

ARTICLE VIII - BUILDING REGULATIONS

CHAPTER 1 - BUILDING CODE

Sec. 8100. Office of Chief Building Inspector, Duties and Consolidation. The office of Chief Building Inspector is hereby created and the position will be held by the Community Development Director. The Chief Building Inspector or his authorized representative is hereby authorized and directed to administer and enforce all provisions of this Chapter and codes adopted by this Chapter and for such purpose he shall have the powers of a police officer. "Building Official" as used in this Chapter, shall mean the Chief Building Inspector. The City Manager may, at any time, consolidate and replace in charge of any other official of the City the functions and duties of the Chief Building Inspector. (Ord. 81-12, Am. Ord. 86-4; Am. Ord. 07-10)

Sec. 8100.1. Appointment of Chief Building Inspector. The Chief Building Inspector shall be appointed by the City Manager of the City of Grover Beach and shall hold office at the pleasure of said City Manager. The Chief Building Inspector shall receive such salary as may be determined by resolution of the City Council. (Ord. 81-12, Am. Ord. 86-4; Am. Ord. 07-10)

Sec. 8101. Adoption of the California Administrative Code. The 2007 edition of the California Administrative Code, published by the International Code Council, Inc. (ICC), Washington D.C., and as held by the California Building Standards Commission, Sacramento CA, is hereby adopted as the Administrative Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8102 Adoption of the California Building Code. The 2007 edition of the California Building Code, Including the 2006 International Building Code and Appendix Chapters 1, B, and I as amended, Second edition, as published by the International Code Council, Inc. (ICC) Washington, D.C., is hereby adopted as the Building Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8103 Adoption of the California Electrical Code. The 2007 California Electrical Code, as published by BNi Publications, Inc, and as held by the National Fire Protection Association, Quincy MA, and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the as the Electrical Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8104 Adoption of the California Plumbing Code. The 2007 California Plumbing Code, including all of appendix chapters as amended (Appendix 1-Administration, excluding Fee Table 1-1) as published by

the International Association of Plumbing and Mechanical Officials, Ontario, CA, and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Plumbing Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8105 Adoption of the California Mechanical Code. The 2007 California Mechanical Code, including all appendix chapters as amended (Appendix 1-Administration, excluding Fee Table 1-1) as published by the International Association of Plumbing and Mechanical Officials, Ontario, CA, and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Mechanical Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8106 Adoption of the California Existing Building Code. The 2007 California Existing Building Code, including Appendix A of the 2006 International Existing Building Code, as published by the International Code Council Inc. (ICC) Washington D.C., is hereby adopted as the Existing Building Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8107 Adoption of the International Property Maintenance Code. The 2006 International Property Maintenance Code as amended (all references to the International Codes shall mean the equivalent California Codes; Section 103, Department of Property Maintenance Inspection to be amended to read Community Development Department; and Section 103.5 Fees: the last five words are amended to read adopted by the City of Grover Beach), as published by the International Code Council, Inc. (ICC), Washington D.C., and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Property Maintenance Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8108 Adoption of California Energy Code. The 2007 California Energy Code (California Code of Regulations, Title 24, Part, 6) as published by the International Code Council, Inc. (ICC), Washington, D.C., as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Energy Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8109 Adoption of the California Historical Code. The 2007 California Historical Code as published by the International Code Council Inc. (ICC), Washington, DC, and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Historical Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

Sec. 8110 Adoption of the California Reference Standards Code. The 2007 California Reference Code Standards Code, as published by the International Code Council, Inc., Washington, D.C., and as held by

the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Reference Standards Code of the City of Grover Beach, excluding any fee increases. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply. (Ord. 07-10)

CHAPTER 2 - MOVING OF BUILDINGS AND VEHICLE LOADS

Sec. 8200. Permit Required. No person shall move any load over, along or across any street within the City when the weight or size of the load plus the weight or size of the vehicle or equipment exceeds limitations of the Vehicle Code; except that where it is impractical to change the physical characteristics of the load, the Public Works Director may issue a permit to move such load and/or vehicle where it is determined that it will not result in damage to public or private property and will not cause a traffic hazard and the applicant will comply with all requirements and conditions of the Public Works Director. (Ord. 23; Am. Ord. 58; Am. Ord. 73-10; Am. Ord. 80-13)

