

LAND GRADING AND EROSION CONTROL

CHAPTER 16.44

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16.44.010 PURPOSE. It is the intent of the Board of Supervisors in enacting this Chapter to

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minimize damage to surrounding properties and public rights-of-way, the degradation of the water quality of watercourses, and the disruption of natural or County authorized drainage flows caused by the activities of clearing and grubbing, grading, filling and excavating of land, and sediment and pollutant runoff from other construction related activities, and to comply with the provisions of the County's National Pollutant Discharge Elimination System (NPDES) Permit Number, CA0082597, issued by the California Regional Water Quality Control Board (Regional Board).

These goals will be achieved by establishing administrative procedures, minimum standards of review, and implementation and enforcement procedures for controlling erosion, sedimentation and other pollutant runoff, including construction debris and hazardous substances used on construction sites, and the disruption of existing drainage and related environmental damage caused by the aforementioned activities. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.020 DEFINITIONS. As used in this Chapter, the following words and phrases shall have the meanings given in this section:

- (1) "Administrator" means the Administrator of the Public Works Agency of Sacramento County or his or her designated representative(s).
- (2) "Applicant" means any person who submits an application for a permit pursuant to this Chapter.
- (3) "Civil engineer" means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the State of California.
- (4) "Clearing and grubbing" means moving or removing by manual or mechanical means trees, vegetation and/or the top four (4) inches or greater of soil.
- (5) "Compaction" means the act of compacting or consolidating soil and rock material to a specified density, and the resulting compacted state of the material.
- (6) "Construction site" means any land area on which the activity of clearing and grubbing, grading, excavating, or filling is occurring.
- (7) "County" is the County of Sacramento.
- (8) "County Specifications" means the County Improvement Standards, County Standard Construction Specifications and other standards included in applicable County ordinances, regulations and manuals, as amended from time to time.
- (9) "Engineering geology" means 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.
- (10) "Environmental Coordinator" is the County official designated by the County Executive to prepare and process environmental documents.
- (11) "Erosion" means the transport of the ground surface or soil as a result of the movement of wind or water.
- (12) "Erosion control measures" means seeding, mulching, vegetative buffer strips, sod, plastic covering, burlap covering, watering and other measures which control the movement of the ground surface or soil.
- (13) "Grade" is the elevation of the ground surface as measured from a known vertical control.
- (14) "Grading" includes the act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or

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controlled by human activity involving the physical movement of rock or soil.

(15) "Hazardous Substances" means those materials listed in Title 40 of the Code of Federal Regulations (40 CFR) Part 117 and/or 40 CFR Part 302.

(16) "National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Clean Water Act.

(17) "Permittee" means the applicant in whose name a valid permit is issued pursuant to this Chapter and the applicant's agents, employees and designated representative(s).

(18) "Person" means any individual, corporation, partnership, association of any type, public agency or any other legal entity.

(19) "Pollutants" is as defined in Title 40 CFR Part 122.

(20) "Runoff" is surface runoff and drainage related to storm events, snow melt, street washwaters related to street cleaning or maintenance and other waters associated with the construction activity which are or may be introduced into the municipal separate storm sewer system.

(21) "Sediment" means soil or earth material deposited by water.

(22) "Sediment control measures" means dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other measures which control the deposit of soil or earth material.

(23) "Site" means a parcel or parcels of real property owned by one or more than one person on which activity regulated by this Chapter is occurring or is proposed to occur.

(24) "Slope" is an inclined ground surface the inclination of which is expressed as a percent.

(25) "Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground.

(26) "Watercourse" means a river, stream, creek, basin, lake, pond, waterway, or channel, natural or man-made, having a defined bed and banks. Whenever a watercourse consists of an ordinary channel, and in addition thereto, an overflow channel, the watercourse shall be deemed to include all property lying between the banks of the overflow channel.

(27) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs and marshes. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.030 DELEGATION. Whenever in this Chapter an authority or power is vested in or a duty is imposed upon an officer or official, an employee subordinate to the officer or official to whom an appropriate delegation has been made shall be entitled to exercise the power or authority and perform the duty. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.040 ADMINISTRATION. Except as otherwise provided, the Administrator is responsible for administering this Chapter and Grading and Erosion Control Permits, and is authorized from time to time to promulgate and enforce rules or regulations consistent with and necessary to implement the purposes, intent and express terms of this Chapter.

