

Calaveras County Code
Title 15. Buildings and Construction
Chapter 15.05

GRADING AND DRAINAGE ORDINANCE

- Section 15.05.010 Title.
- Section 15.05.020 Purpose and Scope.
- Section 15.05.030 Administrative Authority.
- Section 15.05.040 Definitions.
- Section 15.05.050 Grading and Drainage Standards.
- Section 15.05.060 Prohibitions.
- Section 15.05.070 Grading Permit Required.
- Section 15.05.080 Grading Permit Exemptions.
- Section 15.05.090 Engineered Grading.
- Section 15.05.100 Application Requirements for Grading Permits.
- Section 15.05.110 Limitations of Grading Permit Issuance.
- Section 15.05.120 General Plan Consistency.
- Section 15.05.130 Compliance with CEQA.
- Section 15.05.140 "Sensitive Basin" Designations.
- Section 15.05.150 Construction.
- Section 15.05.160 Coordination with Utilities.
- Section 15.05.170 Erosion and Sediment Control Measures.
- Section 15.05.180 Drainage Control Measures.
- Section 15.05.190 Work Completion.
- Section 15.05.200 Grading Fees.
- Section 15.05.210 Securities.
- Section 15.05.220 Time Limits on Permits.
- Section 15.05.230 Notice of Violation.
- Section 15.05.240 Stop Work Orders.
- Section 15.05.250 Emergency Work.
- Section 15.05.260 Corrective Work.
- Section 15.05.270 Denial of Other Permits and Inspections.
- Section 15.05.280 Recording of Notice of Noncompliance.
- Section 15.05.290 Enforcement
- Section 15.05.300 Nonexclusive Remedies.
- Section 15.05.310 Appeals.

Section 15.05.320 Limitations of County Liability.

Section 15.05.330 Severability.

Section 15.05.010 Title.

This Chapter shall be known as and may be cited as the Grading and Drainage Ordinance of Calaveras County ("Chapter").

Section 15.05.020 Purpose and Scope.

- A. This Chapter is enacted for the following purposes:
1. To regulate grading, drainage, and other earthwork activities within the unincorporated areas of Calaveras County to preserve and safeguard public welfare, life, health, and property;
 2. To ensure that the intended use of a graded site is consistent with the Calaveras County General Plan (including adopted Community Plans), the County's Storm Water Management Plan, California Fire Safe Standards, and local ordinances, including the County Zoning Ordinance, the County Road Ordinance, and applicable building codes;
 3. To require implementation of erosion and sedimentation control measures to protect water quality and to reduce the discharge of pollutants into County storm water drainage systems to the maximum extent practicable using best management practices; and,
 4. To establish authority and procedures for the issuance of grading permits; for the approval of grading plans; for inspection of earthwork activities; and, for enforcement of the provisions herein.
- B. Where conflicts occur between this Chapter and other local, state, or federal law or regulation, the most restrictive shall apply. The exemption of certain activities from the grading permit requirements of this Chapter does not relieve any person of the need to obtain any other permits or other authorizations that may be otherwise required with that activity.
- C. The requirements of this Chapter shall not be applicable to construction for which a complete grading permit application was submitted to Calaveras County Department of Public Works ("Public Works") prior to the adoption of this Chapter. All such work shall be completed in accordance with the requirements and conditions in place at the time the permit application was accepted as complete by Public Works.

Section 15.05.030 Administrative Authority.

This Chapter of the Calaveras County Code ("Chapter") shall be implemented and enforced by the Director of the Calaveras County Department of Public Works ("Director"). The Director may delegate the responsibilities for implementation or enforcement to a professional engineer, code enforcement officer, or other designee, either individually or collectively.

Section 15.05.040 Definitions.

Definitions, word conventions, abbreviations, and acronyms shall be as defined in the latest version of the *Calaveras County Grading, Drainage, and Erosion Control Manual* as approved by the Calaveras County Board of Supervisors ("Board").

Section 15.05.050 Grading and Drainage Standards.

