

Title 15 - BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 15.04 - COLFAX BUILDING CODE*

Sections:

15.04.010 - Building Code—Adoption.

The California Building Code, known as Part 2 of the 2007 Edition of the California Code of Regulations, Title 24, incorporating the International Building Code, 2006 Edition, published by the International Code Council including the following Appendices:

Appendix Chapter 1 Administrative as amended;

Appendix Chapter C Group U - Agricultural Buildings;

Appendix Chapter I Patio Covers; and

Appendix Chapter J Grading.

There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. 494 § 4 (part), 2007)

15.04.020 - Plumbing Code—Adopted.

The California Plumbing Code, known as Part 5 of the 2007 Edition of the California Code of Regulations, Title 24, incorporating the Uniform Plumbing Code, 2000 Edition, published by the International Association of Plumbing and Mechanical Officials and the non-building and administrative regulations of the Uniform Plumbing Code, 2006 Edition are adopted by reference. There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. 494 § 4 (part), 2007)

15.04.030 - Mechanical Code—Adopted.

The California Mechanical Code, known as Part 4 of the 2007 Edition of the California Code of Regulations, Title 24, incorporating the Uniform Mechanical Code, 2006 Edition, published by the International Association of Plumbing and Mechanical Officials 2006 Edition, are adopted by reference. There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. 494 § 4 (part), 2007)

15.04.040 - Electrical Code—Adopted.

The California Electrical Code, known as Part 3 of the 2007 Edition of the California Code of Regulations Title 24, incorporating the National Electrical Code, 2005 Edition, published by the National Fire Protection Association. There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. 494 § 4 (part), 2007)

15.04.050 - Housing Code—Adopted.

The 1997 Edition of the Uniform Housing Code published by the International Conference of Building Officials as adopted by the California Department of Housing and Community Development and pursuant to the provisions of Sections 17958, 17958.5, 17958.7, 17958.9 and 17959 of the California Health and Safety Code, is adopted.

(Ord. 476 § 1 (Exh. A) (part), 2003: prior code § 8-1.05)

15.04.060 - Amendments—Special hazards.

Private garages which are constructed in conjunction with Group R, Division 1 and 3 Occupancies and which have opening into such buildings, shall be equipped with fixed louvered or screened openings located within six inches (152 mm) of the floor. The clear area of such openings shall not be less than sixty (60) square inches (38,712 mm²) per car stored in such private garage. Under no circumstances shall a private garage have any opening directly into any room used for sleeping purposes.

(Ord. 486 § 2 (part), 2006)

15.04.080 - Abatement of Dangerous Buildings Code.

The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials is adopted.

(Ord. 476 § 1 (Exh. A) (part), 2003: prior code § 8-1.08)

15.04.090 - Plumbing code—Private sewer system.

Private sewage systems shall meet the standards of installation and capacity of the department of public health of the county and shall be approved by the department.

(Ord. 476 § 1 (Exh. A) (part), 2003: prior code § 8-1.09)

15.04.100 - Uniform Swimming Pool, Spa and Hot Tub Code, 2006 Edition—Adopted.

The 2006 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code, published by the International Conference of Plumbing and Mechanical Officials. There is one copy of the code on file in the office of the building official for use and examination by the public.

(Ord. 494 § 4 (part), 2007)

15.04.110 - Violations—Double fees for permit review and issuance.

The fee chargeable for inspection and issuance of any permit after the owner has been notified of a violation of this code shall be twice the charge otherwise applicable for issuance of such permit. This fee is in addition to any other remedies provided in this code and by state law for violation of this code and reflects the increased cost of enforcement and inspection in such cases.

(Ord. 476 § 1 (Exh. A) (part), 2003: prior code § 8-1.11)

15.04.120 - Amendment—Permit fees.

The fee for each permit shall be as set forth in the administrative section or article of each adopted code and modified by resolution of the city council. Where a technical code has been adopted by the jurisdiction for which no fee schedule is shown in this code, the fee required shall be in accordance with the schedule established by resolution of the city council.

(Ord. 486 § 2 (part), 2006)

15.04.130 - Building Code Appendixes—Adopted and amended.

The following Building Code appendixes are hereby adopted and amended as follows:

A.

Amendments to the 2007 California Building Code. Appendix Chapter 1 of the 2007 California Building Code, is hereby adopted and amended as follows:

Subsection 105.5 Expiration is hereby amended to read as follows:

105.5 Expiration. Every permit shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated. For the purpose of this section, work shall be considered abandoned if a required inspection has not been recorded and approved within 180 days.

Subsection 108 Fees, is hereby included and amended to read as follows:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the established fee schedule as adopted by resolution by the City of Colfax.

B.

California Building Code, Appendix J amended—Excavation and Grading. The following sections of Appendix J of the California Building Code are hereby amended to read as follows:

Section J101 "Scope" is amended to add the following: "All references to the "Building Official" within this appendix are hereby amended to read "City Engineer". All grading operations within the City of Colfax shall be performed in accordance with the provisions of the Building Code, the City of Colfax Grading Ordinance and any other regulations of the City pertaining to grading operations.

C.

Amendments to the 2007 California Mechanical Code. Appendix Chapter 1; subsection 115.0 of the 2007 California Mechanical Code is hereby adopted and amended as follows:

115.1: General. Fees shall be assessed in accordance with the fee schedule as adopted by resolution of the city council. All References to in Table 1-1 Subsection 115.1, 115.2, and 115.3 are hereby deleted.

D.

Amendments to the 2007 California Plumbing Code. Appendix Chapter 1; subsection 103.4 of the 2007 California Plumbing Code is hereby adopted and amended as follows:

115.1: General. Fees shall be assessed in accordance with the fee schedule as adopted by resolution of the City Council. All References to in Table 1-1 Subsection 103.4.1 and 103.2 are hereby deleted.

(Ord. 494 § 4 (part), 2007)

Sections:

15.08.010 - Adoption and authorization for amendments to the California Fire Code.

A.

California Fire Code (CFC) as adopted above with approved amendments and appendix chapters, and all State Fire Marshal codes delegated to local agencies, are to be enforced by the chief of the fire department. Where provisions in the CFC conflict with state statutes/regulations or city ordinances the most restrictive shall apply.

Pursuant to State Health and Safety Code Section 13869.7, all city fire department amendments to the CFC will be valid after such amendments are approved by the city council.

B.

The following is hereby added to Section 103.1 of the CFC Department of Fire Prevention - General:

The chief of the Fire Department is authorized to enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of this Code. One certified copies of such rules and regulations shall be filed with the Clerk of the City and shall be in effect immediately thereafter. Pursuant to State Health and Safety Code Section 13869.7, rules and regulations that involve building standards will be valid when approved by the City Council.

C.

Section 108 of the CFC, Board of Appeals, is amended as follows:

In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretation of the provisions of this code, there is hereby appointed a board of appeals consisting of the Planning Commission of the City of Colfax. The Chief shall be an ex-officio member of the Board and shall act as secretary to the Board. The Planning Commission, acting as the Board may adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the chief with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.

D.

Section 103.4.4 109.2 of the CFC, General Notice of Violation, is amended to read as follows:

The Chief of the fire department or his/her authorized representatives shall have authority to enforce this code and issue citations for violations in their respective jurisdiction.

E.

The following is added to Article 2, 207-F Section 202 - Definitions of the CFC:

Fire Hydrant shall mean a hydrant supplied by a 6 inch or larger branch line, one or more pumper connection (4½ inch) and 2 or more 2½ inch outlets, capable of supply required fire flow for at least 2 hours.

F.

Section 903.2 of the CFC, All occupancies except Group R, Division 3 and Group U Occupancies, is amended to read:

An approved automatic sprinkler system shall be installed where the occupancy/building has 3,600 or more square feet of total floor area, except where other sections of the CFC or the California State Fire Marshals regulations, and/or local fire district ordinances applicable to a project are more restrictive, then the more restrictive shall apply. Where additions increase the total size of the building to 3,600 square feet or more, the addition and the existing occupancy/building shall be provided with an approved automatic sprinkler system.

G.

Section 903.4 of the CFC, Sprinkler System Monitoring and Alarms is amended to read:

All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler system s shall be electrically supervised. Valve supervision and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.

H.

