of the building permit process to be reviewed by the engineering division as site improvements.

(C) For single-family residence grading, the engineering division shall conclude review, determining completeness of plan, within ten (10) working days of receipt of submittal by the engineering division or it shall be approved. For all other grading, including commercial, multi-family, industrial, parcel and subdivision maps, the review shall be completed within thirty (30) working days of receipt of submittal by the engineering division or it shall be approved. If it is determined the plan requires revision,

rechecks of the plan will be completed within ten (10) working days of receipt of the recheck submittal. (Ord. 1523, 4-11-1995)

8-7-22: PRELIMINARY GRADING PLANS:

Preliminary grading plans provide for review and determination of grading permit requirements prior to approval of final plans and issuance of a grading permit. Precise design at this stage is not required. The plans shall be clearly and legibly drawn and entitled "Preliminary Grading Plan", shall contain a statement of the purpose of the proposed grading, and shall include the following:

(A) On a map of appropriate scale, but not smaller than one inch equals fifty feet (1"=50'), or as approved by the city engineer, and include all specifications:

1. A plan entitled "Preliminary Grading Plan" and the name and signature of preparer and date of preparation.

2. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes and watercourses in the area.

3. A site plan indicating the site of the work and any proposed divisions of land.

4. The complete site boundaries and locations of any easements and rights of way traversing and adjacent to the property, appropriately labeled and dimensioned.

5. The location of all existing and proposed roads, buildings, wells, pipelines, watercourses, septic systems or areas reserved for on site sewage disposal, and other structures, facilities, and features of the site, and the location of all improvements on adjacent land within fifty feet (50') of the proposed work.

6. Location and nature of known or suspected soil or geologic hazard areas addressed in the soils or geologic report.

7. Contour lines of the existing terrain on a topographic map and proposed approximate finished grade at intervals not greater than two feet (2') vertically, or as approved by the city engineer, showing all topographic features and drainage patterns throughout the area where proposed grading is to occur. The contour lines shall be extended to a minimum of fifty feet (50') horizontally beyond the affected area, and further if needed to define intercepted drainage, and shall be extended a minimum of one hundred feet (100') horizontally outside of any future road rights of way.

8. Approximate location of cut and fill lines and the limits of grading for all the proposed grading work, including borrow and stockpile areas.

9. Location, width, direction of flow and approximate location of tops and toes of banks of any watercourse.

10. Approximate boundaries of any areas with a history of flooding or wetlands and floodplains as shown on the national insurance rate map.

11. Proposed provisions for storm drainage control and any existing or proposed flood control facilities or septic tank disposal fields or areas reserved for on site sewage disposal in the vicinity of the grading.

12. A conceptual plan for erosion and sediment control including both temporary facilities and long term site stabilization features such as drought resistant planting or seeding for the area affected by the proposed grading. This requirement may be waived by the city engineer for sites having no slopes greater than five percent (5%) unless the large size of the site, its proximity to sensitive areas or other conditions make an erosion or sediment discharge hazard possible.

13. North arrow and scale.

14. General location and character of vegetation covering the site. The approximate location of all trees which are healthy and have a circumference of twenty four inches (24") or greater measured twenty four inches (24") above the ground, or trees twenty feet (20') in height or greater. Indicate by marking with "X" those trees that are proposed to be removed.

(B) Typical cross sections (not less than 2) of all existing and proposed graded areas taken at intervals not exceeding two hundred feet (200') and at locations of maximum cuts and fills.

(C) An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.

(D) The estimated starting and completion dates of grading. (Ord. 1523, 4-11-1995)

8-7-23: FINAL GRADING PLANS; ENGINEER REQUIRED:

Final grading plans and specifications shall be prepared and signed by a civil engineer, except as otherwise provided herein, on sheets twenty four inches by thirty six inches (24"x36"). The plans or specifications shall include the following, in addition to all requirements for preliminary grading plans:

(A) A title block. Plans shall be entitled "Grading Plan" and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan was prepared.

(B) Project data including:

1. Owner name and address.

2. Assessor's parcel number.

3. Property deed reference.

(C) Accurate contour lines at intervals not greater than two feet (2') or as approved by the city engineer, showing topographic features and drainage patterns and the configuration of the ground before and after grading, relative to a bench mark established on site with an elevation established from a USGS datum point or as approved by the city engineer.

(D) Location, extent and finished surface slopes of all proposed grading and final cut and fill lines.

(E) Cross sections, profiles, elevations, dimensions and construction details based on accurate field data.

(F) Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps as required.

(G) Complete construction specifications, including estimate of progress schedule of work (actual progress schedule to be provided after the grading permit is issued prior to the beginning of construction).