- A. Public Works shall prepare a "Calaveras County Grading, Drainage, and Erosion Control Manual" ("*Manual*") that includes guidelines, procedures, and design standards necessary to achieve the purposes of this Chapter and to implement the requirements of this Chapter.
- B. The *Manual* shall be presented to the Board of Supervisors for adoption by resolution and may be amended from time to time by resolution of the Board of Supervisors.
- C. All grading within unincorporated Calaveras County, regardless of whether or not a grading permit is required, shall be in compliance with the following:
1. Applicable requirements of this Chapter and other County ordinances, rules, and regulations, including but not limited to Title 17 of the County Code;
 2. Design standards and other requirements as contained in the *Manual*; and
 3. Requirements of the Central Valley Regional Water Quality Control Board including the statewide "*General Permit for Discharges of Storm Water Associated with Construction Activities*."
- D. The Director shall impose additional requirements beyond those specified or referenced in this Chapter if such requirements are deemed necessary to protect the health, safety, or welfare of the public; to prevent or eliminate a hazard to public or private property; or, to otherwise fulfill the purposes of this Chapter.

Section 15.05.060 Prohibitions.

- A. Grading activities are prohibited if they have the potential, as determined by the Director, to result in any one of the following conditions.
1. The creation of a hazard to public health, welfare, or safety.
 2. Threat to the stability or use of adjacent property.
 3. Damage to public or private utilities.
 4. Damage to a public or private road or other transportation facility.
 5. Damage to, or obstruction of, watercourses or drainage facilities.
 6. Substantial degradation of water quality of any watercourse.
 7. Damage to existing septic systems and water supply wells.
- B. If, during construction, one or more of the above conditions exist or have the potential to occur, it is the responsibility of the permittee to immediately cease all grading activities and to notify the Director of the hazard or potential hazard.

Section 15.05.070 Grading Permit Required.

- A. A grading permit issued by Public Works is required for all site grading activities on public and privately-owned property within unincorporated Calaveras County unless the activity is specifically exempted as provided for in [Section 15.05.080](#).
- B. Notwithstanding the exemptions in [Section 15.05.080](#), a grading permit shall be required for any grading that:
1. Requires an engineered design pursuant to [Section 15.05.090](#);

2. Involves grading within a flood plain as shown on the most recent FEMA flood plan maps;
3. Requires a streambed or lakebed alteration agreement under Fish and Game Code Section 1600 et seq;
4. Requires an Army Corps of Engineers permit under Section 10 and Section 404 of the federal Clean Water Act; or
5. Is associated with a project subject to California Environmental Quality Act ("CEQA") review; or has the potential to do any of the following:
 - a. Endanger any structure intended for human or animal occupancy; or,
 - b. Threaten the stability of any public roadway; or,
 - c. Cause adverse impacts to existing drainage facilities; or,
 - d. Exacerbate existing flood conditions; or,
 - e. Divert or modify drainage onto an adjacent parcel.

Section 15.05.080 Grading Permit Exemptions.

Except as provided otherwise in this Chapter, a grading permit is not required for the following exempted activities:

- A. Grading that meets any one of the following criteria:
 1. The total volume of material is less than 50 cubic yards; or,
 2. Fills that include less than one acre of land area, are less than one foot in depth, and are placed on natural terrain with a slope flatter than one unit vertical for every five units horizontal; or,
 3. Cuts that include less than one acre of land area, extend to less than two feet below ground surface, and do not result in the off-site disposal of more than 50 cubic yards of material.
- B. Geotechnical, geological, or soil investigations conducted by engineers, geologists, environmental health specialists, or soil scientists provided that disturbed areas are subsequently restored to substantially the pre-existing condition.
- C. Excavations below finished grade for basements or for structural footings that have been authorized by a valid building permit provided that the volume of structural excavation does not exceed 200 cubic yards.
- D. Earthwork at permitted solid waste disposal facilities and activities at permitted sites involved in mining, quarrying, processing, and sale of aggregate products provided that such activities do not affect the lateral support or increase stresses in or pressure upon any adjacent or contiguous property.
- E. Timber harvest activities conducted under valid state-issued permits.
- F. Trenching and grading incidental to the siting, construction or installation of County-approved underground pipelines, septic tanks, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for approved wells or post holes, provided that finished grades following all such trenching and grading activities substantially conform to original contours.

- G. Maintenance of existing firebreaks, driveways, and roadways provided that the work does not result in any significant grade changes or drainage system modifications.
- H. Routine cemetery excavations and fills.
- I. Grading or other earthwork activities when carried out in conjunction with a use associated with, related to or in support of an agricultural operation on agricultural land as defined in Title 17, Calaveras County Zoning Code, Chapter 17.06, Definitions. Such activity shall incorporate the use of "best management practices," as recognized by UC Extension and Natural Resource and Conservation Service, to minimize erosion and to control sediment discharges to the maximum extent practicable.
- J. Site clearing operations, including fuel reduction and fire protection measures that do not substantially change the natural contour of the land and disturb less than one acre of soil.
- K. Emergency work as provided for in [Section 15.05.260](#) of this Chapter.

