

ORDINANCE NO. 1795

AN ORDINANCE REPEALING CHAPTER 15.40 OF THE AMADOR COUNTY CODE AND ADDING A NEW CHAPTER 15.40 OF THE AMADOR COUNTY CODE RELATING TO EROSION CONTROL, ENFORCEMENT RESPONSIBILITY, AND FEES FOR GRADING AND EXCAVATION.

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION I. Chapter 15.40 of the Amador County Code is hereby repealed in its entirety.

SECTION II. A new chapter 15.40 is hereby added to the Amador County Code which shall read as follows:

**“Chapter 15.40
EROSION CONTROL ORDINANCE**

Sections:

15.40.010 Purpose.

15.40.020 Scope.

15.40.030 Erosion control measures to be included in county permits.

15.40.040 Inspection and enforcement.

15.40.050 Enforcement process.

15.40.060 Property owner responsible for erosion control.

15.40.070 Standard erosion control measures.

15.40.080 Erosion control fees.

15.40.090 Procedure for issuance of grading permits where required.

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 encroachment 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 Building Department shall have jurisdiction over the permitting, inspecting, and enforcing of erosion control measures and grading permits pertaining to site specific grading. Grading pertaining to public roads and encroachments in new development will be overseen by the Department of Public Works. Grading specifically related to onsite sewage disposal systems and wells will be overseen by Environmental Health providing a separate permit for grading is not required to gain access to the septic or well work site.

15.40.050 Enforcement process.

The enforcing 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 enforcing 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 enforcing agency providing to the permittee reasonable notice of any intended action by the enforcing 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 enforcing agency may charge a reinspection 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. The permittee shall immediately correct erosion control damage and implement erosion control measures.

D. If the enforcing 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 Section 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 local enforcing 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, permittees, 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.

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 enforcing 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 enforcing 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 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 enforcing agency for its review and approval of the plans. When approved, the grading permit shall contain erosion control measures. Per Amador County CEQA guidelines, grading over 5,000 yards is subject to CEQA, and grading in sensitive areas may be subject to CEQA.

D. Grading Permit Inspection and Enforcement. The enforcing agency shall inspect and enforce work done pursuant to a grading permit. The enforcing agencies shall develop a grading manual to identify required technical specifications for grading permits.

E. Certification. The local enforcing agency may require certification at the conclusion of the excavation prior to final inspection.

F. 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 ~~five hundred dollars~~ or six months' imprisonment or both. Each day that the violation occurs constitutes a separate violation.

G. Fees for Grading Permits shall be established by the local enforcement agencies and are as follows:

1. Pre-inspection and additional required inspections of the site: \$122 per hour with a one hour minimum. Pre-inspection is mandatory for any new construction or change in footprint/addition of square footage.
2. Excavation of 50 to 500 cubic yards: \$441. This fee includes up to three inspections and a plans examination. (Grading up to 500 cubic yards and the requirement for engineered grading plans may be considered exempt at the discretion of the local enforcement agency. (Reference Amador County Code 15.04.060.c.ii.)
3. Excavation of 500 to 1,000 cubic yards: \$563. This fee includes up to four inspections and a plans examination.
4. Excavation of 1,000 to 5,000 cubic yards: \$685. This fee includes up to five inspections and a plans examination.
5. Excavation in excess of 5,000 cubic yards requires the submittal of engineered plans. The review and inspection fee shall be 2.5% of the engineer's estimate."

SECTION III. A summary of this ordinance shall be published within fifteen 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 March 2020, by the following vote:

AYES: Patrick Crew, Frank Axe, Richard Forster, Jeff Brown

NOES: None

ABSENT: Brian Oneto



Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County, California



Deputy