

ORDINANCE 15-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING THE MUNICIPAL CODE BY ADDING ARTICLE XIX TO CHAPTER 7 ESTABLISHING GRADING REGULATIONS.

THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The title of Chapter 7 of the City of El Centro Municipal Code is hereby amended to read as follows: “BUILDINGS AND CONSTRUCTION REGULATIONS.”

SECTION 2. Chapter 7 of the City of El Centro Municipal Code is hereby amended by adding Article XIX entitled “Grading Regulations,” which reads as follows:

“ARTICLE XIX –GRADING REGULATIONS

Sec. 7-120. - Definitions

City means the City of El Centro.

City Engineer means the City Engineer of the City of El Centro acting, either directly or through properly authorized agents, within the scope of the particular duties delegated to that person.

Erosion means the wearing away of the ground surface by the actions of water, wind, ice, gravity or a combination thereof.

Erosion Control Plan has the same meaning as in City Code section 7-124.

Grading means any excavation, filling, leveling or combination thereof, but excludes stripping or clearing.

Land Disturbance means the clearing, grading, excavation, stockpiling, or other construction activity that result in the possible mobilization of soils or other *Pollutants* into the *MS4*. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety.

MS4 has the same meaning as in City Code Section 22-701.

Permittee means any person undertaking *land disturbance* activities upon a site pursuant to a permit granted by the *City Engineer*.

Pollutant has the same meaning as in City Code section 22-701.

Runoff means the movement of surface water over ground surface.

Sediment means eroded earth material that is carried or deposited by water, wind, gravity or ice, and is a major source of water pollution.

Sec. 7-121. - When Permit Required—Exceptions.

- (a) No person, firm, association, corporation or organization, except public entities and their officers, employees or contractors who are performing work within publicly owned rights-of-way, shall, within the *City*, do any *grading* or earthwork construction without having first obtained a permit therefore from the *City Engineer*.
- (b) This chapter does not apply to performing the following work:
 - (1) Development activity that results in *land disturbance* of less than 10,000 square feet and the addition, creation, or replacement of less than 5,000 square feet of impervious surface;
 - (2) Construction of irrigation and drainage appurtenances;
 - (3) Agricultural land leveling.

Sec. 7-122. - Applicant for Permit

Applicants for permits shall apply to the *City Engineer* and shall submit detailed plans of all existing and proposed elevations and structures, property lines, irrigation and drainage systems, and protective devices, including fences and barricades, used in connection with the proposed work. The *City Engineer* may require, in addition, an engineer's geological report and a soil engineering report in connection with the proposed work.

Sec. 7-123. - Permit—Conditions Required for Issuance

- (a) After the data required to be submitted pursuant to 7-122 has been reviewed by the *City Engineer*, he or she may issue a grading permit if all of the following conditions exist:
 - (1) The *grading* or earthwork construction will not extend below the water table of the immediate area;
 - (2) Where the transition between the grading plane and adjacent ground has a slope less than the ratio of one and one-half feet on the horizontal plane to one foot on the vertical plane, the plans and specifications will provide for adequate safety precautions.
 - (3) The site's *Erosion Control Plan* meets the requirements of City Code Section 7-124.
- (b) The *City Engineer* shall specify the duration of the permit. Permits may be renewed upon application to the *City Engineer*.

Sec. 7-124. - Erosion Control Plan

An *Erosion Control Plan* shall indicate proposed measures for the control of *runoff*, *erosion* and *sediment* movement. The *Erosion Control Plan* shall include, as a minimum, the measures designed to meet the standards established in Chapter 22, Article VII of the City Code and the City's Storm Water Management Plan. The *Erosion Control Plan* shall be prepared and signed by a registered civil engineer licensed to practice in the State of California. No *land disturbance* activity may take place on the site prior to approval by the *City Engineer* of an *Erosion Control Plan* for that activity. The *permittee* shall

maintain a copy of the approved *Erosion Control Plan* in an obvious and accessible location on the site. The plan shall include the following:

- (a) Identification of all temporary and permanent structural and nonstructural erosion and sediment control best management practices that will be used to meet the requirements of Chapter 22, Article VII of the City Code and the City's Storm Water Management Plan. Details and references to standard fact sheets shall be included where applicable.
- (b) The location of all the practices listed above shall be depicted on the grading plan and shall include measures for all surfaces exposed or expected to be exposed during *grading* activities.
- (c) An itemized estimate of the cost of implementing and maintaining all erosion and sediment control practices throughout the *land disturbance* activity.

Sec. 7-125. - Applicant's Liability

No person, firm, organization or corporation shall be relieved from responsibility or liability in connection with any *grading* or earthwork construction undertaken by it by reason of the issuance of the permit by the *City Engineer*.

Sec. 7-126. - Violations

It is unlawful for any person, firm, organization or corporation to violate any of the provisions of this article.

Sec. 7-127. - Severability.

If any portion of this article is held to be unconstitutional, it is the intent of the city council that such portion of the article be severable from the remainder and that the remainder be given full force and effect."

SECTION 3. This ordinance shall take effect thirty (30) days from and after its adoption.

SECTION 4. Within fifteen (15) days after adoption, the City Clerk shall cause this ordinance with the names of those City Councilpersons voting for and against the ordinance to be published once in a newspaper of general circulation published and circulated within the City of El Centro, California.

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INTRODUCED at a regular meeting of the City Council of the City of El Centro California, held on the 6th day of Oct. , 2015.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 20th day of Oct., 2015.

CITY OF EL CENTRO

By _____
Efrain Silva, Mayor

ATTEST:

By _____
L. Diane Caldwell, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By _____
Kris M. Becker, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) ss
CITY OF EL CENTRO)

I, L. Diane Caldwell, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Resolution No. 15-12 was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California, held on the 20th day of Oct., 2015, by the following vote:

AYES: Sanders, Jackson, Silva, Viegas-Walker, Cardenas
NOES: None
ABSENT: None
ABSTAINED: None

AYES: Sanders, Jackson, Silva, Cardenas
NOES: None
ABSENT: Viegas-Walker
ABSTAINED: None

By _____
L. Diane Caldwell, City Clerk