

CHAPTER 155: GRADING, EROSION AND SEDIMENT CONTROL

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Editor's Note:

Former §§ 7-9.01 through 7-9.05, codified from Ords. 644 and 688, as amended by Ords. 688, effective 8-11-1976, and 88-3, effective 5-11-1988, amended in their entirety by Ord. 90-2, effective 3-28-1990.

GENERAL PROVISIONS

§ 155.001 TITLE.

This chapter shall be known as the "Grading Ordinance of the City of Auburn."
(1973 Code, § 7-9.101) (Ord. 90-2, eff. 3-28-1990)

§ 155.002 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 Auburn Area General Plan, any specific plans adopted thereto and applicable city ordinances including the zoning ordinance and Chapter 70 of the Uniform Building Code. In the event of conflict between Chapter 70 of the Uniform Building Code and this chapter, the provisions of this chapter will prevail.

(1973 Code, § 7-9.102) (Ord. 90-2, eff. 3-28-1990)

§ 155.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEDROCK. The solid undisturbed rock in place either exposed at the ground surface or beneath surficial 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.

CITY COUNCIL. The City Council of the City of Auburn.

CITY ENGINEER. The City Engineer of the City of Auburn, California, acting either directly or through his or her authorized deputies, subject to the administrative direction of the City Manager.

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

CUT. See **EXCAVATION**.

DEPARTMENT. The Public Services Department of the City of Auburn.

DEPTH OF FILL. The vertical dimension from the exposed fill surface to the original ground surface.

DEPTH OF EXCAVATION (CUT). The vertical dimension from the exposed cut surface to the original ground surface.

DIRECTOR OF PUBLIC SERVICES. The Director of Public Services of the City of Auburn, California, acting either directly or through his or her authorized deputies, subject to the administrative direction of the City Manager.

DRAINAGE WATERS. Surface waters which collect, or are accumulated, on the ground and which, by means of drainage ways or water courses, flow off the surface to larger rivers, streams or lakes. The waters shall include, but are not limited to natural precipitation and irrigation waters.

DRAINAGE WAY. A depression in the earth's surface such as swales, ravines, gullies, slews, draws, hollows or ditches in which surface waters collect for drainage, but which otherwise are destitute of water.

EMBANKMENT. See **FILL**.

ENCROACHMENT PERMIT. A written permit issued by the Department of Public Services authorizing certain work within a publicly-maintained right-of-way.

ENGINEERING GEOLOGIST. A registered geologist certified as an Engineering Geologist by the state.

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.

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

EXCAVATION (CUT). The removal of naturally occurring earth materials by mechanical means and includes the conditions resulting therefrom.

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 a geotechnical engineer or the City Engineer.

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

FINISH GRADE. The final grade of the site after excavating or filling which conforms to the approved final grading plan. The **FINISH GRADE** is also the grade at the top of a paved surface.

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 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.

GRADE. The vertical location of the ground surface.

(1) **EXISTING GRADE.** The grade prior to grading.

(2) **FINISH GRADE.** The final grade of the site which conforms to the approved plan.

(3) **ROUGH GRADE.** 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.

KEYWAY. A special backfilled excavation which is constructed beneath the toe area of a planned fill slope or sloping ground to improve the stability of the slope.

LANDSCAPE ARCHITECT. A landscape architect registered by the State of California.

LEVEL; LAND LEVELING OPERATION. The physical movement of rock or soil which results in a change in the topography of the land.

LOT. See **PARCEL**.

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.

PLANNING AUTHORITY. The Community Development Director of the city; acting directly or through his or her authorized agents.

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.

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.

STRUCTURE. That which is built or constructed or any piece of work artificially built up or composed of parts joined together in some definite manner.

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

VEHICULAR WAY. A private roadway or driveway.

VEGETATION. Plant life or total plant cover of an area.

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 storm water runoff. Natural channels shall generally be limited to those designated by a solid line or a dash and three dots as shown in blue on the most recent U.S. Geological Survey 7.5 minute series of topographic maps. At the discretion of the City Engineer the definition of natural channel may be limited to those channels having a watershed area of 50 acres or more, and this definition will be commonly used in connection with the administration of this chapter except for those cases in which the City Engineer determines that the definition must be extended to a natural channel with a watershed smaller than 50 acres in order to prevent a condition which is a menace to life, limb, endangers property is a hazard to public safety, adversely affects the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies or watercourses.