Sec. 8201. Permit Application. Any person desiring to move any building or vehicle load across, over, or along any street within the City shall first make an application for a permit to do so. The application shall be made in writing upon blank forms to be furnished by the Public Works Director. Each application shall set forth a description of the building or vehicle load proposed to be moved together with a detailed description of the load including; The material of which the same is constructed; the dimension, and if it is a building, the condition of the interior; and condition of the exterior of the building; the description of the lot from which the building is to be moved, giving the street and number of such lot if located within the City; the portion of the lot to be occupied by the building when moved; and a statement that the owner will comply with all laws governing the removal of the building and the maintenance of the same when moved. The application shall also state the streets and portions of streets over which the building or vehicle load is proposed to be moved. (Ord. 23; Am. Ord. 58, Ord. 80-13)

Sec. 8202. General Deposit Required and Exceptions. Upon the filing of an application for a building moving or vehicle load permit in the office of the Public Works Director, it shall be the duty of the Public Works Director to require a deposit as set forth in the Master Fee Schedule and amended from time to time. Said deposit shall be used or returned to the applicant as specified in Section 8215. (Ord. 23; Am. Ord. 58, Ord. 80-13; Am. Ord. 03-02)

Sec. 8203. Save Harmless Agreement and Liability Insurance. On each application the applicant or his agent shall sign a statement that he agrees to preserve and save harmless the City and each officer and employee thereof from any liability or responsibility for any accident, loss or damage to persons or property happening or occurring as the approximate result of his activities pursuant to the permit applied for. The permittee shall show proof of public liability and property damage insurance in the amount of not less than One Hundred Thousand Dollars (\$100,000.00) for one person injured in one accident, and not less than Three Hundred Thousand Dollars (\$300,000.00) for more than one person injured in one accident, and in the amount of not less than One Hundred Thousand Dollars (\$100,000.00) with respect to any property damage aforesaid. (Ord. 23; Am. Ord. 58, Ord. 80-13)

Sec. 8204. Bond in Lieu of General Deposit. Any applicant may, in lieu of the deposit set forth in this Chapter , file with the Public Works Director a bond in the penal sum as set forth in the Master Fee Schedule and amended from time to time executed by a qualified bonding company or by a written undertaking with two or more sufficient sureties who shall justify in twice the sum of the bond requirements, which bond shall indemnify the City for any damages to any property of the City which may be caused by, or be incidental to, the moving of any building or vehicle load over, along, or across any street in the City. Such bond shall be renewed annually during the month of January of every year. (Ord. 80-13; Am. Ord. 03-02)

Sec. 8205. Fees Required. At the time of filing the application for a building moving or vehicle load permit with the Public Works Director, the applicant shall pay the sum as set forth in the Master Fee Schedule and amended from time to time.

Annual permits may be issued for the sum as set forth in the Master Fee Schedule and amended from time to time for the following:

- (A) Moving of mobile home units;
- (B) Moving of vehicle loads that comply with weights permitted by the State Vehicle Code and do not exceed twelve feet (12') in width and/or thirteen feet six inches (13' 6") in height measured from the level surface upon which the vehicle stands to the highest protrusion in a vertical line. (Ord. 80-13; Am. Ord. 03-02)

Sec. 8206. Fees Deposit in General Fund. The Public Works Director shall deposit all fees with the City Treasurer to the credit of the General Fund. (Ord. 80-13)

Sec. 8207. Issuance of Permit. Upon the filing of the application in the manner and form prescribed by this Chapter , and upon making of the deposit or furnishing of the bond and showing proof of liability insurance, and upon payment of the fees required, the Public Works Director shall issue a permit, in writing, which shall authorize and permit the moving of the building or vehicle load in accordance with the terms and conditions required by the Public Works Director.

The permit shall designate such streets over which the building or vehicle load may be moved as will interfere as little as possible with traffic on the public streets of the City and as will damage as little as possible any property belonging to the City and any private property which might be damaged by such movement. (Ord. 80-13)

Sec. 8208. Refusal to Issue Permit. The Public Works Director may refuse to issue a permit if he finds that it is not in the best interests of the general public to do so. (Ord. 80-13)

Sec. 8209. Use of Streets. No person shall move a building or vehicle load over any street, or part of any street, other than the streets designated in the written permit. (Ord. 80-13)

Sec. 8210. Size and Weight of Buildings and Vehicle Load. No permit shall be issued for the moving of any building or vehicle load which is sufficiently heavy to injure any street or pavement within the City, or the size of which will obstruct the traffic upon the streets of the City. (Ord. 80-13)

Sec. 8211. Hours of Moving Notice. Every permit holder shall notify the Public Works Director in writing of the day and hour when it is proposed to move the vehicle load or building, which notice shall be given not less than twenty-four (24) hours before the time stated in the notice, and which shall be in addition to the required permit. (Ord. 80-13)