Section 15.05.090 Engineered Grading.

- A. A non-exempt grading project is subject to the requirements specified in the *Manual* for "engineered grading" if it includes any of the following:
1. Grading in excess of 1,000 cubic yards;
 2. Finished grades that are steeper than two units horizontal for one unit vertical;
 3. Fill of greater than five feet in height on natural ground with a slope greater than three units horizontal for one unit vertical;
 4. Cut or fills of more than ten feet;
 5. Earthwork within the public right-of-way;
 6. Grading for construction of a public or private road.
 7. Fills that are intended to support structures for which a building permit is required;
 8. Extensive storm drain collection system with inlet structures; or
 9. Earthwork within a flood plain as shown on the most recent FEMA flood plan maps.
- B. Engineered grading requirements shall also apply if the proposed work, as determined by the Director, has the potential to:
1. Endanger public health, safety or welfare;
 2. Obstruct or alter any water course or adversely impact existing drainage facilities;
 3. Threaten the stability of a public or private road or adjacent structures or property;
 4. Exacerbate existing downstream flood conditions; or
 5. Degrade receiving water without implementation of engineered controls.

C. For engineered grading projects, a professional engineer shall be responsible for project design and shall provide all required professional services as described in the *Manual* including the preparation of a Construction Quality Assurance Plan and, upon work completion, certification that all work has been done in substantial conformance to the approved Engineered Grading Plan and all associated Grading Permit requirements.

Section 15.05.100 Application Requirements for Grading Permits.

- A. Application for a grading permit shall be made on a form provided by Public Works. The permit application must be signed by the property owner(s) of the parcel(s) on which grading will occur, except that a property owner may submit a signed, written statement to Public Works authorizing a designated agent to act on behalf of the property owner(s).
- B. To be considered complete, the application shall include all required information as specified in the *Manual* and shall include payment of all applicable fees as provided for in [Section 15.05.200](#).
- C. As a condition of permit issuance, the property owner or agent must:
1. Certify that all work will be done in accordance with all applicable local, state and federal requirements and in conformance with the approved grading plan and associated erosion and sediment control plans;
 2. Indemnify the County and all of its officers, employees, and agents against any claims of liability proximately caused by any violation of local, State, and federal law, ordinance, or regulation; and
 3. Agree to provide notifications to Public Works as required in the *Manual* and allow access to the property for inspection by Public Works employees or agents.
- D. With written notice to the Director, an applicant may withdraw his/her permit at any time and any unexpended fees shall be refunded to the applicant within thirty (30) days.

Section 15.05.110 Limitations of Grading Permit Issuance.

- A. Neither the issuance of a grading permit nor the approval of grading plans and/or specifications shall be construed as an approval of any violation of the provisions of this Chapter or of any other applicable law, ordinance, rule, or regulation.
- B. If a permit is issued based upon inaccurate or incomplete information submitted by the applicant, the grading permit may be cancelled at any time and a "Stop Work Order" may be issued as provided for in [Section 15.05.240](#).
- C. No permit issued pursuant to this Chapter shall relieve the permittee of the responsibility for securing other permits or approvals required for work that is regulated by any other County codes or regulations or by other local, federal, or state agency.
- D. The issuance of a grading permit shall not relieve the permittee of the responsibility to secure necessary easements or authorizations for grading on property not owned by the permittee.

Section 15.05.120 General Plan Consistency.

No grading permit issued by Public Works shall be valid unless the project and intended site use conform to the Calaveras County General Plan, with any community or specific plans adopted thereto, and with all other applicable Calaveras County ordinances including the Zoning Code and all Building Codes.

Section 15.05.130 Compliance with CEQA.

A. The California Environmental Quality Act (“CEQA”) and the Calaveras County Environmental Review Ordinance may require the preparation and processing of environmental documents for a proposed grading project. If so required, the environmental review process must be completed before a valid grading permit can be issued by Public Works.

B. If CEQA review is required for grading activities:

1. No grading permit shall be issued until the applicant provides documentation that the CEQA review process has been completed; and,
2. Additional grading restrictions, controls, or standards may be imposed beyond those specified and referenced in this Chapter.

