

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY CALIFORNIA REPEALING AND RE-ENACTING TITLE 15, CHAPTERS 15.02 to 15.48 – BUILDINGS AND CONSTRUCTION OF THE CITY OF GRASS VALLEY CALIFORNIA MUNICIPAL CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2007 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE FOLLOWING PARTS:

- **PART 1 - California Administrative Code**
- **PART 2 - California Building Code including listed Appendix Chapters**
- **PART 3 - California Electrical Code including listed Appendix Chapters**
- **PART 4 - California Mechanical Code including listed Appendix Chapters**
- **PART 5 - California Plumbing Code including the Appendix Chapters**
- **PART 6 - California Energy Code including the Appendix Chapters**
- **PART 8 - California Historical Code including the Appendix Chapters**
- **PART 9 - California Fire Code including the Appendix Chapters**
- **PART 10 - California Existing Building Code including the Appendix Chapters**
- **PART 12 - California Referenced Standards Code including the Appendix Chapters**
- **International Property Maintenance Code including the Appendix Chapters 2006 Edition**
- **Uniform Swimming Pool, Spa & Hot Tub Code 2006 Edition**

AND AMENDING THOSE PORTIONS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24 AS IDENTIFIED HEREIN:

The City Council of the City of Grass Valley does ordain as follows:

Section. 1: Repeal - Chapters 15.02 thru 15.48 of Title 15 of the City of Grass Valley Municipal Code are hereby repealed in their entirety.

Section. 2: Purpose and Authority - The purpose of this Ordinance is to adopt by reference the 2007 edition of the California Building Standards Code, Title 24 – Parts 1; 2; 3; 4; 5; 6; 7; 8; 9; and 12 of the California Code of Regulations, the 2006 International Property Maintenance Code, and the 2006 Uniform Swimming pool, Spa and Hot Tub Code subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The purpose of this Ordinance is also to provide minimum requirements and standards for the protection of the public safety, health, property, and welfare of the City of Grass Valley. This Ordinance is adopted under the authority of Government Code Subsection 50022.2 and Health and Safety Code Section 18941.5.

Section. 3: Chapter 15.02 of City of Grass Valley Municipal Code is hereby adopted to read as follows:

15.02.010 Title. This Chapter shall be known as the City of Grass Valley Building Code, and may be cited as such, and will be referred to herein as "this Code."

15.02.020 Application. This Code shall be the exclusive source of regulations for all new construction and any alterations, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building.

15.02.030 Conflicts with other laws, rules, etc. In the event of any conflict between this Code and any law, rule or regulation of the State of California, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this Code.

15.02.040 Express Findings

No changes to the Code provisions have been amended other than Administrative provisions and the addition of Appendix Chapter 33 "Grading" Volume I - 2001 California Building code due to specific information not contained in Appendix J "Grading" Volume II 2007 California Building Code and as such do not require "Express Findings".

15.04.010 Adoption of International, Uniform and National Codes.

The following publications are hereby adopted by reference and incorporated in this Code, except as expressly amended or superseded by the provisions of this Chapter.

15.04.020 California Administrative Code Part 1, 2007 Edition, specific to administrative regulations of/for California Building Standards Commission (BSC), Department of Housing and Community Development (HCD-2), Office of the State Fire Marshal (SFM), Division of the State Architect (DSA), Office of Statewide Planning and Development (OSHPD), Department of Health Services (DHS), Occupational Safety and Health Standards Board (OSHA), California Energy Commission (CEC), Department of Food and Agriculture (AGR), Department of Youth Authority (AU), et al as adopted by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.

15.04.030 California Fire Code Part 9, 2007 Edition, based on the 2006 International Fire Code as published by the International Code Council (ICC) and as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.

15.04.040 California Building Code Part 2, 2007 Edition, based on the 2006 International Building Code including, among the Appendices - Appendix Chapter 1 Volume II (*Administrative*) as modified; Appendix Chapter C; (*Agricultural Buildings*), Appendix Chapter I; (*Patio Covers*), and Appendix Chapter J and Appendix Chapter 33 California Building Code, 2001 Edition; (*Grading*), as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.