Sec. 8212. Damages to Property Notice. Every person who moves any building or vehicle load along, over or across any street in the City in accordance with a permit shall notify the Public Works Director in writing of any damage done to property belonging to the City within twenty-four (24) hours after the damage or injury has occurred. A report shall also be made stating that no damage was incurred, if such is the case. (Ord. 80-13)

Sec. 8213. Warning Lights and Barricades. Every person moving a building or vehicle load along, over or across any street within the City shall cause red lights to be displayed during the nighttime on every side of the building or vehicle load while it is standing on a street, in such manner as to warn the public of the obstruction; and shall, during the daytime, place barricades across the streets in such a manner as to protect the public from damage or injury by reason of the moving of the

building or vehicle load; and shall, when required by the Public Works Director, and when such building or vehicle load is located in any portion of the City where traffic is congested, require the person removing the same to pay the expense of a traffic officer to protect the traveling public from damage and injury. The permittee shall place "No Parking" signs along the route to be used during the move. Said signs shall include the date and hours of the move. The permittee shall request inspection and approval of said signs by the Police Department not less than twenty-four (24) hours prior to the move. (Ord. 80-13)

Sec. 8214. Permits Nontransferable. Permits issued under the authority of this Chapter are nontransferable. (Ord. 80-13)

Sec. 8215. Return of Deposit - Payment for Damages. The City Council, upon receiving a report of the removal and expenses, shall, if the sum of money shall have been deposited with the City Treasurer, order the deposit (except fees with the application) returned to the applicant after deducting a sum sufficient to pay for all the costs and expenses and for all damages done to property of the City by reason of the moving of the building or vehicle load. If such costs and expenses are greater than the amount of money deposited with the Public Works Director, the applicant shall be liable for such damage, and the City Attorney, subject to the approval and direction of the City Council, shall prosecute an action against the applicant in a court of competent jurisdiction for the recovery of the amount of the damages. If a bond shall have been furnished in place of a deposit, it shall be the duty of the City Attorney, subject to the consent and approval of the Council, to prosecute an action against the principal and sureties or surety on the bond for the recovery of whatever amount may be necessary to compensate the City for all damages sustained to property owned or controlled by the City. (Ord. 80-13)

Sec. 8216. Permit Available or in Vehicle. The permittee shall make the permit available for inspection by the administrative authority or his representative or by any peace officer or other person having responsibility for safety or maintenance of the highway. Each permit for moving must be in or on the vehicle or combination of vehicles to which it refers. In cases where a building or structure is moved in more than one Section at the same time, on each Section on which the original permit is not attached, there shall be affixed a true copy of the original permit. (Ord. 80-13)

Sec. 8217. Cancellation of Permit. The Public Works Director may cancel the permit for cause unless the activity therein permitted is commenced within the time specified and is diligently prosecuted to completion. (Ord. 80-13)

Sec. 8218. Investigation and Responsibility. The permittee shall investigate and be aware of all existing facilities lawfully within the limits of his activity. The permittee shall not interfere with any existing public or private facility without the consent of its owner. If it becomes necessary to relocate an existing facility, this shall be done by its owner or to the satisfaction of its owner. The cost of moving publicly and privately owned facilities shall be borne by the permittee unless he makes other arrangements with the owner of the facility. (Ord. 80-13)

Sec. 8219. Expiration of Permit - Time Extension. Each permit shall specify the time the permit shall become null and void, and the permit shall become null and void on the date so specified unless the Public Works Director extends the time. (Ord. 80-13)

Sec. 8220. Moving Buildings Into City. No person shall move any building or structure, or portion of a building or structure, into the City of Grover City. (Ord. 80-13)

CHAPTER 3 - ENCROACHMENT PERMITS

Sec. 8301. Encroachment Permit. No person, firm, association, partnership or corporation, or any combination thereof, shall make any encroachment, opening or

excavation in any public street or highway in the City of Grover City without having first obtained a permit so to do as hereafter provided. (Ord. 6)

Sec. 8302. Same - Application. Bond. Fee. Any person, firm, association, partnership or corporation, or any combination thereof, desiring to make an encroachment, opening or excavation in any public street or highway in the City of Grover City shall, prior thereto, make application upon a form therefor to be provided by the City Clerk. In addition thereto, applicant shall post a bond in accordance with the provisions of Section 8304 hereof, and shall also pay a fee therefor. The amount of said fee shall be set by resolution of the City Council from time to time. (Ord. 6)

Sec. 8303. Supervision. Any encroachment, opening or excavation made in any street or public highway in the City of Grover City shall be made in accordance with the requirements of the Superintendent of Public Works and shall be subject to a periodic inspection of the said Superintendent of Public Works. No encroachment, opening or excavation shall be finally concluded without the express written consent and approval of the said Superintendent of Public Works. (Ord. 6)

