

ORDINANCE NO. 904

**ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF ROCKLIN ADDING CHAPTER 15.28 TO THE ROCKLIN MUNICIPAL
CODE RELATING TO GRADING AND THE CONTROL OF EROSION AND
SEDIMENT IN THE CITY OF ROCKLIN**

The City Council of the City of Rocklin does ordain as follows:

Section 1. Chapter 15.28 is added to the Rocklin Municipal Code to read as follows:

CHAPTER 15.28

**GRADING AND EROSION
AND SEDIMENTATION CONTROL**

ARTICLE I

PURPOSE, SCOPE, AND DEFINITIONS

15.28.010 Title.

This chapter shall be known as the Grading and Erosion and Sedimentation Control Ordinance of the City of Rocklin, and shall be referred to herein as the "grading ordinance."

15.28.020 Purpose and scope.

A. This chapter is enacted for the purpose of regulating grading on all property within the City of Rocklin to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with nutrients, sediments, or other earthen materials generated or caused by surface runoff on or across the permit area; to comply with the city's national pollution discharge elimination system permit issued by the California regional water quality control board; and to ensure that the intended use of a graded site is consistent with the City of Rocklin General Plan, provisions of the California Building Standards Codes as adopted by City relating to grading activities, City of Rocklin Improvement Standards, any applicable specific plans or other land use entitlements, and any other provisions of this code or uncodified ordinances.

B. This chapter sets forth rules and regulations to control grading and erosion control activities, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction and erosion control plans for all graded sites.

C. If any part of this chapter is found invalid, the remainder of this chapter shall remain in effect.

D. If there is any inconsistency or conflict between the provisions of this chapter and Chapter 33 Appendix of the California Building Code as adopted by the city, the more restrictive requirement shall prevail and control. Nothing in this chapter is intended to repeal or replace requirements of the Uniform Building Code as adopted by the City.

E. All grading shall be performed in conformance with the City of Rocklin Improvement Standards. If there is any inconsistency or conflict between the requirements of this chapter and the Improvement Standards, the more restrictive requirement shall prevail and control.

15.28.030 Definitions.

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

A. "Approving Authority": the city engineer, and in matters involving an appeal, the city manager.

B. "Bedrock": the solid undisturbed rock in place either exposed at the ground surface or beneath surficial deposits of loose rock or soil.

C. "Bench": a relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

D. "Best Management Practices" (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

E. "Building Official": the Chief Building Official of the City of Rocklin or his or her designee.

F. "City engineer": the Community Development Department Engineering Services Manager for the City of Rocklin, or his or her designee.

G. "Civil engineer": a professional engineer registered as a civil engineer by the State of California.

- H. "Compaction": the increase of density of a soil or rock fill by mechanical means.
- I. "Cut": the removal of naturally occurring earth materials by mechanical means, and includes the conditions resulting therefrom.
- J. "Depth of fill": the vertical dimension from the exposed fill surface to the original ground surface.
- K. "Depth of excavation": the vertical dimension from the exposed cut surface to the original ground surface.
- L. "Embankment": see "Fill."
- M. "Encroachment permit": a permit issued under Chapter 12.04.
- N. "Engineering geologist": a registered geologist certified as an engineering geologist by the State of California.
- O. "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.
- P. "Erosion": the wearing away and transportation of earth material as a result of the movement of wind, water, or ice.
- Q. "Excavation": see "Cut."
- R. "Existing grade": the elevation of the ground surface at a given point prior to excavating or filling.
- S. "Expansive soil": any soil which exhibits significant expansive properties as determined by a geotechnical engineer or the city engineer.
- T. "Fill": the deposit of soil, rock or other materials placed by man and includes the conditions resulting therefrom; "fill" includes stockpiling.
- U. "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.
- V. "Geologic hazard": any condition in naturally occurring earth materials which may endanger life, health or property. Geologic hazards include, but are not limited to: faults; existing or potential landslides, mud slides, or rock falls; weak, expansive or creeping soil; subsidence; earthquake induced shaking, ground movement, ground failure or liquefaction; and seiche or tsunami inundation.

W. "Geotechnical engineer": a civil engineer registered by the State of California who is qualified in the field of soil mechanics and soil engineering.

X. "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.

Y. "Grading": any cutting, deep ripping or filling, or combination thereof.

Z. "Grading permit": a permit issued by the city engineer to authorize grading.

AA. "Grading plan": a plan prepared in accordance with this chapter showing grading and related work.

BB. "Grading work": grading and related work, such as, but not limited to, drainage improvements and erosion and sediment control.

CC. "Hillside lot": lot on which the slope of ground, measured from the front setback line to the rear of the lot, or across the lot from side property line to side property line, or diagonally across the lot, at the approximate building site, is 20% or greater.

