

**South Lake Tahoe City Code**

**Chapter 36**

**GRADING, EROSION AND  
SEDIMENT CONTROL**

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**Article I. General**

**§ 36-1. Title.**

This chapter shall be known as the grading, erosion and sediment control ordinance of the city of South Lake Tahoe. (Ord. 1000 § 1)

**§ 36-2. Purpose and applicability.**

The ordinance codified in this chapter is enacted for the following purposes: (1) Regulating grading on both public and private property within the city of South Lake Tahoe to safeguard life, limb, health, property and public welfare; (2) To avoid pollution of watercourses with hazardous materials, nutrients, sediments, or other earthen materials generated on or caused by surface runoff or by aerial deposition of pollutants generated from the permit area on or across the permit area; and (3) To ensure that the intended use of a graded site is consistent with the city of South Lake Tahoe general plan, any specific plans adopted thereto and applicable city of South Lake Tahoe ordinances including the zoning ordinance, flood damage prevention ordinance, environmental review ordinance and applicable chapters of the California Building Code. In the event of conflict between this chapter and state or federal law, this chapter shall prevail unless preempted by the state or federal law. In the event of conflict between this chapter and other chapters of the South Lake Tahoe City Code, this chapter shall prevail. (Ord. 1000 § 1)

**§ 36-3. Definitions.**

Unless specifically defined below, words or phrases used in this chapter or article shall be interpreted as to give them the meaning they have in common usage and to give the chapter or article its most reasonable application. Wherever the following terms are used in this chapter, they shall have the meaning ascribed to them in this section:

“Bedding plane” means a nearly flat surface, which may have been tilted up or folded by tectonic forces, separating two beds (or layers or strata) of sedimentary rock. Each bedding plane marks the end of one deposit and the beginning of another having different characteristics (also known as strata, or beds).

“Bedrock” is the solid undisturbed rock in place either exposed at the ground surface or beneath surficial deposits of loose rock or soil.

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

“BMPs” means best management practices. For construction and environmental protection activities in the Tahoe Basin, BMPs refers to a technique, process, activity, or structure used to reduce the pollutant content and the quantity of a storm water discharge. In place of “BMPs,” the more descriptive term “storm water management practices” is used in this chapter.

“City” is the city of South Lake Tahoe.

“City council” is the city council of the city of South Lake Tahoe.

“Civil engineer” is a professional engineer registered as a civil engineer by the state of California.

“Compaction” is the increase in density of a soil or rock fill by mechanical equipment or tools.

Cut. See “Excavation.”

“Days” means calendar days, except that such time limits shall extend to the following working day where the last of the specified number of days falls on a Saturday, Sunday or any city holiday.

“Department” means either the public works department or the community development department of the city of South Lake Tahoe.

“Depth of excavation (cut)” means the vertical dimension from the exposed cut surface to the original ground surface.

“Depth of fill” means the vertical dimension from the exposed fill surface to the original undisturbed condition ground surface.

“Director” means either the director of public works or the director of community development.

“Director of community development” means the director of community development of the city of South Lake Tahoe, California, acting either directly or through authorized designees.

“Director of public works” means the director of public works of the city of South Lake Tahoe, California, acting either directly or through authorized designees.

“Drainage report” means a report identifying existing conditions, SEZs and drainage features, proposed improvements, effects of proposed improvements on post-development hydrology, calculations of peak flows on and off site, and other hydrologic and engineering calculations and maps as specified by the director.

“Drainage way” means a depression in the earth’s surface such as swales, ravines, gullies, draws, hollows or ditches in which surface waters collect for drainage, but which may be dry for periods of time.

Embankment. See “Fill.”

“Engineering geologist” means a registered geologist certified as an engineering geologist by the state of California.

“Engineering geology” means the application of geologic knowledge in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

“Erosion” means the wearing away and transportation of earth material as a result of the movement of wind, water, snow, or ice.

“Excavation (cut)” means the removal of naturally occurring earth materials or fill by mechanical means, and includes the conditions resulting therefrom.

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

“Expansive soil” means any soil which exhibits significant expansive properties as determined by a geotechnical engineer, civil engineer, or engineering geologist.

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

“Finish grade” means the final grade of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

“Geologic hazard” means any condition in naturally occurring earth materials, which may endanger life, health or property.

“Geotechnical engineer” means a civil engineer registered by the state of California as a geotechnical engineer.

“Geotechnical engineering” means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and may include the inspection, testing and construction thereof.

“Grade” means the vertical location of the ground surface.

Grade, existing. “Existing grade” means the grade prior to grading.

Grade, rough. “Rough grade” means the stage at which the grade approximately conforms to the approved plan.

“Grading” means any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative groundcover.

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

“Grading work” is grading and related work, such as, but not limited to, drainage improvements and erosion and sediment control.

“Hazardous materials” is as defined in California Health and Safety Code Sections 25501 et seq.

“Joint” means a fracture in rock that is produced by expansion, contraction, and tectonic forces, and along which there has been no movement.

“Keyway” means a special backfilled excavation which is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

“Landscape architect” means a landscape architect registered by the state of California.

Lot. See “Parcel.”

“NPDES” means the National Pollutant Discharge Elimination System, a federal program regulating storm water discharges pursuant to Sections 307, 318, 402, and 405 of the Clean Water Act (33 U.S.C. Section 1251 et seq.), as such Act may be amended from time to time.

“Overland flow” means flow over developed or undeveloped surfaces, including but not limited to roofs, streets, lawns, parking lots and unimproved lands.

“Owner” means the person shown as the legal owner of the property on the latest equalized assessment roll in the office of the county assessor.

“Parcel (lot)” means land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the county recorder’s office.

“Permit” means an approved grading permit issued pursuant to this chapter authorizing certain grading work.

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

“Person” means any individual, firm, corporation or public agency whether principal, agent, employee or otherwise.

“Record drawings” means drawings for improvements or grading that show changes made during construction.

“Retaining wall” means any constructed wall that holds back earth (or a liquid), where there is an abrupt change in elevation.

“Revegetation” means the establishment of annual and perennial plant material for temporary and/or long term soil stabilization.

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

“Site” means any lot or parcel of land or combination of contiguous lots or parcels of land, or other public lands, whether held separately or joined together in common ownership or occupancy, where grading is to be performed or has been performed.

“Slope” means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance, or as the ratio of vertical distance per 100 feet horizontal distance when given as a percent.

“Soil” means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock, which can be excavated readily by mechanical equipment.

“Storm water management practices” means structural or nonstructural improvements installed for the purposes of infiltrating, retaining, or treating storm water runoff to improve the water quality and to reduce the quantity of storm water runoff from a site. Storm water management practices are sometimes known as best management practices or BMPs.

“Storm water runoff” means water runoff due to storms (rain, snow melt, etc.).

“Stream environment zone” means perennial, intermittent, and ephemeral streams, meadows and marshes, wetlands, and other areas of near-surface ground water influence, consistent with the Tahoe Regional Planning Agency’s definition of stream environmental zone (SEZ).

“Structural BMP” means that which has been built for the purpose of storm water control, conveyance, infiltration (e.g., pipe, treatment vault, sediment trap, or vegetated swale) see “BMPs.”

“Structure” means that which is built or constructed or any piece of work artificially built up or composed of parts joined in some definite manner, typically a building.