Sec. 8304. Conditions of Bond. The bond referred to in Section 8302 above shall be conditioned upon the applicant completing the encroachment, opening or excavation of the street or highway in accordance with the requirements of the Superintendent of Public Works and shall be in such amount as in the opinion of the Superintendent of Public Works will guarantee that the street or highway will be restored to the condition in which it was prior to the commencement of the work thereon or therein, and shall, in addition thereto, be in such form as may be prescribed by the City Attorney of the City of Grover City. (Ord. 6)

Sec. 8305. Curb and Gutter Construction. An encroachment permit shall be required for construction of curbs and gutters adjacent to public streets. No person shall construct any curb or gutter adjacent to any public street unless that person holds a C-8 license as a cement and concrete contractor; provided, however, that this Section shall not be deemed to prohibit a holder of a general building contractor's license from performing curb and gutter construction which is incidental to a project for which he is the contractor. (Ord. 129)

CHAPTER 4 - GRADING REGULATIONS

Sec. 8400. Title. The regulations contained in this Chapter may be known and referred to as the "Excavation and Grading Ordinance of the City of Grover City." (Ord. 36; Am. Ord. 77-1)

Sec. 8401. Purpose. The purpose of this Chapter is to establish minimum standards to safeguard life and property, control erosion and flood damage, and promote public welfare by regulating and controlling the design, construction and quality of materials, use, location and maintenance of grading, excavations and

fills in the City of Grover City. (Ord. 36: Am. Ord. 77-1)

Sec. 8402. Definitions. (A) Person means an individual person, firm, corporation, association, partnership, public agency, public district, or municipal corporation, but shall not include the City of Grover City.

(B) As-Graded is the surface conditions obtained on completion of grading.

(C) Bedrock is in-place solid rock.

(D) Bench is a relatively level step excavated into earth material on which fill is to be placed.

(E) Borrow is earth material acquired from an off-site location for use in grading on a site.

(F) Certification shall mean a written engineering or geological opinion concerning the progress and completion of the work.

(G) Civil Engineer shall mean a professional engineer registered in the State of California to practice in the field of civil works.

(H) Civil Engineering shall mean the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

(I) Compaction is the densification of a fill by mechanical means.

(J) Earth Material is any rock, natural soil or fill and/or any combination thereof.

(K) Engineering Geologist shall mean a geologist experienced and knowledgeable in engineering geology.

(L) Engineering Geology shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

(M) Erosion is the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

(N) Excavation is the mechanical removal of earth material.

(O) Fill is a deposit of earth material placed by artificial means.

(P) Grade shall mean the vertical location of the ground surface.

(Q) Existing Grade is the grade prior to grading.

(R) Rough Grade is the stage at which the grade approximately conforms to the approved plan.

(S) Finish Grade is the final grade of the site which conforms to the approved plan.

(T) Grading is any excavation or filling or combination thereof.

(U) Key is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

(V) Site is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

(W) Slope is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

(X) Soil is naturally occurring surficial deposits overlying bedrock.

(Y) Soil Engineer shall mean a civil engineer experienced and knowledgeable in the practice of soil engineering.

(Z) Soil Engineering shall mean the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

(AA) Terrace is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes. (Ord. 36; Am. Ord. 77-1)

Sec. 8403. Applicability. This Chapter shall be applicable to all territory within the city limits of the City

of Grover City. (Ord. 36; Am. Ord. 77-1)

Sec. 8404. Scope. Except as herein provided, these regulations shall apply to all new grading, excavations, fills, borrow-pits and borrow-areas, and to all alterations, changes, additions or repairs to existing excavations, fills, borrow-pits and borrow-areas occurring after the effective date of this Chapter, and no such work shall be commenced or completed except in compliance with these regulations. (Ord. 36; Am. Ord. 77-1)

Sec. 8405. Permits. No person shall commence or perform any grading, excavation, or fill without first obtaining a grading permit from the City, unless such work is exempt under Section 8406 or this Chapter . Where such a project is exempt under Section 8406, the prior approval of any grading excavation, or fill by the Public Works Director shall in all cases be required, and the Public Works Director shall have the power to impose any reasonable design requirements or conditions on such work which he deems necessary to prevent or alleviate any harmful effects which such work might cause to adjoining property. All fill material not contained by a retaining wall must be maintained at least two feet back from the property line.

