

ORDINANCE NO. 1619

AMENDMENT TO EROSION CONTROL AND GRADING PERMIT ORDINANCE

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

SECTION I. Chapter 15.20 of the Amador County Code as adopted by Ordinance 1581 is hereby repealed.

SECTION II. Chapter 15.40 is hereby added to the Amador County Code as follows.

“Erosion Control Ordinance

Section 15.40.010 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.

15.40.020 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”).

15.40.030 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.

15.40.040 Inspection and Enforcement. The Public Works Agency shall have jurisdiction over the permitting, inspecting, and enforcing of Erosion Control Measures and grading permits.

15.40.050 Enforcement Process. The Public Works Agency'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 any correction notice or Erosion Control Measures, the enforcement process may take the following form in the following order at the discretion of the Public Works Agency based upon site conditions. Where there is an imminent threat to public health or safety or to private property, the enforcement process may be accelerated at the reasonable discretion of the Public Works Agency with the Public Works Agency providing to the Permittee reasonable notice of any intended action by said Public Works Agency.

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. No County Agency/Department shall proceed with further inspections until the Erosion Control Measures have been inspected and approved by the Public Works Agency.

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 Public Works Agency may charge a re-inspection fee as set forth in the applicable resolution of the Board of Supervisors.

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 inconsistent with Erosion Control Measures and good erosion control practices. The Permittee shall immediately correct erosion control damage and implement Erosion Control Measures.

D. If the Public Works Agency determines after proceeding through the prior steps that the Permittee is not complying with Erosion Control Measures, and giving ten days' notice thereof to the Permittee except where immediate remediation work is required, the Public Works Agency 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.

15.40.060 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.

15.40.070 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 County 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.

15.40.080 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.

15.40.090 Procedure for Issuance of Grading Permits Where Required.

A. Erosion Control Measures shall be required for all excavations except those which, cumulatively, are less than 50 cubic yards.

B. Where the Excavation is over 50 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. 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. 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. Certification. The Public Works Agency may require 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 III. 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 24th day of May 2005, by the following vote:

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

NOES: None


ABSENT: Mario Biagi



Chairman, Board of Supervisors

ATTEST:

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



Deputy