DD. "Improvement Standards": the City of Rocklin Construction Specifications, Improvement Standards, Standard Drawings, latest version as adopted by the City Council.

EE. "Keyway": a special backfilled excavation which is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

FF. "Landscape architect": a landscape architect registered by the State of California

GG. "Lot": see "Parcel."

HH. "National Pollutant Discharge Elimination System (NPDES)": the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Clean Water Act.

II. "Owner": the person shown as the legal owner of the property on the latest equalized assessment roll in the Placer County Assessor's Office or as otherwise known to city.

JJ. "Parcel": 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 Placer County Recorder's Office.

KK. "Permittee": any person to whom a permit is issued pursuant to this chapter.

LL. "Person": any natural person, firm, corporation or public agency whether principal, agent, employee, or otherwise.

MM. "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.

NN. "Public Works Director": the Public Works Director for the City of Rocklin, acting through his or her designee.

OO. "Rainy season": the period of the year between October 1 to April 14 of the following year, inclusive.

PP. "Sediment": any material transported or deposited by water, including soil and debris or other foreign matter.

QQ. "Sediment control measures": dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other measures which control the deposit of soil or earth material.

RR. "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.

SS. "Slope": an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

TT. "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.

UU. "Stockpiling": the storage of material for future construction either on or off site which exceeds a depth of three (3) feet above natural grade, which is not associated with a retail landscape or material storage yard.

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

WW. "Waters of the state": any surface water or ground water, including saline water, within the boundaries of the State of California.

XX. "Work": see "Grading work."

ARTICLE II

REQUIREMENT, CONDITIONS, AND SCOPE OF GRADING APPROVALS

15.28.040 Administration.

The Community Development Department is designated the department responsible for the administration of this chapter.

15.28.050 Grading approval - 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 first obtaining approval of such grading from the city in accordance with the provisions of the grading ordinance.

15.28.060 Grading permit - Exemptions.

The following grading may be done without obtaining grading approval unless grading approval is required in mitigation monitoring agreements or other conditions of project approval. Exemption from the grading approval requirement shall not be deemed to be an exemption from or permission to violate any other provision of this chapter or the Rocklin Municipal Code. All grading work, including work exempted from the grading approval requirement, shall be carried out in a manner consistent with the requirements of the grading ordinance. Work exempted from a City issued grading approval shall be required to take all steps and implement Best Management Practices to assure that the potential for erosion and control of sediment from any project site is minimized.

- A. Excavations for cemetery graves
- B. Excavations for wells.
- C. Minor Excavations when all of the following conditions are met:
 - 1. The quantity of soil removed or disturbed is fifty cubic yards or less.
 - 2. The depth of the excavation is less than two feet on ground sloping less than twenty percent.
 - 3. The slope of the cut face is two feet horizontal to one foot vertical or less.
- D. Minor Fill when all of the following conditions are met:
 - 1. The quantity of soil involved is fifty cubic yards or less placed on ground sloping less than twenty percent,

2. The height is one foot or less,
3. The slope of the fill embankment face is two feet horizontal to one foot vertical or less,
4. The drainage patterns existing prior to the fill are not altered.
- E. Minor agricultural land leveling when the change in elevation is two feet or less.
- F. Grading in refuse disposal areas and sanitary landfills.
- G. Trenches for public utilities.
- H. Exploratory excavations under the direction of soils engineers or engineering geologists.
- I. Grading work done for the purpose of creating ponds or catching stormwater where the city engineer determines the following conditions exist:
 1. The proposed grading work will not create a hazard to private property and improvements;
 2. The proposed grading work will not substantially affect existing drainage patterns or create erosion hazards.
- J. Other grading activities which the City Engineer determines comply with the exemption criteria set forth in this section.

15.28.070 Grading approval; Scope; Liability.

A. Grading approval may be issued by the Building Official in connection with the issuance of a building permit, or the city engineer after approval of improvement plans, or where grading is commenced prior to such issuance or approval, through the issuance of a separate grading permit.

B. The issuance of grading approval shall not be construed as an approval of any action or condition constituting a violation of the provisions of the grading ordinance or of any other applicable laws, ordinances, rules or regulations.

C. Neither issuance of grading approval under the provisions of the grading ordinance 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.

15.28.080 Conditions of grading approval.

A. No grading shall be approved unless the project conforms with the city's general plan, any adopted specific or general development plans, and applicable city ordinances, including the zoning ordinance and the subdivision ordinance.