Any rules or regulations promulgated by the Administrator, or amendments thereof, shall be

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filed with the Clerk of the Board of Supervisors. The Clerk shall cause said rules or regulations to be published in a newspaper of general circulation within ten calendar days. No rules or regulations promulgated by the Administrator, or amendments thereof, shall be enforced or become effective until thirty (30) calendar days following the date on which the rules or regulations are published. Any person shall have fifteen (15) days after the date of publication in which to file an appeal in accordance with the provisions of Section 16.44.300. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.050 PERMITS REQUIRED. Except as provided by Sections 16.44.060, 16.44.065 or 16.44.070, a Grading and Erosion Control Permit shall be required to (1) grade, fill, excavate, store or dispose of 350 cubic yards or more of soil or earthly material or (2) clear and grub 1 acre or greater of land within the unincorporated area of the county. A separate permit is required for work on each site unless sites are contiguous, have the same ownership, and are included in the approved plan. Any determination by the Administrator as to whether a permit is required may be appealed pursuant to the provisions of Section 16.44.300. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.060 PERMITS NOT REQUIRED. (A) A Grading and Erosion Control Permit shall not be required to (1) grade, fill, excavate, store or dispose of less than 350 cubic yards of soil or earthly material or (2) clear and grub less than 1 acre of land within the unincorporated area of the county or (3) for the grading, filling, excavating, storing, disposing, or clearing and grubbing for:

- (a) Swimming pools, basements, or footings of structures if authorized by a valid building permit;
- (b) Underground utilities;
- (c) Mining or quarry operations, if a use permit has been granted by the County.
- (d) Refuse disposal sites operated by a governmental agency;
- (e) The production of planted agricultural crops;

(B) Notwithstanding the provisions of subsection (A) hereof exempting specified activities from the otherwise applicable permit requirements, the activities described in subsection (A) shall be subject to the standards and requirements of this Chapter. Any building permit issued in connection with the activities described in subsection (A) or in connection with any building permit issued for a single family residence on an individual lot may be conditioned on compliance with the standards and requirements of this Chapter. Any inspections required pursuant to this Chapter or any other Chapter of Title 16 of the Sacramento County Code shall include a determination of compliance with the purpose of this Chapter. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.065 EXEMPTIONS. A Grading and Erosion Control Permit shall not be required for, and the provisions of this Chapter shall not apply to, grading, filling, excavating, storing, disposing, or clearing and grubbing for situations where, in the determination of the Administrator, there is a clear and imminent danger to life or property, or threat of loss of services for which there is an overriding public concern. The Administrator may, at the time of granting such exemption, impose conditions in accordance with Section 16.44.170, including but not limited to, the requirement for the posting of security. Such exemption must be requested from the Administrator and approved in writing prior to the commencement of any activity regulated by this Chapter.

(SCC 1002 §3, 1995)

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16.44.070 IMPROVEMENT PLANS. Where an improvement plan is being processed in conjunction with either an approved tentative, parcel, or final map; or a development plan is being processed in accordance with the provisions of Title 12 of this code, such plan shall also be considered as a request to undertake those activities regulated by this Chapter. Such plans shall be reviewed and approved, conditionally approved or denied in accordance with the standards and requirements set forth in this chapter and other applicable county specifications. For an approved tentative, parcel, or final map, or development plan; any submitted improvement plans shall include provisions to require compliance with the standards and requirements of this Chapter. If an improvement plan is approved, then a Grading and Erosion Control Permit shall not be required. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.080 APPLICATION CONTENTS. The application for a Grading and Erosion Control Permit shall be filed in the Office of the Administrator, and on a form and submitted with such information as is prescribed by the Administrator, including the following:

- (A) The name, address and telephone number of the applicant and the applicant's engineer;
- (B) The address and parcel number of the location for which the permit is sought;
- (C) A copy of all entitlements granted for the property by the County, including conditions of approval and the environmental documentation;
- (D) A copy of all required state and federal permits;
- (E) Plans conforming with the requirements of Section 16.44.090;
- (F) Specifications conforming with the requirements of Section 16.44.100, if the Administrator expressly requires this information;
- (G) Security conforming with the requirements of Section 16.44.110;
- (H) Right of Entry conforming with the requirements of Section 16.44.120;
- (I) Fees conforming with the requirements of Section 16.44.130;
- (J) Other information as may be required by the Administrator. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.090 PLANS. Plans shall be prepared by a civil engineer in conformance with County Specifications and shall include the following:

- (A) A vicinity map indicating the site location and significant geographic features;
- (B) A site delineation map indicating boundary lines of the property and each lot or parcel into which the site is proposed to be divided;
- (C) The location of on-site and surrounding watercourses and wetlands, existing and proposed drainage systems, and drainage area boundaries and acreages. Additional hydrologic analysis shall be provided as required by the Administrator;
- (D) The location of existing and proposed roads and structures on the site, and on adjacent property;
- (E) Accurate contours at two foot intervals for slopes up to ten percent and five foot intervals for slopes over ten percent showing topography of existing ground and locations of existing vegetation, including all oak trees, all other trees over six inches in diameter measured at four and one-half feet above the ground, groves of trees, and natural features such as rock outcroppings. Spot elevations will be required where relatively flat conditions exist. The spot elevations or contour lines shall be extended off-site for a minimum distance of fifty (50) feet, or one hundred (100) feet in flat terrain;
- (F) Elevations, location, extent and slope of all proposed grading shown by contours, cross-

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sections or other means, and location of any disposal areas, fills or other special features to be included in the work;

(G) A statement of the quantity of material to be excavated, the quantity of material to be filled, whether such excavation or fill is permanent or temporary, and the amount of such material to be imported to or exported from the site;

(H) A delineation of the area to be cleared and grubbed;

(I) A statement of the estimated starting date, grading completion date, and when site improvements will be completed;

(J) The location, implementation schedule, and maintenance schedule of all erosion control measures and sediment control measures to be implemented or constructed prior to, during or after the proposed activity;

(K) A description of measures designed to control dust and stabilize the construction site road and entrance;

(L) A description of the location and methods of storage and disposal of construction materials;

(M) Any additional plans required by the Administrator.

(SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.100 SPECIFICATIONS. When required by the Administrator, the following information shall be prepared and signed by a civil engineer, and submitted with the application for a Grading and Erosion Control Permit:

(A) Preparation of natural ground to occur prior to placement of fill, including provisions for removal of organic or deleterious materials;

(B) Quality control of native or imported fill material;

(C) Degree of compaction;

(D) Gradient of cut and fill slopes;

(E) Geotechnical engineering or engineering geology reports used in the development of the above information. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.110 SECURITY. (A) Prior to issuance of the permit, the applicant shall provide security in an amount estimated by the Administrator to be the cost for stabilizing the activity site if the site is abandoned or work is stopped during the performance of the activity described in the permit. The security shall be one of the following, subject to the approval of the Administrator;

(1) Bond or bonds by one or more duly authorized corporate sureties.

(2) A deposit, either with the County or a responsible escrow agent or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

(3) An instrument of credit from an agency of the state, federal or local government when an agency of the state, federal, or local government provides at least 20 percent of the financing for the project, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary are on deposit and guaranteed for payment, or a letter of credit by such financial institution.

(B) The security shall be released to the permittee upon either:

(1) Issuance of a certificate of completion, provided no administrative or legal action against such security has been commenced prior to that date and the permittee has complied with the

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provisions of Section 16.44.260; or

(2) Voluntary relinquishment of the permit by the holder thereof to the County, provided no administrative or legal action against such security has been commenced prior to that date and the permittee has complied with the provisions of Section 16.44.250. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.120 RIGHT OF ENTRY. Whenever any portion of the work requires entry onto adjacent property for any reason, the applicant shall obtain the written consent of the adjacent property owner or his authorized representative, and shall file a copy of said consent with the Administrator before a permit for such work may be issued. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.130 PERMIT FEES. A fee shall be paid by the applicant to the County for plan checking and review, materials testing, site inspections, processing, issuance and other services performed by the Administrator in connection with the investigation of an application for, and administration of, a Grading and Erosion Control Permit. The fees for these services shall be in the amount of the actual costs incurred by the County based on the hourly rate of the personnel performing the services, including all overhead costs, and as determined by the Accounting and Fiscal Services Section of the Public Works Agency.