“Surcharge” means the additional loading acting above and behind a retaining wall other than from the normal active soil pressures; examples of surcharges include but are not limited to vehicles, buildings, snow, sloped backfill, stockpiles, construction staging areas and equipment.

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

“TRPA” means the Tahoe Regional Planning Agency.

“Vegetation” means plant life.

“Vehicular way” means a private roadway or driveway.

“Watercourse” means any natural or constructed channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff.

“Wet season” means the period of the year which has the highest amounts of precipitation. In South Lake Tahoe, the majority of precipitation occurs between fall and spring. For the purpose of this chapter, the wet season is defined as from October 15th to May 1st, inclusive. Soil disturbance during the wet season should be avoided and is rarely permitted.

Work. See “Grading work.” (Ord. 1000 § 1)

## Article II. General Requirements

### § 36-4. Grading.

No person shall do or permit to be done any grading or other construction activity in such a manner that quantities of dirt, soil, rock, debris or other natural or construction materials, substantially in excess of natural levels, are washed,

eroded or otherwise moved from the site or discharged to SEZs either on or off of the site, except as specifically provided for by a permit. In no event shall grading activities cause or contribute to the violation of provisions of any applicable NPDES storm water discharge permit. (Ord. 1000 § 1)

**§ 36-5. Water obstruction.**

No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion. This section applies whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits. (Ord. 1000 § 1)

**§ 36-6. Grading permit required.**

A. Unless specifically exempt as stated below, a valid grading permit issued by the city is required on any site in the city of South Lake Tahoe for all grading activities involving more than three cubic yards of soil disturbance. Grading activities covered under other city permits which specifically include grading activities (including, but not limited to, building, demolition, and encroachment permits) are considered to be covered under a valid grading permit; provided, that the permittee meets all requirements of this chapter.

A grading permit shall also be required for the following:

1. Retaining walls or other slope stabilization measures which, together or individually, are over four feet in height, as measured from bottom of footing to top of the retained soil;
2. Any retaining walls that are subject to surcharge;
3. Private vehicular bridge; and
4. Swimming pool construction where depth of fill exceeds four feet.

B. The issuance or granting of a permit shall not be deemed or construed to be a permit for, or approval of, any violation of any of the provisions of this chapter. (Ord. 1000 § 1)

**§ 36-7. Exemptions.**

Unless in conflict with provisions of adopted general and/or specific plans, the following grading may be done without obtaining a city grading permit:

A. Grading activities governed and operating under permits issued by TRPA or Lahontan regional or state water boards or Caltrans;

B. Excavations (but not fill operations) in connection with a swimming pool authorized by a valid building permit. Any swimming pool fill operation must comply with SLTCC 36-6(A)(4) to be exempt;

C. Grading in accordance with plans incorporated in an approved reclamation plan, or sanitary landfill or environmental remediation project or petroleum product tank removal and installation including soil or geological investigations by a geotechnical engineer, civil engineer, or engineering geologist where permitted by any other state or county agency;

D. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition;

E. Routine cemetery excavations and fills;

F. Performance of emergency work necessary to protect life or property when an urgent necessity arises. The person performing such emergency work shall notify the department promptly of the problem and work required and shall apply for a permit within 10 calendar days after commencing such work, if the work has not been completed and the site restored within 10 days;

G. Timber harvest operations conducted under valid regional, state or federal permit; and

H. Stream restoration or alteration projects conducted under valid regional, state or federal permits, e.g., stream alteration permits, water quality certifications, etc.

Exemption from the requirement of a grading permit shall not be construed as permission to violate any provision of this chapter. (Ord. 1000 § 1)

**§ 36-8. Construction in public rights-of-way.**

No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without prior written approval of the director. (See Chapter 26 SLTCC, Article II, Encroachments.) (Ord. 1000 § 1)

**§ 36-9. Fees.**

A. The schedule of fees and costs shall be those established and adopted by the city council from time to time by resolution or ordinance. Before a permit is issued, the applicant shall deposit with the department cash, credit card payment, or a check, in a sufficient sum to cover the fee for issuance of the permit, charges for review of plans, specifications and reports, other engineering services, field investigations, necessary inspection or other work and routine laboratory tests of materials and compaction, all in accordance with schedules established and adopted by the council.

B. Fees shall be waived for public agencies, or projects solely for the installation of storm water management practices. At the sole discretion of the director, fees may be required for large public agency projects which would require extensive plan or technical report reviews or inspections.

C. If grading work is done in violation of this chapter or such work is not done in accordance with an approved permit, a fee covering investigation of any violation and inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs. The permit fee for work without a permit shall be twice the normal permit fee. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. (Ord. 1000 § 1)

**§ 36-10. Conditions applicable to all grading.**

All grading, even if a city permit is not required, must comply with design standards in Article VII of this chapter and with the following:

A. Grading and soil disturbance involving more than three cubic yards of soil disturbance is prohibited during the period from October 15th through May 1st unless otherwise approved in writing, by the director. If the grading activity requires permits from TRPA and/or the Lahontan Regional Water Quality Control Board, written approval from the applicable permitting agency(ies) for grading between October 15th and May 1st must be provided to the department prior to any grading between October 15th and May 1st. Upon receipt of documentation of written approval from the other permitting agency(ies), the director, at his or her sole discretion, may waive the requirement for city written approval of grading between October

15th and May 1st. Complete winterization of the site is required by October 15th, if work is not complete and permanent revegetation is not established.

B. All work shall be in conformity with any grading restriction required by other federal, state, regional, or local agencies.

C. Unnecessary disturbance to soils and vegetation outside of the work area is prohibited. Areas of the site not approved for grading, vegetation removal, or construction shall be fenced or otherwise marked or protected to prevent damage from vehicles. These fences or other protective measures shall be inspected, maintained, and repaired as necessary.

D. Prior to initiation of grading or construction-related activity which could result in discharge of sediment from the site or to SEZs, temporary erosion control measures shall be installed to prevent transport of earthen materials and other wastes off of the site.

E. If the director determines that any grading on private or public property constitutes a hazard to public safety; endangers property; adversely affects the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, watercourse or drainage channel; or could adversely affect the water quality of any water bodies or watercourses, the director may issue a stop work notice to the owner of the property upon which the condition is located, or other person or agent in control of such property. Upon receipt of such stop work notice, the recipient shall, within the period specified therein, stop all work, obtain a grading permit and conform to the conditions of such permit. The department may require the submission of plans or soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any corrective or proposed work or activity. (Ord. 1000 § 1)

**§ 36-11. Transfer of permit.**

No permit issued under this chapter may be transferred or assigned in any manner whatsoever, without the express written consent of the department. (Ord. 1000 § 1)

**§ 36-12. Right of entry.**

As a condition of the permit, the property owner shall grant the city a right of entry for the duration of the permit until after final inspection. Whenever necessary to enforce the provisions of this chapter, the director or designee may enter the premises to perform any duty imposed by this chapter. (Ord. 1000 § 1)

**§ 36-13. Liability.**

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the city for damage to any person or property. (Ord. 1000 § 1)

**§ 36-14. Denial of other permits.**

No building permit, water, sewer, electrical permit, or any other permit shall be issued by the city to any person for any premises or portion thereof which is in violation of this chapter. (Ord. 1000 § 1)

**§ 36-15. Grading prior to obtaining building permits.**

Property owners who submit applications for permits for grading for projects that have an approved subdivision, or the intended use has an approved discretionary zoning permit or has an approved design review permit must comply with the following requirements:

A. A separate grading plan shall be submitted to the community development department for review and approval. This plan shall conform to the requirements of this grading chapter and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading or revisions to work necessitated by conflicts discovered during plan review or subsequent construction will be corrected at the applicant's expense.