Where a permit is required under this Section, a separate permit shall be required for each building site, but a single permit may be issued for the main building and all accessory buildings and structures and may include all grading, excavation, and fill on one building site.

In addition to any penalties otherwise prescribed for violation of this code, any person who begins any grading, excavation, or fill for which a permit is required under this Section, without obtaining such a permit, shall be required to pay a permit fee of twice the amount prescribed under Section 8410 of this Chapter. (Ord. 36: Am. Ord. 77-1)

Sec. 8406. Exceptions. A grading permit shall not be required in the following exceptions, but in all other respects the provisions of this ordinance shall apply:

(A) An excavation or fill which does not exceed 1.5 feet in vertical depth at its deepest point measured from the natural ground slope, and/or 50 cubic yards of material moved in any 12-month period. This exception shall not affect the applicability of this ordinance to, or the requirement of a grading permit for, any fill made with the material from such excavation.

(B) An excavation below finished grade for tanks, vaults, basements, swimming pools or footings of a building or structure authorized by a valid building permit. This exception does not apply to any fill using materials removed from such excavation.

(C) All work in any public road, right-of-way, or easement, unless the work affects or is involved in the construction of a building or structure subject to regulations of the City Building Code.

(D) Work in any street, road or highway owned and under the control of the State or a city.

(E) The stockpiling of rock, sand, aggregate or clay or the temporary stockpiling of each involved in the construction of a building or structure authorized by a valid building permit.

(F) Provided a conditional use permit therefor has been issued by the City of Grover City under applicable zoning ordinances, the mining, quarrying, excavating, processing or stockpiling of rock, sand or aggregate, unless such work affects the support of adjacent or contiguous property or structures.

(G) Farming and agricultural grading and operations, including farm roads, on parcels larger than five acres used primarily for agriculture.

(H) The digging of trenches by public agencies, or public utility companies or oil companies, for the purpose of installing public utility pipelines or underground wires or other public utility services or oil pipelines, where the slope of the existing grade is less than one vertical to five horizontal. All trenches in areas where the existing grade is steeper than one vertical to five horizontal shall require a permit. (Ord. 36: Am. Ord. 77-1)

Sec. 8407. Permit Application. Applications for grading permits shall be filed with the Department of Public Works on forms furnished by said Department and shall be accompanied by or include:

(A) A description of the land on which the proposed work is to be done, by lot, block, tract and street address or by similar description.

(B) A plot plan to scale showing property boundaries with dimensions, location of existing buildings and structures on the property and within 15 feet of the boundaries thereof, adjoining streets or easements, present contours and proposed contours after completion of grading, and details of proposed drainage structure, pipelines, walls and cribbing and plans for final disposition of all surface waters.

(C) Quantity and type of material to be graded, excavated or filled.

(D) Purpose of grading, excavation or fill.

(E) Source of material to be used for fill and/or location to which excavation material will be removed.

(F) A statement of starting and completion dates.

(G) A statement describing routes for hauling material, hours of work and methods of controlling dust.

(H) Name and address of person responsible for the correctness of work done under the permit and for requesting inspections.

(I) Plans and specifications when required herein.

(J) If grading exceeds 100 cubic yards, a grading plan, approved by the City Engineer, shall be required prior to the issuance of a grading permit. If grading exceeds 250 cubic yards, the grading plan shall be designed by a registered Civil Engineer. (Ord. 36; Am. Or. 77-1)

Sec. 8408. Who May Apply for Permit. If the quantity of material to be graded, excavated or filled exceeds 10,000 cubic yards, the application for a permit shall be made by the owner or lessee of the land upon which the grading, excavation or fill is to be made.

If the amount of such material to be removed is less than 10,000 cubic yards, the application may be made by the owner or lessee of the land upon which the grading, excavation or fill is to be made or by any authorized contractor or agent of such owner or lessee. (Ord. 36; Am. Ord. 77-1)

Sec. 8409. Denial, Revocation and Expiration of Permit. A permit shall not be issued where the work proposed is likely to endanger public or private property, taking into consideration saturation of earth by rains, surface water run-off, earth movement or subsurface conditions or susceptibility to erosion. Failure of any officer, agent or employee of the City to observe or recognized hazardous conditions shall not relieve the owner or permittee of responsibility for damages from work performed nor transfer responsibility for such damages to the City of Grover City nor to any of its officers, agents or employees.

Upon failure to comply with any of the conditions of this Chapter or the permit, the Public Works Director may revoke or suspend the permit and in either case shall notify the owner or permittee of such action and the reasons therefor.

If the operations of the permittee create an unreasonable nuisance by reason of dust or noise or otherwise, the Public Works Director may require the permittee to take reasonable measures to abate said nuisance and may revoke or suspend the permit until such measures are taken.