15.04.050 California Electrical Code Part 3, 2007 Edition, based on the 2005 Edition National Electric Code as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

15.04.060 California Mechanical Code Part 4, 2007 Edition, based on the 2006 Uniform Mechanical Code including, among the Appendices - Appendix Chapter 1 (*Administrative*) as modified; as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

15.04.070 California Plumbing Code Part 5, 2007 Edition, based on the 2006 Uniform Plumbing Code including, among the Appendices - Appendix Chapter 1 (*Administrative*) as modified; Appendix Chapter A (Recommended Rules for Sizing the Water Supply System); Appendix Chapter B (Explanatory Notes on Combination Waste and Vent Systems); Appendix Chapter D (Sizing Storm Water Drainage Systems); Appendix Chapter I (Installation Standards); Appendix Chapter L (Alternative Plumbing Systems); as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

15.04.080 California Energy Code Part 6, 2007 Edition including Appendix as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

15.04.090 California Historical Building Code Part 8, 2007 Edition including Appendix as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

15.04.100 California Existing Building Code Part 10, 2007 Edition based on Appendix Chapter A1 of the 2006 International Existing Building Code as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.

15.04.110 California Referenced Standards Code Part 12, 2007 Edition including Appendix as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

15.04.120 International Property Maintenance Code 2006 Edition as published by the International Code Council.

15.04.130 Uniform Swimming Pool, Spa, & Hot Tub Code 2006 Edition as published by the International Association of Plumbing and Mechanical Officials.

15.06.010 - Amendments to the 2007 California Building Codes.

are hereby amended as follows:

The listed sections and subsections

15.06.020 California Fire Code Part 9, 2007 Edition

Chapter 1 Volume I General Code Provisions Section 111 Office of the State Fire Marshal is hereby amended as follows:

Section 111.2.1.1 Item 1 - is amended to read as follows:

Subsection 111.2.1.1 The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the Office of the State Fire Marshal shall be as follows:

1. The city, county or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the joint enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code, to the following:
 - 1.1. The Chief of the Fire Department of the City of Grass Valley or an authorized representative.
 - 1.2. The Building Official of the City of Grass Valley or an authorized representative.

15.06.030 California Building Code Part 2, 2007 Edition:

Administration Appendix Chapter 1 Volume II of the 2007 California Building Code, is adopted and amended as follows:

Section 105 Permits is amended to read as follows:

Subsection 105.5 Expiration. Every Grading, Building, Fire, Plumbing, Mechanical, and Electrical permit issued by the city under this code shall expire by limitation and become null and void two (2) years after the date of issuance (The maximum allowable length for all permits is 2 years, unless otherwise noted. Extensions will not normally be considered. Applicants with extenuating circumstances may submit written request and a filing fee to the Building Official. Such requests are required to outline extenuating circumstances that did not allow for the completion of the work as permitted.) or if the building or work authorized by such permit is not commenced within 180 days from the date of issuance, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced.

Suspension and/or abandonment shall be determined by a lack of progress inspections for a period of more than 180 days since a previous documented inspection. If a permit has expired, no work can recommence until a new permit is obtained.

105.5.1 - The cost of a new permit, the purpose of which is to facilitate completion of work for which a permit has expired, will be based on a quantitative estimation of inspections deemed necessary for completion. If costs for providing services to the project exceed the estimated fees collected at permit issuance, additional fees will apply. Said fees will be in accordance with the City's Building Division Fee Schedule established by resolution of the City Council. It is the responsibility of the permittee to schedule all inspections necessary for a permit to remain current and valid. All inspections for this purpose must verify progress.

105.5.2 - Permits may be issued for a limited period of time when deemed necessary by the Building Official to abate dangerous, substandard, and/or illegal conditions. In such cases, the Building Official will establish the expiration at 30, 60, 90, or 180 days depending on the health and/or safety hazards. Such permit team limitations may be shorter if deemed appropriate and/or necessary by the Building Official.

Section 108 Fees is amended to read as follows:

Subsection 108.3 Building permit fees. All permit fees to include Building, Fire, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the city of Grass Valley from time to time.