B. The property owner shall submit a revegetation and winterization plan for review and approval. If applicable, this plan shall include a performance agreement with the city of South Lake Tahoe which includes a specific schedule for performance of the subject grading, an engineer's esti-

mate of cost for implementing the plan, and an approved form of security to ensure the timely performance of the plan.

C. Applicable plan review and inspection fees deposit shall be required in compliance with the fee schedule established and adopted by the city council.

D. A drainage report shall be required pursuant to the requirements of this grading chapter. (Ord. 1000 § 1)

**§ 36-16. Not retroactive.**

The provisions of this chapter shall not apply to construction for which all previously necessary permits were obtained, before the effective date of the ordinance codified in this chapter or any subsequent amendments. (Ord. 1000 § 1)

**Article III. Procedures****§ 36-17. Filing.**

Applications for permits shall be filed with the department on forms furnished by the department. Each application shall include a plan-checking fee and other fees as required, grading plans and a statement of the intended use of the site. Only one application and permit is allowed for grading work to be done on a site. The department shall determine whether the application is complete or whether additional information is required from the applicant. The applicant shall be notified within 20 working days, and provided outstanding requirements in writing if the application is deemed incomplete. (Ord. 1000 § 1)

**§ 36-18. Compliance with CEQA.**

Any environmental review required by California Environmental Quality Act (CEQA) must be completed before the grading permit application will be deemed complete. (Ord. 1000 § 1)

**§ 36-19. Notice to adjacent utility owners.**

Applicant shall provide, with the application, documentation that he or she has notified by mail the owners of utilities on or abutting the site that an application for a grading permit has been submitted to the city. The notice shall state that the utilities must provide comments to the applicant within 30 calendar days of the date the notice is received by the utility. No permit shall be issued until the applicant provides proof that the utility has either

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approved the grading or has not objected to the grading within the 30-day period. This requirement may be waived by the director in his or her sole discretion. (See SLTCC 36-45 for requirements to contact Underground Service Alert (USA) to locate nearby utilities prior to construction.) (Ord. 1000 § 1)

### § 36-20. Referral to other public agencies.

The department may refer an application to other interested public agencies for their recommendations. (Ord. 1000 § 1)

### § 36-21. Permit conditions.

A. No permit shall be granted unless the project conforms to the city of South Lake Tahoe general plan, any community or specific plans adopted thereto and applicable city of South Lake Tahoe ordinances.

B. Where a proposed grading project requires the filing of a tentative map or the intended use requires a zoning or design review permit, no grading permit shall be granted prior to approval by the applicable planning authority.

C. The permit shall be limited to work shown on the grading plans as approved by the department. In granting a permit, the department may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, prevent erosion, require temporary and permanent stabilization of disturbed soils, and to assure proper completion of the grading, including but not limited to the following:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings. This includes the proper disposal of any hazardous material identified in the initial planning phase. The director may require documentation that the permittee has obtained necessary approvals from other agencies, and that the permittee properly manages and disposes of hazardous materials;

2. Improvement of any existing grading to comply with the standards of this chapter;

3. Requirements for fencing or other protection for grading which would otherwise be hazardous;

4. Requirements for dust, erosion, sediment and noise control, and hours of operation and sea-

son of work, weather conditions, sequence of work, access roads and haul routes;

5. Requirements for safeguarding watercourses, whether natural or manmade, from excessive deposition of sediment or debris in quantities exceeding natural levels;

6. Requirements for permanent stabilization of disturbed soils, for designation of approved snow storage areas, and for on-going maintenance of storm water retention and treatment facilities;

7. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of flooding can be eliminated or adequately reduced;

8. Requirements for safeguarding existing water wells.

D. All grading activities are prohibited between October 15th and May 1st without written approval of the director. If the grading activity is also governed and permitted by TRPA and/or the Lahontan Regional Water Quality Control Board, written approval from the applicable permitting agency(ies) for grading between October 15th and May 1st must also be provided to the department prior to any grading between October 15th and May 1st. (Ord. 1000 § 1)

### § 36-22. Permission of other agencies or owners.

No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or agency of the city, or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of issuance of applicable public agency permits shall be required before the issuance of a grading permit. (Ord. 1000 § 1)

### § 36-23. Location of property lines.

Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, a survey by a licensed land surveyor or appropriately licensed civil engineer or resolution of title, all at the expense of the applicant, may be required by the department. (Ord. 1000 § 1)

**§ 36-24. Time limits.**

A. The permittee shall perform and complete all the work required by the permit within time limits specified in the permit. If the work cannot be completed within the specified time, a request for an extension of time setting forth the reasons for the requested extension shall be presented in writing to the department prior to the expiration of the permit. The department may grant additional time for the permitted work to be completed.

B. If all of the permit work required is not completed within the time limit specified in subsection (A) of this section, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the director who may require a new application and fees depending upon the time between the expiration date and the renewal request, revisions in city regulations, and/or changed circumstances in the immediate area. Any revised plan shall be submitted to the department for review, and any costs thereof shall be at the applicant's expense. (Ord. 1000 § 1)

**§ 36-25. Validity.**

The issuance of a permit or approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations. (Ord. 1000 § 1)

**§ 36-26. Appeals.**

Appeals on decisions pursuant to this chapter shall be made, in writing, to the director of community development, setting forth the specific grounds thereto within 10 calendar days from the date of such decision. At the discretion of the director of community development, these appeals will be heard by the zoning administrator, planning commission, or building board of appeals. The written appeal shall be accompanied by an appeal fee as set from time to time. The appeal hearing may be continued from time to time at the request of the appellant or by a majority vote of the membership of the planning commission, building board of appeals, or by the zoning administrator. Any decision rendered by the planning commission, building board of appeals, or zoning administrator may be appealed by filing a petition for writ of mandate with the El Dorado County superior court, pursuant to California Code of Civil Procedure Section 1094.5 et seq. (Ord. 1000 § 1)

**Article IV. Plans and Specifications****§ 36-27. Application – Plans.**

A. Requirements of this section for submitting engineered plans and specifications and/or drainage reports may be waived or modified for projects to install storm water management practices for residential BMP retrofit projects or, at the sole discretion of the director, for other small grading projects.

B. Each application for a grading permit shall include the following:

1. A completed application form;
2. Three complete sets of grading plans and specifications (as applicable);
3. Profiles, cross-sections, and specifications as required;
4. A drainage report as required by the department;
5. The application fee as determined by the city council;
6. Where applicable, evidence of coverage, or application for coverage, under an NPDES general construction permit.

C. The plans and other documents will be reviewed by the department. The applicant and/or project engineer will be notified of any necessary changes to the plans. When the plans and other documents have been approved by the department, a grading permit will be issued for the project. All work must be done in strict conformance with the approved plans and documents. The approved plans shall not be changed or altered except in accordance with the provisions of this chapter.