Section 907.2 of the CFC, Where required - new buildings and structures, is amended to read:

All occupancies except Group R, Division 3 and Group U occupancies shall have an approved automatic fire alarm system installed when the occupancy/building has 1,500 square feet or more of total floor area unless other sections of the CFC or California State Fire Marshals regulations are more restrictive, then the more restrictive shall apply. Fire alarms systems shall be in accordance with Section 907 of the CFC or NFPA 72 (current addition) if the specific occupancy is not covered in the CFC. Additionally, all A, E, H and I occupancies shall have an automatic smoke/heat detection system installed in addition to any other system(s) required by this code, when required by the local authority having jurisdiction. Where additions increase the total size of the building to 1,500 square feet or more, the addition and the existing occupancy/building shall be provided with an approved automatic smoke/heat detection system.

I.

Section 3404.2.9.5.1 of the CFC: "Locations where above ground tanks are prohibited" is amended to read:

Storage of Class I and Class II flammable liquids in aboveground tanks outside of buildings is prohibited unless approved by the Fire Chief, using standards not less than the CFC or recognized equivalent.

J.

Section 3406.4 of the CFC, Bulk Plants or Terminals, is amended to read:

No new bulk plant shall be constructed within the City except in those zones where such use is expressly authorized by the Colfax City zoning ordinance Where allowed, use of those portions of properties where flammable and combustible liquids are received by tank vessel, pipelines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles or containers shall be in accordance with Section

7904.4.

K.

Section 3401.1 of the CFC, Scope and Application, is amended by adding the following:

It shall be unlawful to store bulk flammable liquids as defined in Chapter 34 of the California Fire Code including gasoline and other motor fuels, in above ground storage containers, either portable or installed, in a R1-5; R1-10; R1-20; R1-40; RM-1; RM-2; R-MHS, and A-1 zoned area on a parcel of less than ten (10) acres. In areas where above ground storage is permitted, minimum distances from property lines and structures for a tank of any type shall be not less than 50 feet. Any above ground storage must be approved, in writing, by the Fire Chief. This section shall not be applicable to portable containers suitable for such storage of 5 gallons or less.

L.

Section 2301 of the CFC, General, is amended by adding the following:

Tires: No person shall pile, cause to be piled, or maintain any pile of tires (of any manufactured material) at a height greater than ten (10) feet, except in approved horizontal storage racks, measured in all cases from the ground level. Tires shall be neatly piled and in no case shall any one pile occupy more than two hundred (200) square feet of floor or lot area. An aisle of at least ten (10) feet shall be maintained at all times between the piles in such a manner as to allow free access.

M.

Appendix C, Table C105.1 of the CFC, Number and distribution of fire hydrants, is amended to read:

TABLE C 105.1

NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)		AVERAGE SPACING BETWEEN HYDRANTS ^{1,2,3} (feet) ⁶	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ⁴
X 3.85 for L/min.	MINIMUM NO. OF HYDRANTS	X 304.8 for mm	
1,000 - 1,750	2	300	250
2,000 - 2,250	2	300	225
2,500	3	300	225
3,000	3	300	225
3,500 - 4,000	4	300	210
4,500 - 5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500 - 7,000	7	250	150
7,500 or more	8 or more ⁵	200	120

Editor's note—

1. Reduce by 100 feet for dead-end streets or roads

Editor's note—

2. Where streets are provided with median dividers which can be crossed by firefighters pulling hose lines, or arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet (152.4m) on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute (26 495L/min.) and 400 feet (122 m) for higher fire-flow requirements.

Editor's note—

3. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at not less than 1,000-foot (305m) spacing to provide for transportation hazards.

Editor's note—

4. Reduce by 50 feet (15 240 mm) for dead-end streets or roads.

Editor's note—

5. One hydrant for each 1,000 gallons per minute (3785 L/min.) or fraction thereof.

Editor's note—

6. Spacing may be increased to 500' for Single Family Dwelling Residential Sub-Divisions.

(Ord. 495 § 5, 2007)

Chapter 15.12 - BUILDING PERMITS

Sections:

Article I. - General Provisions

15.12.010 - Denial—Grounds.

No building or occupancy permit shall be issued when the council or a properly delegated authority, gives notice to the building official to withhold such permit where such action is deemed to be in the public interest, for the protection of the public health and safety or for the general public welfare, including noncompliance by the applicant with any law or any agreement with the city or the planning commission or which would constitute an improper land use. Any such denial of a permit shall contain a provision for the issuance of the permit upon the completion of the designated corrective action by the applicant.

(Prior code § 8-3.01)

15.12.020 - Issuance—Building access required.

Before a building permit shall be granted for any use other than a single-family residence, a committee of the planning commission shall make a written finding that the lot in question has adequate frontage upon a dedicated public street or upon a recorded private easement determined by the director of public works or the planning director to be adequate for purposes of access, including access for emergency vehicles, reasonably sufficient for the intended use.

(Prior code § 8-3.02)

15.12.030 - Issuance—Improvements required.

A.

Curbs, gutters, drainage facilities, sidewalks and driveways for other than single-family dwellings: following a finding that a lot has adequate frontage as set forth in Section 15.12.020 of this chapter, no building permit for other than a single-family residential use shall be granted until the applicant has either installed, at his or her own expense, curbs, gutters, drainage facilities, sidewalks and a driveway, all according to the Standard Specifications of the city, in and on all street frontage lots to be used in conjunction with the building to be constructed or improved or, in the alternative, has entered into an improvement agreement with the city, in which the applicant agrees to install the improvements required by this subsection, either prior to the final inspection or prior to the issuance of a certificate of occupancy or upon a date not more than one year from the date of the improvement agreement, agreeing to hold the city and its agents, officers and employees free and harmless from all claims of any nature whatsoever arising in any way from the use and occupancy of the property or from the condition of the property. Such improvement agreement shall be in a form approved by the city. Unless it is waived by the city, the applicant shall furnish a performance bond in the amount deemed reasonably adequate by the director of public works or the planning director to secure full and complete performance of such agreement by the applicant.

B.

Curbs, gutters, drainage facilities, sidewalks and streets for single-family residential uses: whenever a lot is without standard curbs, gutters, drainage facilities, sidewalks or a paved street or any one of them and the building official determines that any one or more of them have already been constructed on forty (40) percent of the occupied frontage on the same side of the street as the property for which a building permit is sought, the applicant shall construct such improvements, according to the Standard Specifications of the city, before a building permit shall be granted for single-family residential uses. For the purpose of computing such percentage, the percentage shall be of the block not to exceed two hundred fifty (250) feet on either side of the property to a street corner.

C.

Paved streets: following a finding that the lot has adequate frontage as set forth in Section 15.12.020 of this chapter and upon a joint finding by the chief of police and the director of public works that the proposed occupancy of the premises is such that it will result in an increase in traffic or create any hazardous condition so that a paved street is reasonably necessary in order to protect the public, the applicant shall be required to pave, according to the Standard Specifications of the city, one-half the width of such street prior to the issuance of a building permit for other than single-family residential uses; provided, however, that such paving need not exceed thirty-three (33) feet in width. Where the frontage is on a private easement, the chief of police and the director of public works, upon such a joint finding, may require the entire width of such private easement to be so paved and adequate drainage to be provided.

D.

Street widening and corner rounding: following a finding that a lot has adequate frontage, as set forth in Section 15.12.020 of this chapter and in all cases where the council determines, because of increased traffic caused by the intended use, that street widening or corner rounding is required, the property owner shall deed to the city, at no cost to the city, an adequate right-of-way therefor prior to the granting of a building permit for other than single-family residential uses.

E.

Fire hydrants: following a finding that a lot has adequate frontage, as set forth in Section 15.12.020 of this chapter and if there is not, within two hundred fifty (250) feet of all parts of the proposed building, a fire hydrant approved by the fire chief as providing reasonably suitable fire protection for such building, the applicant shall be required, as a condition of the issuance of a building permit for other than single-family residential uses, to construct a fire main from the nearest existing city fire main to a point within two hundred fifty (250) feet of all parts of the proposed building and to establish one fire hydrant at such point in a location to be designated by the fire chief, together with such additional fire hydrants in locations as designated by the fire chief, for each twenty-five thousand (25,000) square feet of building space. Such fire main and hydrant shall be located, installed and constructed in accordance with the existing standards of the Pacific Fire Rating Bureau for such installations. If requested by the applicant, the decision of the fire chief shall be given in writing within ten (10) days after the request is made and the applicant shall thereupon have the right to appeal to the council by filing a notice of appeal in letter form with a filing fee of ten dollars (\$10.00). The council shall thereupon hear the appeal within a reasonable time and may sustain, modify or reverse in any particular the decision of the fire chief.