(H) A detailed erosion and sediment control plan provided by September, including specific locations construction details, and supporting calculations for temporary and permanent sediment control structures and facilities if project is not to be completed by October 15.

(I) A landscaping plan, including temporary erosion control plantings, permanent drought resistant slope plantings, replacement of temporary ground cover, and irrigation facilities.

(J) An estimate of the quantities of excavation and fill, adjusted for anticipated swell or shrinkage.

(K) The location of any borrow site or location for disposal of surplus material.

(L) A projected schedule of operations, including, as a minimum, the dates of:

1. Commencement of work.

2. Start and finish of rough grading.

3. Completion of drainage facilities.

4. Completion of work in any watercourse.

5. Completion of erosion and sediment control facilities.

6. Completion of hydromulching and other drought resistant landscaping. If rough grading is proposed between October 15 and May 1, a more detailed schedule of grading activities and use of erosion and sediment control facilities shall be required. (Final schedule to be provided after the grading permit is issued prior to the beginning of construction.)

(M) Itemized cost estimate of the proposed grading and related work. (Ord. 1523, 4-11-1995)

8-7-24: FINAL GRADING PLANS; ENGINEER NOT REQUIRED:

All plans and specifications shall be prepared and signed by a civil engineer except that the city engineer may waive this requirement if the grading is minor in nature; would not endanger the public health, safety or welfare as determined by the city engineer; and would not involve or require any of the following:

(A) Cuts and fills with a combined total of one thousand five hundred (1,500) cubic yards or more.

(B) An access road serving three (3) or more existing or potential residences.

(C) A cut or fill that is intended to support structures.

(D) A cut or fill that is located so as to cause unduly increased pressure or reduce support upon any adjacent structure or property.

(E) The construction of any extensive drainage or sediment control structures, culverts, or facilities or alteration of any existing drainage course.

(F) The creation or aggravation of an unstable slope condition. (Ord. 1523, 4-11-1995)

8-7-25: MODIFICATION OF APPROVED PLANS:

(A) Modifications of an approved final plan shall be submitted to the city engineer for his written approval.

(B) All necessary soils and geological information and design details shall accompany any proposed modification.

(C) The modification shall be compatible with any subdivision map or land use requirements. (Ord. 1523, 4-11-1995)

8-7-26: SEASONAL REQUIREMENTS:

Implementation of erosion and sediment control plans shall be based on the season of the year and the stage of construction at forecasted periods of rainfall and heavy storms. Erosion and sediment control plans shall allow for possible changes in construction scheduling, unanticipated field conditions, and relatively minor changes in grading. Modifications to plans may be required after initial plan approval. (Ord. 1523, 4-11-1995)

8-7-27: DISTRIBUTION AND USE OF APPROVED PLANS:

Two (2) sets of approved plans and specifications shall be retained by the city engineer and one or more sets of approved and dated plans and specifications shall be provided to the applicant or his engineer. One set of approved plans and permit shall be retained on the site at all times during the work. A set of reproducible plans may be submitted at application for approval and appropriate number of sets distributed after copies made, but prior to beginning of grading. (Ord. 1523, 4-11-1995)

8-7-28: GENERAL PERMIT REQUIREMENTS:

The city engineer will issue a grading permit if final grading plans satisfy the provisions of this chapter or any of the conditions imposed. The city engineer shall identify the provision, requirement or condition which has not been met or performed by the applicant in the event the issuance of a grading permit is denied. (Ord. 1523, 4-11-1995)

8-7-29: FEES:

(A) The schedule of fees and costs shall be those established and accepted by the city council from time to time by resolution. Before a permit is issued, the applicant shall deposit cash or a check in a sufficient sum to cover the fee for issuance of the permit, charges for review of plans, specifications and reports, other engineering services, field investigations, necessary inspection on other work and routine laboratory tests of materials and compaction, all in accordance with schedules established and adopted by the city council.

(B) The fee required of public agencies may be waived by the city.

(C) Public utilities may, at the option of the city engineer, make payment for the above charges as billed by the city engineer instead of by advance deposit as required above.

(D) If grading work is done in violation of this chapter or such work is not done in accordance with an approved permit, a fee covering investigation of any violation and inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs. (Ord. 1523, 4-11-1995)

8-7-30: GEOTECHNICAL STUDY REQUIRED:

A soil or geologic study report shall accompany the application in any of the following circumstances:

(A) When the proposed grading includes a cut or fill exceeding ten feet (10') in depth at any point; however, for vehicularways, a soil study shall not be required unless the grading includes a proposed cut or fill that exceeds ten feet (10') in depth and the slope of the natural ground exceeds thirty percent (30%).