Subsection 108.4 Plan Review Fee. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for building, electrical, mechanical and plumbing work and shall be established by the City's Building Division Fee Schedule established by resolution of the City Council. The plan review fee for grading shall be in accordance with the schedule established by the City Council. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the schedule established by the City Council for such fee.

Subsection 108.5 Work Without Permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining such permit, a special investigation shall be made before a permit may be issued for such work.

Subsection 108.5.1. Investigation Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to one (1) times the amount of the permit(s) fees required by this code for a first violation and two (2) times the amount of the permit(s) fee(s) required by this code for any subsequent violation. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code or the technical codes nor from any penalty prescribed by law.

Subsection 108.6. Reinspections. A reinspection fee will be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. With regard to reinspection, if the work is not complete and correct at the first reinspection, a minimum reinspection fee which shall be established by resolution of the City Council from time to time, shall be charged for any and all subsequent reinspections for the same work. To obtain a reinspection the applicant shall first pay the reinspection fee(s) which are established by resolution of the City Council. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fee(s) have been paid.

Section 112 Board of Appeals is amended to read as follows:

Subsection 112.1 General. The Construction Board of Appeals shall hear and decide appeals of orders, decisions or determinations made by the Building official relative to the application and interpretation of this Code and provide reasonable determinations of decisions rendered by the officials charged with the responsibility of enforcing the Building Codes adopted by the City of Grass Valley, as amended from time to time including, but not limited to the following:

15.040.020 - California Administrative Code Part 1, 2007 Edition

15.040.030 - California Fire Code Part 9, 2007 Edition including adopted appendices;

15.040.040 - California Building Code Part 2, 2007 Edition including adopted appendices;

15.040.050 - California Electrical Code Part 3, 2007 Edition including adopted appendices;

15.040.060 - California Mechanical Code Part 4, 2007 Edition including adopted appendices;

15.040.070 - California Plumbing Code Part 5, 2007 Edition including adopted appendices;

15.040.080 - California Energy Code Part 6, 2007 Edition including adopted appendices;

15.040.090 - California Historical Code Part 8, 2007 Edition including adopted appendices;

15.040.100 - California Existing Building Code Part 10, 2007 Edition including adopted appendices;

15.040.110 - California Referenced Standards Code Part 12, 2007 Edition including appendices;

15.040.120 - International Property Maintenance Code 2006 Edition including adopted appendices;

15.040.130 - Uniform Swimming Pool, Spa & Hot Tub Code 2006 Edition including adopted appendices;

Subsection 112.2 Qualifications. The Construction Board of Appeals shall consist of five (5) members, all of whom must be residents of Nevada County. The five (5) members shall consist of one (1) engineer, one (1) architect and one (1) contractor, and two (2) persons representing the general public. All members shall be appointed by the city council. No city officer or employee shall serve on the Construction Board of Appeals. Three (3) appointees shall serve for four (4) years. Two (2) appointees shall serve for two (2) years. Thereafter, all appointees shall serve for four (4) years.

Subsection 112.3 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction has been proposed. The Construction Board of Appeals shall have no authority relative to interpretation of the administrative provisions of these codes nor shall the Board be empowered to waive requirements of these codes. Any cost for tests or research required by the Board to substantiate the claim of the appellant shall be the sole responsibility of the appellant.

Subsection 112.4 Building Official Ex-Officio member. The building official for the City of Grass Valley shall be an ex-officio member of the Board, and shall act as secretary of said Board, but shall have no vote.

Subsection 112.5 Rules, Decisions, Legislative Recommendations. The Board shall adopt reasonable rules and regulations for conducting its investigations and render all decisions and findings in writing to the department head with a duplicate copy to the appellant.

Subsection Section 112.6 Appeals to Board. Any person aggrieved by a decision of the official charged with the responsibility of enforcing those respective codes as enumerated in Section (b) may, within ten (10) working days of the decision, appeal to the Board of Appeals for a hearing. The appeal must be in writing and accompanied by a filing fee which shall be established by resolution of the City Council from time to time. The appeal shall be filed with the City Clerk and respective official. A form will be provided at the City Clerk's office. No other form shall be used. All supporting documents shall be submitted with the form at the time of filing the appeal.

