

ORDINANCE NO. 1581

EROSION CONTROL AND GRADING PERMIT ORDINANCE

The Board of Supervisors of the County of Amador ordains as follows:

SECTION I. Chapter 15.20 is hereby added to the Amador County Code as follows.

“Erosion Control Ordinance

Section 15.20.010 Purpose. The purpose of this chapter is to safeguard private and public property together with the environment by establishing procedures governing grading and erosion control through the establishment by the County of a review and permit procedure.

15.20.020 Scope. This chapter sets forth rules and regulations by which excavation, grading, and earthwork construction, including fills and cuts, embankments and impoundment structures (collectively “Excavation”) are to be reviewed and permitted by the County. It establishes an administrative procedure for the issuance of required permits involving Excavation, the approval of plans and inspection of all permitted Excavation, and the establishment of measures to control erosion and other adverse impacts of Excavation (“Erosion Control Measures”).

15.20.030 Erosion Control Measures to Be Included in County Permits.

All permits issued by the County causing land disturbance shall include Erosion Control Measures except for permits and reclamation plans which are separately reviewed and permitted.. Those permits covered by this chapter include but are not limited to conditional use permits, on site septic system permits, County road encroachments permits, well permits and grading permits. All

building permits shall include Erosion Control Measures as part of the building permit but if the job meets the exemptions set forth in section 15.20.090 shall not require a separate Grading Permit (“Joint Permits”).

15.20.040 Inspection and Enforcement of Joint Permits. Once the Building Department issues a building permit the Building Department assumes jurisdiction over the area included in the building site plan and the Building Department shall have the sole responsibility for review, inspection, and enforcement of the site’s Erosion Control Measures. The Erosion Control Measures which are part of any Joint Permit shall be inspected and enforced solely by the County Building Department. The Building Department may consult with the Public Works Agency for excavations with specialized technical requirements.

15.20.050 Enforcement Process. Whatever Department has jurisdiction, pursuant to the applicable permit containing Erosion Control Measures, that department’s inspector shall verify that the Erosion Control Measures are in place prior to approving completion of the permitted activity. If a Permittee (which includes the site’s owner, his/her contractor, or other agent) does not comply, or is not complying, with the Erosion Control Measures, the enforcement process may take the following form in the following order at the discretion of the Department based upon site conditions. Where there is an imminent threat to public health of safety or to private property, the enforcement process may be accelerated.

A. The inspector shall use reasonable efforts to assist the Permittee in understanding what the Permittee must do in order to comply with the applicable Erosion Control Measures. The Department shall not proceed with further inspections until the Erosion Control Measures have been inspected and approved by the Department.

B. If an inspector returns to a site for a second or additional times because Erosion Control Measures have not been completed when an inspection has been called for, the Department may charge a re-inspection fee.

C. After a second or subsequent inspection where the inspector finds that Erosion Control Measures have not been completed, the inspector shall issue a Stop Work Notice and the Permittee shall immediately stop all work on the site.

D. If a Department determines after proceeding through the prior steps that the permittee is not complying with Erosion Control Measures, the Department may refer the matter to the Amador County Code Enforcement Department which is empowered to enforce all Amador County Codes as set forth in Chapter 2.06.070 of the Amador County Code.

15.20.060 Property Owner Responsible for Erosion Control. At all times the property owner shall be responsible for erosion control on his/her site whether or not a County permit has been issued under a contractor's name or to an agent.

15.20.070 Standard Erosion Control Measures. Standard Erosion Control Measures shall be established by the Public Works Agency. The Standard Erosion Control Measures shall be used by all departments. The standard erosion control practices shall be a guide for the departments, Permittee, and contractors. Specific Erosion Control Measures required for any permit shall depend upon the type of permit and may differ according to the type of permit, the scope of work, and the site.

15.20.080 Erosion Control Fees. Fees for establishing and inspecting Erosion Control Measures shall be included in the fees for other land use fees, such as fees for a well permit or building permit, and there shall be no separate fee for establishing and inspecting Erosion Control

Measures.

15.20.090 Grading Permits. A separate permit for grading (“Grading Permit”) shall be obtained where required by this chapter when the work is not being done pursuant to a building permit (“Joint Permit”).

A. Determination If Grading Permit Is Required. The Public Works Agency shall inspect the site at the request of any applicant for a Grading Permit to determine if a separate Grading Permit is required and shall make such a determination, which determination shall be final as to other departments. Applicants shall have the right to appeal this decision to the Director of the Public Works Agency.

B. Joint Permit. A Joint Permit shall be issued when the Excavation is less than 5,000 cubic yards and is part of an application for a Building Permit. Inspection and enforcement of Joint Permits shall be performed solely by the Building Department.

C. Grading Permit Exemption. A separate Grading Permit shall not be required when the Excavation meets the exemptions contained in the Uniform Building Code as approved by the Public Works Agency or Building Department. Erosion Control Measures shall be required for all excavations.

15.20.100 Procedure for Issuance of Grading Permits Where Required.

A. When the Excavation is estimated to be between 50 and 250 cubic yards, the Public Works Agency may issue an “over the counter” grading permit which shall contain Erosion Control Measures. If the excavation is between 50 and 250 cubic yards and is related to a septic system or well permit application, the Environmental Health Department may include the excavation as part of the well or septic permit.

B. Where the Excavation is over 250 cubic yards but less than 5,000 cubic yards, an application for Grading Permit is required and may be issued by the Public Works Agency after review. The Public Works Agency may require the applicant to acknowledge that additional Building Department requirements shall be satisfied before a building or structure is constructed on the site. The Public Works Agency shall determine if engineered plans are needed and, if so, shall issue a Grading Permit when the engineered plans are received, reviewed, and approved by the Public Works Agency. The Grading Permit shall contain Erosion Control Measures.

C. For an Excavation of 5,000 cubic yards or more, the applicant shall submit engineered plans, prepared and signed by an individual licensed by the State to prepare such plans and specifications, to the Public Works Agency for its review and approval of the plans. When approved, the Grading Permit shall contain Erosion Control Measures.

D. Grading Permit Inspection and Enforcement. The Public Works Agency shall inspect and enforce work done pursuant to a Grading Permit. The Public Works Agency shall develop a Grading Manual to identify required technical specifications for Grading Permits.

E. Engineer Certification. The Public Works Agency may require engineering certification at the conclusion of the excavation prior to final inspection.

F. Fees for Grading Permits. The Public Works Agency shall establish a fee schedule for the review and inspection of Grading Permits.

G. Unauthorized Activities. Any violation of this chapter, including both unauthorized grading or failure to implement required Erosion Control Measures, shall constitute a misdemeanor and may be punishable by a fine of \$500 or six months imprisonment or both. Each day that the violation occurs constitutes a separate violation.


SECTION II. This ordinance shall be published within fifteen or days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 4th day of November 2003, by the following vote:

AYES: Louis D. Boitano, Mario Biagi, Rich F. Escamilla, Richard M. Forster, and Richard P. Vinson

NOES: None

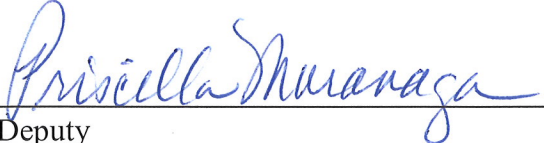
ABSENT: None



Chairman, Board of Supervisors

ATTEST:

MARDELL ANDERSON, Clerk of the
Board of Supervisors, Amador County,
California



Deputy