(B) When expansive soils are present.

(C) In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking. (Ord. 1523, 4-11-1995)

(D) As part of the building permit process per the California building code. (Ord. 1642, 6-14-2011)

8-7-31: STUDIES:

(A) Those portions of the soil or geologic study that constitutes "civil engineering" as defined by section 6734 of the Business And Professions Code of the state shall be conducted by a geotechnical engineer or civil engineer competent to do so. Those portions of the investigation that involve the

practice of "geology" as defined by section 7802 of the Business And Professions Code of the state shall be conducted by an engineering geologist.

(B) The study shall be based on observations and tests of the material exposed by exploratory borings or excavations and inspections made at appropriate locations. Additional studies may be necessary to evaluate soil and rock strength, the effect of moisture variation on soil bearing capacity, compressibility, expansiveness, stability and other factors. (Ord. 1523, 4-11-1995)

8-7-32: REPORTS; GENERAL:

Any soil or geologic study report shall be subject to the approval of, and supplemental reports and data may be required by, the city engineer. Recommendations included in the reports and approved by the city engineer shall be incorporated in the final plans and specifications. (Ord. 1523, 4-11-1995)

8-7-33: SOIL/GEOLOGIC STUDY REPORT:

The soil or geologic study report shall contain all of the following as they may be applicable to the subject site:

(A) An index map showing the regional setting of the site.

(B) A site map showing the topographic features of the site and locations of all soil borings and test excavations.

(C) A classification of the soil types (unified soil classification); pertinent laboratory test data; and consequent evaluation regarding the nature, distribution and strength of existing soils.

(D) A description of the geology of the site and geology of the adjacent areas when pertinent to the site.

(E) A suitably scaled map and cross sections showing all identified areas of land slippage.

(F) A description of any encountered ground water or excessive moisture conditions.

(G) A description of the soil and geological study techniques employed.

(H) A log for each soil boring and test excavation showing elevation at ground level and the depth of each soil or rock strata.

(I) An evaluation of the stability of pertinent natural slopes and any proposed cut and fill slopes.

(J) An evaluation of settlement associated with the placement of any fill.

(K) Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill.

(L) Recommendations regarding drainage and erosion control.

(M) Recommendations for mitigation of geologic hazards. (Ord. 1523, 4-11-1995)

8-7-34: FINAL REPORT:

Upon completion of rough grading work, the city engineer may require a final geotechnical report that includes, but is not necessarily limited to, the following:

(A) A complete record of all field and laboratory tests including location and elevation of all field tests.

(B) A professional opinion regarding slope stability, soil bearing capacity, and any other pertinent information.

(C) Recommendations regarding foundation and roadway design, including soil bearing potential, and building restrictions or setbacks from the top or toe of slopes.

(D) A declaration by the geotechnical engineer or civil engineer competent to do so or engineering geologist in the format required by the city engineer that all work was done in substantial accordance with the recommendations contained in the soil or geologic study reports as approved and in accordance with the approved plans and specifications. (Ord. 1523, 4-11-1995)

8-7-35: CHANGED CONDITIONS:

Where soil or geologic conditions encountered in the grading operation deviate from that anticipated in the soil and geologic study reports or where such conditions warrant changes to the recommendations contained in the original soil studies, a revised soil or geologic report shall be submitted for the approval of the city engineer. (Ord. 1523, 4-11-1995)

8-7-36: SPECIAL INSPECTION:

(A) As a condition of the permit, the city engineer may require the permittee to provide, at permittee's expense, a geotechnical engineer or civil engineer competent to do so to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he has inspected the work and that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his own contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a geotechnical engineer or civil engineer competent to do so shall include, but not be limited to, the following situations:

1. During the preparation of a site for the placement of fills which exceed five feet (5') in depth on slopes which exceed ten percent (10%) and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten feet (10') in height.

2. During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure.

3. During the installation of subsurface drainage facilities.

(B) Reports filed by the geotechnical engineer or civil engineer competent to do so regarding special inspection shall state in writing that from his personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

(C) The use of a geotechnical engineer or civil engineer competent to do so for inspections shall not preclude the city engineer from conducting inspections using his other authorized inspectors as may be necessary. (Ord. 1523, 4-11-1995)

8-7-37: NONCOMPLIANCE NOTIFICATION BY GEOTECHNICAL ENGINEER OR CIVIL ENGINEER COMPETENT TO DO SO:

The permittee shall cause the work to be done in accordance with the approved plans. If during the course of construction the geotechnical engineer or civil engineer competent to do so finds that the work is not being done substantially in accordance with the approved plans and specifications, he shall immediately notify the person in charge of the work and the city engineer of the nonconformity and the corrective measures to be taken. When changes in the plans are required, he shall prepare such proposed changes and submit them to the city engineer for approval. (Ord. 1523, 4-11-1995)

8-7-38: PERIODIC PROGRESS REPORTS BY PRIVATE GEOTECHNICAL ENGINEER OR CIVIL ENGINEER COMPETENT TO DO SO:

As a condition of the report, periodic progress reports shall be rendered by the geotechnical engineer or civil engineer competent to do so as required by the city engineer including, but not limited to, laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements. (Ord. 1523, 4-11-1995)

8-7-39: PROGRESS REPORT BY PERMITTEE:

Periodic progress reports, subject to verification by the city engineer, shall be rendered by permittee on specified calendar dates and at commencement and completion of major key grading and erosion and sediment control operations. The date of operations upon which such reports are required and their content shall be as required by the city engineer in the permit. (Ord. 1523, 4-11-1995)

8-7-40: SUBMIT AS BUILT PLANS:

Permittee, subject to verification by the city engineer, shall submit to the city engineer an as built grading plan following completion of grading operations. As built plans shall show any significant deviations from the final plans. (Ord. 1523, 4-11-1995)

8-7-41: PERFORMANCE OF WORK; INSPECTION:

The city engineer may inspect any work done pursuant to a permit under this chapter. No permittee shall be deemed to have complied with this chapter until a final inspection of the work has been made by the city engineer and he has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit. The permittee shall provide adequate access to the site for inspection by the city engineer during the performance of all work and for a minimum period of one year after acceptance by the city engineer of all improvements pursuant to subsections herein. (Ord. 1523, 4-11-1995)

8-7-42: OTHER RESPONSIBILITIES OF PERMITTEE:

The permittee shall also be responsible for the following:

(A) Protection Of Existing Utilities: The permittee shall be responsible for the prevention of damage to any existing public utilities or services.

(B) Protection Of Adjacent Property: The person(s) doing and causing the grading is responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, without supporting and protecting such property from damage which might result.

(C) Advance Notice: The permittee shall construction stake and notify the city engineer at least forty eight (48) hours prior to the start of work.

(D) Erosion And Sediment Control: It shall be the responsibility of the permittee to prevent discharge of sediment from the site in quantities greater than before the grading occurred, to any watercourse, drainage system, or adjacent property and to protect watercourses and adjacent properties from damage by erosion, flooding, or deposition which may result from the permitted grading. Permittee shall implement all measures necessary to discharge this responsibility even if such measures exceed the requirements of an approved erosion and sediment control plan prepared pursuant to this chapter. (Ord. 1523, 4-11-1995)

8-7-43: TRANSFER OF PERMIT:

No permit issued under this chapter may be transferred or assigned in any manner whatsoever without the express consent of the city engineer. (Ord. 1523, 4-11-1995)

8-7-44: DESIGN AND REVIEW FOR MASS PAD GRADING:

(A) Due to the severe terrain encountered in the city, grading may be required to ensure proper vertical alignment of building sites to streets and to provide for proper drainage. The degree of grading should be tempered to fit the physical characteristics of the site being considered. It is the intent of this provision that all grading shall reflect, to the greatest extent possible, the natural gradient and contours of the site. Grading shall be designed to minimize the appearance of extensive, artificial banks or terraces which may be visible from public streets or other public views. The design standards shall be identified in the design and improvement standards manual.

(B) Parcel maps shall be reviewed for mass pad grading during the tentative parcel map review process by the engineering division under the authority of the city engineer.

(C) Tentative subdivision, commercial, industrial, multi-family, and general grading projects shall be reviewed for mass pad grading during the site plan review or tentative map review process by the planning commission, engineering division, and building division for conformance at site improvements, under the authority of the city engineer.

(D) Mass pad grading for single-family dwellings (if prescriptive standards are exceeded) will be reviewed by the engineering division and building division during the building permit process.