D. Drainage reports are required for all commercial projects, subdivisions, parcel maps, environmental improvement projects, drainage improvement projects, projects involving disturbance to stream environment zones, and for other projects at the sole discretion of the director. The report shall be prepared by a civil engineer registered in California. The level of detail required in the report depends on the size, type, and location of the proposed grading, and shall be determined by the director and authorized designees. (Ord. 1000 § 1)

**§ 36-28. Grading plans – Engineer required.**

A. All plans and specifications shall be prepared, signed and stamped by a civil engineer for any project where the proposed grading:

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1. Requires cuts and fills involving a combined total of 350 cubic yards of dirt or more, or requires fill exceeding five feet in depth; or
2. Includes the creation or aggravation of an unstable slope condition; or
3. Requires a cut or fill that is situated so as to cause unduly increased soil pressure or reduce earth support upon adjacent structures or property; or
4. Requires construction of any retaining wall or other slope stabilization measure which, together or individually, is over four feet in height.
5. Includes the construction of any:
  - a. Infiltration basin or system capturing runoff from more than 2,500 square feet of impervious surfaces; or
  - b. Underground water quality treatment vault or system; or
  - c. Culverts, drain inlets, or other structural BMPs for conveying off-site drainage or for sediment control; or
  - d. Substantial alteration to any existing drainage course; or
  - e. Access road serving more than one existing or potential residence(s); or
  - f. Vehicular bridge.

B. At the sole discretion of the director, plans and specifications prepared and signed by a civil engineer, will be required for any other project which could endanger the public health, safety and welfare. (Ord. 1000 § 1)

**§ 36-29. Requirements for engineered grading plans.**

Grading plans and specifications shall be prepared and signed by a civil engineer, as provided herein.

A. The plans shall include the following:

1. All plans shall be on 24-inch by 36-inch sheets unless otherwise approved, and shall be drawn at a scale no less than one inch equals 20 feet, unless a different scale is approved by the director;
2. A title block. Plans shall be entitled “grading plan” and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan is prepared, owner’s name and address, the site address, and assessor’s parcel number (APN);

3. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes and watercourses in the area;
4. North arrow and scale;
5. A site plan indicating the extent of the work and any proposed divisions of land;
6. The complete site boundaries (i.e., property lines) and locations of any easements and rights-of-way traversing or adjacent to the property;
7. The location of all existing or proposed roads, buildings, wells, pipelines, watercourses, and any other structures, facilities, and features of the site, as well as the location of all improvements on lots within 50 feet of the proposed work;
8. Location and nature of known or suspected soil or geologic hazard areas, including but not limited to groundwater cleanup sites, landslides, etc.;
9. The source of survey information, and sheets showing accurate contour lines of the existing terrain and proposed finished grade at intervals not greater than two feet, or spot elevations 25 feet on center showing all topographic features and drainage patterns throughout the area where the proposed grading is to occur relative to a bench mark established on site. The contour lines/spot elevations shall be extended to a minimum of 50 feet beyond the affected area, and further, if needed, to define intercepted drainage, and shall be extended a minimum of 100 feet outside of any future road right-of-way. The department may require more detail to allow review;
10. Approximate location of cut and fill lines extent and finished slopes of all proposed grading and the limits of grading for all proposed grading work, including borrow and stockpile areas;
11. Location, width, direction of flow and approximate location of any watercourses or drainage ways including tops and toes of banks, and location of SEZ and SEZ setbacks;
12. Approximate boundaries of any areas with history of flooding;
13. Cross-sections, profiles, elevations, dimensions, and construction details based on accurate field data as may be required after initial review of plans;
14. Construction details for roads, watercourses, culverts, bridges and drainage devices,

retaining walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps as may be required after initial review of plans;

15. Proposed provisions for storm drainage control and any existing or proposed flood control facilities or storm water management practices near the grading;

16. A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent structural BMPs and facilities;

17. A revegetation plan, including temporary erosion control plantings, permanent slope plantings, replacement of temporary groundcover, and irrigation facilities.

B. Additional supporting information which may be required includes, but is not necessarily limited to:

1. An estimate of the quantities of disturbed area, excavation and fill;

2. The location of any borrow site or location for disposal of surplus material;

3. A projected schedule of operations, including, as a minimum, the dates of:

a. Commencement of work;

b. Start and finish of rough grading;

c. Completion of drainage facilities;

d. Completion of work in any water-course;

e. Completion of erosion and sediment control facilities;

f. Completion of hydro mulching and other landscaping. If rough grading is proposed between October 15th and May 1st, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;

4. Itemized cost estimate of the proposed grading and related work;

5. A drainage study;

6. Geotechnical investigation report and recommendations addressing the proposed work. (Ord. 1000 § 1)

#### **§ 36-30. Retention of approved plans.**

Three sets of approved plans and specifications shall be retained by the department. (Ord. 1000 § 1)

#### **§ 36-31. Modification of approved plans.**

A. Proposed modifications of an approved final plan shall be submitted to the department for written approval.

B. All necessary soils and geological information and design details shall accompany any proposed modification.

C. The modification shall be compatible with any subdivision map or land use requirements. (Ord. 1000 § 1)

#### **§ 36-32. Seasonal requirements.**

Implementation of erosion and sediment control plans shall be based on the season of the year and the stage of construction at forecasted periods of rainfall and heavy storms. Erosion and sediment control plans shall allow for possible changes in construction scheduling, unanticipated field conditions, and relatively minor changes in grading. Modifications to plans may be required after initial plan approval. (See SLTCC 36-60 on erosion and sediment control plans.) (Ord. 1000 § 1)

### **Article V. Geotechnical Investigations and Inspections**

#### **§ 36-33. Geotechnical investigation required.**

A soil or geologic investigation report shall accompany the application in any of the following circumstances when required by the director:

A. When the proposed grading includes a cut or fill exceeding 10 feet in depth at any point;

B. When highly expansive soils are present;

C. In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking. (Ord. 1000 § 1)

#### **§ 36-34. Investigations.**

Those portions of the soil or geologic investigation that constitutes “civil engineering” as defined by Section 6734 of the Business and Professions Code of the State of California shall be conducted by or under the direct supervision of a geotechnical engineer or civil engineer. Those portions of the investigation that involve the practice of “geology” as defined by Section 7802 of the Business and Professions Code of the State of California shall be conducted by an engineering geologist.