(Prior code § 8-3.03)

15.12.040 - Reimbursement for costs of improvements.

Any applicant for a building permit who is required to construct public improvements pursuant to this chapter, which improvements would benefit other property owners who would otherwise be required to construct such improvements, may enter into an agreement with the city for the reimbursement of a pro rata share of the initial cost of constructing such improvements from such other property owners upon the development of real property by such other benefiting property owners.

(Prior code § 8-3.04)

Article II. - Encroachment Permits

15.12.050 - Permit—Required.

It is unlawful for any person to make or cause or permit to be made any excavation in or under the surface of any public street, alley, sidewalk or other public place for the installation, repair or removal of any tank, pipe, conduit, duct or tunnel or for any other purposes without first obtaining from the building inspector a written permit to make such excavations and making a deposit and executing a bond as provided in this chapter.

(Prior code § 8-4.01)

15.12.060 - Permit—Application.

Application for encroachment permits shall be made on a form provided by the city. The application shall state the name and address of the applicant and shall state the location, type and purpose of the proposed excavation or encroachment and, if requested, shall provide a drawing and other information showing the location and extent of excavation.

(Prior code § 8-4.02)

15.12.070 - Permit—Fee.

The city shall collect a fee in the amount set forth below before issuing any encroachment permit.

Valuation of Construction Cost or Contract Price	Fee
\$1.00 to \$5,000.00	\$60.00
\$5,001.00 to \$10,000.00	\$90.00
\$10,001.00 or more	1% of valuation or contract, whichever is higher
Residential driveway encroachments	\$30.00

(Prior code § 8-4.03)

15.12.080 - Permit—Deposit or bond.

The applicant shall post with the building official a cash deposit or a good and sufficient approved corporate surety bond in the amount of one thousand dollars (\$1,000.00) to guarantee the faithful and proper performance of the work before any encroachment permit shall be issued. However, if the applicant can show evidence of financial ability satisfying the building official, it will not be necessary for the applicant to post a bond.

(Prior code § 8-4.04)

15.12.090 - Permit—Major project surety and fee.

If the proposed work is of major consideration, then the fees and bond shall be as set by the city engineer. A "major project" means the installation or replacement of any underground facility other than a service from an existing main to a single user. However, if the applicant can show evidence of financial ability satisfying the city engineer, it will not be necessary for the applicant to post a bond.

(Prior code § 8-4.05)

15.12.100 - Permit—Insurance certificate.

The permittee shall file with the city a certificate of insurance showing that the permittee has in effect public liability insurance for bodily injury in the amount of one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident and twenty thousand dollars (\$20,000.00) for property damage, before being issued a permit, excepting those persons, corporations or companies that are permissively self-insured under the laws of the state.

(Prior code § 8-4.06)

15.12.110 - Permit—Secured when.

All required permits shall be secured at least two working days prior to the time the work under such permit is proposed; except that where an emergency street cut is to be made, the applicant shall immediately give prior notice to the building inspector and shall make application for such work on the next working day.

(Prior code § 8-4.07)

15.12.120 - Permit—Transferability—Work start and completion.

No permit shall be transferable. Every permit shall be void unless the proposed work is commenced within fifteen (15) days from the date of issuance of the permit and the work is completed within a reasonable time of commencement unless prior arrangements are made with the city.

(Prior code § 8-4.08)

15.12.130 - Permit—Refusal.

The city shall have the right to refuse to issue a permit to any person who is in violation of or who has failed to comply with any provision of this chapter in connection with the permit being applied for or any previous permit.

(Prior code § 8-4.09)

15.12.140 - Permit—Revocation.

The city may revoke any permit issued for noncompliance with any of the provisions of this chapter.

(Prior code § 8-4.10)

15.12.150 - Scope of excavation—Notice and inspection hours.

- A. Excavations shall be confined to the work described in the permits.
- B. Each permittee shall notify the building inspector when excavation under the permit will be commenced and such notice shall be given at least twenty-four (24) hours prior to such commencement. All work under any permit shall be done and completed under the inspection of the building inspector or city engineer.
- C. Except in cases of emergency, no work shall be done at any other time than between the hours of eight a.m. and five p.m. from Monday through Friday, unless prior arrangements have been made at the time the permit is issued or in the case of an emergency.

(Prior code § 8-4.11)

15.12.160 - Excavation restrictions—Restoration standards.

All excavations and back filling shall be done in the following manner:

- A. No excavation shall be made on any street in any way to constitute a traffic hazard.
- B. All excavated material shall be removed from the public right-of-way and disposed of off the public right-of-way or as directed by the building inspector.
- C. All excavation shall be filled with clean sand to within eight inches of the existing or established street surface elevation and shall be thoroughly flooded.
- D. After flooded sand has become firm and sufficiently dry, the ditch shall be filled with six inches of aggregate base rock plus three inches of asphaltic plan mix surfacing.
- E. Permittee shall attain ninety (90) percent relative compaction as determined using the most recent A.A.S.H.O. method.
- F.

A minimum of thirty (30) inches of cover shall be provided over all pipes and conduits unless prior approval has been given by the city engineer.

G.

All material used as provided in this section shall conform to the applicable sections of the most recent issue of the State Division of Highways and Standard Specifications.

(Prior code § 8-4.12)

15.12.170 - Passage—Emergency facilities access.

A.

The permittee shall at all times maintain at least one safe crossing and unobstructed passage for vehicle traffic and pedestrians around any excavations.

B.

Free access must be provided to all fire hydrants and other public service structures and property that may be required for emergency purposes.

(Prior code § 8-4.13)

15.12.180 - Safety—Devices.

The permittee shall provide and maintain during the performance of the work such barricade, warning directional signals, flares and other safety devices which are required by law or are deemed necessary for the safety and protection of the public.

(Prior code § 8-4.14)

15.12.190 - Safety—Legal compliance.

The permittee shall obey and enforce all safety orders, rules and recommendations of the Division of Industrial Safety of the state applicable to the work and permittee shall comply with all applicable state and local laws and ordinances.

(Prior code § 8-4.15)

15.12.200 - Violation—Penalty.

Any person, firm or corporation violating any provision of this article is guilty of a misdemeanor and upon conviction shall be punished as provided in Chapter 1.24 of this code.

(Prior code § 8-4.16)

Chapter 15.16 - MANUFACTURED BUILDINGS AND MOBILEHOME PARKS

Sections:

Article I - Manufactured Building Construction and Installation

15.16.010 - Definition.

"Manufactured building" means any manufactured, pre-manufactured, modular or mobilehome building, dwelling or structure, including miscellaneous accessory buildings or structures or appurtenances thereto: (1) not constructed on-site; or (2) not constructed under the provisions of the applicable Uniform Building Codes.

(Ord. 419 § 4 (part), 1994: prior code § 8-5.01)

15.16.020 - Permit required.

A permit shall be required for the construction and installation of all manufactured buildings.

(Ord. 419 § 4 (part), 1994: prior code § 8-5.02)

15.16.030 - Permit fees.

The fees for a permit to install, assemble, alter, add to, repair or construct each manufactured building, miscellaneous accessory structure and electrical, plumbing and mechanical installation, shall be as follows:

A.

Plan Review Fee. Forty-five dollars (\$45.00) per hour, with a minimum charge of one-half hour.

B.

Installation/Construction Fee. The permit fee shall be based upon the total contract price or the total valuation of all work, whichever is greater, as follows:

Total Valuation/Contract	Fee
Up to \$1,500.00	\$30.00
\$1,501.00 to \$3,000.00	\$45.00
\$3,001.00 to \$25,000.00	\$55.00 or 1.25% of valuation, whichever is greater.

\$25,000.00 and greater	\$321.50 or 1.0% of valuation, whichever is greater.
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C.

Accessory Building or Structures.

1. Each cabana or ramada	\$95.00
2. Each private garage	\$110.00
3. Each awning garage	\$45.00
4. Each porch, deck	\$45.00
5. Each storage shed	\$30.00

(Ord. 419 § 4 (part), 1994; prior code § 8-5.03)

15.16.040 - Inspections, investigations and other fees.

A.

All construction, installation or work shall be inspected as required by the Uniform Building Code, including Section 305.