(E) If the decision by the city engineer is not acceptable to the applicant, then the applicant can appeal the decision pursuant to section 8-7-20, "Appeals", of this chapter. (Ord. 1523, 4-11-1995)

8-7-45: EXCAVATION:

Excavations shall be constructed or protected so that they do not endanger life or property. (Ord. 1523, 4-11-1995)

8-7-46: EXCAVATION SLOPE:

The slope of cut surfaces of permanent excavations shall not be steeper than two (2) horizontal to one vertical exclusive of terraces and exclusive of roundings described herein. Steeper slopes will be permitted in competent bedrock provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The bedding planes or principal joint sets in any formation when dipping towards the cut face shall not be daylighted by the cut slope unless the soils and geologic studies contain recommendations for steeper cut slopes. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground. (Ord. 1523, 4-11-1995)

8-7-47: FILL PLACEMENT:

Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed eight inches (8"). Completed fills shall be stable masses of well integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans. Proper drainage and other appropriate measures shall be taken to ensure the continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than twelve inches (12"). The

placement of larger rock may be permitted when the geotechnical engineer or civil engineer competent to do so properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

(A) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

(B) Rock sizes greater than twelve inches (12") in maximum dimension shall be two feet (2') or more below finish grade, measured vertically.

(C) Rocks shall be placed so as to assure filling of all voids with fines. (Ord. 1523, 4-11-1995)

8-7-48: FILL COMPACTION:

All fills shall be compacted throughout their full extent to a minimum of ninety percent (90%) of maximum density as determined by appropriate ASTM standard methods or other alternate methods approved by the city engineer. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two foot (2') vertical lift of the fill but not less than one test for each one thousand (1,000) cubic yards of material placed. Additional density tests at a point approximately one foot (1') below the fill slope surface shall be made on the basis of not less than one test for each one thousand (1,000) square feet in slope surface but not less than one test for each ten foot (10') vertical increase of slope height. All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of such testing and location of tests shall be presented in the periodic and final reports. Compaction may be less than ninety percent (90%) of maximum density, as determined by the above test, within six inches (6") of the slope surface when such surface material is placed and compacted by a method acceptable to the city engineer for the planting of the slopes. Compaction of temporary storage fills, to be used for a period of not greater than six (6) months, shall not be required, except where the city engineer determines that compaction is necessary as a safety measure to aid in preventing saturation, sliding, or erosion of the fill. (Ord. 1523, 4-11-1995)

8-7-49: GROUND PREPARATION FOR FILL PLACEMENT:

The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, and other unsuitable material, and where slopes are five (5) horizontal to one vertical or steeper, by benching into competent material in a manner acceptable to the city engineer. The keyway under the toe, if specified, shall be at least ten feet (10') wide. (Ord. 1523, 4-11-1995)

8-7-50: FILL SLOPES:

The slope of permanent fills shall not be steeper than two (2) horizontal to one vertical exclusive of terraces and exclusive of roundings described herein. Steeper slopes will be permitted in competent material provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The city engineer may require that the fill be constructed with an exposed surface flatter than two (2) horizontal to one vertical or may require such other measures as he deems necessary for stability and safety. (Ord. 1523, 4-11-1995)

8-7-51: SLOPE FENCING:

All cut and fill slopes exceeding eight feet (8') in height with a slope of one and one-half ($1\frac{1}{2}$) horizontal to one vertical or steeper may be fenced at the top of the cut with the need for fencing subject to final determination of safety by the building official. The minimum fence height shall be four feet (4'), the maximum opening shall be six inches (6") square, decision to be approved by the building official or, in the case of a discretionary project, the planning commission. The fence shall be capable

of supporting a lateral uniform load of thirty (30) pounds per linear foot at the top of the fence together with a concentrated lateral load of two hundred (200) pounds at any point. (Ord. 1523, 4-11-1995)

8-7-52: ADJACENT STRUCTURES PROTECTION:

Footings which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. The rights of coterminous owners shall be as set forth in section 832 of the Civil Code of the state. (Ord. 1523, 4-11-1995)

8-7-53: SETBACKS:

(A) General: Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

(B) Top Of Cut Slope: The top of cut slopes shall be made not nearer to a site boundary line than one-fifth ($1/5$) of the vertical height of cut with a minimum of two feet (2') and a maximum of ten feet (10'). The setback may need to be increased for any required interceptor drains.

(C) Toe Of Fill Slope: The toe of fill slope shall be made not nearer to the site boundary line than one-half ($1/2$) the height of the slope with a minimum of two feet (2') and a maximum of twenty feet (20'). Where a fill slope is to be located near the site boundary and the adjacent off site property is developed, special precautions shall be incorporated in the work as the city engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters. (Ord. 1523, 4-11-1995)

8-7-54: DRAINAGE; GENERAL:

The drainage structures and devices required by this chapter shall be designed and constructed in accordance with standards herein and criteria authorized by the city engineer. (Ord. 1523, 4-11-1995)

8-7-55: DRAINAGE; DISPOSAL REQUIREMENTS:

All drainage facilities shall be designed to carry surface and subsurface waters to the nearest adequate street, storm drain, natural watercourse or other juncture, and shall be subject to the approval of the city engineer. Drainage areas shall conform to patterns established by the city engineer. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

Building pads shall have a drainage gradient of two percent (2%) toward approved drainage facilities, unless waived by the city engineer.