## § 36-35

The investigations shall be based on observations and tests of the material exposed by exploratory borings or excavations and inspections made at appropriate locations. Additional studies may be necessary to evaluate soil and rock strength, the effect of moisture variation on soil, bearing capacity, compressibility, expansiveness, stability, keying, sub drainage benching and other factors. The investigation shall consider the evaluation of grading factors such as moisture variability and ability to compact the material when wet, as determined appropriate. (Ord. 1000 § 1)

### § 36-35. Reports – General.

Any soil or geologic investigation report shall be subject to the approval of the department who may require supplemental reports and data. Recommendations included in the reports and approved by the department shall be incorporated in the final plans and specifications. (Ord. 1000 § 1)

### § 36-36. Soil/geologic investigation report.

The soil or geologic investigation report shall contain all of the following, as they may be applicable to the subject site:

A. An index map showing the regional setting of the site;

B. A site map which shows the topographic features of the site and locations of all soil borings and test excavations;

C. A classification of the soil types (unified soil classification), pertinent laboratory test data and consequent evaluation regarding the nature, distribution, and strength of existing soils;

D. A description of the geology of the site and geology of the adjacent areas when pertinent to the site;

E. A suitably scaled map and cross-sections showing all identified areas of land slippage;

F. A description of any encountered groundwater, excessive moisture conditions, evidence of perched water tables, or soil strata that would limit infiltration;

G. A description of the soil and geological investigative techniques employed;

H. A log for each soil boring and test excavation showing elevation at ground level and the depth of each soil or rock stratum;

I. An evaluation of the stability of pertinent natural slopes and recommendations regarding maximum cut and fill slopes of proposed work;

J. An evaluation of settlement associated with the placement of any fill;

K. Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill;

L. Recommendations regarding surface and subsurface drainage, storm water management practices, and erosion control;

M. Recommendations for mitigation of geologic hazards. (Ord. 1000 § 1)

### § 36-37. Final report.

Upon completion of rough grading work, in the event a complete record of the work is desired or necessary, the department may require a final geotechnical report that includes, but is not necessarily limited to the following:

A. A complete record of all field and laboratory tests including location and elevation of all field tests;

B. A professional opinion regarding slope stability, soil bearing capacity, and any other pertinent information;

C. Recommendations regarding foundation design, including soil bearing potential and building restrictions or setbacks from the top or toe of slopes;

D. A declaration by the geotechnical engineer, civil engineer or engineering geologist in the format required by the department that all work was done in substantial conformance with the recommendations contained in the soil or geologic investigation reports as approved and in accordance with the approved plans and specifications. (Ord. 1000 § 1)

### § 36-38. Changed conditions.

Where soil or geologic conditions encountered in the grading operation deviate from those anticipated in the soil and geologic investigation reports or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for the approval of the department. If conditions at the site are considered detrimental to water quality, public health or safety, the director

may terminate all grading activity until the encountered conditions are evaluated in a revised report. (Ord. 1000 § 1)

**§ 36-39. Special inspection.**

A. As a condition of the permit, the department may require the permittee to retain a private geotechnical engineer or civil engineer to directly supervise or perform continuous inspections or inspections at specified phases of grading, and upon completion of the work to provide a written statement acknowledging that he or she has inspected the work and that in his or her professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his or her own contractual arrangements for such services and shall 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:

1. During the preparation of a site for the placement of fills which exceed five feet in depth on slopes which exceed 10 percent and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed 10 feet in height;

2. During the preparation of a site for the placement of any fill which is intended to support any building or structure when the fill exceeds three feet in depth;

3. During the installation of subsurface drainage facilities.

B. Reports filed by the private geotechnical engineer or civil engineer regarding special inspection shall state in writing that from his or her personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

C. The use of a private geotechnical engineer or civil engineer for inspections shall not preclude the department from conducting personal inspections or from authorizing inspections by other qualified inspectors as may be necessary. (Ord. 1000 § 1)

**§ 36-40. Noncompliance notification by private geotechnical engineer or civil engineer.**

The permittee shall cause the work to be done in accordance with the approved plans. If during the course of construction the private geotechnical engineer or civil engineer finds that the work is not being done substantially in accordance with the approved plans and specifications, he or she shall immediately notify the person in charge of the work and the department of the nonconformity and the corrective measures to be taken. When changes in the plans are required, he or she shall prepare or cause to be prepared such proposed changes and submit them to the department for approval. (Ord. 1000 § 1)

**§ 36-41. Periodic progress reports by private geotechnical engineer or civil engineer.**

As a condition of the report, periodic progress reports shall be rendered by the private geotechnical engineer or civil engineer as required by the department including, but not limited to, laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements. (See SLTCC 36-38 for requirements if unanticipated conditions are encountered during grading.) (Ord. 1000 § 1)

**Article VI. Performance of Work and Responsibilities of Permittee and Property Owner**

**§ 36-42. Progress report by permittee.**

Periodic progress reports shall be submitted by permittee on specified calendar dates and at commencement and completion of major key grading and erosion and sediment control operations. The dates of operations upon which such reports are required and their content shall be as required by the department in the permit. (Ord. 1000 § 1)

**§ 36-43. Record drawings.**

For engineered plans, the permittee shall submit to the department a record drawing of the grading plan following completion of the work. At the sole discretion of the director, the record drawing shall be submitted in vellum and/or in an electronic ver-

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sion in compliance with the current city standard. The record drawings shall be clearly marked "AS BUILT." (Ord. 1000 § 1)

### § 36-44. Performance of work – Inspection/certification.

A. The department may inspect any work or require certification by private engineer of any work done under a grading permit. No permittee shall be deemed to have complied with this chapter unless one of the following has occurred:

1. A final inspection approval has been issued by the department; or
2. Submittal of certification of completion by the civil engineer, or the geotechnical engineer of record, has been accepted by the department; or
3. The final inspection has been waived in writing by the department.

B. The permittee shall provide adequate access to the site for inspection by the department during the performance of all work and for a minimum period of one year after completion of the work.

C. If the engineer of record is changed during the 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 director in writing of such change prior to the recommencement of such grading. (Ord. 1000 § 1)

### § 36-45. Other responsibilities of permittee and property owner.

The permittee and property owner shall also be responsible for the following:

A. Protection of Utilities. The permittee and property owner shall be responsible for the prevention of damage to any utilities or services. The permittee and property owner shall be responsible for contacting all utility agencies for locations of all underground facilities prior to any excavation or grading, potholing as necessary, and for the protection and repair of any damage to them. As required by California Government Code Section 4216, the licensed contractor, the permittee or property owner shall contact Underground Service Alert (USA) at 1-800-227-2600 a minimum of 48 hours and a maximum of 14 days prior to excavation or grading.

B. Protection of Adjacent Property. The permittee and property owner are responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property, or easement, without supporting and protecting such property from damage which might result. Encroachment permits are required for work adjacent to city property or streets. (See Chapter 26 SLTCC, Article II, Encroachments.)

C. Advance Notice. The permittee shall notify the department at least 48 hours prior to the start of work. Public land management agencies shall notify the department of the location of grading projects prior to the start of work.

D. Erosion and Sediment Control. It shall be the responsibility of the permittee to control discharge of sediment from the site to any watercourse, drainage system, street, SEZ, or adjacent property and to protect watercourses and adjacent properties from damage by erosion, flooding or deposition which may result from the permitted grading.

E. Hazardous Materials Control. It shall be the responsibility of the permittee to prevent discharge of hazardous materials from the site to any watercourse, drainage system, or adjacent property, and to protect watercourses and adjacent properties by hazardous materials, which may result from permitted grading.