B.

Fees for other than normal inspections, field or office technical services shall be as specified by the Uniform Building Code, Table No 3-A.

C.

Whenever any work for which a permit is required has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee shall be collected and shall be an amount equal and in addition to the amount of the permit fee required.

(Prior code § 8-5.04)

Article II - Mobilehome Park and Mobilehome Subdivision Construction Permits

15.16.050 - Permit required.

A permit shall be required for the construction and installation of all improvements made to a mobilehome subdivision or mobilehome park.

(Ord. 419 § 5 (part), 1994; prior code § 8-6.01)

15.16.060 - Permit fees.

The fees for a permit to construct, install, enlarge, alter or repair any improvement within a mobilehome park or mobilehome subdivision shall be as follows:

A. Plan Review Fee (minimum charge 1/2 hour)	\$45.00 per hour
B. Electrical Permit Fees:	
1. Each park service	37.50
2. Each unit substation or secondary distribution transformer	18.50
3. Each alteration or replacement of a service or transformer	18.50
4. Each individual lot service	18.50
5. Each alteration, repair or replacement of individual lot service equipment	18.50
6. Each street light, including the conduit, conductors and controls	18.50
7. Other electrical apparatus, circuits, conduits and conductors for which a permit is required, but for which no fee is set forth herein	11.00
8. Permit Issuance	
For issuing each permit	15.00
For issuing each supplemental permit	4.50
9. Minimum electrical permit fee	30.00
C. Plumbing Permit Fees	
1. Each park drain system	14.00
2. Each private sewage disposal system or park treatment installation	40.00
3. Each individual lot sewer	15.00

4. Each alteration or repair of drainage or vent piping	7.00
5. Each water service	7.00
6. Each backflow prevention device	7.00
7. Each alteration, repair or replacement of water fixtures or equipment	7.00
8. Each lawn sprinkler system	7.00
9. Each fire hydrant or riser	7.00
10. Each gas piping system	7.00
11. Each installation of a LPG tank of 60 gallons capacity or more	7.00
12. Each mobilehome lot gas riser	7.00
13. Each alteration, repair or replacement of gas distribution equipment	7.00
14. Each installation of equipment for which no fee is listed	7.00
15. Permit Issuance	
For issuing each permit	20.00
For issuing each supplemental permit	10.00
16. Minimum plumbing permit	30.00

(Ord. 419 § 5 (part), 1994: prior code § 8-6.02)

15.16.070 - Other inspections and fees.

- A. All construction, installation and work shall be inspected as required by state law and/or the Uniform Building Code, including Section 305.
- B. Fees for work not covered herein and fees for other than normal inspection, field or office technical services shall be as specified in Chapter 15.04 of this title.
- C. Whenever any work for which a permit is required has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee shall be collected and shall be equal to and in addition to, the amount of the permit fee required.

(Ord. 419 § 5 (part), 1994: prior code § 8-6.03)

Article III - Regulation of Temporary Occupancy of Mobilehomes, Trailers or Recreational Vehicles

15.16.080 - Definitions.

For the purpose of this article, unless otherwise apparent from the context, certain words and phrases used, in this article are defined as follows:

"Mobilehome" shall be as defined in Section 17.08.540 of this code.

"Moveable vehicle," "trailer" and "recreational vehicle" means any motorhome, trailer, travel trailer, tent trailer, fifth wheel trailer, camp car, van or van conversion, camper shell or unit (whether or not it is truck mounted) or other similar vehicles (motorized or not) not built or intended for permanent fixed situs occupancy.

"Occupation" or "occupancy" means the use of a mobilehome, trailer or recreational vehicle as a place of human habitation or as a dwelling, when used by one or more individual or family for living and sleeping.

(Prior code § 8-7.01)

15.16.090 - Temporary occupancy permits—When required.

- A. No permit shall be required for the occupation of a moveable vehicle for less than twenty-one (21) days; provided, that in the discretion of the building official, health, safety and sanitation requirements of the city are met and that a nuisance to surrounding properties is not created. In the event the building official determines a temporary occupancy for less than twenty-one (21) days violates health, safety or sanitation ordinances or regulations or a nuisance is created for surrounding properties he or she shall take action or refer the matter for appropriate corrective action pursuant to other provisions of this code.
- B. A permit shall be required for occupation of a moveable vehicle on a site or sites, on public or private property, within city limits for a time period exceeding twenty-one (21) days within any three hundred sixty-five (365) day period.
- C.

Nothing herein shall authorize the occupancy of an automobile for any period.

(Prior code § 8-7.02)

15.16.100 - Conditions of approval for temporary occupancy permits.

A.

Applications for temporary occupancy permits, when required, shall be submitted to the city building official and shall be granted only upon review and consideration of the following:

1. Compliance with health and safety regulations;
2. Potential for disturbance to adjacent property uses;
3. The applicant's justification for the request; and
4. The specific length of time of proposed occupancy.

B.

The building official may issue a temporary occupancy permit for only when all of the following conditions are met:

1. When for construction-related temporary occupancy, a building permit for a permanent dwelling or building has been issued;
2. The proposed temporary siting does not violate any valid existing deed restrictions or applicable covenants, conditions or restrictions (CC&Rs) of record;
3. The mobilehome, trailer or recreational vehicle will, at all times, be connected to the approved permanent water supply and sewage disposal facility;
4. The building permit and temporary occupancy permit holder shall agree in writing to hold the city harmless for any damages or injuries which may result from the approval of a temporary occupancy permit;
5. The applicant shall deposit a bond or cash amount equal to the cost of removal of the mobilehome, trailer or recreational vehicle, but in no event less than two hundred fifty dollars (\$250.00).

(Prior code § 8-7.03)

15.16.110 - Duration of temporary occupancy permits.

A.

Temporary occupancy permits shall not exceed the following periods:

1. For non-construction-related temporary occupancy, three months, with no more than three renewals upon approval by the building official and payment of the fees for each renewal;
2. For construction-related temporary occupancy, a maximum of one year, provided that after issuance, the building permit shall be maintained in a current status. In the event that the building permit expires or is suspended or revoked, any mobilehome, trailer or recreational vehicle shall be removed from the parcel within thirty (30) days and occupancy shall immediately terminate. Any building permit extension or reapplication may not include a temporary occupancy permit for the same use previously granted.

B.

If, in the opinion of the building official, the terms and conditions of a temporary occupancy permit are violated, the building official may suspend or revoke the permit.

(Prior code § 8-7.04)

15.16.120 - Application or refund of deposit.

A.

The deposit or bond required by Section 15.16.100(B)(5) of this chapter shall be refunded upon the removal of the mobilehome, trailer or recreational vehicle from the site for which a temporary permit has been issued on or before the date of the expiration of the permit or within thirty (30) days from the suspension or revocation of the permit or the related building permit, whichever date is sooner.

B.

In the event that the mobilehome, trailer or recreational vehicle is not removed from the site for which a temporary occupancy permit has been granted at the expiration of the permit or within thirty (30) days from the suspension or revocation of the permit or the related building permit, the deposit may be applied by the city to the actual cost of removal and any storage or related fees incurred by the city. Any costs reasonably incurred by the city not covered or satisfied by the deposit shall be paid to the city as a condition of recovery of possession of the mobilehome, trailer or recreational vehicle.

(Prior code § 8-7.06)

15.16.130 - Fees.

The fee for temporary occupancy permits shall be seventy-five dollars (\$75.00) per each three-month period provided for in the term of permit. The city council may increase such fees as deemed necessary in the future by resolution.

(Prior code § 8-7.07)

15.16.140 - Appeals.

Any decision of the building official pursuant to this article may be appealed to the planning commission by any applicant for or holder of a temporary occupancy permit or other party adversely affected by such decision by the filing of a written notice of appeal stating the grounds for the appeal with the building official or city clerk. The planning commission shall hear and decide any appeal at the next regularly scheduled commission meeting to be held more than seventy-two (72) hours following the filing of a notice of an appeal. A copy of the notice of appeal shall be given to the permit holder by personal service or certified mail if the appeal is filed by any other party. The filing of an appeal shall not stay the suspension or revocation of a temporary occupancy permit.

(Prior code § 8-7.08)

15.16.150 - Violation of article—Penalty.

Notwithstanding any other provisions of this article, any violation of this article or any modification thereto, shall be punishable as an infraction, as provided in Chapter 1.24 of this code.