WORK. See **GRADING WORK.**

(1973 Code, § 7-9.103) (Ord. 90-2, eff. 3-28-1990)

§ 155.004 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 city without a valid permit obtained from the City Engineer.

(1973 Code, § 7-9.201) (Ord. 90-2, eff. 3-28-1990)

§ 155.005 EXEMPTIONS.

(A) The following grading may be done without obtaining a permit.

(B) Exemption from the requirement of a permit shall not be deemed to be permission to violate any provision of this chapter.

(1) Minor projects which have cuts or fills, each of which is less than 5 feet in vertical depth at its deepest point measured from the existing ground surface, and which include all of the following:

(a) Less than 50 cubic yards of graded material;

(b) The removal, plowing under or burial of less than 5,000 square feet of vegetation on slopes 10% or greater or less than 10,000 square feet of vegetation on slopes less than 10%;

(c) Do not create unstable or erodible slopes; and

(d) Do not encroach onto sewage disposal systems or areas.

(2) Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work;

(3) Excavations in connection with a swimming pool authorized by a valid building permit;

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

(5) Excavations less than 150 cubic yards for soil or geological investigations by a geotechnical engineer, civil engineer or engineering geologist;

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

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

(8) Routine cemetery excavations and fills;

(9) Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises; and (The person performing the emergency work shall notify the City Engineer promptly of the problem and work required and shall apply for a permit therefor within 10 calendar days after commencing the work.)

(10) An excavation below finished grade for basements and footings of a building authorized by a valid building permit.

(1973 Code, § 7-9.202) (Ord. 90-2, eff. 3-28-1990)

§ 155.006 IMPROVEMENT SECURITY; REQUIRED.

(A) (1) 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 or her 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.

(2) The security shall be in a form acceptable to the city.

(B) In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made, all grading work and subdivision improvements have been accepted by the City Council.

(C) 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 by the City Engineer.

(D) (1) In addition to the improvement security, the City Engineer may also require the deposit of maintenance security in sufficient amount deemed necessary by him or her to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control.

(2) The maintenance security shall be in the form acceptable to the city and shall remain in effect for a period of 1 year after the date of acceptance of the improvements as designated in divisions (B) and (C) above.

(E) Any deposit required by the City Engineer pursuant to this chapter shall be payable to the city.

(F) (1) Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits will be released.

(2) 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 and surety all costs incurred thereto, including administrative and inspection costs.

(3) Any unused portion of a deposit shall be refunded to the permittee after deduction by the city of the cost of the work.

(1973 Code, § 7-9.801) (Ord. 90-2, eff. 3-28-1990)

PERMIT GENERAL REQUIREMENTS

§ 155.020 GRADING.

No person shall do or permit to be done any grading in 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.

(1973 Code, § 7-9.301) (Ord. 90-2, eff. 3-28-1990) Penalty, see § 155.999

§ 155.021 WATER OBSTRUCTION.

No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, whether the waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, 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.

(1973 Code, § 7-9.302) (Ord. 90-2, eff. 3-28-1990) Penalty, see § 155.999

§ 155.022 CONSTRUCTION IN PUBLIC RIGHTS-OF-WAYS.

No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without prior written approval of the Public Services Director.

(1973 Code, § 7-9.303) (Ord. 90-2, eff. 3-28-1990) Penalty, see § 155.999

§ 155.023 HAZARDS.

(A) 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 the 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 the permit.

(B) The City Engineer may require the submission of plans or soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any corrective or proposed work or activity.

(1973 Code, § 7-9.304) (Ord. 90-2, eff. 3-28-1990)

§ 155.024 NOT RETROACTIVE.

(A) This chapter shall be prospective in operation only.

(B) The provisions of this chapter shall not apply to existing construction for which all previously necessary permits were obtained.

(C) The provisions shall also not apply to a project or development not yet constructed provided that an appropriate permit has been obtained and the permit bears a date prior to the effective date of the ordinance codified in this chapter.

(1973 Code, § 7-9.305) (Ord. 90-2, eff. 3-28-1990)

§ 155.025 ADMINISTRATION.

This chapter shall be administered for the city by the City Engineer.

(1973 Code, § 7-9.306) (Ord. 90-2, eff. 3-28-1990)

PROCEDURES

§ 155.035 FILING.