Grading permits shall expire and become null and void if the work authorized under such permit has not commenced within 120 days or is not completed within 90 days of the commencement of the physical work, except that prior to expiration of the permit, the Public Works Director may grant a reasonable extension of time upon a showing of evidence that unusual difficulties have prevented start or completion of the work within the time limits specified. (Ord. 77-1)

Sec. 8410. Permit Fees. (A) A fee for each grading permit shall be paid to the Public Works Director, as follows:

(1) 50 to and including 100 cubic yards	\$10.00
(2) Each additional 100 cubic yards to and including 500 cubic yards	\$ 3.00
(3) Each additional 100 cubic yards	\$ 1.00

Where materials are to be excavated under a valid permit provided for by this ordinance and no material is to be removed from the site of the excavation, the maximum permit fee shall be \$300.00. In all other cases, the maximum permit fee shall be \$500.00.

A plan checking fee equal to the grading permit fee shall be paid to the Public Works Director before plans and specifications are accepted for checking.

Public agencies shall not be required to pay a permit fee. (Ord. 36; Am. Ord. 77-1)

Sec. 8411. Inspections and Grading Certificate. During progress of work under a grading permit, inspections shall be made as provided herein; work shall not continue until approval of any required changes has been granted following inspection. The permittee shall be responsible for notifying the Department of Public Works at least 24 hours prior to the time when inspection is to be made.

(A) Initial inspection shall be made before any work is begun on excavation or fill, and at least two working days prior to issuance of the grading permit.

(B) Rough Grading Inspection shall be made during the work upon request of the owner, lessee or permittee and when all rough grading is completed.

(C) Structures Inspection shall be made when pipe or reinforcing is in place and before concrete is poured or pipe is covered, for all supporting, containing and protective structures.

After all requirements of the City have been met and the work approved by the Public Works Director and City Engineer, the Public Works Director shall issue a grading certificate after all grading work is completed, certifying that such work was completed in accord with the conditions of the permit and the provisions of this Chapter. (Ord. 36; Am. Ord. 77-1)

Sec. 8412. Special Supervision. The Public Works Director may authorize work done under supervision of a registered civil engineer retained by the owner or permittee, and accept such certifications by the engineer as will insure that the work was done in accord with the provisions of the permit and of this Chapter. (Ord. 36; Am. Ord. 77-1)

Sec. 8413. Special Precautions. The Public Works Director may issue a stop-work order if, at any time during progress of the work, it appears that public or private property is endangered, and may impose special precautions to be followed as a condition for continuance of the work. Such special precautions may include, but shall not be limited to, flatter exposed slopes, additional drainage facilities, berms, terracing, compaction, cribbing and retaining walls. In addition, whenever the Public Works Director determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this Ordinance. (Ord. 36; Am. Ord. 77-1)

Sec. 8414. Excavations and Fills. (A) No excavation shall be made with a cut face steeper in slope than three horizontal to one vertical, except under one or more of the following conditions:

(1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than three horizontal to one vertical, and a written statement of a Civil Engineer, retained by the owner or permittee, licensed by the State of California, to that effect is submitted and approved by the Public Works Director. The statement shall state that the site has been inspected and that the deviation from the slope specified above will not result in property damage. Where, in the judgment of the Public Works Director, additional tests are required, he may require soil tests and laboratory tests by a qualified soils engineer approved by the Public Works Director.

(2) A retaining wall or other approved support is provided to support the face of the excavation.

(B) All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any nuisance from dust, or spillage upon adjoining property or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. Roadways on the site shall be surfaced or wetted sufficient to prevent excessive dust.

(C) If drainage facilities and grading shall be so designed and maintained that drainage is directed into or upon public streets, it shall be done in a manner and at a location to be approved by the Director of Public Works or into natural or improved drainage channels in a manner and at a location approved by the Public Works Director.

(D) Exposed banks or slopes, both cut and fill, shall be smoothly finished by balding or hand sloping or equal, and no such bank or slope shall exceed a height of 15 feet without terraces or berms approved by the Public Works Director. Down drains from terraces shall consist of pipes or paved channels or other means approved by the Public Works Director.

(E) Berms having a minimum width of five feet shall be provided between the top or bottom of a slope and a road right-of-way.

(F) Road right-of-way lines shall be so designed that all cut and fill slopes are included within such right-of-way lines.

(G) All cut and fill slopes shall be within properties or parcels under one ownership, that is, they shall not be divided horizontally. The top and bottom of a slope shall not be closer than two feet to any property line.