(Prior code § 8-7.09)

Chapter 15.20 - DEMOLITION REVIEW AND PERMIT PROCESS

Sections:

15.20.010 - Purpose.

This chapter establishes procedures and requirements for discretionary review of certain demolition requests. This chapter is adopted for the purpose of implementation of historic preservation and maintenance of the architectural character and integrity of the city, in accordance with policies of the Colfax general plan.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.01)

15.20.020 - Definition.

"Demolition" as used in this chapter means the removal of more than sixty (60) percent of a structure, whether in a single action or through a series of separate actions. Within the historical district, "demolition" means the removal of more than thirty (30) percent of a structure whether in a single action or through a series of separate actions.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.02)

15.20.030 - Applicability of demolition review.

Demolition review shall be required for the demolition of any structure greater than two hundred (200) square feet in gross area within the city. No building permit shall be issued for any demolition subject to demolition review until completion of the demolition review process as set forth in this chapter.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.03)

15.20.040 - Process and requirements.

The demolition review process is initiated when the building official or planning director receives a request for a demolition permit.

A.

Application Information. The materials for submittal shall include a completed application, all plans, elevations, specifications, sample materials, photos, etc. and any additional information required by the building official and planning director in order to conduct a thorough review of the proposed demolition.

B.

Concurrent Processing with Other Permits. Demolition review in conjunction with projects that require the approval of other discretionary permit (e.g. site plan review, conditional use permit, variance, etc.) shall occur concurrently.

C.

Fees. A fee shall be chargeable to cover the reasonable cost of processing the demolition review. The fee for demolition review shall be the same as the fee charged for a conditional use permit application and shall include costs related to environmental review, if required.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.04)

15.20.050 - Review by planning commission.

A.

Factors to be Considered. In determining whether to approve the demolition permit, the commission shall consider the following factors: the age, location and setting, historical, architectural or aesthetic significance of the structure and the overall effect of the proposed demolition upon surrounding properties; design guidelines; building dilapidation or damage.

B.

Conditions of Approval. The commission may deny the permit or impose conditions on the issuance of any such permit reasonably required to protect the public health, safety and welfare and to preserve the character of the neighborhood, including without limitation: (1) preservation of the facade or other architecturally or historically significant elements of the structure; or (2) replacement of the structure with a new structure in keeping with the historic look and style of the previous structure and/or the neighborhood.

C.

Findings. To grant a demolition permit the planning commission must make a finding based on substantial evidence that: (1) the structure has no historical, architectural or aesthetic significance; or (2) while the structure has historical, architectural or aesthetic significance, the building has become so dilapidated or damaged that preservation is not practically feasible and that conditions have been imposed on the demolition to mitigate adverse impacts.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.05)

15.20.060 - Emergency demolition.

Notwithstanding the above provisions, if in the opinion of the building official, a structure is in imminent danger of collapse or otherwise poses an imminent danger and immediate action must be taken to safeguard the public health, safety and welfare, the building official may issue a special emergency permit for interim demolition. The city manager shall be notified immediately and city council shall be notified at the next council meeting. As a condition of issuance of a special emergency permit for interim demolition, the applicant shall be required to complete demolition review through the planning commission. The planning commission may impose conditions for replacement of the demolished structure as authorized by Section 15.20.050(B) of this chapter.

(Ord. 477 (Exh. A) (part), 2003: prior code § 18.83.06)

Chapter 15.30 - GRADING, EROSION AND SEDIMENT CONTROL

Sections:

Article I. - Purpose and Definitions

15.30.010 - Title.

This chapter shall be known as the grading ordinance of the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.011 - Administration.

This chapter shall be administered for the city of Colfax by the city engineer and city manager.

(Ord. 483 (Exh. A) (part), 2005)

15.30.012 - Purpose.

This chapter is enacted for the purpose of regulating grading on private property within the incorporated area of the city of Colfax to safeguard public health, safety, and public welfare, to reduce environmental damage due to premature soil disturbance and removal of vegetation, to reduce 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 Colfax Area General Plan, any specific plans adopted thereto and applicable city of Colfax ordinances including the zoning ordinance and Appendix Chapter 33 of the Uniform Building Code. In the event of conflict between UBC Appendix Chapter 33 and this ordinance, the provisions of this ordinance will prevail.

(Ord. 483 (Exh. A) (part), 2005)

15.30.013 - Not retroactive.

This chapter shall be prospective in operation only. The provisions of this chapter shall not apply to existing construction for which all previously necessary permits were obtained. Said provisions shall also not apply to a project or development not yet constructed provided that an appropriate permit has been obtained, or applied for and the application accepted, and said permit bears a date prior to the effective date of this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.014 - 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:

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

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

"City council" means the city council of the city of Colfax.

"City engineer" means the city engineer of the city of Colfax, California, acting either directly or through his authorized deputies, subject to the administrative direction of the city manager.

"Compaction" means the increase of density of a soil or rock fill by mechanical means.

"Cut." See Excavation.

"Department" means the public works department of the city of Colfax.

"Depth of fill" means the vertical dimension from the exposed fill surface to the original ground surface.

"Director of public works" means the director of public works of the city of Colfax, California, acting either directly or through his authorized deputies, subject to the administrative direction of the city manager.

"Drainage waters" means surface waters which collect, or are accumulated, on the ground and which, by means of drainage ways or watercourses, flow off the surface to larger rivers, streams, or lakes. Such waters shall include but are not limited to, natural precipitation, and irrigation waters.

"Drainage way" means 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" means a written permit issued by the city authorizing certain work within a publicly maintained right-of-way or easement.

"Engineering geologist" means a registered geologist certified as an engineering geologist by the State of California.

"Engineering geology" means 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" means the wearing away and transportation of earth material as a result of the movement of wind, water or ice.

"Excavation" (Cut) means the removal of naturally occurring earth materials by mechanical means, and includes the conditions resulting therefrom.

"Existing grade" means the elevation of the ground surface at a given point prior to excavating or filling.

"Expansive soil" means any soil which exhibits significant expansive properties as determined by a geotechnical engineer or the city engineer.

"Fill" (Embankment) means the deposit of soil, rock or other materials placed by man and includes the conditions resulting therefrom.

"Finish grade" means 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" means any condition in naturally occurring earth materials which may endanger life, health or property.

"Geotechnical engineer" means the civil engineer registered by the State of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title "soil engineer".

"Geotechnical engineering" means 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" means the vertical location of the ground surface.

"Existing grade" means the grade prior to grading.

"Rough grade" means the stage at which the grade approximately conforms to the approved plan.

"Finish grade" means the final grade of the site which conforms to the approved plan.

"Grading" means any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative

ground cover.

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

"Grading work" means grading and related work. "Related work" shall include, but is not limited to, vegetation removal, drainage improvements and erosion and sediment control in connection with the grading done.

"Keyway" means 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" means a landscape architect registered by the State of California.

"Level; Land leveling operation" means the physical movement of rock or soil which results in a change in the topography of the land.

"Lot." See Parcel.

"Owner" means 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) means is 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" means an approved grading permit issued pursuant to this chapter authorizing certain grading work.

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

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

"Planning authority" means the planning director of the city of Colfax; acting directly or through his authorized agents subject to the administrative direction of the city manager.

"Preliminary grading plan" means is 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" means 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 15th to May 1st, inclusive.

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

"Site" means 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" means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

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

"Vehicular way" means a private roadway or driveway.

"Vegetation" means plant life or total plant cover of an area.

"Watercourse" means any natural or man-made 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 fifty acres or more, and this definition will be commonly used in connection with the administration of this ordinance 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 fifty 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 of watercourses.

"Work." See Grading work.

(Ord. 483 (Exh. A) (part), 2005)

Article II. - General Grading Requirements

15.30.020 - General requirements for grading.

All grading within the city, whether or not a permit is required, shall be performed in conformance with the technical requirements of this code, the Uniform Building Code and other city codes including but not limited to; dust control, erosion control, protection of waterways and drainage ways, sediment control; excavation, cut and fill, slope and compaction requirements. Any work not done in conformance with these requirements is hereby declared a public nuisance.

(Ord. 483 (Exh. A) (part), 2005)

15.30.021 - No activity causing erosion.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.022 - 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 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.023 - Construction in public rights-of-way.

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 works director.

(Ord. 483 (Exh. A) (part), 2005)

15.30.024 - Hazards.