B. Where the California Environmental Quality Act (CEQA) requires the preparation and approval of environmental documents concerning a project which will result in grading for which a grading permit is required under this chapter, no grading shall be approved until all CEQA mitigation and other requirements have been incorporated into the project, including but not limited to mitigation measures relating to protection of threatened and endangered species under applicable federal and state endangered species laws.

C. Where a proposed development project requires the filing of a tentative map or the intended use requires approval of a discretionary permit or variance, grading may also require approval from the city planning and building department.

D. Work shall be performed in accordance with the provisions of the grading ordinance and the applicable criteria set forth in the improvement standards.

E. Grading approval shall be limited to work shown on the grading plans as approved by the city. 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/or to assure proper completion of the grading, including but not limited to the following:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings, including but not limited to those matters specified in subsection B of this section;

2. Improvement of any existing grading to comply with the standards of the grading ordinance;

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, access roads and haul routes;

5. Requirements for safeguarding watercourses, whether natural or manmade, from excessive deposition of sediment or debris. In no case shall deposition of sediment or debris cause an exceedance of applicable water quality standards;

6. 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;

7. Requirements for safeguarding existing water wells.

8. Requirements for fencing to protect the health and livelihood of trees on the site.

15.28.090 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 such waters are unconfined upon the surface of the land or confined within land depressions, natural drainage ways, unimproved channels, watercourses, 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 federal, state and local laws, rules, and regulations including, but not limited to, the provisions of the grading ordinance.

15.28.100 Construction in public right-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 Director of Public Works, and without obtaining a city encroachment permit.

15.28.110 Hazards.

Whenever the city engineer determines that any grading on private property constitutes a condition which could endanger persons or property, or could adversely affect the safety, use or stability of adjacent property, or an overhead or underground utility, or any public way, watercourse or drainage channel, or could adversely affect the water quality of any water bodies or watercourses, or causes a violation of the City's NPDES permit, the owner of the property upon which the condition is located, or other person or agent in possession or control of said property, upon receipt of notice in writing from the city engineer, shall, within the period specified therein, stop all work. The city engineer may require the submission of plans, soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any work or activity proposed or required to correct such condition.

**ARTICLE III
GRADING APPROVAL; APPLICATIONS AND PERMITS**

15.28.120 Grading approval - Application.

Application for a grading approval shall be made on a form provided by the city engineer. The application shall include the following information:

A. The name, address, telephone number, and 24-hour emergency contact telephone number of the applicant.

B. The names, addresses, and the telephone numbers of all property owners other than the applicant;

C. The name, address, telephone number and registration number of the party responsible for preparing the grading plan;

D. The name, address, and telephone number of the party responsible for preparing the erosion and sediment control plan;

E. The name, address, and telephone number, and registration number of the registered civil engineer responsible for the preparation of the soils and engineering report, if required;

F. A plan for performing any required special inspections, including the name, address, and telephone number of the person responsible for conducting the special inspections.

G. A description of the work to be covered by the permit for which application is made;

H. A description of the location on which the proposed work is to be done, by lot, block, tract, and house and street address or similar description that will readily identify and definitely locate the proposed building or work;

I. A description of the physical characteristics of the land that will be subject to or affected by the proposed grading work, including all natural features, such as streams and creeks, wetlands, riparian areas, rock outcroppings, and slopes; known prehistoric, historic, and unique archaeological resources; and all existing trees. This description may be included on the plans and specifications required by K., below;

J. Plans and specifications conforming to the most current Improvement Standards; if the site of the proposed grading is subject to conditions specified in an approved tentative subdivision or parcel map or an approved use permit, or other land use entitlement, the plans and specifications shall also demonstrate compliance with all applicable conditions of approval;

K. An erosion and sediment control plan (ESC plan) shall be prepared for all projects to control surface runoff and erosion and to retain sediment on a particular site and prevent pollution of site runoff during the period beginning when any preconstruction- or construction-related grading or soil storage first occurs, until all final improvements and permanent structures are complete. The ESC plan shall be prepared and submitted concurrently with the grading plan. The ESC plan shall be submitted on a clean separate sheet or sheets. The separate sheet(s) shall be drawn clearly and legibly and entitled "erosion and sediment control plan."

L. The estimated quantity of cut and fill shall be shown on the grading plan;

M. The haul route and a separate grading plan if excess fill is to be placed on land within the City Of Rocklin;

N. If required, State Regional Water Quality Control Board approved Storm Water Pollutant Protection Plan (SWPPP), including the Waste Discharge Identification Number issued by the RWQCB, for the proposed grading work, the applicable provisions of which shall be incorporated into the ESC plan.

O. Such other information as reasonably may be required by the city engineer;

The application shall be signed by the applicant, who shall be the property owner or the owner's authorized agent or lessee. If the applicant is the owner's agent or lessee, the agent or lessee shall submit evidence of authority to obtain the permit. Once the permit is issued, the applicant shall become the permittee.