C. Notwithstanding the above, no additional CEQA review will be required prior to the issuance of a grading permit if the proposed grading is part of a larger project for which CEQA review has been completed and provided that the CEQA review addressed any potentially significant impacts from proposed grading activities.

Section 15.05.140 “Sensitive Basin” Designations.

Notwithstanding other provisions of this Chapter, supplemental grading restrictions shall apply to all grading activities within “sensitive basins” as may be designated in the County’s General Plan, in other Board-adopted Plans, or, as may be specified in the County Zoning Ordinance. These supplemental restrictions shall be as provided for in the *Manual*.

Section 15.05.150 Construction.

A. The extent and nature of construction shall be limited to the work shown on approved grading plans and all work shall be done consistent with the requirements specified herein and in conformance with the *Manual*.

B. For engineered grading work, permittee shall retain the services of a professional engineer to observe, inspect, and certify proper completion of all permitted work in conformance with the *Manual*.

C. To ensure compliance with the provisions of this Chapter, the Director may enter the project site at all reasonable times in the manner provided by law. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

Section 15.05.160 Coordination with Utilities.

A. Property owners have responsibility for the protection of all utilities on or adjacent to the site and shall coordinate with utility owners in accordance with the requirements in the *Manual*.

B. A designated utility location service shall be contacted at least 48 hours prior to excavation to field-locate any and all underground utilities unless this requirement has been waived, in writing, by the Director.

Section 15.05.170 Erosion and Sediment Control Measures.

A. Regardless of whether or not a grading permit is required, all grading and earthwork activities within unincorporated Calaveras County shall employ best management practices to minimize erosion and to control sediment discharges to the maximum extent practicable in accordance with the *Manual* and as required by the most recently adopted version of the State Water Resources Control Board's "General Permit for Discharges of Storm Water Associated with Construction Activities."

B. Following construction, property owners shall maintain sedimentation and erosion control measures as may be required to reduce off-site discharges of sediment to the maximum extent practicable. As provided for in [Section 15.05.210](#) of this Chapter, Public Works may require posting of a security to ensure adequate development of necessary erosion and sedimentation control measures, including vegetative cover on cut and fill slopes.

Section 15.05.180 Drainage Control Measures.

A. Drainage systems for the collection, retention, conveyance, and discharge of storm water run-off shall be constructed in accordance with the *Manual*.

B. For engineered grading projects, the peak off-site storm water discharge from the project site shall not exceed pre-construction conditions unless the applicant demonstrates that downstream storm water conveyance systems have sufficient capacity to handle the increased flow rate without exceeding established design standards.

Section 15.05.190 Work Completion.

A. The permittee shall notify Public Works upon work completion and request a final inspection. All permitted grading activities shall be subject to final inspection by Public Works.

B. Upon determination by the Director that all work has been completed in substantial conformance to the grading plan and associated requirements, a "Notice of Completion" shall be issued by Public Works and any fee refunds due the permittee shall be processed as provided for in the Fee Resolution adopted pursuant to [Section 15.05.200](#).

C. Issuance of a "Notice of Completion" does not relieve the permittee of responsibility for compliance with all grading permit requirements. Issuance of a Notice of Completion should not be construed as modifying any permit requirements or relieving the permittee of responsibilities for satisfactory work completion.

D. No certificate of occupancy shall be issued for a permitted structure until the Director has issued a "Notice of Completion" pursuant to this section. The owner may be required to post an approved security with Public Works in sufficient amount, as determined by the Director, to ensure satisfactory completion of any ancillary work within a specified period of time.

Section 15.05.200 Grading Fees.

- A. The Board of Supervisors shall establish a schedule of fees for the issuance and processing of grading permits and for enforcement of this Chapter. This schedule may be reviewed, approved, and modified from time to time by resolution of the Board of Supervisors.
- B. Fees shall be sufficient to cover the costs for issuance of grading permits; for review of plans, specifications, and technical reports; for field inspection; and, for other services as may be necessary to ensure compliance with the provisions of this Chapter.
- C. Depending on the nature and scope of a project, the fee schedule adopted by the Board of Supervisors may provide for either "fixed fee" cost recovery or for "time-and-expenses" cost recovery. Full cost recovery shall include administrative costs.
- D. No Notice of Completion, Certificate of Occupancy, or other development permit shall be issued on a parcel for which there is an outstanding balance of fees imposed pursuant to this Section.
- E. Fees imposed pursuant to this Section may be waived by Resolution of the Calaveras County Board of Supervisors.
- F. Within 30 days following withdrawal of an application, the applicant shall be reimbursed the unexpended balance of any paid fees.