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 said 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 said permit. 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.

(Ord. 483 (Exh. A) (part), 2005)

Article III. - General Requirements for a Grading Permit

15.30.030 - Grading review required prior to commencement of work.

(a)

Prior to commencement of any grading within the city, whether or not permit is required, the person shall meet with the city engineer or designee and complete a simple form application to outline what is proposed. The city engineer will then make a determination whether a permit is required and what other actions may be necessary before grading can be commenced.

(b)

If the city engineer determines that no permit is required, the person will be required to sign the application stating that they will conform to the requirements of the city and this ordinance and have read or will read the city grading ordinance prior to commencing the work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.031 - Grading permit required.

Except for the specific exemptions listed in Section 15.30.032 below, no person shall do or permit to be done any grading on any site in the city of Colfax without a valid permit obtained from the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.032 - Exemptions.

After review by the city engineer to assure compliance, the following minor grading may be done without obtaining a grading permit. Exemption from the requirement of a permit shall not be deemed to be permission to violate any provision of this chapter.

- (a) Minor Grading Projects. Minor projects which meet all of the following requirements:
 - (1) Involve no cuts or fills exceeding five feet in vertical depth at its deepest point measured from the existing ground surface;
 - (2) Involve less than fifty (50) cubic yards of graded material;
 - (3) Do not create unstable or erodible slopes;
 - (4) Do not encroach onto sewage disposal systems or disposal areas;
 - (5) Do not encroach into or affect a drainage way.
- (b) Vegetation Cutting. Vegetation cutting and removal when the cutting of vegetation is limited to the mowing and cutting of weeds, grasses, small trees and plants where the soil is not disturbed by said activity.
- (c) Limited Vegetation Clearing. Clearing of vegetation in which the soil is disturbed, provided the area cleared is less than five thousand (5,000) sq ft. Clearing of larger areas shall require the prior approval of the city engineer as provided under Section 15.030.30 and the city fire chief.
- (d) Limited Road and Firebreak Maintenance. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition provided that no more than fifty (50) cubic yards of earth are moved.
- (e) Excavation Authorized by Building Permit. An excavation below finished basements and footings of a building authorized by a valid building permit.
- (f) Incidental Trenching. 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 postholes or approved walls.
- (g) Public Agency Grading. Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work.
- (h) Swimming Pool Excavation. Excavations in connection with a swimming pool authorized by a valid building permit.
- (i) Surface Mining Reclamation and Landfills. Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan or sanitary landfill.
- (j) Cemetery Excavations. Routine cemetery excavations and fills.
- (k) Emergency Work. Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the city engineer promptly of the problem and work required and shall apply for a permit therefore within ten (10) calendar days after commencing said work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.033 - Premature grading prohibited.

No permit will be granted to conduct grading unless there is a demonstrated need to grade the property at the time the permit is sought. Permits will be issued only under the following circumstances and the grading will be limited to that justified by the need:

- (a) Grading to Provide Access. Grading to provide reasonable access to undeveloped property.
- (b) After Project Approval. After receipt of all discretionary permits and after application for a building permit to commence construction on the property proposed to be graded.
- (c) Enhancement of Improved Properties. Where the property is already improved and developed, the grading is reasonably related to enhancement of the use of the property.
- (d) Grading to Prevent Environmental Damage. Grading done usually to correct existing problems and reduce the risk of

erosion, soil slippage, and other environmental damage.

(e)

Other Circumstances. Such other circumstances as the city engineer determines present a justifiable need to conduct grading activities at the particular time.

(Ord. 483 (Exh. A) (part), 2005)

Article IV. - Permit Application Procedures

15.30.040 - Filing.

Applications for permits shall be filed with the city engineer on forms furnished by his office. Each application shall include a plan checking fee and other fees as required, preliminary or final grading plans as required herein, and a statement of the intended use of the site. Only one application and permit is allowed for grading work to be done on a site. The city engineer shall determine whether the application is complete in accordance with provisions of Article 4 herein and may require additional information from the applicant before accepting the application as complete. The applicant shall be notified within seven to twelve (12) working days if the application is deemed incomplete, and the requirements for completing the application.

(Ord. 483 (Exh. A) (part), 2005)

15.30.041 - Filing fees.

(a)

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 the review of plans, specifications and reports, other engineering services, field investigations, necessary inspection or other work and routine laboratory tests of materials and compaction.

(b)

The schedule of fees and costs shall be those established and adopted by the city council from time to time by resolution or ordinance. The fee may be in the form of a deposit to cost. In such case, the city may require that the deposit be replenished if exhausted prior to finaling the permit.

(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, the city shall refund the balance to the permittee.

(e)

If, upon completion of any work under a permit there is not a sufficient deposit to cover the cost of the work, the city engineer shall notify the permittee to reimburse the amount equal to the cost deficit.

(f)

If grading work is done in violation of this chapter or such 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 such violation shall be charged to the violator to cover all actual costs plus administrative overhead costs.

(Ord. 483 (Exh. A) (part), 2005)

15.30.042 - Authorization of land owner.

No application for a permit will be accepted without the written authorization of the land owner corroborated by appropriate proof of ownership.

(Ord. 483 (Exh. A) (part), 2005)

15.30.043 - Compliance with CEQA and other permit requirements.

The city engineer and/or city planner shall review the proposed grading application and determine whether (1) the proposed grading activity is related to further development of the property and further permits from the city are required for that development, (2) the proposed grading is subject to environmental review under the California Environmental Quality Act (CEQA), and (3) there is a possibility that additional permits from other agencies are required in connection with the activity such as a Streambed Alteration Permit from the Department of Fish and Game or a 404 Permit from the Army Corps of Engineers. If the city determines that the grading or any related further development is subject to CEQA or that other agency permits may be required, they may require additional information. No grading permit will be issued and no grading may commence until the city has completed its environmental review process and all other needed permits have been obtained.

(Ord. 483 (Exh. A) (part), 2005)

15.30.044 - Referral to utilities and other public agencies.

Upon the filing of an application of 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 and that they may comment at any stage of the proceeding, and may lodge an appeal pursuant to the provisions of this chapter. The city engineer may also refer an application to other interested public agencies for their recommendations and shall refer it to other agencies if required by law. In such case, the granting of the permit shall not occur until a reasonable time has been given to the other agencies to respond.

(Ord. 483 (Exh. A) (part), 2005)

15.30.045 - Right of entry.

As a condition of issuance of any grading permit, the owner of the property subject to the permit shall grant the city the right of unrestricted access during business hours to inspect the progress of the work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.046 - Circumstances requiring geotechnical investigation.

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 ten 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 ten feet in depth and the slope of the natural ground exceeds thirty (30) percent.
- (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 four feet in height which support a slope in excess of thirty (30) percent.
- (e) Such other circumstances as the city engineer determines may require a geotechnical report.

(Ord. 483 (Exh. A) (part), 2005)

15.30.047 - Licensing requirements for geotechnical reports.

Those portions of the soil or geologic investigation that constitutes "civil engineering" as defined by Section 6734 of the Business and Professions Code of the State of California 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 Section 7802 of the Business and Professions Code of the State of California shall be conducted by an engineering geologist.

(Ord. 483 (Exh. A) (part), 2005)

15.30.048 - Content of soil/geologic investigation report.

The soil or geologic investigations shall be based on observations and tests of the material exposed by exploratory borings 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. 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 data; and consequent evaluation regarding the nature, distribution and strength of existing soil;
- (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 encountered groundwater or excessive moisture conditions;
- (g) A description of soil and geological investigative techniques employed;
- (h) A log for each soil boring and test excavations 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 including BMP's and a SWPPP;

(m)

Recommendations for mitigation of geologic hazards.

(Ord. 483 (Exh. A) (part), 2005)

15.30.049 - Soils reports approval.

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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.04910 - Validity.

The issuance of a permit or approval of plans and specifications shall not be construed as a consent to any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations. Upon discovery that a permit has been issued in error, the city may stop the work and require appropriate corrective action.

(Ord. 483 (Exh. A) (part), 2005)

15.30.04911 - Appeals.

Appeals on decisions pursuant to this chapter shall be made to the city council in writing, setting forth the specific grounds thereto within ten (10) calendar days from the date of such decision.

(Ord. 483 (Exh. A) (part), 2005)

Article V. - Plans and Specifications

15.30.050 - 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 applications, 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 article.