A minimum deposit of seven hundred and fifty dollars (\$750) shall be paid by the applicant at the time of and with the filing of the application with the Administrator. In the event the accrued costs exceed the initial deposit, the County shall submit a monthly bill to the applicant for the amount owing as of the date on the bill. Interest of one and one-half percent (1-1/2%) per billing period (28 day cycle) compounded each billing period shall be added to the unpaid balance due to any amount which has not been paid in full within twenty-eight (28) days from the date on the bill.

The Administrator shall not perform any services for an applicant if an amount owing is not paid within twenty-eight (28) days, until such time that all amounts owing and interest thereon is paid in full. The balance of fees owing shall be paid in full prior to final inspection. In the event the actual costs do not exceed the minimum deposit amount, the County shall reimburse the applicant the difference between the deposit amount and the actual total charges. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.140 ENVIRONMENTAL REVIEW. Grading and erosion control permits, and amendments thereto, are subject to the requirements of the California Environmental Quality Act (CEQA). The applicant shall furnish a copy of the application to the Environmental Coordinator for preparation and processing of the appropriate environmental documents. The Administrator is authorized to hold public hearings on Negative Declarations, Draft Environmental Impact Reports and Final Environmental Impact Reports prepared on applications for Grading and Erosion Control Permits, for the purposes of receiving comments from the public. The Administrator shall not approve a Grading and Erosion Control Permit prior to considering the applicable environmental document and complying with the requirements of CEQA and the County Procedures for Preparation and Processing of Environmental Documents. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.150 APPLICATION REVIEW. The Administrator shall review and approve, conditionally approve or deny Grading and Erosion Control Permit applications and improvement plans in accordance with the provisions of this Chapter. Grading and Erosion Control Permit applications and improvement plans shall be issued or approved unless the Administrator finds in writing that:

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(A) The applicant has failed to provide sufficient or adequate plans, information or other data necessary to allow determinations respecting compliance with the provisions of this Chapter or County Specifications;

(B) The environmental review has not been completed, other provisions of this code or of state law pertaining to environmental review have not been satisfied, or the activity will have significant adverse environmental impacts which cannot be substantially mitigated. Where the activity will have significant adverse impacts, the Administrator may approve the permit in accordance with the provisions of this Chapter, Title 20, and the California Environmental Quality Act of 1970;

(C) The proposed activity will violate provisions of this Chapter, County Specifications, or state or federal laws, and such violation cannot be resolved by the imposition of conditions pursuant to Section 16.44.170.

(D) The proposed activity will adversely affect surrounding properties and public rights-of-way, the water quality of watercourses, and existing drainage. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.160 CONTENTS OF PERMIT. The Grading and Erosion Control Permit shall include but not be limited to a complete description of the activity for which it is issued, the property for which it is issued, the date of issuance and the date of expiration, and a description of any and all conditions upon which the permit has been issued. The permit shall be kept at the site during the activity for which the permit was issued. A Grading and Erosion Control Permit authorizes the permittee to undertake only that activity described in the permit and only on the property for which the permit is issued. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.170 CONDITIONS. The Administrator may at the time of issuance of the Grading and Erosion Control Permit impose such conditions as are necessary to ensure compliance with this Chapter, County Specifications, or state or federal laws. Such conditions shall be reasonably related to the public needs created by the proposed activity. Conditions to mitigate environmental impacts of the activity may also be imposed by the Administrator. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.180 PROCEDURE FOR IMPOSITION. Any condition imposed pursuant to the provisions of Section 16.44.170 shall be embodied, together with the reasons therefor, in the permit and served upon the applicant or permittee. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.190 TERM. A Grading and Erosion Control Permit shall be effective on the date of issuance, and shall remain in force for one year, unless suspended or revoked by the Administrator, or voluntarily relinquished by the permittee. Before the expiration of a permit, a permittee may apply for an extension of time in which to complete the activity. One extension of not more than one year may be granted by the Administrator. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.200 TRANSFERABILITY. A Grading and Erosion Control Permit shall not be transferable or assignable from one person to another, unless approved by the Administrator and the person to whom the permit is to be transferred agrees to comply with the requirements of the original permit and to any conditions imposed therein. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.210 DENIAL OF PERMIT. The Administrator shall deny an application for a Grading