15.28.130 Improvement plans in lieu of application for permit.

Where a subdivision improvement plan is being processed in conjunction with either an approved tentative, parcel, or final map; or a site plan is being processed in accordance with the provisions of this code, such plan shall also be considered as an application for grading approval. Such plans shall be reviewed and approved, conditionally approved or denied in accordance with the standards and requirements set forth in the grading ordinance and other applicable city specifications. If an improvement plan or site plan is approved, then a separate grading permit shall not be required. Subject to all of the requirements of the grading ordinance, approval of the improvement plans constitutes approval of the grading work intended.

15.28.140 Grading prior to issuance of building permit or approval of improvement plans.

Applicants for a permit to allow grading prior to issuance of a building permit or approval of improvement plans shall meet the following requirements prior to issuance of a grading permit:

A. A preliminary grading plan shall be submitted for review and approval by the city engineer or building official. This plan shall conform to the requirements of the grading ordinance and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall execute a separate acknowledgment that any additional grading or revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction shall be corrected at the applicant's expense.

B. Erosion and sediment control plans in accordance with provisions of Article IV of this chapter shall be submitted for review and approval by the city engineer or building official.

C. When applicable, a winterization certification shall be submitted for review and approval by the city engineer or building official in accordance with Section 15.28.270 of this chapter.

D. No grading permit shall be issued until all applicable CEQA mitigation and other requirements have been met or incorporated into the project plans.

15.28.150 Referral to other public agencies.

The city engineer may refer the application to other interested public agencies for their recommendations.

15.28.160 Permission of other agencies or owners.

No application for grading approval shall relieve the applicant of responsibility for securing other permits or approvals, including but not limited to those specified in Section 15.28.080, subsection B, required for work which is regulated by any other department or other public agency, or for obtaining any easements or authorization for grading on property not owned by the applicant. Proof of applicable public agency permits and/or easements may be required prior to issuance of grading approval.

15.28.170 Application - Fees.

A. The applicant shall pay a fee to cover the city's costs of reviewing plans, specifications, reports and other materials related to grading approval and performing all engineering services, CEQA review, field investigations, inspections, routine laboratory tests of materials and compaction or other work or services in connection with the issuance of grading approval or to determine or enforce compliance with any requirement or provision set forth in this chapter.

B. The fee or fees required by subsection A shall be established from time to time by resolution of the city council and shall be paid to the city either before grading approval is issued or before the issuance of a building permit, or both in accordance with

the fee schedule adopted by resolution of the city council. The city engineer may charge additional fees in any case where the city incurs costs that are not covered by the initial fee payment(s), or where the actual costs exceed the amounts previously paid by the application permittee.

C. If grading work is done in violation of the grading ordinance or does not comply with the terms and conditions of a grading approval issued for such grading, the permittee shall pay the city for all costs actually incurred by the city to inspect or investigate such violation and to perform inspection and plan checking of work required to correct the violation..

15.28.180 Minor grading plans and specifications.

A. A minor grading plan shall be submitted with the application when the grading work involves less than five thousand cubic yards total of cut and fill and the city engineer determines that the grading work is of a minor nature because the proposed work does not involve:

1. Steep slopes (greater than or equal to fifteen percent);
2. Location in a flood hazard area;
3. Potential damage to structures on or adjacent to the subject site;
4. Potential blockage of drainage channels;
5. Potential impairment of significant natural vegetation, biological habitats, public views or other sensitive natural or cultural resources.

B. A minor grading plan shall consist of the following information as determined by the city engineer, provided that information submitted with any required plot plan, site plan, or development plan may also be used to fulfill these submittal requirements:

1. General vicinity map;
2. Property limits of the site;
3. Existing contours and drainage channels including those areas of the subject site and adjoining properties which may be affected by the proposed grading either directly or through drainage alterations;
4. Location of any buildings or structures within fifty feet of the area which may be affected by the proposed grading operations;

5. Limiting dimensions, elevations or finished contours to be achieved by the grading and proposed drainage channels and related construction.

15.28.190 Engineered grading plans and specifications

A. An engineered grading plan shall be submitted with the application where the proposed grading work is not of a minor nature as described in A, above; provided, that if the city engineer determines that, due to terrain, soil characteristics, grading design, etc., engineered grading plans are not necessary to ensure a safe and adequate grading operation, the city engineer may waive the requirement for an engineered grading plan.