(Ord. 483 (Exh. A) (part), 2005)

15.30.051 - Preliminary grading plans.

Preliminary grading plans provide for review and determination of grading permit requirements prior to approval of final plans and issuance of a grading permit. Precise design at this stage is not required. 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:

On a map of appropriate scale, but not smaller than 1" = 100':

(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 of adjacent land within fifty (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 five 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 fifty (50) feet beyond the affected area, and further if needed to define intercepted drainage, and shall be extended a minimum of one hundred (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.
- (n) General location and character of vegetation covering the site.
- (o) Typical cross section (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills.
- (p) An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
- (q) The estimated starting and completion dates of grading.

(Ord. 483 (Exh. A) (part), 2005)

15.30.052 - Final grading plans—Engineer required.

Final grading plans and specifications shall be prepared and signed by a civil engineer, except as otherwise provided herein, on sheets twenty-four inches by thirty-six inches (24" x 36"). The plans shall include the following, in addition to all requirements for preliminary grading plans:

- (a) 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;
- (b) Accurate contour lines at intervals not greater than five 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;
- (c) Location, extent and finished surface slopes of all proposed grading and final cut and fill lines;
- (d) Cross-sections, profiles, elevations, dimensions and construction details based on accurate field data;
- (e) 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;
- (f) Complete construction specifications, including progress schedule of work;
- (g) A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities;
- (h) A revegetation plan including temporary erosion control plantings, permanent slope plantings, replacement of temporary ground cover, and irrigation facilities;
- (i) An estimate of the quantities of excavation and fill;
- (j) The location of any borrow site or location for disposal of surplus material;
- (k)

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

- (1) Commencement of work;
- (2) Start and finish of rough grading;
- (3) Completion of drainage facilities;
- (4) Completion of work in any watercourse;
- (5) Completion of erosion and sediment control facilities;
- (6) Completion of hydromulching and other landscaping prior to October 15th. If rough grading is proposed between October 15th and May 1st, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;
- (7) Itemized cost estimate of the proposed grading and related work;
- (8) A complete drainage study, geotechnical report, and structural calculations may be required.

(Ord. 483 (Exh. A) (part), 2005)

15.30.053 - 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 one thousand (1,000) cubic yards or more;
- (b) An access road serving five 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.054 - Modification of approved plans:

- (a) Proposed modifications of an approved final plan shall be submitted to the city engineer for his written approval prior to commencing with the modification work.
- (b) All necessary soils and geological information and design details shall accompany any proposed modification.
- (c) The modification shall be compatible with any zoning, subdivision map or land use requirements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.055 - 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.056 - 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 engineer. One set of approved plans and permit shall be

retained on the site at all times during the work.

(Ord. 483 (Exh. A) (part), 2005)

Article VI. - Design Standards

15.30.060 - Excavation.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.061 - Excavation slope.

The slope of cut surfaces of permanent excavations shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of roundings described herein. Steeper slopes will be permitted in competent bedrock provided such 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 contoured transition from cut face to natural ground.

(Ord. 483 (Exh. A) (part), 2005)

15.30.062 - Fill placement.

Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed eight 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. 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 three inches unless otherwise approved by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.063 - Fill compaction.

All fills shall be compacted throughout their full extent to a minimum of ninety (90) percent of maximum density as determined by appropriate ASTM standard method or other alternate methods approved by the city engineer. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two-foot vertical lift of the fill but not less than one test for each one thousand (1,000) cubic yards of material placed. Additional density tests at a point approximately one-foot below the fill slope surface shall be made on the basis of not less than one test for each one thousand (1,000) square feet in slope surface but not less than one test for each ten (10)-foot vertical increase of slope height. All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of such testing and location of tests shall be presented in the periodic and final reports. Compaction may be less than ninety (90) percent of maximum density, as determined by the above test, within six inches of the slope surface when such 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 six 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.064 - 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 five horizontal to one 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 ten (10) feet wide.

(Ord. 483 (Exh. A) (part), 2005)

15.30.065 - Fill slopes.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.066 - Adjacent structures protection.

Footings which may be affected by an 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 such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. The rights of coterminous owners shall be as set forth in Section 832 Civil Code of the State of California.

(Ord. 483 (Exh. A) (part), 2005)

15.30.067 - Setbacks—General.

Unless otherwise recommended in a soil and geologic investigation report, Figures 18-I-1 on Page 1-176 of the 1997 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.068 - 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 including the Placer County Stormwater Management Manual (SWM).

(Ord. 483 (Exh. A) (part), 2005)

15.30.069 - 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0610 - Drainage—Water accumulation.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.0611 - 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 increase runoff peak flows or cause erosion or endanger any cut or fill slope or any building or structure.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0612 - Terrace drainage.

Terraces at least eight feet in width shall be established at not more than twenty-five (25) feet in height intervals for all cut and fill slopes exceeding thirty (30) feet in height. Where only one terrace is required, it shall be 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 be a minimum depth of one foot, a minimum longitudinal grade of four percent, a maximum longitudinal grade of twelve (12) percent. Down-drains or drainage outlets shall be provided at approximately three hundred (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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0613 - Subsurface drainage.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.0614 - 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 if permitted by the city engineer 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 one time during grading operations and the time of exposure shall be minimized;
- (d) Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment;
- (e)

- (f) Permanent vegetation and structures for erosion and sediment control shall be installed as soon as possible;
- (g) Adequate provision shall be made for long term maintenance of permanent erosion and sediment control structures and vegetation;
- (h) No topsoil shall be removed from the site unless otherwise directed or approved by the city engineer. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water;
- (i) 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;
- (j) Permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0615 - Emergency conditions.

Should increased sediment discharge occur or become imminent, permittee shall take all necessary steps to control or reduce such discharge. Such 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. Permittee shall take prompt action to resolve emergency problems; otherwise the city engineer may institute abatement proceedings pursuant to provisions of this Chapter 15.30.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0616 - 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 ten thousand (10,000) square feet of area having a slope less than ten (10) percent, or more than five thousand (5,000) square feet of area on slopes ten (10) percent or greater,
 - (2) There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season,
 - (3) Grading will occur within twenty (20) feet of any watercourse,
 - (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 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 1st and October 15th shall be planted by November 1st. Graded areas completed at other times of the year shall be planted within fifteen (15) days. If revegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge;
- (e) 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. 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 a 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 shall so attest on the plans. Sufficient calculations and supporting materials to demonstrate such 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 and for every day during the rainy season and for specific sediment cleanout and vegetation maintenance criteria;

(j)

Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation of grading sites. 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 Council.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0617 - Vehicular ways—General.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.0618 - Vehicular Ways—Drainage.

Vehicular ways shall be graded and drained in such a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in such a manner that it does not cause erosion or endanger existing improvements. Bridges and culverts installed in watercourses shall be reviewed and approved by the city engineer prior to installation.

(Ord. 483 (Exh. A) (part), 2005)

Article VII. - Permit Requirements

15.30.070 - General.

The city engineer will issue a grading permit if the grading plans satisfy the provisions of this chapter and all 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.071 - Permit conditions.

(a)

No permit shall be granted unless the project conforms with the Colfax area general plan, and specific plans adopted thereto, and applicable city ordinances including the zoning ordinance and hillside development guidelines.

(b)

Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary permit, no grading permit shall be granted prior to the issuance of all needed discretionary permits.

(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 private property, and to assure proper completion of the grading, including but not limited to:

(1)

Mitigation of adverse environmental impacts 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 for 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.

(d)

The city engineer may require the submission of improvement security as provided in Article 9 below.

(Ord. 483 (Exh. A) (part), 2005)

15.30.072 - 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 receipt of applicable public agency permits will be required prior to issuance of grading permit.

(Ord. 483 (Exh. A) (part), 2005)

15.30.72.1 - Offsite soil transport.

When a grading project proposes importation of soil from offsite or exportation of soil from the project site to another location, the following requirements shall be included in the grading plan:

(a)

The plan shall specify the volume of soil material to be imported or exported, the estimated of truck trips involved and the route proposed for transport of the material;

(b)

The plan shall identify the specific property which is the proposed source of the soil to be imported or the target site for the placement of the soil removed from the project site;

(c)

The plan shall include evidence satisfactory to the city engineer that all requisite permits have been obtained for the removal of soil from the source site in the case of importation or the placement of soil at the target site in the case of exportation;

(d)

The plan shall include such other information as the city engineer may require relating to the proposed soil transport;

(e)

The city engineer may impose conditions to mitigate the impacts of such transport including (without limitation) the following:

(i)

Conditions with respect to the trucking, including time of operation, route, types of trucks used, etc.,

(ii)

Requirements for street cleaning,

(iii)

Payment of a mitigation fee to reimburse the city for the damage to city streets caused by the truck traffic.