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and Erosion Control Permit if any of the findings in Section 16.44.150 are made. Notice shall be served on the applicant, in writing with the reasons stated therefor, pursuant to the provisions of Section 16.44.340. (SCC 0928 § 2, 1993). (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.220 AMENDMENT OF PERMIT. Any proposed changes in the activity authorized by the permit shall be submitted to the Administrator for review. The permittee shall not undertake or allow activity to occur which does not conform with the plans or conditions of the original permit, unless approved by the Administrator. The Administrator shall review any proposed changes in the same manner and pursuant to the same standards as the original application. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.230 REQUEST FOR INSPECTION. Requests for inspection of any site subject to the provisions of this Chapter shall be made to the Administrator at the following phases of activity. Such a request shall be made at least two full business days in advance of the desired day of inspection.

(A) When the site has been cleared of vegetation and unapproved fill, and scarified, benched, or otherwise prepared and before any fill is placed; and the erosion control and sediment control measures to be implemented in this phase have been placed;

(B) When approximate final elevations have been established; drainage terraces, swales and other drainage devices have been graded and are ready for paving; berms have been installed at the top of slopes; and the erosion control and sediment control measures to be implemented in this phase have been placed;

(C) When work has been completed; slope planting established and irrigation systems installed, if required; and the erosion control and sediment control measures to be implemented in this phase have been placed.

The Administrator, upon inspection of the site, shall notify the person or permittee (1) that the phase of work inspected is approved, or (2) what deficiencies, corrections or other work needs to be completed before approval of that phase. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.240 REPORTS. Notification to the Administrator shall be required within twenty-four (24) hours following the failure of authorized measures to prevent erosion or sediment from leaving the construction site; the deposit of debris or material on adjoining property or public rights-of-way, or; the interference with any existing watercourses or drainage facilities. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.250 CESSATION OF WORK. If activity is ceased on site for any reason for a period in excess of fifteen (15) calendar days, and before the activity being conducted under the permit is completed, all necessary steps shall be taken to prevent damage through erosion or sedimentation to adjoining properties or to the public rights-of-way or to any natural or artificial drainage facilities or watercourses. The premises shall also be graded to blend into the adjacent terrain. The Administrator shall be notified as soon as possible, but no later than fifteen (15) calendar days, after the cessation of work. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.260 COMPLETION OF WORK. After completion of work in accordance with and conforming with an approved permit and delivery to the County of record plans and a grading plan as finally implemented, and payment of all fees, the Administrator shall issue a certificate of

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completion. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.270 INSPECTION. The Administrator may enter and inspect property for which a Grading and Erosion Control Permit has been applied to determine applicability or compliance with this Chapter and County Specifications. The Administrator may also inspect any and all property on which grading, filling, clearing and grubbing or excavating activities are occurring. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.280 GROUNDS FOR SUSPENSION AND REVOCATION. A Grading and Erosion Control Permit may be suspended if:

- (A) The physical state of the property differs from the descriptions, plans or information furnished to the Administrator in the permit application;
- (B) The activity does not conform to the approved plans, grades, conditions or terms of the permit;
- (C) The activity is in violation of this Chapter, County Specifications, or state or federal laws;
- (D) Any reports required to be submitted to the Administrator have not been submitted; or,
- (E) Any of the information contained in reports submitted to the Administrator is in error. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.290 METHOD OF SUSPENSION OR REVOCATION. The Administrator may suspend or revoke a Grading and Erosion Control Permit by issuing a notice of suspension or revocation, stating the reasons therefor, and serving same, upon the permittee. Upon suspension or revocation of a permit, in accordance with the provisions of this Section, the permittee shall immediately cause all grading, filling, excavating, storing, disposing or clearing and grubbing to cease until written authorization is received from the Administrator to proceed with the activity.