B. An engineered grading plan shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the standards and requirements of Article III and all other provisions of this chapter. If applicable, the engineered grading plan shall be part of the improvement plans for the development project to which it relates, and shall comply with all grading related environmental mitigation measures and conditions of approval of the development project established by the City for the project. In all cases, plans and specifications in a number and size consistent with the requirements of the most current Improvement Standards, signed by a civil engineer, shall be submitted with the application and shall include the following information as determined by the city engineer:

1. General vicinity map;
2. Property limits of the subject site;
3. Details of terrain and area drainage and accurate contours of existing ground at intervals shown in the Improvement Standards;
4. Location of any buildings or structures within fifty feet of the area which may be affected by the proposed grading operations;
5. Limiting dimensions, elevations, or finished contours to be achieved by the grading, and proposed drainage channels and related construction;
6. Specifications covering construction and material requirements;
7. Soil engineering report, which shall include data regarding the nature, distribution and strength of existing soils; conclusions and recommendations for grading procedures; criteria for corrective measures when necessary; and opinions and recommendations covering adequacy of sites to be developed by the proposed grading;

8. Engineering geology report, which shall include a description of the site, conclusions and recommendations regarding the effect of geologic conditions, and recommendations covering the adequacy of sites to be developed by the proposed grading;

9. A mitigation plan that addresses the conditions necessitating the engineered grading plan, such as steep slopes, location in a geologic study area or flood hazard area, potential damage to structures on the subject site or adjacent property, or potential impairment of natural vegetation, habitat, public view or other sensitive resources;

10. Drainage plan, if not included in any of the above;

C. For engineered grading, the civil engineer who prepares the approved grading plan shall incorporate all recommendations from the soil engineering and engineering geology reports into the engineered grading plan and shall be responsible for the certification of the grading within his or her area of technical specialty. This responsibility shall include, but shall not be limited to, certification as to the establishment of line, grade, and drainage of the development area and lot compaction and elevation. Certification shall be based on site inspection and actual knowledge. The civil engineer shall act as the coordinating agent if the need arises for liaison among other professionals, the contractor, and the city engineer. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded record drawings upon completion of the work.

15.28.200 Improvement security required.

A. As a condition for the issuance of grading approval, the city engineer may require the deposit of an improvement security in an amount deemed sufficient by him or her to assure faithful performance of the grading work in the event of default on the part of the applicant. Said 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 and all grading work and subdivision improvements have been accepted by the city.

C. For projects other than subdivisions, the improvement security shall remain in effect until final inspections have been made and all grading work has been approved by the city engineer.

D. In addition to the improvement security, the city engineer may also require the deposit of maintenance security in an amount deemed sufficient by him or her to guarantee and maintain the grading work performed, to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in a form acceptable to the city and shall remain in effect for a period of one year after the date of acceptance of the improvements or grading work, as designated

in subsections B and C of this section, or such other periods of time as required by the city engineer.

E. Any deposit required by the city engineer pursuant to this title shall be payable to the city.

F. Upon failure to complete the work, failure to comply with all of the terms of the grading ordinance, 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 applicant or surety all costs incurred including, but not limited to, administrative and inspection costs. Any unused portion of a deposit shall be refunded to the applicant after deduction by the city of the cost of the work.

15.28.210 Grading permit – Issuance.

A. Upon receipt and review of a complete application, payment of fees, and posting of security, if the city engineer is satisfied that the work described in the application and the plans will conform to the requirements of this chapter and all other laws and ordinances, the city engineer shall issue the grading permit, subject to whatever terms and conditions the city engineer determines are necessary or convenient to accomplish the purpose of this chapter including, but not limited to:

1. Completion of work within a specified period of time;
2. Hours and days of operation;
3. Designation and approval of haul routes;
4. Rainy season limitations;
5. Designation of area covered by the permit;
6. Implementation of General Plan and all other applicable EIR mitigation measures;
7. Provision of easements for storm water conveyance through open channels;
8. Approval of appropriate permitting requirements of other governmental agencies.

B. When the city engineer issues the permit, he or she shall endorse in writing or stamp on all sets of plans and specifications "APPROVED." Thereafter, the approved plans and specifications shall not be changed, modified, or altered without prior written authorization from the city engineer. All work shall be done in accordance with the approved plans. The city engineer may require that grading operations and project

designs be modified if delays occur or weather generated problems arise which were not anticipated at the time the permit was issued.

C. Retention of Plans. One set of endorsed approved plans, specifications, and computations shall be retained by the city engineer, one set by the engineering construction inspectors, one set by the building division, one set by the public works director, and one set shall be returned to the permittee, which set shall be kept on the building or work site at all times during which the work authorized thereby is in progress.

D. Issuance of the permit shall not prevent the city engineer from thereafter requiring the correction of errors in the plans and specifications or ordering the cessation of grading and development activities under the permit when in violation of this chapter, any other ordinance of the city, and any other applicable law, rule, or regulation.