Subsection Section 112.7 Hearing. The City Clerk shall schedule a hearing within fifteen (15) days of receiving the request for hearing and give notice of the time, place, and subject matter of the hearing on the appeal to the person filing the appeal, subject official whose decision is involved and each member of the Board. The hearing shall be informal. The Board shall announce its decision within five (5) days after the hearing has concluded.

Subsection Section 112.8 Finality of Decision. The decision of the Construction Board of Appeals hereunder shall be the final administrative decision, and no provision of any ordinance of the City shall be interpreted as permitting a further administrative appeal to the city council or any other city board or commission. Nothing in this section shall be interpreted as providing a request to the city council to amend any ordinance, a change in zoning classification, or an application for relief from a court.

Section 113 Violations is amended to read as follows:

Subsection Section 113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure, or building service equipment or cause or permit the same to be done in violation of this code and the technical codes as amended and adopted by the city. The use or occupancy of any building in violation of any of the provisions of this code or the technical codes as adopted by the city is declared to be a public nuisance and may be abated in the manner provided by law.

Subsection Section 113.2 Notice of violation. The Building Official and his or her deputy inspectors shall be vested with the necessary powers and duties for the exclusive purpose of enforcing provisions of this Code and it shall be their duty to issue any warnings or citations for violations to serve a notice of violation or order on the person responsible for the erection, construction, alteration, expansion, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Any citation issued by the Building Official or deputy inspector shall state the time, date and place the person cited shall appear in court. The appearance date shall be at least ten (10) days after the date of the citation.

Subsection Section 113.1 Prosecution of violation. If a notice of violation is not complied with as directed, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The Building Official or the deputy inspectors in issuing any citation shall comply with the applicable provisions of the Penal Code Section 853.6 excepting that provision which requires arrest whenever a person has refused to sign the citation in which event neither the Building Official nor any deputy inspector shall take or attempt to take into custody any such person refusing to sign the citation.

Subsection Section 113.4 Violation penalties. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by a fine not to exceed one thousand (\$1,000.00) dollars or by imprisonment not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation occurs or continues is a separate offense. The application of the aforementioned penalty shall not be held to prevent the enforced removal of the prohibited conditions.

Chapter 1 Volume I General Code Provisions Section 111 Office of the State Fire Marshal is amended as follows:

Subsection 111.2.1.1 – Item 1 is amended to read as follows:

111.2.1.1 The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the Office of the State Fire Marshal shall be as follows:

1. The city, county or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the joint enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code, to the following:
 - 1.1. The Chief of the Fire Department of the City of Grass Valley or an authorized representative.
 - 1.2. The Building Official of the City of Grass Valley or an authorized representative.

Chapter 16 Volume II Structural Design of the 2007 California Building Code Section 1608 is amended as follows:

Subsection 1608.3 Snow loads. The incorporated limits of the City of Grass Valley is declared a snow area. Buildings, other structures, and all portions thereof that are subject to snow loading shall be designed to resist snow loads. Except as provided in this section, snow load requirements shall be as shown in Table 1607.1. In no case may the roof snow load be less than 30 psf.

APPENDIX J GRADING Volume II of the 2007 California Building Code is amended as follows:

Section J 103 Permits Required is amended as follows:

Subsection J103.1 Permits required. Except as exempted in Section 1103.2, no grading shall be performed without first having obtained a permit therefor from the City of Grass Valley City Engineer. All approved grading plan submittals shall be included as part building permit plan submittals prior to the issuance of the building permit by the Building Official. A grading permit does not include the construction of retaining walls or other structures.

1. Joint enforcement of the building standards relating to Grading Appendix J Grading Volume II of the 2007 California Building Code of Part 2 of the California Building Standards Code and Appendix Chapter 33 Grading of the 2001 California Building Code Volume I of the California Building Standards Code is designated to the following:
 - 1.1. The City Engineer of the City of Grass Valley or an authorized representative.
 - 1.2. The Building Official of the City of Grass Valley or an authorized representative.