F. Excavation Safety Plans. It shall be the responsibility of the permittee to comply with federal and state (Construction Safety Orders of the Division of Occupational Safety and Health) requirements for occupational safety and health. For all excavations one and one-half meters or more in depth, the permittee shall submit a detailed plan showing the design and details of protective systems to be provided for worker protection from the hazard of caving ground during excavation. (Ord. 1000 § 1)

## Article VII. Design Standards

### § 36-46. Excavation.

Excavations shall be constructed and protected so that they do not endanger life or property. (Ord. 1000 § 1)

**§ 36-47. Excavation slope.**

The slope of cut surfaces of permanent excavations shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of rounding described herein. Steeper slopes will be permitted in competent bedrock, provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The bedding planes or principal joint sets in any formation when dipping towards the cut face shall not be daylighted by the cut slope unless the soils and geologic investigations contain recommendations for steeper cut slopes. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground. (Ord. 1000 § 1)

**§ 36-48. Fill placement.**

Fill shall be placed in layers. The loose thickness of each layer of fill material before compaction shall not exceed 12 inches. Completed fill shall be a stable mass of well-integrated material bonded to adjacent materials and to the materials on which it rests. No organic material, such as vegetation or rubbish, or any other material not capable of proper compaction, or otherwise not conducive to stability, shall be permitted in fills. Borrowing for fill is prohibited unless approved by the city or other permitting authority. Fill shall be competent to support anticipated loads and be stable at the design slopes shown on the plans. Proper surface and subsurface drainage and other appropriate measures shall be taken to ensure the continuous integrity of fill. Earth materials shall be used which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than six inches. Larger material may be used with the approval of the department and the geotechnical engineer. (Ord. 1000 § 1)

**§ 36-49. Fill compaction.**

Fill areas shall be compacted to a maximum density as described below, and as determined by the appropriate Caltrans standard method or other alternate methods approved by the department. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two-foot vertical lift of the fill but not less than one test for each 1,000 cubic yards of material placed. Additional density tests at a point approxi-

mately one foot below the fill slope surface shall be made on the basis of not less than one test for each 1,000 square feet in slope surface but not less than one test for each 10-foot vertical increase of slope height. All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of such testing and location of tests shall be presented in the periodic and final reports.

Fill that will support an engineered structure shall be compacted to a minimum of 95 percent of maximum dry density, as determined by the above tests.

Except as noted below, areas not used to support engineering structures, that will be filled to grade and revegetated or otherwise stabilized, shall be compacted to a minimum of 90 percent of maximum dry density. Prior to disturbance in the areas which have vegetation or native or imported topsoil, the top six inches of soil and organic debris, including roots, shall be excavated and stockpiled for salvage. Stripped topsoil shall be removed in a discrete layer so that subsoil spoil material is not mixed with topsoil. Stockpiled topsoil shall not be piled or compacted in a manner that significantly alters its inherent density, water holding capacity or infiltration. Topsoil shall be stockpiled to a depth not exceeding eight feet and protected from erosion. Topsoil stockpiles shall under no circumstance be compacted. Following completion of rough grading and compaction, the areas to be revegetated shall be scarified to a depth of at least six inches, and then covered with salvaged top soil. For areas where soil stabilization other than vegetation is used, soils shall be scarified to a depth of at least six inches prior to covering with alternative stabilization measures, e.g., rock mulches. Areas that are filled with the intent to enhance retention or infiltration of storm water may be compacted to less than 90 percent of maximum density, when such material is placed and compacted by a method acceptable to the department for maintaining stability and promoting infiltration.

Compaction of temporary stockpile fills, to be used for a period of not greater than six months, shall not be required, except where the department determines that compaction is necessary as a safety measure to aid in preventing saturation, sliding, or erosion of the fill. For street structural section compaction requirements, see the City of South Lake

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Tahoe Public Improvement and Engineering Standards, project plans, and the project special provisions where applicable. (Ord. 1000 § 1)

### § 36-50. Ground preparation for fill placement.

The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, and other unsuitable material, and where slopes are six horizontal to one vertical or steeper, by benching into competent material in a manner acceptable to the department. The keyway under the toe, if specified, shall be at least 15 feet wide. (Ord. 1000 § 1)

### § 36-51. Fill slopes.

The slope of permanent fills shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of roundings described herein, unless a soils report supports a steeper slope, but shall not exceed one and one-half horizontal to one vertical unless the fill is reinforced as recommended by the geotechnical engineer. The department may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical or may require such other measures deemed necessary for stability, safety, or visual impact. (Ord. 1000 § 1)

### § 36-52. Extent of grading, revegetation and finished appearance of slopes.

All grading should be kept to a minimum. Extensive regrading of a site to create building pads for construction is not recommended. Buildings shall be fitted to the land with graded areas limited, whenever possible, to the portion of the site to be covered by the structure. When graded areas cannot be covered by the structure, they shall be screened from public views by the building. Grading shall be designed to minimize the disruption to existing vegetation (including ground covers, shrubs, and trees). Revegetation of graded areas shall utilize plant materials that blend well with the surrounding vegetation, and are on TRPA's List of Approved Plant Species. (Also see TRPA Handbook of Best Management Practices.)

Where mechanical stabilization or containment of the slope by other than the use of natural material is employed, conditions of approval may require screening by vegetation. The overall shape, height and grade of any cut or fill slope shall be

designed to simulate the existing natural contours and scale of the natural terrain of the site. The angle of a graded slope shall be gradually adjusted so that it merges smoothly into the angle of the natural terrain. Graded slopes shall be promptly revegetated with a ground cover or combination of ground cover, shrubs, and trees to reduce the visual impact of the graded slope and to stabilize the slope and minimize erosion. Rocks may be used to help stabilize graded slopes; however, they should be used sparingly and interspersed with trees, shrubs and ground cover. When graded slopes (either cut or fill) extend horizontally for more than 100 feet (such as along roadways), the contours shall be curved or broken to create an undulating bank with greater visual variety and a more natural appearance. The maximum height of retaining walls shall be limited to eight feet. When slopes greater than eight vertical feet must be retained, terraces shall be used to create smaller grade changes (three to five feet or less). Areas between terraces shall be wide enough to accommodate landscape planting pockets to soften the wall's appearance. Downhill sides of retaining walls shall also be planted in order to help screen the structure. Also see the TRPA Handbook of Best Management Practices. Long, straight unbroken retaining walls (greater than 100 feet) with no articulation or other surface features are not permitted. (Ord. 1000 § 1)

### § 36-53. Adjacent structures protection.

Footings which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. The rights of coterminous owners are as set forth in Section 832 of the Civil Code of the State of California. (Ord. 1000 § 1)

### § 36-54. Setbacks – General.

Unless otherwise recommended in a soil or geologic investigation report, SLTCC 5-22 and SLTCC 21-2 through 21-4 shall be used for establishing setbacks for property boundaries, buildings and structures other than fences and retaining walls. (Ord. 1000 § 1)

**§ 36-55. Drainage, discharge, and storm water control requirements.**

A. Any drainage infrastructure(s) or device(s) carrying surface water runoff required by this chapter shall be designed and constructed in accordance with standards herein, the current City of South Lake Tahoe Public Improvement Engineering Standards authorized by the director, and the standards of all other federal, regional and state agencies.

B. Storm water management practices shall be designed, engineered, and constructed to retain storm water runoff generated on-site, within the site, and to prevent discharge of pollutants to SEZs and streets and other storm water infrastructure. Site plans incorporating principles of low impact development, green design, or enhanced infiltration of on-site and dispersed off-site flows are encouraged. Storm water management practices shall be designed to prevent degradation of quality of storm water runoff, and to maintain or decrease the quantity of storm water discharged from the site. Permanent sediment, retention, or infiltration basins shall be designed to integrate with the natural environment using such techniques as terraced sites to remove the “cut” appearance of basins, curvilinear design rather than rectangular design forms, and the use of low fencing (three feet high with landscaping to integrate the fence with the site).