ARTICLE IV

GRADING STANDARDS AND EROSION AND SEDIMENT CONTROL

15.28.220 Grading standards.

All grading work shall be performed in conformance with the Improvement Standards and/or the California Building Standards Code. If there is a conflict between the provisions of this chapter and the Improvement Standards or California Building Standards Code, the more restrictive shall prevail.

15.28.230 Erosion and sediment control.

A. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where the city engineer determines, based upon engineering information produced by the applicant, that cut slopes are not subject to erosion due to erosion-resistant character of the materials, such protection may be omitted.

B. An erosion and sediment control plan shall be required with any grading approval and shall include the following items:

1. Protective measures to be taken during construction such as hydromulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces and/or sediment traps in order to prevent erosion by surface or ground water of the cut faces of excavations or of the sloping surfaces of fills;

2. Permanent methods of revegetation following completion of proposed grading or improvements;

3. Approximate sequence and timing of grading and construction increments and/or subsequent revegetation and/or landscaping work.

C. Revegetation standards.

1. Permanent revegetation or landscaping, if required, is to be commenced on the construction site as soon as practical and in no case exceeding twelve months after achieving final grades and utility placements. Whenever practical, land is to be developed in increments of workable size which can be completed during a single construction season; erosion control measures are to be coordinated with the sequence of grading or improvements.

2. Grading equipment is to be confined to the area immediately adjacent to areas of disturbance as indicated by the approved plan.

3. All surfaces disturbed by vegetation removal, grading, haul roads, or other activity of construction which alters the natural vegetative cover are to be prepared for expedient revegetation or otherwise maintained to control erosion unless covered with impervious or other improved surfaces pursuant to approved plans within fourteen days following the completion of grading, or removal of vegetation if no grading was involved.

4. Topsoil removed from the surface in preparation for grading and construction is to be stored away from drainage structures and, whenever possible, away from inhabited residential areas and on or near the site, protected from erosion while grading operations are underway; provided, that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil shall be restored to exposed cut and fill embankments or building pads so as to provide a suitable base for seeding and planting.

5. Acceptable methods of revegetation include straw-mulching, hydro-mulching or planting of mixture specified in the Improvement Standards. Other methods of revegetation may be approved by the city engineer where equivalent protection is provided.

6. All revegetation and landscaping are to be conducted within suitable growing periods. Native plant material are specifically encouraged in order to reduce irrigation demands.

7. Temporary sedimentation control facilities are to be installed in conjunction with initial grading operations and maintained throughout the construction period to remove sediments from runoff waters during development.

8. Permanent sediment catchment basins or other types of sediment retention facilities are required wherever necessary to prevent discharge of sediment into waters of the state. Sediment retention facilities shall be inspected and cleaned according to a regular maintenance schedule.

9. The planting or seeding of vegetative protection must be effective. If the vegetation does not grow and offer proper protection, it must be replanted or reseeded.

10. The maintenance of vegetative protection on graded slopes shall be the responsibility of the permittee and shall be guaranteed until the vegetation is well established or is officially assumed by another party approved by the public works director.

ARTICLE V EXECUTION OF WORK,

15.28.240 Performance of work—Inspection.

A. The city engineer may inspect any work done pursuant to the grading ordinance at any time during the course of construction. No person shall be deemed to have complied with the grading ordinance until a final inspection of the work has been made by the city engineer.

B. As a condition of any grading approval, the applicant shall provide the city a right-of-entry and reasonable access, in accordance with Section 15.28.370 of this chapter, to the site 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 the grading ordinance.

C. When required by the California Building Standards Code or the city engineer, special inspection of grading operations and special testing shall be performed in accordance with the provisions of the California Building Standards Code and this chapter at the sole expense of the permittee.

D. The city engineer may during the course of grading activity require inspection and testing of minor grading by an approved testing agency, the expense of which shall be borne by the applicant. The testing agency's responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill and the compaction of fills. When the city engineer has cause to believe that unforeseen geologic factors may be involved, the grading operation will be required to conform to engineered grading requirements at the sole expense of the permittee.

E. During grading all necessary reports, compaction data, and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and city engineer by the geotechnical engineer and the engineering geologist. The geotechnical engineer or engineering geologist's area of responsibility shall include,

but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills, the stability of cut slopes with respect to geological matters and the need for sub-drains or other ground water drainage devices. He or she shall report findings to the civil engineer for engineering analysis. The city engineer shall inspect the project at the various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

15.28.250 Location of property lines.

Prior to any grading work or related activities, the owner must flag all property corners of the parcel of land to be graded. If the property corners are unknown, or 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 other resolution of the title dispute, all at the expense of the applicant, may be required by the city engineer.