Subsection J104.2 Site plan requirements. In addition to the provisions of Section 106, Appendix Chapter 1, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity, as determined by the City Engineer and/or Building Official, to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

Section J112 - Bonds is amended to read as follows:

Subsection J112.1 General. The City Engineer and/or Building Official may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the City Engineer and/or Building Official in an amount equal to that which would be required in the surety bond.

Subsection J112.1.1 Whenever an application for a grading permit is filed for excavation or fill, the City Engineer and/or Building Official may, before issuing the grading permit require the applicant to provide a cash bond in the amount not less than one hundred percent (100%) of the total estimated cost of the grading or fill, including corrective work necessary to remove or eliminate geological hazards. In any event the City Engineer and/or Building Official may require a minimum of \$5,000 dollars. Each bond and agreement shall remain in effect until the work authorized by the grading permit is completed and approved by the City Engineer and/or Building Official.

Subsection J112.2 Type of Bond. A guarantee of faithful performance and payment of labor and material, when required under the provisions of this section, shall be provided by one of the following methods.

- (1) Bonds executed by the applicant, as principal, and a corporate surety authorized to do business in the state, as surety, and in a form furnished by the City Engineer and approved by the City Attorney.
- (2) A cash deposit with the City.
- (3) An instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment, and an agreement that the funds designated by the instrument shall become trust funds for the purpose of securing faithful performance and payment of labor and material. The instrument of credit and agreement shall first be approved by the City Attorney.

Subsection J112.3 Bonds - Procedure on Default. Whenever the City Engineer and/or Building Official finds that a default has occurred in the performance of any term or condition of any grading permit, written notice of the fact of default shall be given to the principal and to the corporate surety, financial institution or the depositor, stating the work to be done and the time deemed by the City Engineer and/or Building Official to be reasonably necessary for the completion of such work. Thirty days after the receipt of such notice the principal or surety shall perform or cause the required work to be performed by commencing and diligently prosecuting the work to its completion; but if they or either or both of them fail to commence such work within thirty days, or having so commenced the work, fail, neglect or refuse to proceed diligently to complete the same within the time so specified in the notice, then the city may enter the premises and do the work, and the cost and expense of doing the work so specified shall be the obligation of the principal and surety, and shall be a part of the terms of the performance bond in consideration of the issuance of the grading permit.

Subsection J112.3.1 If a cash bond has been posted, notice of default as provided by subdivision 1 of this subsection is given to the depositor, and if the depositor fails to cause the required work to be resumed as set forth in the notice within thirty (30) days after receipt thereof, the City Engineer and/or Building Official shall proceed without delay and without further notice or proceedings whatsoever to use the cash deposited, or any portion thereof and cause the required work to be completed by such cash deposit, and if any, shall upon the completion of the work remain, be returned to the depositor or his successor or assigns after deducting ten (10%) percent thereof. The Building Official may require said work to be corrected sooner if there is a life safety issue or imminent danger to adjoining property.

Subsection J112.3.2 If an instrument of credit is used to guarantee performance, notice of default shall be given, as provided in subdivision 1 of this subsection to the principal and to the financial institution issuing the instrument of credit, and if the principal fails to cause the required work to be resumed as set forth in the notice within thirty (30) days after receipt thereof, the Building Official shall make a demand upon the financial institution for the payment of the estimated costs from the trust fund held by the financial institution pursuant to the agreement. Upon receipt of said sum, the City Engineer and/or Building Official shall proceed without delay and without further notice or proceedings whatsoever to use the sum, or any portion thereof, and cause the required work to be completed by such mode as he deems convenient. The balance of such sum, if any, shall remain upon the completion of the work, be returned to the financial institution, its successors or assigns, after deducting ten (10%) percent thereof; but if the financial institution fails or refuses to pay over said sum, then the Building Official shall proceed as in subdivision 1 of this subsection and shall look to said institution for the costs and expenses of the work, and the contractual liability of such institution therefor shall be a term or condition of its agreement.

Subsection J112.4 Bonds - Storm Damage Precautions. That period between the fifteenth day of October and the following fifteenth day of April is found and determined to be the period in which heavy rainfall normally occurs in the City. During this period no grading work in excess of two hundred fifty (250) cubic yards may be commenced on any single grading site if the City Engineer and/or Building Official determine by inspection that such work will endanger the public health or safety.