(A) Applications for permits shall be filed with the City Engineer or forms furnished by his or her office.

(B) 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.

(C) Only one application and permit is allowed for grading work to be done on a site.

(D) The City Engineer shall determine whether the application is complete in accordance with provisions of this subchapter and may require additional information from the applicant before accepting the application as

complete. The applicant shall be notified within 5 working days if his or her application is deemed incomplete, and the requirements for completing the application.

(1973 Code, § 7-9.401) (Ord. 90-2, eff. 3-28-1990)

§ 155.036 COMPLIANCE WITH CEQA.

(A) The California Environmental Quality Act (CEQA) may require the preparation of environmental documents concerning a proposed grading project.

(B) In such event, the city will be a responsible agency or may function as the lead agency.

(C) The City Engineer will advise the applicant as to any additional information required with the permit application.

(1973 Code, § 7-9.402) (Ord. 90-2, eff. 3-28-1990)

§ 155.037 REFERRAL TO OTHER PUBLIC AGENCIES.

The City Engineer may refer an application to other interested public agencies for their recommendations.

(1973 Code, § 7-9.403) (Ord. 90-2, eff. 3-28-1990)

§ 155.038 PERMIT CONDITIONS.

(A) No permit shall be granted unless the project conforms with the Auburn Area General Plan, and specific plans adopted thereto, and applicable city ordinances including the zoning ordinance.

(B) Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary zoning permit, no grading permit shall be granted prior to approval by the applicable planning authority.

(C) The permit shall be limited to work shown on the grading plans as approved by City Engineer. In granting 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 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, whether natural or man-made, from excessive deposition of sediment or debris in quantities exceeding natural levels;
- (6) Requirements for safeguarding areas reserved 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 flooding can be eliminated or adequately reduced;

(8) Requirements for safeguarding existing water wells.

(1973 Code, § 7-9.404) (Ord. 90-2, eff. 3-28-1990)

§ 155.039 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, Placer County or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of application for applicable public agency permits may be required prior to issuance of grading permit.

(1973 Code, § 7-9.405) (Ord. 90-2, eff. 3-28-1990)

§ 155.040 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, a survey by a licensed land surveyor or civil engineer or resolution of title all at the expense of the applicant may be required by the City Engineer.

(1973 Code, § 7-9.406) (Ord. 90-2, eff. 3-28-1990)

§ 155.041 TIME LIMITS.

(A) (1) The permittee shall perform and complete all the work required by the permit within time limits specified in the permit.

(2) 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 works no later than 30 days prior to the expiration of the permit.

(3) The City Engineer may grant additional time for the work.

(B) (1) If all the permit work required is not completed within the time limit specified in division (A) above, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the City Engineers who may require a new application and fees depending on the time between the expiration date and the renewal request, revisions in city regulations, or changed circumstances in the immediate area.

(2) Any revised plan shall be submitted to the City Engineer for review and any costs thereof shall be at the applicant's expense.

(1973 Code, § 7-9.407) (Ord. 90-2, eff. 3-28-1990)

§ 155.042 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.

(1973 Code, § 7-9.408) (Ord. 90-2, eff. 3-28-1990)

§ 155.043 APPEALS.

Appeals on decisions pursuant to this chapter shall be made pursuant to Chapter 162 of this Municipal Code. (1973 Code, §7-9.409) (Ord. 90-2, eff. 3-28-1990; Am. Ord. 09-02, eff. 4-8-2009)

PLANS AND SPECIFICATIONS

§ 155.055 APPLICATION; PLANS.

Two or more complete sets of plans, as determined by the City Engineer, including, but not limited to profiles, cross sections, topographic maps and specifications 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 preliminary grading plans. Prior to the issuance of a grading permit the applicant must furnish final grading plans. Preliminary grading plans 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 subchapter.

(1973 Code, § 7-9.501) (Ord. 90-2, eff. 3-28-1990)

§ 155.056 PRELIMINARY GRADING PLANS.

(A) (1) Preliminary grading plans provide for review and determination of grading permit requirements prior to approval of final plans and issuance of a grading permit.

(2) Precise design at this stage is not required.