(A) Exception: The gradient from the building pad may be one percent (1%) if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than ten feet (10') in maximum depth.

2. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet (10').

3. No existing slope faces, which have a slope face steeper than ten (10) horizontally to one vertically, have a vertical height in excess of ten feet (10'). (Ord. 1523, 4-11-1995)

8-7-56: DRAINAGE; WATER ACCUMULATION:

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure. (Ord. 1523, 4-11-1995)

8-7-57: DRAINAGE PROTECTION OF ADJOINING PROPERTY:

When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not cause erosion or endanger any cut or fill slope or any building or structure. A grading and drainage plan shall be required which includes the analysis of the effect of the discharge. (Ord. 1523, 4-11-1995)

8-7-58: DRAINAGE CONTROL:

(A) Terraces: Terraces at least eight feet (8') in width shall be established at not more than twenty five feet (25') in height intervals for all cut and fill slopes exceeding thirty feet (30') in height. Where only one terrace is required, it shall be a approximately mid height. Suitable access shall be provided to permit proper cleaning and maintenance of terraces and terrace drains. Swales or ditches on terraces shall have a minimum depth of one foot (1'), a minimum longitudinal grade of four percent (4%), a maximum longitudinal grade of twelve percent (12%). Down drains or drainage outlets shall be provided at approximately three hundred foot (300') intervals along the drainage terrace.

(B) Interceptor Drains: Surface lined interceptor drains shall be provided above all cut slopes if the tributary drainage area above the cut slopes toward the cut and has a drainage path greater than forty feet (40') measured horizontally. Interceptor drains shall have a minimum of three inches (3") of concrete or gunite and be reinforced. They shall have a minimum depth of twelve inches (12") and a minimum width of thirty inches (30") measured horizontally across the drain. Actual sizes of the drains shall be verified by calculations prepared by a registered civil engineer or as approved by the city engineer.

(C) Omission Or Modification: Terraces or interceptor drains may be omitted or modified provided such is in accordance with the recommendations contained in an engineering report addressing the drainage, written by a registered civil engineer or registered geotechnical engineer competent to do so.

(D) Down Drains And Drainage Outlets: Down drains and drainage outlets for terraces and interceptor drains shall be of approved construction and materials and shall be of adequate capacity to convey the intercepted waters to the point of disposal. If the drainage discharges onto natural ground, adequate erosion protection shall be provided. (Ord. 1523, 4-11-1995)

8-7-59: SUBSURFACE DRAINAGE:

Cut and fill slopes shall be provided with surface and/or subsurface drainage as necessary for stability. (Ord. 1523, 4-11-1995)

8-7-60: EROSION AND SEDIMENT CONTROL:

The following shall apply to the control of erosion and sediment from grading operations:

(A) Grading plans shall be designed with long term erosion and sediment control as a primary consideration.

(B) Grading operations during the rainy season shall provide erosion and sediment control measures except upon a clear demonstration to the satisfaction of the city engineer that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.

(C) Should grading be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized.

(D) Wherever possible, natural features, including vegetation, trees, terrain, watercourses, wetlands and similar resources shall be preserved. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment. Wetlands and trees shall be protected from construction activity as described in the design and improvement standards manual.

(E) Permanent drought resistant vegetation and structures for erosion and sediment control shall be installed as soon as possible.

(F) Adequate provision shall be made for long term maintenance of permanent erosion and sediment control structures and vegetation.

(G) No topsoil shall be removed from the site unless otherwise directed or approved by the city engineer. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water.

(H) Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into drainage facilities of which the design has been specifically approved by the city engineer.

(I) Permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs. (Ord. 1523, 4-11-1995)

8-7-61: EMERGENCY CONDITIONS:

Should increased sediment discharge occur or become imminent, permittee shall take all necessary steps to control such discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this chapter. Permittee shall take prompt action to resolve emergency problems; otherwise, the city engineer may institute abatement proceedings according to the provisions herein. (Ord. 1523, 4-11-1995)

8-7-62: EROSION AND SEDIMENT CONTROL PLANS:

Erosion and sediment control plans prepared pursuant to this chapter shall comply with all of the following:

(A) The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan.

(B) An erosion and sediment control plan shall be required whenever:

1. The graded portion of the site includes more than ten thousand (10,000) square feet of area having a slope greater than ten percent (10%).

2. There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season.

3. Grading will occur within twenty feet (20') of any watercourse or within the 50-year floodplain.

4. The city engineer determines that the grading will or may pose a significant erosion or sediment discharge hazard for any reason.