Subsection J112.4.1 If grading operations are to be conducted during such period, plans for erosion-control devices shall be submitted to the City Engineer and/or Building Official and design approval obtained not later than the first day of October.

Subsection J112.4.2 All persons performing any grading operations during such period shall put into effect all safety precautions which are necessary to protect public and private property and access ways. All loose dirt shall be removed from the grading site and adequate anti-erosion or drainage devices, debris basins, or other safety devices shall be installed to protect persons and property from damage of any kind. All temporary erosion-control devices, including desilting basins, shall be installed and be operative not later than the first day of November of each year.

Subsection J112.5 Disturbed Surfaces. All disturbed surfaces resulting from grading operations shall be prepared and maintained to control erosion. This control may consist of effective planting such as rye grass, barley or some other fast germinating seed. The City Engineer and/or Building Official may require watering of planted areas to assure growth. Dust from grading operations must be controlled. The Owner or Contractor may be required to keep adequate equipment on the grading site to prevent dust problems.

Subsection J112.6 Overflow Protection. Berms, swales or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and damaging the face of the slope. Gutters or controls shall be provided where the proximity of runoff from buildings or other structures is such as to pose a potential hazard to slope integrity.

APPENDIX CHAPTER 33 GRADING Volume I of the 2001 California Building Code is adopted by reference to be utilized in conjunction with APPENDIX CHAPTER J GRADING Volume II of the 2007 California Building Code and amended as follows:

SECTION 3303 — AUTHORITY is amended as follows:

Joint enforcement of the building standards relating to Grading Appendix J Grading Volume II of the 2007 California Building Code of Part 2 of the California Building Standards Code and Appendix Chapter 33 Grading of the 2001 California Building Code Volume I of the California Building Standards Code is designated to the following:

- 1.1. The City Engineer of the City of Grass Valley or an authorized representative.
- 1.2. The Building Official of the City of Grass Valley or an authorized representative.

SECTION 3304 — PURPOSE is amended as follows:

The purpose of this article is to safeguard life, limb, property, and the public welfare by regulating grading and construction activities that result in a land disturbance on private property.

SECTION 3305 — SCOPE is amended as follows:

This appendix Article sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes standards of required performance in preventing or minimizing water quality impacts from storm water runoff; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction, drainage, and erosion and sediment controls at construction sites.

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

The standards listed below are recognized standards (see Sections 3503 and 3504).

1. Testing.
 - 1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
 - 1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method
 - 1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method
 - 1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method
 - 1.5 ASTM D 2922 and D 3017, In Place Moisture Content and Density of Soils by Nuclear Methods

SECTION 3306 — PERMITS REQUIRED is amended as follows:

3306.1 Permits Required. Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the City Engineer and/or Building Official.

EXCEPTION: Performance of emergency work necessary to protect life or property when an urgent necessity therefor arises. The person performing such emergency work shall notify the Building Official promptly of the problem and work required and shall apply for a permit therefor within ten (10) calendar days after commencing said work.

3306.2 Exempted Work. A grading permit is not required for the following, provided no unstable or erodible slopes are created and no encroachment onto sewage disposal systems, water supply systems or hazardous material sites, areas or setbacks is created:

NOTE: Owners/operators of sites may still need NPDES storm water permit coverage with the State if the construction activity is part of a larger common plan of development or sale that would result in a land disturbance of greater than or equal to one acre.

1. When approved in writing by the City Engineer and/or Building Official, grading which does not exceed 250 cubic yards in an isolated, self-contained area, with cuts, fills and erosion control conforming to the requirements of Chapter 33, provided there is no danger to private or public property, it does not pose a significant erosion or sediment discharge hazard and is not intended to support a building or structure on fill.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.
3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers, engineering geologists, or registered environmental health specialists limited to sewage disposal systems. Such work shall be backfilled and shaped to the original contour of the land after the investigation.
8. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).
9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.
10. Land disturbance by plowing under or burial of less than 10,000 square feet of vegetation on slopes ten percent or steeper or any amount of vegetation, up to one acre, on slopes flatter than ten percent (except as further restricted in paragraph B.2 of Section 3316.3).
11. Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work to the extent required by this law.
12. Cultivation of land to raise crops, or other grading for agricultural operations pursuant to criteria enacted and codified in Article 17 to meet the performance standards hereinafter provided.
13. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.
14. Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities that are not exempt from the local regulation pursuant to Public Resources Code Section 4516.4 are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.
15. Clearing for fire protection purposes within 100 feet of a dwelling unit. Any additional clearing for fire prevention, control, or suppression purposes is exempt when authorized or required in writing by a fire prevention or suppression agency.