(H) Exposed slopes shall be planted to prevent erosion, or otherwise protected, in a manner approved by the Public Works Director, unless by reason of soil conditions or the location of the site, the Public Works Director determines such planting is not necessary to prevent erosion.

(I) The Public Works Director may require an excavation to be made with a cut face flatter in slope than three horizontal to one vertical if he finds the material in which the excavation is to be made subject to erosion, or if other conditions make such flatter cut slope necessary for stability and safety.

(J) Excavations shall not extend below the angle of repose or natural slope of the soil under the nearest point of any footing or foundation of any building or structure, unless such footing or foundation is first properly underpinned or protected against settlement.

(K) No fill shall be made which creates any exposed surface steeper in slope than three horizontal to one vertical, except under the following conditions:

(1) The fill is located so that settlement, sliding or erosion of the fill material will not result in property damage or a hazard to adjoining property, streets or buildings;

(2) A written statement from a Civil Engineer, licensed by the State of California, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property, or result in property damage, is submitted to and approved by the Public Works Director.

(L) Whenever a fill is to be made of materials other than clean soil or earth, the grading permit issued by the Public Works Director shall be subject to the following additional limitations and

requirements.

(1) The fill shall be completed within a reasonable length of time, said time limit to be determined by the Public Works Director and to be specified on the grading permit.

(2) If required by the Public Works Director and City Engineer, no grading permit shall be issued for the filling of materials other than clean soil or earth until a faithful performance bond in the amount of at least 10% more than the estimated cost of adequately covering such fill with clean soil or earth has been filed with the Public Works Director and approved by him. Such faithful performance bond shall be executed by a corporate surety and shall be approved as to form by the City Attorney. Said bond shall insure to the benefit of the City of Grover City and be conditioned upon the faithful performance of the work required under the terms and conditions of the grading permit to the satisfaction of the Public Works Director. In lieu of said faithful performance bond, a cash deposit in said amount may be made with the Public Works Director.

(M) All fills intended to support buildings, structures, or where otherwise required to be compacted for stability of material, shall be compacted, inspected and tested in accordance with the following provisions:

(1) The natural ground surface shall be prepared by removal of top soil and vegetation, and, if necessary, shall be graded to a series of terraces.

(2) The fill shall be spread in a series of layers, each not exceeding six (6) inches in thickness, and shall be compacted by sheepsfoot roller or other approved method after each layer is spread.

(3) The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain required maximum density.

(4) The fill material after compaction shall have minimum relative density of not less than 90% of maximum density, as determined by the AASHTO Soil Compaction Test, T99-49, as modified, to use 25 blows of a 10 pound hammer falling 18" on each of three layers of soil in a 1/30 cubic foot cylinder, or other approved testing method giving equivalent test results, in all portions of the fill requiring compaction.

(5) A compaction test, as herein provided, shall be taken for each 18" of fill, or portion thereof, measured vertically from the lowest point of the area to be filled.

(6) A written report of the compaction, showing locations and depth of test holes, materials used, moisture conditions, recommended soil bearing, pressures, and relative density obtained from all tests, prepared by a civil engineer licensed by the State of California, shall be submitted to the Public Works Director for approval.

(N) Two-foot retaining walls constructed from 2" x 12" redwood shall be allowed provided the wall is three feet or more from the property line and fill does not exceed 1 ½ feet. This type construction shall be allowed for terracing inside of lot or yard only, subject to approval by the Public Works Director and the City Engineer.

(O) Walls within three feet of property line. All retaining walls built within three feet of any property line shall be of masonry or concrete construction. The fill behind such wall shall not be higher than six inches below the top of the wall.

(P) The Public Works Director may require additional tests or information if the conditions or materials are such that additional information is necessary and may modify or delete any of the above-listed requirements that are unnecessary. (Ord. 36: Am. Ord. 77-1)

Sec. 8415. Appeal. If a permit is denied or revoked under Section 8409 hereof, the applicant may appeal to the City Council of the City of Grover City. Such appeal must be in writing and set forth the reason for the denial or revocation of the permit and the grounds for appeal, and must be accompanied by a full and correct copy of the applicant's application for such permit. The appeal shall be filed with the City Council

or with the City Clerk, accompanied by a nonrefundable fee of \$25.00. After receipt of the written appeal, the City Council shall set a date for hearing thereon and cause the applicant to be notified of the time and place for said hearing. At the hearing on said appeal, the applicant or licensee shall present competent evidence and proof that the work proposed to be done can and will be done in compliance with the terms and requirements of this Chapter and of any other laws applicable. The City Council may hear any other pertinent evidence and make any investigations and require any other reports and evidence which the Board may consider pertinent in the matter. After such hearing and making any investigations it deems necessary, if the Council finds and determines that the excavation proposed may be made in compliance with the terms of this Chapter and any other laws applicable and in such a manner that the resulting excavation or fill will not unreasonably endanger life or property, the Council may impose any reasonable condition and order the Public Works Director to issue said permit or, in the case of revocation of a permit, to reinstate said permit upon compliance by the permittee with all conditions imposed. (Ord. 36: Am. Ord. 77-1)