(C) The applicant shall submit, with his erosion and sediment control plans, a detailed cost estimate covering this work.

(D) Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas which will not be otherwise protected. All such areas where grading has been completed between May 1 and October 15 shall be planted by November 1, or at the recommendation of the soil conservation service. Graded areas completed at other times of the year shall be planted within fifteen (15) days. If revegetation is unfeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds two thousand five hundred (2,500) square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.

(E) Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and development from initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable.

(F) Erosion and sediment control plans shall comply with the recommendations of any civil engineer, geotechnical engineer, engineering geologist, or landscape architect involved in preparation of the grading plans.

(G) The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a civil engineer, and he shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.

(H) Erosion and sediment control plans shall be designed to meet anticipated field conditions.

(I) Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day during the rainy season and for specific sediment cleanout and vegetation maintenance criteria.

(J) Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation on grading sites. These standards and specifications shall be in general compliance with the "Erosion And Sediment Control Guidelines For Developing Areas Of The Sierras", published by High Sierra Resource Conservation and Development Council. (Ord. 1523, 4-11-1995)

8-7-63: VEHICULAR WAYS; GENERAL:

Vehicular ways shall conform to the grading requirements of this chapter. (Ord. 1523, 4-11-1995)

8-7-64: VEHICULAR WAYS; DRAINAGE:

Vehicular ways shall be graded and drained in such a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in

such a manner that it does not cause erosion or endanger existing improvements. Bridges and culverts installed in watercourses shall be approved by the city engineer or his designee and shall be designed by a registered civil engineer to ensure structural and hydraulic adequacy. (Ord. 1523, 4-11-1995)

8-7-65: SECURITY REQUIRED:

(A) Security May Be Condition Of Permit: As a condition for the issuance of a permit, the city engineer may require the deposit of improvement security in sufficient amount deemed necessary by him to assure faithful performance of the work in the event of default on the part of permittee or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. Said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state. Public agencies are exempted from this provision by law.

(B) Subdivisions: In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made and all grading work and subdivision improvements have been accepted as being complete by the city engineer.

(C) Projects Other Than Subdivisions: For projects other than subdivisions, the improvements security shall remain in effect until final inspections have been made and all grading work has been accepted as being complete by the city engineer.

(D) Maintenance Security: In addition to the improvement security, the city engineer may also require the deposit of maintenance security in sufficient amount deemed necessary by him to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state and shall remain in effect for a period of one year after the date of expiration of the improvement security as designated in subsections (B) and (C) of this section.

(E) Payable To City: Any bond or deposit required by the city engineer pursuant to this chapter shall be payable to the city.

(F) Refunds: Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits or bonds will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the city may do the required work, or cause it to be done, and collect from the permittee or surety all costs incurred thereto, including administrative and inspection costs. Any unused portion of a deposit or bond shall be refunded to the permittee after deduction by the city of the cost of the work.

(G) Insurance: The engineer may require the applicant or his contractor to provide a liability insurance policy insuring the city, its officers and employees against liability for any occurrences resulting from bodily injuries or property damage in connection with this project or claimed to be in connection with this project, which insurance policy shall be in the amount of one million dollars ($1,000,000.00) for bodily injury and five hundred thousand dollars ($500,000.00) for property damage. Applicant shall provide the city with a certificate of the insurance company showing that the city and all its officers and employees are insured against such liability, which certificate shall provide further that the insurance company must give to the city, through the city engineer's office, at least thirty (30) days' written notice prior to termination or cancellation of said policy for any reason whatsoever.

Said certificate shall be provided before starting work and shall remain in effect for a period of one year after completion of work. (Ord. 1523, 4-11-1995)

8-7-66: ENFORCEMENT, SUSPENSION AND REVOCATION OF PERMIT:

The city engineer may suspend or revoke a permit for good cause, subject to appeal to the city council. However, no work shall be performed pending appeal except as authorized by the city engineer. (Ord. 1523, 4-11-1995)

8-7-67: CORRECTIVE WORK:

(A) Abatement Of Unlawfully Created Conditions:

1. Either the city council or the city engineer may order city crews or authorize contractors to enter private property to immediately abate a hazardous public nuisance.

Whenever the following conditions are created by violation of the chapter, they are thereby declared to be in the category of hazardous public nuisance:

(a) Where a violation has altered natural drainage patterns and has caused flooding to any downstream property; or

(b) When a violation results in a condition which creates a drainage alteration such that downstream property may be flooded when weather conditions change and the owner, lessee or licensee of the property on which the violation exists cannot be found; or

(c) Whenever a violation results in a hazard, requiring immediate correction for the preservation of the public health, safety or welfare.