(Ord. 483 (Exh. A) (part), 2005)

15.30.073 - Grading within property lines.

The applicant shall use reasonable effort to determine property lines prior to grading and shall keep all grading within the property on which the grading has been authorized. Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, the city engineer may stop the work and require a survey by a licensed land surveyor or civil engineer or resolution of title (all at the expense of the applicant) prior to recommencement.

(Ord. 483 (Exh. A) (part), 2005)

15.30.074 - Permit time limits.

(a)

The permittee shall perform and complete all the work required by the permit within time limits specified in the permit. 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 no later than thirty (30) days prior to the expiration of the permit. The city engineer may grant additional time for the work.

(b)

If all the permit work required is not completed within the time limit specified in Subsection (a) above, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the city engineer who may require a new application and fees depending on the time between the expiration date and the renewal request, revisions in the city regulations, or changed circumstances in the immediate area. Any revised plan shall be submitted to the city engineer for review, and any costs thereof shall be at the applicant's expense.

(c)

Winter Season Shut Down. No grading shall be undertaken or continued during the winter season after November 1st until May 1st of each year, unless the city engineer finds in writing that exceptional circumstances require that grading occur or continue during that period and special protections are imposed. Commencing October 15th of each year, the permittee shall commence shut down of the work and winterization in accordance with the requirements of the city engineer to minimize erosion and sedimentation during the Winter Season.

(Ord. 483 (Exh. A) (part), 2005)

15.30.075 - Grading prior to approval of subdivision improvement plans.

Applications for permits for grading 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 this Grading Code, procedures, of this grading ordinance and the following requirements:

(a)

Separate grading plan shall be submitted for review and approval by the city engineer. This plan shall conform to the requirements of this grading ordinance 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 of revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction will be corrected at the applicant's expense;

(b)

Revegetation and winterization plan shall be submitted for review and approval by city engineer. This plan shall include a performance contract with the city of Colfax 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)

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 one hundred (100) percent of the full inspection fee at time of grading permit approval;

(d)

Drainage report shall be required as per the requirements of the grading ordinance.

(Ord. 483 (Exh. A) (part), 2005)

15.30.076 - 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.

(Ord. 483 (Exh. A) (part), 2005)

Article VIII. - Requirements for Permit Finaling

15.30.080 - Final inspection.

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 one year after acceptance by the city engineer of all improvements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.081 - 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 such 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.082 - Final geotechnical 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.083 - 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 so, to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he has inspected the work that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his 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 five feet in depth or slopes which exceed ten (10) percent and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten (10) feet in height;

(2)

During the preparation of a site for the placement of any fill and during the placement of such 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 other authorized inspectors as may be necessary.

(Ord. 483 (Exh. A) (part), 2005)

15.30.084 - 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 non-conformity and the corrective measures to be taken. When changes in the plans are required, he shall prepare such proposed changes and submit them to the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.085 - 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 civil 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.086 - 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 such reports are required and their content shall be as required by the city engineer in the permit.

(Ord. 483 (Exh. A) (part), 2005)

15.30.087 - Submit "As-Built" plan.

Permittee shall submit to the city engineer an "As-Built" grading plan following completion of grading operations.

(Ord. 483 (Exh. A) (part), 2005)

15.30.088 - 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 such property from damage which might result;

(c)

Advance Notice. The permittee shall notify the city engineer at least twenty-four (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 the 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.

(Ord. 483 (Exh. A) (part), 2005)

Article IX. - Improvement Security

15.30.090 - Security required.

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 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. The security amount shall include an additional amount equal to twenty-five (25) percent of the estimated cost of completion of the improvements to cover city administrative and legal expenses in the event of default. Said security shall be in a form acceptable to the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.091 - Terms of security.

(a)

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.

(b)

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.

(c)

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

(d)

Any deposit required by the city engineer pursuant to this ordinance shall be payable to the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.092 - Use of security.

(a)

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

(b)

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 or surety all costs incurred thereto, including legal, administrative and inspection costs. Any unused portion of a deposit shall be refunded to the permittee after deduction by the city of the cost of the work. Any costs incurred by the city greater than the security provided will be billed to the owner and become a lien on the property.

(Ord. 483 (Exh. A) (part), 2005)

Article X. - Enforcement

15.30.100 - Enforcement official.

The city manager, city engineer, city attorney or any authorized representative shall enforce the provisions of this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.101 - Right of entry.

Whenever necessary to enforce the provisions of the chapter the city engineer or city manager 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 or city manager shall have recourse to every remedy provided by law to secure entry.

(Ord. 483 (Exh. A) (part), 2005)

15.30.102 - Suspension and revocation of permit.

The city engineer, his designee or the city manager may suspend or revoke a permit for good cause, subject to appeal to the city council. However, no work shall be performed during the appeal except as authorized by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.103 - Stop work orders.

When ever any work is being done contrary to the provisions of this chapter or any other applicable law, ordinance, rule or regulation, the city engineer, city manger or designees may order the work stopped by serving written notice 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 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.

(Ord. 483 (Exh. A) (part), 2005)

15.30.104 - Corrective work.

- (a) Abatement of Unlawfully Created Conditions.
- (b) Whenever the following conditions are created by violation of this chapter, they are hereby declared to be in the category of hazardous public nuisance:
 - (1) Where a violation has altered natural drainage patterns and has caused flooding to any downstream property; or
 - (2) When a violation results in a condition which creates a drainage alteration such 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
 - (3) Whenever a violation results in a hazard, requiring immediate correction for the preservation of the public health, safety or welfare.
- (c) The city council, city manager or the city engineer may order city crews or authorize contractors to enter private property to immediately abate a hazardous public nuisance.
- (d) 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:
 - (1) Engineering and Design;
 - (2) Inspections, supervision, preparation of and administering violations;
 - (3) Contractor service bills or public employee wages at cost;
 - (4) Administration overhead and supervision based on fifteen (15) percent of all costs incurred.
 - (5) Interest shall accrue and be billed at the annual rate of ten (10) percent of all unpaid amounts from the date of billing. Amount shall be prorated by month.
- (e) Stop Work Notice.
 - (1) Whenever it comes to the attention of the city manager or city engineer that any person is performing work in violation of the provisions of this subchapter or without a permit as required by the subchapter, the city manager or city engineer may serve upon such person a written order citing such violations and directing that person performing the work to stop work immediately.
 - (2) Upon receipt of such stop work notice the person performing the work shall:
 - (i) Stop work immediately; and
 - (ii) 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 subchapter; and

(iii)

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 subchapter.

(3)

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

(4)

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

(5)

Fees will be doubled for processing a grading permit after a violation.

(Ord. 483 (Exh. A) (part), 2005)

15.30.105 - Violation.

(a)

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 not more than one hundred dollars (\$100.00), and for a second conviction within a period of one year by a fine of not more than two hundred dollars (\$200.00), and for a third or any subsequent conviction within a one-year period by a fine of not more than five hundred dollars (\$500.00). Any violation beyond the third conviction within a one-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 California Penal Code Section 19.

(b)

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

(c)

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 such person and shall be punishable accordingly.

(d)

The city manager, director of public works 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 said provisions.

(Ord. 483 (Exh. A) (part), 2005)

15.30.106 - 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 this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.107 - Civil nuisance abatement.

In addition to any other remedy the city may abate a violation of this chapter by civil action to abate the nuisance pursuant to Government Code Section 54988 and such other laws that authorize abatement of public nuisances. In any such action, the city shall be entitled to recover its administrative expenses, including legal fees and litigation expenses.

(Ord. 483 (Exh. A) (part), 2005)

15.30.108 - 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.

(Ord. 483 (Exh. A) (part), 2005)

Article XI. - Miscellaneous Provisions

15.30.110 - Severability.

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; and the city council declares that this chapter and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause or phrase be declared invalid or unconstitutional.

(Ord. 483 (Exh. A) (part), 2005)

15.30.111 - No liability for wrongful issuance.

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.

(Ord. 483 (Exh. A) (part), 2005)