(B) The plans shall be clearly and legibly drawn and entitled "Preliminary Grading Plan," and shall contain a statement of the purpose of the proposed grading, and shall include all of the following:

(1) On a map of appropriate scale, but not smaller than 1 inch equals 100 feet:

(a) A plan entitled "Preliminary Grading Plan" and the name and signature of preparer and date of preparation;

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

(c) A site plan indicating the site of the work and any proposed divisions of land;

(d) The complete site boundaries and locations of any easements and rights-of-way traversing and adjacent to the property, appropriately labeled and dimensioned;

(e) The location and 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 50 feet of the proposed work;

(f) Location and nature of known or suspected soil or geologic hazard areas;

(g) Contour lines of the existing terrain and proposed approximate finished grade at intervals not greater than 5 feet, 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 50 feet beyond the affected area, and further if needed to define intercepted drainage, and shall be extended a minimum of 100 feet outside of any future road rights-of-way.)

- (h) Approximate location of cut and fill lines and the limits of grading for all the proposed grading work, including borrow and stockpile areas;
 - (i) Location, width, direction of flow and approximate location of tops and toes of banks of any watercourses;
 - (j) Approximate boundaries of any areas with a history of flooding;
 - (k) 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;
 - (l) A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading;
 - (m) North arrow and scale; and
 - (n) General location and character of vegetation covering the site.
- (2) Typical cross sections (not less than 2) of all existing and proposed graded areas taken at intervals not exceeding 200 feet and at locations of maximum cuts and fills.
- (3) An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
- (4) The estimated starting and completion dates of grading.

(1973 Code, § 7-9.502) (Ord. 90-2, eff. 3-28-1990)

§ 155.057 FINAL GRADING PLANS; ENGINEER REQUIRED.

- (A) Final grading plans and specifications shall be prepared and signed by a civil engineer, except as otherwise provided herein, on sheets 24 inches x 36 inches.
- (B) The plans shall include the following, in addition to all requirements for preliminary grading plans:
- (1) *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 is prepared;
 - (2) Accurate contour lines at intervals not greater than 5 feet, showing topographic features and drainage patterns and the configuration of the ground before and after grading, relative to a bench mark established on site;
 - (3) Location, extent and finished surface slopes of all proposed grading and final cut and fill lines;
 - (4) Cross sections, profiles, elevations, dimensions and construction details based on accurate field data;
 - (5) 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;
 - (6) Complete construction specifications, including progress schedule of work;
 - (7) A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities;
 - (8) A revegetation plan, including temporary erosion control plantings, permanent slope plantings, replacement of temporary ground cover and irrigation facilities;
 - (9) An estimate of the quantities of excavation and fill;

(10) The location of any borrow site or location for disposal of surplus material;

(11) A projected schedule of operations, including, as a minimum, the date of:

(a) Commencement of work;

(b) Start and finish of rough grading;

(c) Completion of drainage facilities;

(d) Completion of work in any watercourse;

(e) Completion of erosion and sediment control facilities;

(f) Completion of hydro-mulching and other 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 may be required.)

(12) Itemized cost estimate of the proposed grading and related work; and

(13) A complete drainage study may be required.

(1973 Code, § 7-9.503) (Ord. 90-2, eff. 3-28-1990)

§ 155.058 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 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 1,000 cubic yards or more;

(B) An access road serving 5 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 adjacent structure or property;

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

(F) The creation or aggravation of an unstable slope condition.

(1973 Code, § 7-9.504) (Ord. 90-2, eff. 3-28-1990)

§ 155.059 MODIFICATION OF APPROVED PLANS.

(A) Proposed modifications of an approved final plan shall be submitted to the City Engineer for his or her 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.

(1973 Code, § 7-9.505) (Ord. 90-2, eff. 3-28-1990)

§ 155.060 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.

(1973 Code, § 7-9.506) (Ord. 90-2, eff. 3-28-1990)

§ 155.061 DISTRIBUTION AND USE OF APPROVED PLANS.

Two 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 or her engineer. One set of approved plans and permit shall be retained on the site at all times during the work.

(1973 Code, § 7-9.507) (Ord. 90-2, eff. 3-28-1990)

PERMIT REQUIREMENTS

§ 155.075 GENERAL.

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.

(1973 Code, § 7-9.601) (Ord. 90-2, eff. 3-28-1990)

§ 155.076 FEES.

(A) The schedule of fees and costs shall be those established and adopted by the City Council from time to time by resolution or ordinance. Before a permit is issued, the applicant shall deposit with the City Engineer cash or 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 or other work and routine laboratory tests of materials and compaction, all in accordance with schedules established and adopted by the City Council.