2. Whenever the city expends any funds or takes any action, the city shall bill the landowner, lessee or licensee for the costs indicated herein. The costs shall become a lien on the property upon the bill being recorded in the office of the El Dorado County recorder. The following costs shall be billed:

(a) Engineering And Design: Professional and specialized services (private or city).

(b) Construction: Contractor's invoices or city's force account cost.

(c) Administration And Supervision Overhead: Thirty percent (30%) of any city costs incurred in subsections (A)2(a) and (A)2(b) of this section.

(d) Interest On Unpaid Amounts: Interest shall accrue and be billed at the rate of ten percent (10%) per annum on all unpaid amounts from the date of billing.

(B) Stop Work Notice:

1. Whenever it comes to the attention of the city engineer that any person is performing work in violation of the provisions of this chapter or without a permit as required by this chapter, the city engineer may serve upon such person a written order citing such violations and directing that person performing the work to stop work immediately.

2. Upon receipt of such stop work notice, the person performing the work shall:

(a) Stop work immediately; and

(b) Within twenty four (24) hours provide the city engineer with a list of remedies which can be immediately undertaken to bring the work into compliance with this chapter; and

(c) Within twenty four (24) hours after acceptance of such remedies by the city engineer undertake, at the violator's expense, such action as is necessary to bring the work into compliance with this chapter.

(d) Upon failure of any person to comply with the stop work notice served pursuant to this section, the city may perform corrective work either with city crews or by contract. All persons responsible for the violation shall be liable jointly and severally to the city for the cost of such corrective work.

(e) If engineering work is required to identify and define the proper course of action, as determined by the city, such work shall be provided by the violator at no cost to the city.

(C) Notice Of Noncompliance: In those cases where there has been a failure to secure the required permit or permits, the city engineer acting thirty (30) days after attempting to notify the owner of the property, by certified mail, of the requirement of permits, shall record a notice of noncompliance with the county recorder. The notice shall identify the property and set forth the fact that the grading does not have the required permit or permits and is in violation of city codes and that the owner has been so notified. This shall be done in addition to any other legal remedy that the city may employ.

When a grading permit has been obtained for the work, the city engineer shall record with the county recorder and provide to the property owner of record a notice of cancellation certifying that a permit has been issued and that the notice of noncompliance has been rescinded. This shall be done at the permittee's expense. (Ord. 1523, 4-11-1995)

8-7-68: MISDEMEANOR VIOLATION:

Notwithstanding any other provisions of this code, any person violating any provision of this chapter shall be guilty of an infraction and punishable pursuant to subsection 1-4-5(B) of this code. Second and subsequent offenses are misdemeanors and shall be punishable as provided in California Penal Code section 19. Each day that such violation continues shall constitute a separate offense punishable as set forth above. (Ord. 1578, 8-28-2001)

8-7-69: NONEXCLUSIVE REMEDIES:

The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law. (Ord. 1523, 4-11-1995)

8-7-70: ENFORCEMENT OFFICIAL:

The city engineer or his designee shall enforce the provisions of this chapter. (Ord. 1523, 4-11-1995)

8-7-71: RIGHT OF ENTRY:

Whenever necessary to enforce the provisions of this chapter, the city engineer or his designee may enter the premises at all reasonable times in the manner provided by law to perform any duty imposed by this chapter. If such entry is refused, the city engineer shall have recourse to every remedy provided by law to secure entry. (Ord. 1523, 4-11-1995)

8-7-72: STOP WORK ORDERS:

Whenever any work is being done contrary to the provisions of this chapter or any other applicable law, ordinance, rule or regulation, the city engineer may order the work stopped by serving written notice on any persons engaged in, doing, or causing such work to be done. Any such person shall forthwith stop such work until authorized by the city engineer to proceed with the work. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation. Any person violating a stop work order shall be guilty of a misdemeanor. (Ord. 1523, 4-11-1995)

8-7-73: LIABILITY:

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions created in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability against the city for damage to any person or property. (Ord. 1523, 4-11-1995)

8-7-74: DENIAL OF OTHER PERMITS AND INSPECTIONS:

No building permit, water, sewer, electrical permit, or any other permits or inspections of existing permits shall be issued by the city to any person for any premises or portion thereof which is in violation of this chapter and which violation is not corrected or approved for correction by the city engineer. (Ord. 1523, 4-11-1995)

8-7-75: SEVERABILITY:

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; and the city council declares that this chapter and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase hereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause or phrase be declared invalid or unconstitutional. (Ord. 1523, 4-11-1995)