Sec. 8416. Responsibility of Permittee. The permittee and his agents shall carry out the proposed grading in accordance with approved plans and specifications, the conditions of the permit and with the requirements of this Chapter. The permittee and his agents shall maintain all required protective devices and temporary drainage during the progress of the grading work and shall be responsible for observance of hours of work, dust controls and methods of hauling. The permittee or his agents shall be responsible for maintenance of the site until such time as a certificate or notice of final approval has been granted by the Public Works Director. The permittee, his agents and each or all of them shall become subject to the penalties set forth herein in the event of failure to comply with this Chapter and other applicable laws of the City of Grover City. No approval shall exonerate the permittee or his agents from the responsibility of complying with the provisions and intent of this Chapter. If at any time it is determined by the Public Works Director that material has been spilled upon City roads during the course of hauling material from the site by the permittee, the Public Works Director shall immediately notify the permittee to remove the material from the City road and to clean the City road including the sweeping thereof. If such material is not removed and the City road cleaned within 48 hours after receiving such notice, the Public Works Director may cause the street to be cleaned by City forces at the expense of the permittee. (Ord. 36: Am. Ord. 77-1)

Sec. 8417. Bond. Upon recommendation of the Public Works Director, the applicant for a grading permit shall file a performance bond, on a form approved by the City Attorney and the Public Works Director prior to the issuance of any grading permit. In general, minor projects will not require bonds and major projects may. In lieu of the bond, the applicant may make a deposit of cash or of a certified check or cashier's check. (Ord. 36; Am. Ord. 77-1)

Sec. 8418. Amount of Bond or Deposit. The amount of the bond or deposit shall be fixed by the Public Works Director, based upon the yardage and possible abatement costs to the City and sufficient to insure prompt completion of the entire excavation project within specified time limits and in compliance with plans and specifications therefor. (Ord. 36; Am. Ord. 77-1)

Sec. 8419. Form of Bond. The bond shall:

- (A) Be in form joint and several;
- (B) Name the City of Grover City as obligee;
- (C) Provide that the term of each bond shall begin upon the date of filing with the City, and shall remain in effect until grading is completed and approved by the Public Works Director and a notice of completion is filed;

(D) Provide that in the event of failure to complete the work authorized by the grading permit, the Public Works Director, subject to the approval of the City Council may order and proceed to complete necessary emergency work, and the surety shall be bound under a continuing obligation for the payment of all costs incurred thereby;

(E) Provide that the surety assents to any extension of the time limit which may be approved by the Public Works Director. (Ord. 36; Am. Ord. 77-1)

Sec. 8420. Condition of Bond or Deposit. Every bond posted and every deposit made pursuant hereto shall be conditioned as follows:

(A) That all work will be done in accordance with approved plans and specifications and in compliance with all the terms and conditions of the grading permit;

(B) That all work will comply with provisions of this Chapter and other applicable laws;

(C) That all maintenance shall be performed for the period of time determined by the Public Works Director and made a condition of the grading permit. (Ord. 36; Am. Ord. 77-1)

Sec. 8421. Assent of Surety. The surety hereby consents to any extension of time granted the permittee by the Public Works Director. (Ord. 36; Am. Ord. 77-1)

Sec. 8422. Blanket Bond. Any contractor or other person engaged in continuous or repeated excavations may post a blanket bond or a blanket deposit in an amount sufficient to insure prompt completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the bond or deposit, the Public Works Director may require additional bond or deposit to insure completion of all work being done at any one time. (Ord. 36; Am. Ord. 77-1)

Sec. 8423. Violations and Penalties. No person, as herein defined, shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any provision of this Chapter.

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted.

For each day's violation of any of the provisions of this Chapter, or commission, continuance or permission thereof, the violator shall be levied a fine of \$50.00, in addition to abatement costs, bond proceeds or other monies due the City. In the event the grading permit is revoked or the job stopped by the City, the violator shall pay all the abovementioned costs prior to reissuance of a grading permit or continuance of the grading, other than grading required to bring the work into compliance with this Chapter. (Ord. 77-1)