(B) No fee shall be required of public agencies.

(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, upon completion of any work under a permit there remains any excess of deposit or of fees or charges, the City Engineer shall certify the same to the Auditor for refund to the permittee or refund the same from any trust fund established under his or her jurisdiction for such purposes.

(E) If, upon completion of any work under a permit there is a sufficient deposit to cover the cost of the work, the City Engineer permittee to reimburse the amount equal to the cost deficit.

(F) If grading work is done in violation of this chapter or the work is not done in accordance with an approved permit, a fee, not less than twice the normal fee, covering investigation of any violation and inspection and plan checking of work required to correct the violation shall be charged to the violator to cover all actual costs.

(1973 Code, § 7-9.602) (Ord. 90-2, eff. 3-28-1990)

§ 155.077 GEOTECHNICAL INVESTIGATION REQUIRED.

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

(A) When the proposed grading includes a cut or fill exceeding 10 feet in depth at any point; however, for vehicular ways, a soil investigation shall not be required unless the grading includes a proposed cut or fill that exceeds 10 feet in depth and the slope of the natural ground exceeds 30%;

(B) When highly 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;

(D) When the proposed grading involves retaining walls exceeding 4 feet in height support a slope in excess of 30%.

(1973 Code, § 7-9.603) (Ord. 90-2, eff. 3-28-1990)

§ 155.078 INVESTIGATIONS.

(A) Those portions of the soil or geologic investigation that constitute “civil engineering” as defined by Cal. Business and Professions Code § 6734 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 Cal. Business and Professions Code § 7802 shall be conducted by an engineering geologist.

(B) The investigations shall be based on observations and tests of the material exposed by exploratory boring 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.

(1973 Code, § 7-9.604) (Ord. 90-2, eff. 3-28-1990)

§ 155.079 REPORTS; GENERAL.

Any soil or geologic investigation 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.

(1973 Code, § 7-9.605) (Ord. 90-2, eff. 3-28-1990)

§ 155.080 SOIL/GEOLOGIC INVESTIGATION REPORT.

The soil or geologic investigation 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 date; 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 encouraged groundwater or excessive moisture conditions;
- (G) A description of the soil and geological investigative 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; and
- (M) Recommendations for mitigation of geologic hazards.

(1973 Code, § 7-9.606) (Ord. 90-2, eff. 3-28-1990)

§ 155.081 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 other pertinent information;
- (C) Recommendations regarding foundation design, including soil bearing potential and building restrictions or setbacks from the top or toe of slopes;
- (D) A declaration by the geotechnical engineer, 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 and geologic investigation reports as approved and in accordance with the approved plans and specification.

(1973 Code, § 7-9.607) (Ord. 90-2, eff. 3-28-1990)

§ 155.082 CHANGED CONDITIONS.

Where soil or geologic conditions encountered in the grading operation deviate from that anticipated in the soil and geologic investigation reports or where the conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for the approval of the City Engineer.

(1973 Code, § 7-9.608) (Ord. 90-2, eff. 3-28-1990)

§ 155.083 SPECIAL INSPECTION.

(A) As the condition of the permit, the City Engineer may require the permittee to provide a private 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 or her professional judgment, the work was performed in accordance with the approved plans and specifications. The permittee shall make his or her 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 5 feet in depth or slopes which exceed 10% and during the placing of the fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed 10 feet in height;

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

(3) During the installation of subsurface drainage facilities.

(B) Reports filed by the private 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 private geotechnical engineer or civil engineer competent to do so for inspections shall not preclude the City Engineer from conducting inspections using his or her or other authorized inspectors as may be necessary.

(1973 Code, § 7-9.609) (Ord. 90-2, eff. 3-28-1990)

§ 155.084 NON-COMPLIANCE NOTIFICATION BY PRIVATE 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 private 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 or she shall prepare the proposed changes and submit them to the City Engineer.

(1973 Code, § 7-9.610) (Ord. 90-2, eff. 3-28-1990)

§ 155.085 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 private geotechnical engineer or City 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.

(1973 Code, § 7-9.611) (Ord. 90-2, eff. 3-28-1990)

§ 155.086 PROGRESS REPORT BY PERMITTEE.

Periodic progress reports 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 dates of operations upon

which the reports are required and their content shall be as required by the City Engineer in the permit.