15.28.260 Other responsibilities of applicant.

A. Protection of Utilities. The applicant shall be responsible for the prevention of damage to any public utilities or services.

B. Protection of Adjacent Property. The applicant shall be responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land that is so close to the property line as to endanger any adjoining public street, sidewalk, alley, structure or other public or private property or easement without supporting and protecting such property from any damage which might otherwise result.

C. Advance Notice. The applicant shall 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 sole responsibility of the applicant to prevent discharge of sediment from the site, in quantities greater than before the grading occurred, to any watercourse, drainage system, or adjacent property.

E. Compliance with Stormwater Runoff Pollution Control Code. At all times during the preconstruction and construction of any project for which grading approval is issued until all final improvements and permanent structures are complete, the applicant shall fully comply with all applicable requirements of the city's Stormwater Runoff Pollution Control Code, set forth in Chapter 8.30.

15.28.270 Winterization certification.

A. A winterization certification shall be submitted no later than September 15th for all projects where any construction will occur between October 15th and April 15th. Construction that will occur solely between April 16th and October 14th will not be required to submit a winterization certification.

B. The winterization certification shall consist of a written statement or descriptive plan sheet from the owner certifying that the project under construction is prepared for an event which will stop construction, such as rain or snow, that all ESC plan best management practices are in place and operating correctly, that housekeeping practices are maintained and that the site can be left or abandoned safely for an extended period of time during the rainy season without causing any erosion and sediment control problems.

C. If a winterization certification is required and has not been submitted and approved prior to September 16th, the grading approval will be suspended until a winterization certification is submitted and approval obtained.

15.28.280 Term of permit - Extensions.

A. A grading permit shall be valid for a period of one year from the date of issuance unless noted otherwise on the permit. The expiration date shall be noted on the permit.

B. The permittee may, before the expiration of the permit, apply for an extension of time in which to complete the work in a reasonable and expeditious manner. Extensions of time may be granted by the city engineer for a period or periods not exceeding a total of one additional year, where the city engineer finds unusual circumstances warrant the extension of time and will not create a hazard or nuisance. Denial of an extension of time shall not preclude the right of the permittee to apply for a new permit for the remaining balance of the work. Written consent of the security provider to any extension of time must be furnished before the approval of the extension becomes effective, unless the security consists of a cash deposit.

C. Every permit issued by the city engineer under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) calendar days.

D. Once a permit has expired, no work may resume until a new permit is obtained. The fee for a permit to complete work under an expired permit shall be one-half the amount of the current fee, provided no changes have been made or will be made in the original plans and specifications for such work and the suspension or abandonment has not exceeded one year.

15.28.290 Transfer of permit.

A permit may be transferred to another person with the prior written approval of the city engineer. The city engineer may make such modifications as he or she deems appropriate as a condition of the transfer. No transfer shall be effective until the transferee furnishes the required security.

15.28.300 Transfer of responsibility for certification.

If the civil engineer, the soil engineer, the engineering geologist, or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement engineer or testing agency has agreed to accept the responsibility within the area of their technical competence, for certification of the whole work upon completion of the work.

15.28.310 Amendment to permit.

If the permittee wishes to make changes in the plans, grades, timing or extent of work, he or she shall submit a request to the city engineer for written approval and incorporation into the permit before any change in the work is commenced. The city engineer may amend the permit to approve such changes if appropriate, may conditionally approve, or may deny approval of such changes.

Failure to obtain prior approval for any change in the work shall be cause for the suspension of the permit until approval is obtained, and may result in the revocation of the permit if such changes are deemed to be hazardous to adjoining properties or to the public at large.

15.28.320 Appeals.

Any person directly and adversely affected by any determination made by the city engineer, chief building official or public works director, under this chapter, may appeal the decision by filing a written notice of appeal with the City Manager no later than ten (10) days after receiving notice of the decision. The notice of appeal shall state the name, mailing address, and telephone number of the person appealing, the action being appealed, and the grounds for the appeal. Upon receipt of a timely appeal, the City Manager shall schedule a meeting at which the appeal will be considered by City Manager and shall notify the appellant, and the permittee if other than the appellant, of the time, date, and place of the meeting. The scope of consideration of the appeal shall be limited to the grounds specified in the notice of appeal. No later than thirty (30) days after considering the appeal, the City Manager shall render a decision on the appeal. A copy of the City Manager's decision shall be provided to the appellant and the permittee, if other than the appellant. The decision of the City Manager shall be final.

**ARTICLE VI
ENFORCEMENT**

15.28.330 Enforcement official.

The city engineer shall enforce the provisions of the grading ordinance.