The permittee shall have fifteen (15) calendar days after the date of service of the suspension or revocation in which to file an appeal in accordance with the provisions of Section 16.44.300. If such an appeal is filed, the suspension or revocation shall remain in force and be effective until a final decision on the appeal is issued by the Board of Supervisors.

If the Administrator suspends a permit, such permit may either be reinstated or revoked by the Administrator, depending upon whether the permittee corrects the grounds stated for the suspension in the notice issued by the Administrator. If the permittee fails to remedy the grounds for suspension within a time period specified by the Administrator, but in no event later than sixty (60) calendar days, the Administrator shall revoke the permit. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.300 APPEALS. If the applicant for a Grading and Erosion Control Permit, the permittee, or other persons whose property rights may be affected is dissatisfied with any determination made by the Administrator, such person may appeal to the Board of Supervisors. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the Clerk of the Board of Supervisors not later than fifteen (15) calendar days after the date of the action being appealed. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

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16.44.310 APPEAL FEE. The Board of Supervisors shall by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.320 APPEAL HEARINGS. After the filing of an appeal within the time and in the manner prescribed by Section 16.44.300, the Board of Supervisors shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the Administrator and the appellant not later than ten days preceding the date of the hearing. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.330 ACTIONS ON APPEALS. The Board of Supervisors shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including the granting of a Grading and Erosion Control Permit. Any hearing may be continued from time to time.

At the conclusion of the hearing, the Board of Supervisors shall prepare a written decision which either grants or denies the appeal, and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be filed with the Clerk of the Board of Supervisors. The Clerk shall serve such decision on the applicant or permittee and the Administrator. The decision of the Board of Supervisors shall become final upon the date of filing and service with respect to any appeal. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.340 NOTICES. Any notice authorized or required by this Chapter shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States mail, first class postage prepaid, and addressed to the party to whom it is directed.

Whenever a provision in this Chapter requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once not later than ten (10) calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the County. The same type of notice shall also be served on each permittee whose permit may be affected by the action taken at the conclusion of the hearing. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.350 ACTION AGAINST AND RELEASE OF SECURITY. The Administrator may commence action against the security provided by a permittee if:

(A) The permittee ceases activities on site prior to completion of work without complying with the provisions of Section 16.44.250;

(B) The permittee fails to comply with the terms of the permit;

(C) The activity has caused or is threatening to cause damage or injury to persons, property or the environment.

The monies so obtained shall be used solely to finance remedial work undertaken by the County or a private contractor under contract to the County, and to reimburse the County for any administrative costs and expenses incurred in remedying the situation, including attorneys fees and legal costs incurred in any necessary action to obtain the security. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

LAND GRADING AND EROSION CONTROL

16.44.360 VIOLATIONS. Except as otherwise specifically provided, pursuant to the provisions of Government Code Section 25132, violation of any of the provisions contained in this Chapter shall constitute an infraction subject to a fine of one hundred (100) dollars for each day or any portion thereof a violation continues.

Violation of any of the provisions of this Chapter following notice to the permittee by the Administrator advising of the violation and ordering a cessation thereof, shall pursuant to the provisions of Section 1.01.190 contained in Title 1 of this Code, constitute a misdemeanor.

Violation of any of the provisions of this Chapter may be remedied by injunction or other civil proceeding commenced in the name of the County pursuant to direction by the Board of Supervisors. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)

16.44.370 LAWS NOT ENFORCED. There are many ordinances and other laws applicable to activities permitted under this Chapter which are not sought to be enforced under this permitting process. Such laws include, but are not limited to, building, floodplain management, and land development measures. The issuance of a Grading and Erosion Control Permit shall not be deemed to constitute a representation that the activity so permitted or the property upon which such activity is occurring complies with such other ordinances or other laws. Nor shall the existence of such an unrevoked permit be deemed to preclude any criminal or civil remedy for violation of such other ordinances or laws. The possession of a Grading and Erosion Control Permit shall not be deemed to relieve the holder of the requirement to apply for or obtain any other license or permit required by ordinance or statute. (SCC 1002 §3, 1995; SCC 0928 §2, 1993)