(1973 Code, § 7-9.612) (Ord. 90-2, eff. 3-28-1990)

§ 155.087 SUBMIT “AS-BUILT” PLAN.

The permittee shall submit to the City Engineer an “as-built” grading plan following completion of grading operations.

(1973 Code, § 7-9.613) (Ord. 90-2, eff. 3-28-1990)

§ 155.088 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. 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 1 year after acceptance by the City Engineer of all improvements.

(1973 Code, § 7-9.614) (Ord. 90-2, eff. 3-28-1990)

§ 155.089 OTHER RESPONSIBILITIES OF PERMITTEE.

The permittee shall also be responsible for the following:

(A) *Protection of utilities.* The permittee shall be responsible for the prevention of damage to any 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 or easement, without supporting and protecting the property from damage which might result.

(C) *Advance notice.* The permittee shall notify the City Engineer at least 24 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.

(1973 Code, § 7-9.615) (Ord. 90-2, eff. 3-28-1990)

§ 155.090 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.

(1973 Code, § 7-9.616) (Ord. 90-2, eff. 3-28-1990)

DESIGN STANDARDS

§ 155.100 EXCAVATION.

Excavations shall be constructed or protected so that they do not endanger life or property.

(1973 Code, § 7-9.701) (Ord. 90-2, eff. 3-28-1990)

§ 155.101 EXCAVATION SLOPE.

The slope of cut surfaces of permanent excavations shall not be steeper than 2 horizontal to one vertical exclusive of terraces and exclusive of roundings described herein. Steeper slopes will be permitted in competent bedrock provided the 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 investigations 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.

(1973 Code, § 7-9.702) (Ord. 90-2, eff. 3-28-1990)

§ 155.102 FILL PLACEMENT.

(A) Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed 8 inches. 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.

(B) 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 12 inches.

(1973 Code, § 7-9.703) (Ord. 90-2, eff. 3-28-1990)

§ 155.103 FILL COMPACTION.

(A) All fills shall be compacted throughout their full extent to a minimum of 90% of maximum density as determined by appropriate ASTM standard method or other alternate methods approved by the City Engineer.

(B) Tests to determine the density of compacted fills shall be made on the basis of not less than 1 test for each 2-foot vertical lift of the fill, but not less than 1 test for each 1,000 cubic yards of material placed. Additional density tests at a point approximately 1 foot below the fill slope surface shall be made on the basis of not less than 1 test for each 1,000 square feet in slope surface, but not less than 1 test for each 10-foot vertical increase of slope height.

(C) All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of the testing and location of tests shall be presented in the periodic and final reports. Compaction may be less than 90% of maximum density, as determined by the above test, within 6 inches of the slope surface when the 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 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.

(1973 Code, § 7-9.704) (Ord. 90-2, eff. 3-28-1990)

§ 155.104 GROUND PREPARATION FOR FILL PLACEMENT.

The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, top soil and other unsuitable material, and where slopes are 5 horizontal to 1 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 10 feet wide.

(1973 Code, § 7-9.705) (Ord. 90-2, eff. 3-28-1990)

§ 155.105 FILL SLOPES.

The slope of permanent fills shall not be steeper than 2 horizontal to 1 vertical exclusive of terraces and exclusive of roundings described herein, unless a soils report supports a steeper slope, but shall not exceed 1.5 horizontal to 1 vertical. The City Engineer may require that the fill be constructed with an exposed surface flatter than 2 horizontal to 1 vertical or may require such other measures as he or she deems necessary for stability and safety.

(1973 Code, § 7-9.706) (Ord. 90-2, eff. 3-28-1990)

§ 155.106 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 the building or structure is capable of withstanding the additional loads caused by the fill or surcharge. The rights of coterminous owners shall be as set forth in Cal. Civil Code § 832.

(1973 Code, § 7-9.707) (Ord. 90-2, eff. 3-28-1990)

§ 155.107 SETBACKS; GENERAL.

Unless otherwise recommended in a soil and geologic investigation report, Figures 70-1 and 70-2 on Page 769 of the 1985 Uniform Building Code or said similar provisions as provided for in adopted successor code shall be used for establishing setbacks for property boundaries, buildings and structures other than fences and retaining walls.

(1973 Code, § 7-9.708) (Ord. 90-2, eff. 3-28-1990)

§ 155.108 DRAINAGE; GENERAL.