The City may prepare and adopt a more comprehensive exemption for grading for agricultural operations than the existing exemption for cultivation of land to raise crops as part of this Chapter, provided that the exemption does not involve construction of any building or site preparation for any development project and that the purpose of such exemption is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and provide reasonable minimum standards that define desired performance in the prevention of man-induced land failures, and control erosion, drainage, and sediment discharge.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

SECTION 3309 — GRADING PERMIT REQUIREMENTS is amended as follows:

3309.9 Issuance. The provisions of APPENDIX J GRADING Volume II of the 2007 California Building Code are applicable to grading permits. The City Engineer and/or Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The City Engineer and/or Building Official may require professional inspection and testing. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

In issuing a permit, the City Engineer and/or Building Official may impose conditions as prescribed by this Chapter necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, and to assure proper completion of the grading, including, but not limited to:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings.
2. Improvement of any existing unstable grading affected by this permit to comply with the standards of this Chapter.
3. Protection of grading which would otherwise be hazardous.
4. Dust, erosion and sediment control, and season of work, weather conditions, sequence of work, access roads and haul routes.
5. Safeguard watercourses from excessive deposition of sediment or debris.
6. Safeguard areas reserved for on-site sewage disposal, water supply and hazardous material storage.
7. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion.
8. Compliance with all applicable provisions of the City of Grass Valley Development Code.

3309.10 Denial of Permit; Restoration. If grading operations are commenced before first securing a proper permit, no permit will be issued until illegal grading has stopped. In the event that no grading permit, erosion control permit or land use permit can be issued for such operation, the site shall be restored to its original condition to the extent feasible, and to the extent full restoration is not possible mitigation measures may be imposed to remediate any damage caused. Restoration shall be in conformity to an approved restoration plan.

3309.11 Winter Operations. Winter operations shall not be allowed if an immitigable high potential for accelerated erosion exists due to slope, rock or soil type, proximity to a stream or drainage course, magnitude or duration of disturbance, or other characteristics of the project and the site.

SECTION 3315A - ROAD AND DRIVEWAY STANDARDS is amended as follows:

City Standard shall supercede this section and shall also be subject to the review and approval of the Fire Chief.

SECTION 3316 — EROSION CONTROL is amended as follows:

3316.2 Emergency Conditions. Should increased sediment discharge occur or become imminent, the permittee shall take all necessary steps to control such discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this Chapter. Permittee shall take prompt action to resolve emergency problems; otherwise, the City Engineer and/or Building Official may take such actions as required to abate a hazardous public nuisance.

SECTION 3317—GRADING INSPECTION is amended as follows:

3317.1 General. Grading operations for which a permit is required shall be subject to inspection by the City Engineer and/or Building Official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Section 3317.5 for engineered grading and as required by the City Engineer and/or Building Official for regular grading.

3317.2 Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

3317.3 Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official, and the civil engineer.

3317.4 Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

3317.5 Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the City Engineer and/or Building Official. In the event of changed conditions, the permittee shall be responsible for informing the City Engineer and/or Building Official of such change and shall provide revised plans for approval.

Periodic progress reports may be required to be rendered by the permittee at commencement and completion of major key grading and erosion and sediment control operations.

No permittee shall be deemed to have complied with this Chapter until the City Engineer and/or Building Official has made a final inspection of the work and he has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit. The permittee shall provide adequate access to the site for inspection by the City Engineer and/or Building Official during the performance of all work and for a minimum period of one year after acceptance by the City Engineer and/or Building Official of all improvements pursuant to this Chapter.

3317.6 Authority Having Jurisdiction. The City Engineer and/or Building Official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

3317.7 Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the City Engineer and/or Building Official.