C. Drainage infrastructure designed to convey concentrated off-site flows shall be designed, engineered, and constructed to convey these flows without causing erosion or increasing risks of downstream flooding. Modifications to existing drainage ways for concentrated off-site flows must be approved in writing by the department.

D. When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not cause erosion or endanger any cut or fill slope or any building or structure. Grading activities that result in increased overall volume, peak flow, or the concentration of flows are only allowed if approved in writing by the department.

E. All areas shall be graded and drained so that drainage will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

F. Cut and fill slopes shall be provided with surface and/or subsurface drainage as necessary for stability. (Ord. 1000 § 1)

**§ 36-56. Vehicular ways – General.**

Vehicular ways shall conform to the grading requirements of this chapter. (Ord. 1000 § 1)

**§ 36-57. Vehicular ways – Drainage.**

Vehicular ways shall be graded and drained in such a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in such a manner that it does not cause erosion or endanger existing improvements. Bridges and culverts installed in watercourses must be approved by the director and any other required permitting agency. (Ord. 1000 § 1)

**§ 36-58. Erosion and sediment control.**

The following shall apply to the control of erosion and sediment from grading operations:

A. Grading plans shall be designed with long-term erosion and sediment control as a primary consideration. Stabilizing soils and protecting soils and existing vegetation outside of the graded area from disturbance during and after construction prevents erosion and keeps the site from becoming a source of sediment during storms. Therefore, erosion prevention and source control shall be used, wherever possible. Where soil stabilization, erosion prevention measures, and on-site infiltration are feasible, site designs relying solely on sediment capture and storm water retention will not be approved.

B. Grading operations shall provide erosion and sediment control measures, except upon a clear demonstration, to the satisfaction of the department, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. Temporary mulch, revegetation, or other stabilization methods shall be applied to areas where effective permanent revegetation or landscaping is not in place prior to the wet season, consistent with Chapter 12 SLTCC, Article VI, Defensible Space. Unless otherwise exempted in this chapter, grading activity must be scheduled to ensure completion or winterization by October 15th of each year.

C. Grading activity shall be conducted such that the smallest practicable area of erodible land is exposed at any one time during grading operations and the time of exposure is minimized. Land disturbance shall be limited to the minimum area necessary for construction.

D. Natural features, including vegetation, terrain, watercourses and similar resources shall be protected and preserved wherever possible. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment.

E. Permanent vegetation and structural BMPs for erosion and sediment control shall be installed as soon as possible, but not later than within six months of issuance of certificate of occupancy for projects that require such a certificate. Effective temporary erosion and sediment control measures shall be installed and maintained until the permanent measures can effectively prevent erosion and control sediment.

F. Effective installation, inspection, and maintenance of temporary and permanent erosion and sediment control structural BMPs and vegetation is required. Stockpiled soil and other construction materials shall be protected from wind or water erosion by being appropriately covered when construction is not in active progress or when required by the city. Sediment and other construction-related wastes shall be retained and properly managed on the site or properly disposed of off-site. (See Chapter 8 SLTCC, Article VII, Construction and Demolition Debris Recycling.)

G. No topsoil shall be removed from the site unless otherwise directed or approved by the department. Topsoil overburden shall be stockpiled and redistributed where appropriate within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water.

H. Runoff shall not be discharged from the site in quantities or at velocities above those which occurred before grading, except into drainage facilities whose design has been specifically approved by the department.

I. The permittee shall ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs. The site shall be cleaned and the road right-of-way swept clean as required by the city.

J. All cut and fill slopes shall be adequately stabilized to prevent erosion and failure through temporary and permanent means.

K. Control measures shall be employed to prevent transport of dust off the project site or into any drainage course or water body. (Ord. 1000 § 1)

**§ 36-59. Emergency conditions.**

Should increased sediment discharge occur or become imminent, the permittee shall take all necessary steps to control or reduce such discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately required pursuant to this chapter. The permittee shall take prompt action to resolve emergency problems; otherwise the department may institute abatement proceedings pursuant to provisions of SLTCC 36-65. (Ord. 1000 § 1)

**§ 36-60. Erosion and sediment control plans.**

Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and development from initial disturbance of the ground to project completion. The plans shall include specific measures to ensure that soil stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable.

For residential BMP retrofit projects, applicants may submit simplified erosion and sediment control plans that include and comply with recommendations for temporary storm water management practices made by TRPA staff, certified evaluators certified by TRPA for BMP site evaluations, or by Tahoe Resource Conservation District staff. For other small grading projects with minimal risks of erosion or sediment discharge, the director, at his or her sole discretion, may modify or waive requirements for erosion and sediment control plans listed below. Exemption from the requirement to submit or comply with any specific ele-

ments of erosion and sediment control plans listed below shall not be construed as permission to violate any other provision of this chapter.

Erosion and sediment control plans prepared pursuant to this chapter shall comply with all of the following:

A. Except as provided in SLTCC 36-10 (which requires full site winterization by October 15th), sediment and erosion control measures must be in place or be capable of being placed within 24 hours and must be in place prior to the onset of precipitation.

B. Grading and soil disturbance shall be prohibited during the period from October 15th through May 1st unless approved in writing by the director. If the grading activity is also governed and permitted by TRPA and/or the Lahontan Regional Water Quality Control Board, written approval from the applicable permitting agency(ies) for grading from October 15th through May 1st must also be provided to the department prior to any grading from October 15th through May 1st. The director may require suspension of any and all grading activities from October 15th through May 1st without prior notice.

C. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan. The erosion and sediment control plan may be, but is not required to be, in the format of a storm water pollution prevention plan (as required by Lahontan Regional Water Quality Control Board for greater than one acre construction projects in the Tahoe Basin).

D. Erosion and sediment control plans shall comply with the recommendations of the responsible civil engineer, geotechnical engineer, engineering geologist, or landscape architect involved in preparation of the grading plans. The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a civil engineer, and he or she shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.

E. Except for projects solely for the purpose of installing storm water management controls for residential BMP retrofit projects, the erosion and sediment control plan for any grading project involving more than seven cubic yards or 1,000 square feet of soil disturbance shall be written, amended, and certified by a qualified professional with one of the following registrations or certifications:

1. A California registered professional engineer;
2. A California registered professional geologist or engineering geologist;
3. A California registered landscape architect;
4. A professional hydrologist registered through the American Institute of Hydrology;
5. A certified professional in erosion and sediment control registered through EnviroCert International, Inc., or the National Institute for Certification in Engineering Technologies; or
6. A certified professional in storm water quality registered through EnviroCert International, Inc.

F. The applicant shall submit with the erosion and sediment control plans a detailed cost estimate covering this work.

G. Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas which will not be otherwise protected. All such areas where grading has been completed shall be planted by November 1st. If revegetation is infeasible or cannot be expected to stabilize the erodible area throughout the wet season additional erosion and sediment control measures including further stabilization of planted slopes may be required as appropriate to prevent increased sediment discharge.

H. Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities by the permittee at the close of each working day if work occurs during the wet season.

I. Erosion and sediment control plans shall identify the schedule for inspections and require permittees to document that deficiencies or repairs are completed prior to the onset of precipitation. These plans shall include specific criteria for sediment cleanout and vegetation/revegetation maintenance.