The drainage structure and devices required by this chapter shall be designed and constructed in accordance with standards herein and criteria authorized by the City Engineer.

(1973 Code, § 7-9.709) (Ord. 90-2, eff. 3-28-1990)

§ 155.109 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.

(1973 Code, § 7-9.710) (Ord. 90-2, eff. 3-28-1990)

§ 155.110 DRAINAGE; WATER ACCUMULATION.

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected in a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

(1973 Code, § 7-9.711) (Ord. 90-2, eff. 3-28-1990)

§ 155.111 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.

(1973 Code, § 7-9.712) (Ord. 90-2, eff. 3-28-1990)

§ 155.112 TERRACE DRAINAGE.

Terraces at least 8 feet in width shall be established at not more than 25 feet in height intervals for all cut and fill slopes exceeding 30 feet in height. Where only 1 terrace is required, it shall be at 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 1 foot, a minimum longitudinal grade of 4%, a maximum longitudinal grade of 12%. Down-drains or drainage outlets shall be provided at approximately 300-foot intervals along the drainage terrace. Down-drains and drainage outlets shall be of approved materials and 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.

(1973 Code, § 7-9.713) (Ord. 90-2, eff. 3-28-1990)

§ 155.113 SUBSURFACE DRAINAGE.

Cut and fill slopes shall be provided with surface and/or subsurface drainage as necessary for stability.

(1973 Code, § 7-9.714) (Ord. 90-2, eff. 3-28-1990)

§ 155.114 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 1 time during grading operations and the time of exposure shall be minimized.
- (D) (1) Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible.

(2) Limits of grading shall be clearly defined and marked to prevent damage by construction equipment.

(E) Permanent 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) (1) No topsoil shall be removed from the site unless otherwise directed or approved by the City Engineer.

(2) Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting.

(3) 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 whose 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 the materials if this occurs.

(1973 Code, § 7-9.715) (Ord. 90-2, eff. 3-28-1990)

§ 155.115 EMERGENCY CONDITIONS.

(A) Should increased sediment discharge occur or become imminent, permittee shall take all necessary steps to control or reduce the discharge. The 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.

(B) The permittee shall take prompt action to resolve emergency problems; otherwise the City Engineer may institute abatement proceedings pursuant to provisions of § 155.131.

(1973 Code, § 7-9.716) (Ord. 90-2, eff. 3-28-1990)

§ 155.116 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 10,000 square feet of area having a slope greater than 10%;

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

(3) Grading will occur within 20 feet of any watercourse; and/or

(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 or her 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 April 1 and October 15 shall be planted by November 1. Graded areas completed at other times of the year shall be planted within 15 days. If revegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds 2,500 square feet, additional erosion and sediment control measures or irrigation of planted slope may be required as appropriate to prevent increased sediment discharge.

(E) (1) Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of the grading and development from initial disturbance of the ground to project completion.

(2) 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 or she shall so attest on the plans. Sufficient calculations and supporting material to demonstrate the 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) (1) 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.

(2) These standards and specifications shall be in general compliance with *Erosion and Sediment Control Guidelines for Developing Areas of the Sierra Foothills and Mountains*, published by the High Sierra Resource Conservation District.

(1973 Code, § 7-9.717) (Ord. 90-2, eff. 3-28-1990)

§ 155.117 VEHICULAR WAYS; GENERAL.

Vehicular ways shall conform to the grading requirements of this chapter.

(1973 Code, § 7-9.718) (Ord. 90-2, eff. 3-28-1990)

§ 155.118 VEHICULAR WAYS; DRAINAGE.

Vehicular ways shall be graded and drained in a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in a manner that it does not cause erosion or endanger existing improvements. Bridges and culverts installed in watercourses shall be reviewed by the Placer County Flood Control and Water Conservation District.

(1973 Code, § 7-9.719) (Ord. 90-2, eff. 3-28-1990)

ADMINISTRATION AND ENFORCEMENT

§ 155.130 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.

(1973 Code, § 7-9.901) (Ord. 90-2, eff. 3-28-1990)

§ 155.131 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 this chapter, they are hereby 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 the 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 Placer County Recorder. The following costs shall be billed:

(a) Engineering and design;

(b) Contractor service bills or public employee wages at cost;

(c) Administration overhead and supervision based on 10% of all costs incurred; and

(d) Interest shall accrue and be billed at the rate of 10% of 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 subchapter or without a permit as required by this subchapter, the City Engineer may serve upon the person a written order citing the violations and directing that person performing the work to stop work immediately.