15.28.340 Suspension and revocation of grading approval.

The city engineer may suspend or revoke grading approval for good cause. In the event that a suspension or revocation is appealed to the city manager, no work shall be performed pending appeal except as expressly authorized, in writing, by the city engineer. Good cause includes, but is not limited to the following:

1. Conditions at the site vary appreciably from those shown on the approved plans;
2. Construction does not conform to the approved grading plan, final erosion and sediment control plan, Storm Water Pollution Prevention Plan, time schedules, or conditions of the grading permit;
3. The site is left in a condition hazardous to the public or to the adjacent properties, and permittee does not comply with reasonable requirements to correct said conditions;
4. The permittee does not comply with the city engineer's directives and reasonable requirements to safeguard the workers, the public or other persons acting in a lawful manner;
5. The permittee, in connection with the operations for which the permit was issued, fails to operate his or her equipment properly on public roads; or allows material to encroach, obstruct, or be deposited within a public road right-of-way or within a drainage channel in a manner not authorized by said permit; or causes unauthorized obstruction or diversion of drainage channels;
6. The permittee fails to have a qualified special inspector, working under the supervision of a registered civil engineer, on the site during operations when so required by the permit or fails to have the work under proper supervision at all times;
7. Emergency conditions exist on the site which constitute a threat to health, safety or public welfare.

15.28.350 Stop work order.

A. Whenever any work is being done in violation of the provisions of the grading ordinance or any other applicable law, ordinance, rule or regulation, the city engineer may order the work stopped by serving written notice of such violation 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 shall 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.

B. Upon receipt of or knowledge of the existence of such stop work notice, the person performing the work shall:

1. Stop work immediately; and
2. 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 title; and
3. 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 title.
4. If engineering work is required to identify and define the proper course of action, as determined by the city engineer, such work shall be provided by the permittee at no cost to the city.

15.28.360 Abatement of unlawfully created conditions.

A. Any condition in violation of the grading ordinance is declared to be a public nuisance, subject to abatement in accordance with Title 8 of this code. In the event that the city engineer determines that a violation has created a condition which is of such a nature to be imminently dangerous to the public health, safety or welfare, such condition may be abated in accordance with the summary abatement procedures set forth at Chapter 8.04, et seq. of this code.

Without limitation, the following conditions are declared to constitute an imminently dangerous condition:

1. When a violation has altered natural drainage patterns and has caused flooding to any downstream or upstream property; or
2. When a violation results in a condition which creates a drainage alteration such that upstream or 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

3. When a violation results in a hazard, requiring immediate correction for the preservation of the public health, safety, or welfare; or

4. When a violation results in a discharge or release of significant amounts of sediment which causes or threatens to cause flooding, property damage, or unsafe conditions.

B. The costs incurred by city to abate any nuisance caused by a violation of the grading ordinance shall be assessed against the subject property as a lien or made a personal obligation to the owner of the property as provided in Chapter 8.04, et seq. of this code. Such costs may include, but shall not be limited to, the following:

1. Engineering, design, and other consultant or contractor costs;
2. Contractor service bills or public employee wages at cost;
3. Administrative overhead and supervision based on ten (10) percent of all other costs incurred;
4. Interest which shall accrue and be billed at the rate of ten (10) percent of all unpaid amounts from the date of billing;
5. Attorney fees and costs.

C. The abatement procedures set forth in this section are cumulative and in addition to any other rights or remedies which are or may be available to city to correct or cause to be corrected any violation of the grading ordinance, or to abate a condition which is otherwise a public nuisance.

15.28.370 Right of entry.

Whenever necessary to enforce the provisions of the grading ordinance, the city engineer may enter the premises at all reasonable times to the extent authorized by law to perform any duty imposed by the grading ordinance. If such entry is refused, the city engineer shall have recourse to every remedy provided by law to secure entry.

15.28.380 Infraction.

Any person violating any provision of the grading ordinance shall be guilty of an infraction.

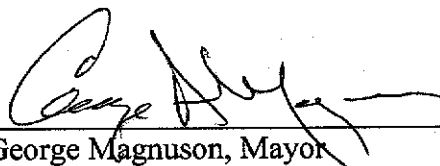
15.28.390 Nonexclusive remedies.

The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law for violation of the grading ordinance.


Section 2. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

PASSED AND ADOPTED this 10th day of January, 2006, by the following roll call vote:

AYES:	Councilmembers:	Lund, Storey, Hill, Yorde, Magnuson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None


George Magnuson, Mayor

ATTEST:



City Clerk

First Reading: 12/13/05
Second Reading: 1/10/06
Effective Date: 2/10/06

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