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J. Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation on grading sites. For residential properties, these standards and specifications shall be in general compliance with the current versions of the Lake Tahoe Fire Chiefs' Living with Fire – Lake Tahoe Basin and the University of Nevada Cooperative Extension's How to Install Best Management Practices (BMPs) in the Lake Tahoe Basin, and Home Landscaping Guide for the Tahoe Basin. (Ord. 1000 § 1)

### **Article VIII. Improvement/ Maintenance Security**

#### **§ 36-61. Security required.**

A. As a condition for the issuance of a permit, the department may require the deposit of improvement security in sufficient amount deemed necessary to assure performance of the work in the event of default on the part of permittee. Such security shall be in a form acceptable to the city of South Lake Tahoe.

B. The improvement security shall remain in effect until final inspections have been made and all grading work and site stabilization has been approved by the department.

C. In addition to the improvement security, the department may also require the deposit of maintenance security in sufficient amount deemed necessary to guarantee and maintain the grading work and site stabilization to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Such maintenance security shall be in a form acceptable to the city of South Lake Tahoe and shall remain in effect for a period of one year after the date of acceptance of the improvements. Upon acceptance of completed improvements, improvement security may serve as the maintenance security and may be increased or decreased.

D. Any deposit required by the department pursuant to this chapter shall be payable to the city of South Lake Tahoe.

E. Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide

proper drainage or erosion and sedimentation control, the security deposit will not be released. The city may do the required work, or cause it to be done and collect from the permittee or surety all costs incurred thereto, including administrative, inspection and legal costs. (Ord. 1000 § 1)

### **Article IX. Enforcement**

#### **§ 36-62. Violations.**

Failure to comply with the following shall constitute a violation of this chapter:

- A. Any requirement of this chapter;
- B. Any order issued by the department pursuant to the provisions of this chapter;
- C. Any condition placed on grading permits;
- D. Any other rules or regulations of the city of South Lake Tahoe related to grading or construction;
- E. Any condition placed on any construction or grading permit issued pursuant to an MOU with the TRPA;
- F. Any condition placed on any construction or grading permit issued by regional or state water boards for construction or grading activities within the city of South Lake Tahoe. (Ord. 1000 § 1)

#### **§ 36-63. Noncompliance notification by licensed professional.**

The geotechnical engineer, certified engineering geologist, civil engineer or other licensed or certified professional retained to monitor construction shall immediately notify the director if it is observed that the work is not being performed substantially in accordance with the approved plans and specifications. Any necessary modifications of project plans shall be submitted to the director for review and approval. (Ord. 1000 § 1)

#### **§ 36-64. Stop work orders.**

A. Whenever any person is performing work in violation of the provisions of this chapter, the director or one of their designees may issue a written order to the responsible party to correct and/or stop work on the portion of the work where the violation has occurred or upon which the danger exists. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation.

B. Upon receipt of a correction order, the person performing the work shall undertake efforts and correct the noted condition(s) within the time specified in the correction order.

C. Upon receipt of a stop work order, the person performing the work shall stop work immediately on all aspects of construction other than work associated with correcting the violations of this chapter. These corrections shall be undertaken at the violator's sole expense.

D. If the responsible party fails to comply with the stop work order served pursuant to this section, the city may use any and all remedies available to it under this chapter, in law, or in equity, including but not limited to: shutting down all work on the site, performing the corrective work either with city crews or by contract, or arresting the responsible party for violation of this chapter. (Ord. 1000 § 1)

**§ 36-65. Nuisance.**

A. Established Nuisances Per Se. The city council of the city of South Lake Tahoe ordains that the following violations of this chapter constitute public nuisances:

1. A discharge of sediment, construction materials or other pollutants associated with grading or other construction activities to public streets or other city storm water conveyances; or
2. Any alteration to natural drainage patterns which has or will cause flooding to adjacent property; or
3. A violation which has created a threat to public health, safety or welfare. (Ord. 1000 § 1)

**§ 36-66. Nuisance abatement procedure.**

A. Nuisance Abatement Procedure. In accordance with California Government Code Section 25845, the city council of the city of South Lake Tahoe establishes the procedure for abatement of a nuisance. Upon the discovery of a nuisance, city staff shall comply with the following procedures:

1. Upon discovery of a nuisance, the owner of the parcel, and anyone known to be in possession of the parcel, shall be given notice of the nuisance abatement proceeding. The notice shall provide for an opportunity to appear and be heard before the zoning administrator prior to the abatement of the nuisance by city.
2. Notwithstanding the foregoing, nothing in this chapter shall prohibit the summary abate-

ment of a nuisance upon order of the city council, or upon order of any other city officer authorized by law to summarily abate nuisances, if the city council or officer determines that the nuisance constitutes an immediate threat to public health or safety.

3. In any action to abate a nuisance, whether by administrative proceedings, judicial proceedings or summary abatement, the owner of the parcel upon which the nuisance is found to exist shall be liable for all costs of abatement incurred by the city, including, but not limited to, administrative costs, and any and all costs incurred in abatement of nuisance. Recovery of costs pursuant to this subsection shall be in addition to and shall not limit any prevailing party's right to recover costs pursuant to Sections 1032 and 1033.5 of the Code of Civil Procedure or any other provision of law. A prevailing party may also recover attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance, if the city elects at the initiation of the individual action or proceeding to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

4. If the property owner fails to pay the costs of the abatement upon demand by the city, the city council may order the cost of the abatement to be specially assessed against the parcel. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of city taxes shall be applicable to this special assessment.

5. If the city council specially assesses the cost of the abatement against the parcel, the city council also may cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the city council and the date the abatement was complete, and

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include a description of the real property subject to the lien and the amount of the abatement cost.

6. However, if the city council does not cause the recordation of a notice of abatement lien pursuant to subsection (A)(5) of this section, and any real property to which the costs of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or a lien on a bona fide encumbrance for value has been created and attaches to that property, prior to the date on which the first installment of city taxes would become delinquent, then the cost of abatement shall be transferred to the unsecured roll for collection.

7. Recordation of a notice of abatement lien pursuant to subsection (A)(5) of this section has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the city council, or any other city officer authorized by the city council to act upon its behalf, an abatement lien created under this section may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

8. The city council may delegate the hearing required by subsection (A)(1) of this section, prior to abatement of a public nuisance, to a three-member hearing board designated by the city council. The hearing board shall make a written recommendation to the city council. The city council may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the city council.

9. The city council may, by ordinance, delegate to a hearing officer appointed pursuant to Government Code Section 27720 the powers and duties specified by this section.

10. Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this chapter enacted pursuant to California Government Code Section 25845, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the court may order the owner to pay treble the costs of the abatement. (Ord. 1000 § 1)

**§ 36-67. Investigation fees – Work without a permit.**

Whenever any work for which a permit is required by this chapter has been commenced without first obtaining the permit, the director shall require an investigation before issuing a permit for such work. In this case, the violator shall be charged for the department's labor and costs incurred during the investigation, in addition to double the cost of regular permit fees. (Ord. 1000 § 1)

**§ 36-68. Severability.**

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; and the board declares that this chapter and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that one or more of such sections, subsections, paragraphs, subparagraphs, sentences, clauses or phrases be declared invalid or unconstitutional. (Ord. 1000 § 1)