(2) Upon receipt of the stop work notice, the person performing the work shall:

(a) Stop work immediately;

(b) Within 24 hours provide the City Engineer with a list of remedies which can be immediately undertaken to bring the work into compliance with this subchapter;

(c) Within 24 hours after acceptance of the remedies by the City Engineer undertake, at the violator's expense, the action as is necessary to bring the work into compliance with this subchapter;

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

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

(1973 Code, § 7-9.902) (Ord. 90-2, eff. 3-28-1990)

§ 155.132 ENFORCEMENT OFFICIAL.

The City Engineer shall enforce the provisions of this chapter.

(1973 Code, § 7-9.1001) (Ord. 90-2, eff. 3-28-1990)

§ 155.133 RIGHT OF ENTRY.

Whenever necessary to enforce the provisions of this chapter the City Engineer 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.

(1973 Code, § 7-9.1002) (Ord. 90-2, eff. 3-28-1990)

§ 155.134 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 the work to be done. Any such person shall forthwith stop the 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 an infraction.

(1973 Code, § 7-9.1003) (Ord. 90-2, eff. 3-28-1990) Penalty, see § 155.999

§ 155.135 LIABILITY.

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the city for damage to any person or property.

(1973 Code, § 7-9.1004) (Ord. 90-2, eff. 3-28-1990)

§ 155.136 DENIAL OF OTHER PERMITS.

No building permit, septic, water, sewer, electrical permit or any other permit 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.

(1973 Code, § 7-9.1005) (Ord. 90-2, eff. 3-28-1990)

§ 155.137 NOTICE OF ADJACENT UTILITY OWNERS.

Upon the filing of an application for a permit, the City Engineer shall notify by mail the owners of utilities on or abutting the site, that an application for a grading permit has been submitted pursuant to this chapter, that they may comment at any stage of the procedure, and may lodge an appeal pursuant to the provisions of this chapter.

(1973 Code, § 7-9.1006) (Ord. 90-2, eff. 3-28-1990)

§ 155.138 GRADING PRIOR TO APPROVAL OF IMPROVEMENT PLANS.

Applications for permits for grading for projects that require a tentative map or the intended use requires approval of a discretionary zoning permit, shall not be granted a grading permit unless the project complies with the provisions of §§ 155.035 *et seq.* and the following requirements.

(A) A separate grading plan shall be submitted for review and approval by the City Engineer. This plan shall conform to the requirements of this chapter and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading or revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction will be corrected at the applicant's expense.

(B) A revegetation and winterization plan shall be submitted for review and approval by the City Engineer. This plan shall include a performance contract with the city which includes a specific schedule for performance of the subject grading, an engineer's estimate of cost for implementing the plan, and cash or other approved form of security to ensure timely performance of the plan.

(C) A plan check and inspection fee deposit shall be required in the amount of the full plan check fee applicable at the time of submittal and a deposit of 100% of the full inspection fee at time of grading permit approval.

(D) A drainage report shall be required as per the requirements of this chapter.

(1973 Code, § 7-9.1008) (Ord. 90-2, eff. 3-28-1990)

§ 155.999 PENALTY.

(A) (1) Notwithstanding any other provisions of this code, any person, firm or corporation convicted of an infraction under the provisions of this code shall be punishable, upon a first conviction, of a fine of not more than \$100, and for a second conviction within a period of 1 year by a fine of not more than \$200, and for a third or any subsequent conviction within a 1-year period by a fine of not more than \$500. Any violation beyond the third conviction within a 1-year period may be charged by the City Attorney as a misdemeanor and the penalty for conviction of the same shall be subject to a fine, or imprisonment or both not to exceed the limits set forth in Cal. Penal Code § 19.

(2) In addition to the penalties provided in this section any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be by the city summarily abated as such.

(3) Each person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by the person and shall be punishable accordingly.

(4) The Director of Public Services and the City Engineer shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this code. Officers or employees so designated shall have the authority to arrest persons who violate any of the provisions.

(1973 Code, § 7-9.903) (Ord. 90-2, eff. 3-28-1990)

(B) The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law for violation of this chapter.

(1973 Code, § 7-9.904) (Ord. 90-2, eff. 3-28-1990)