Section 15.05.210 Securities.

- A. As a condition of grading permit issuance, the Director may require a security deposit in sufficient amount deemed necessary to assure faithful performance of the permitted work and compliance with this Chapter. If so required, the security shall remain in effect until final inspections have been made and all grading work and, where applicable, subdivision improvements have been accepted as complete by the Director.
- B. In addition to the faithful performance security, the Director may also require the deposit of a maintenance security in sufficient amount to ensure the maintenance and proper functioning of drainage systems, earthwork construction, erosion and sedimentation control measures, and stockpile removal operations. This security shall remain in effect for a period of not more than one year after the date of expiration of the faithful performance security.
- C. Required securities shall be in the form of cash, a certified or cashier's check, a letter of credit, a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state, or other instrument approved by Public Works. All securities shall be payable to the Calaveras County Department of Public Works.
- D. If permitted work is not completed in accordance with the approved plans or if all conditions of permit issuance have not been met, Public Works shall retain the security funds and may use these funds to complete the required work and stabilize the site or to pay a contractor to do so. Any funds remaining after the payment of all costs, including administrative and inspection costs, shall be returned to the permittee.

Section 15.05.220 Time Limits on Permits.

A. The permittee shall perform and complete all the work covered by a grading permit within time limits specified in the *Manual*. If the work cannot be initiated or completed within this timeframe, the applicant may request permit renewal as provided for in the *Manual*.

B. If permitted work is not initiated or completed within the time frame specified in the *Manual* and if the grading permit has not been renewed, no further earthwork shall be done until the grading permit is renewed or until a new grading permit is issued. Notwithstanding this prohibition, the Director may require that specific measures to be immediately implemented to ensure stabilization of the site.

Section 15.05.230 Notice of Violation.

Whenever a person is performing work in violation of the provisions of this Chapter, in violation of permit requirements, or without a permit as required by this Chapter, the Director shall issue a written "Notice of Violation" citing the nature of the violation and specifying a timeframe for required corrective action.

Section 15.05.240 Stop Work Orders.

A. Whenever a person is performing work in violation of the provisions of this Chapter, without a permit as required by this Chapter, or if the work is in violation of permit requirements, or if the conditions of a "Notice of Violation" have not been met within the prescribed timeframe, the Director may serve upon such person a written order citing such violations and directing the person performing the work to stop work (Stop Work Order).

B. Upon receipt of a "Stop Work Order," the person performing the work shall stop work immediately and comply with the requirements of the "Stop Work Order" and with the procedures specified in the *Manual*.

C. The cost of any work required to identify and define the proper course of action following the issuance of a "Stop Work Order" shall be paid by the property owner at no cost to the County.

D. When necessary remedial action has been completed to the satisfaction of the Director and the cited violation has been abated, the "Stop Work Order" shall be rescinded and work may proceed in accordance with permit conditions.

Section 15.05.250 Emergency Work.

A. Grading activities necessary to protect life or property, including activities to implement erosion and sedimentation control measures, may be initiated prior to obtaining a grading permit when a situation exists that requires immediate action. The extent of such earthwork shall be limited to that which is necessary to abate an imminent hazard.

B. The person performing such emergency work shall comply with applicable procedures in the *Manual*.

C. The Director may order emergency work to be stopped or restricted in scope at any time based upon the nature of the emergency and the extent of work involved.

Section 15.05.260 Corrective Work.

A. If any existing excavation or embankment or fill on public or private property constitutes a hazard to life and limb, threatens public health, safety, or welfare, endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, such excavation, embankment, or fill is hereby declared a public nuisance and the owner of the property on which the excavation, embankment, or fill is located, or other person or agent in control of such property, upon receipt of a written notice from Public Works, shall, within the period of time specified in the written notice, repair or eliminate such excavation, embankment, or fill as needed to satisfactorily abate the nuisance. Such remedial work shall be subject to the grading permit requirements of this Chapter unless emergency conditions exist, in which case work may be done pursuant to [Section 15.05.250](#) of this Chapter.

B. If a property owner fails to abate a public nuisance following receipt of notification from Public Works or if necessary to abate an imminent threat to public health or safety, the Director may order County forces or contractors to enter private property and take whatever action may be necessary to abate hazards that threaten public health or safety. Such hazards include the following:

1. Alteration of drainage patterns that has caused, or has the potential to cause, flooding, erosion, or siltation on any downstream property as determined by the Director.
2. Grading activities that cause or have the potential to cause erosion, sedimentation or landslides that could affect offsite property, sensitive environmental resources or public safety as determined by the Director.
3. Other emergency conditions that threaten public or private property including hazards listed in [Section 15.05.060](#).