3317.8 Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the City Engineer and/or Building Official in writing of such change prior to the recommencement of such grading.

3317.9 Special Inspection. As a condition of the permit, the Building Official may require the permittee to provide, at permittee's expense, a Geotechnical Engineer or Civil Engineer to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he has inspected the work and that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a Geotechnical Engineer or Civil Engineer shall include, but not be limited to, the following situations:

- A. During the preparation of a site for the placement of fills which exceed five feet in depth on slopes which exceed ten percent and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten feet in height.
- B. During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure.
- C. During the installation of subsurface drainage facilities.

Reports filed by the Geotechnical Engineer or Civil Engineer regarding special inspection shall state in writing that from his personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

The use of a Geotechnical Engineer or Civil Engineer for inspections shall not preclude the City Engineer and/or Building Official from conducting inspections using his or other authorized inspectors as may be necessary.

SECTION 3318 — COMPLETION OF WORK is amended as follows:

3318.1 Final Reports. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 3317.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer. Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 3317.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 3317.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

4. The grading contractor shall submit in a form prescribed by the City Engineer and/or Building Official a statement of conformance to said as-built plan and the specifications.

3318.2 Notification of Completion. The permittee shall notify the City Engineer and/or Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted.

15.06.040 California Electrical Code Part 3, 2007 Edition Article 89 – General Code Provisions of the 2007 California Electrical Code, is amended as follows:

Subsection 89.108.4.2 Fees is amended as follows:

Subsection 89.108.4.2 Fees. Subject to other provisions of law, the governing body of any city, county or city and county may prescribe fees to defray the cost of enforcement of rules and regulations promulgated by the Department of Housing and Community Development. The amount of the fees shall not exceed the amount reasonably necessary to administer or process permits, certificates, forms, or other documents, or to defray the costs of enforcement. For additional information, see State Housing Law, Health and Safety Code, Division 13, Part 1.5, Section 17951 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, commencing with Section 6.

Subsection 89.108.4.2.1 All permit fees to include Building, Fire, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the city of Grass Valley from time to time.

Subsection 89.108.4.2.2 Plan Review Fee. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for building, electrical, mechanical and plumbing work and shall be established by the City' s Building Division Fee Schedule established by resolution of the City Council. The plan review fee for grading shall be in accordance with the schedule established by the City Council. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the schedule established by the City Council for such fee.

15.06.050 California Mechanical Code Part 4, 2007 Edition Administration Appendix Chapter 1 of the 2007 California Mechanical Code, is adopted and amended as follows:

Section 115.0 Fees is amended as follows:

Subsection 115.1 General. All permit fees to include Building, Fire, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the city of Grass Valley from time to time.

Subsection 115.2 Plan Review Fee. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for building, electrical, mechanical and plumbing work and shall be established by the City' s Building Division Fee Schedule established by resolution of the City Council. The plan review fee for grading shall be in accordance with the schedule established by the City Council. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the schedule established by the City Council for such fee.

15.06.060 California Plumbing Code Part 5, 2007 Edition Administration Appendix Chapter 1 of the 2007 California Plumbing Code, is here-by adopted and amended as follows:

Section 103.4 Fees. - is amended as follows:

Subsection 103.4.1 Plumbing permit fees. All permit fees to include Building, Fire, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the city of Grass Valley from time to time.

Subsection 103.4.2 Plan Review Fee - When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for building, electrical, mechanical, and plumbing work and shall be established by the City's Building Division Fee Schedule established by resolution of the City Council. The plan review fee for grading shall be in accordance with the schedule established by the City Council. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the schedule established by the City Council for such fee.

Section 4. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 6. Publication. The City Clerk is hereby ordered and directed to cause this Ordinance to be published in the manner and time required by law.

INTRODUCED and first read on the 27th day of November, 2007

PASSED AND ADOPTED this th day of , 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

/s/ _____
Mark Johnson, Mayor

ATTEST:

/s/ _____
Kristi K. Bashor, City Clerk

APPROVED AS TO FORM:

/s/ _____
Ruthann G. Ziegler, City Attorney

PUBLISH DATE: _____