C. Whenever the County expends funds or takes action to abate hazardous conditions as provided for above, the County shall bill the landowner, lessee, or licensee for all associated costs. Pursuant to the requirements of Government Code Section 54988, any unpaid costs shall become a lien on the property or shall be recoverable from the property owner by other legal means

D. If a security has been posted for the subject work, the County may recover costs from the security.

Section 15.05.270 Denial of Other Permits and Inspections.

No other permit or permit waiver shall be issued by the County for a parcel upon which an unabated violation of this Chapter exists.

Section 15.05.280 Recording of Notice of Noncompliance.

A. In those cases where there has been a failure to secure the required permit or permits, or if an approved permit has expired, or if conditions of a grading permit have not been met, or if corrective work pursuant to [Section 15.05.270](#) has not been completed as required, the Board of Supervisors may direct Public Works to record a notice of noncompliance with the County Recorder. This action shall be taken no sooner than thirty (30) days after Public Works has attempted to notify the owner of the property by certified mail of the nature and extent of the identified violation and the sections of County Code that pertain to the violation. The filing of a notice of noncompliance shall be done in addition to any other legal remedy that the County may employ.

B. When cited work has been satisfactorily completed under the authority of a grading permit, the Board of Supervisors shall direct Public Works to record with the County Recorder and provide to the property owner of record a notice of cancellation certifying that a permit has been issued and that the notice of noncompliance has been rescinded.

Section 15.05.290 Enforcement

Any violation of any provisions of this Chapter, including violation any grading permit condition, failure to comply with a notice of violation, grading without having first obtained a required grading permit, or violation of a stop work order, shall be subject to the following enforcement actions. Each day that a violation continues shall constitute a separate offense.

A. Any violation of this Chapter is declared a public nuisance and, subject to the provisions of Chapter 8.06 of the County Code. Any person who violates the provisions of this Chapter, may be assessed a civil penalty of not more than one thousand dollars (\$1,000.00) for the first violation and not more than two thousand dollars (\$2,000) for a second violation within a year. The third, and each successive violation within a one-year period, may result in civil penalties of not more than ten thousand dollars (\$10,000.00) for each offense.

B. In addition to the civil penalties provided for in paragraph B, above, violation of a "Stop Work Order" is considered a misdemeanor punishable, pursuant to Calaveras County Code Section 1.24.020, by a fine of not more than ten thousand dollars (\$10,000.00) for each offense or by imprisonment in the county jail for not more than six (6) months, or by both.

Section 15.05.300 Nonexclusive Remedies.

The remedies provided in this Chapter are not exclusive, and are in addition to any other remedy or penalty provided by law. The available remedies include, but are not limited to, actions taken by the County pursuant to Section 9.02 of the County Code.

Section 15.05.310 Appeals.

A. Decisions made by the Director may be appealed to the Board of Supervisors within ten (10) working days of the date of such decision. The appeal to the Board of Supervisors shall be made in writing and shall list the specific grounds for the appeal. A copy of the appeal shall be provided to the Director.

B. Unless emergency conditions dictate otherwise, the Director shall not enter property to abate permit violations pending an appeal to the Board of Supervisors.

C. After due consideration of relevant factors and the grounds for appeal, the Board of Supervisors shall, as appropriate either uphold the decisions of the Director, direct re-issuance of a grading permit, modify the terms and conditions of the permit, modify or eliminate fines and penalties, or impose civil penalties.

D. The decision of the Board of Supervisors is final, except that an appeal may be undertaken by filing appropriate litigation in a court of competent jurisdiction with the statutory time period established by law from the date of the Board of Supervisors' decision.

E. Failure to file an appeal as provided herein renders the decision of the Director final.

Section 15.05.320 Limitations of County Liability.

Neither issuance of a grading permit under the provisions of this Chapter nor compliance with the provisions hereof or with any conditions created in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability against the County for damage to any person or property.

Section 15.05.330 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 of this Chapter would have been adopted irrespective of the fact that one or more of such sections, subsections, paragraphs, subparagraphs, or sentences, clauses or phrases be declared invalid or unconstitutional.

* * * E N D * * *