

## ORDINANCE NO. 19-2024

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 12.08 CONSTRUCTION IN STREETS, AND TITLE 13 WATERCOURSES, TO AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ISSUE ENCROACHMENT PERMITS FOR MODIFICATIONS TO DRAINAGE FEATURES (CEQA EXEMPT)

**WHEREAS**, the City of Elk Grove (City) Public Works Department has responded to multiple encroachment concerns regarding drainage features; and

**WHEREAS**, Elk Grove Municipal Code section 13.04.050 states that it is unlawful for any person to fill or obstruct or maintain any fill or obstruction in any drainage ditch, watercourse, channel or conduit carrying storm or drainage water unless a permit to do so has been obtained from the City Council; and

**WHEREAS**, the review and approval of such drainage encroachment permits would be best completed by the Public Works Department; and

**WHEREAS**, the proposed Code amendments authorize the Public Works Director or designee to issue encroachment permits for modifications to drainage features; and

**WHEREAS**, the City will benefit by providing a consistent review and approval process for property owners to follow for encroachment permits.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does ordain as follows:

#### Section 1: Purpose

The purpose of this Ordinance is to amend Elk Grove Municipal Code Chapter 12.08 Construction in Streets and Title 13 Watercourses to authorize the Public Works Director or authorized designee to issue encroachment permits for modifications to drainage features.

#### Section 2: Findings

##### California Environmental Quality Act (CEQA)

**Finding:** The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Amending Elk Grove Municipal Code Chapter 12.08 Construction in Streets, and Title 13 Watercourses, does not meet the definition of a Project under CEQA; however, the amended code could lead to minor projects within drainage features. The minor projects could meet the definition of a Project under CEQA. Staff have reviewed the proposed amendments to Elk Grove Municipal Code Chapter 12.08 and Title 13 to determine the required level of review under CEQA. Any projects undertaken as a result of encroachment permits issued pursuant to the amended EGMC Chapter 12.08 and/or Title 13 would be exempt under CEQA Categorical Exemption Class 15301(c) (Class 1:

Existing Facilities). This exemption applies to Projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving “negligible or no expansion of use”.

Evidence: The amended Elk Grove Municipal Code Chapter 12.08 Construction in Streets and Title 13 Watercourses, involves the operation, repair, maintenance, minor alteration of existing public or private structures, facilities, or topographical features and does not involve any expansion of use; therefore, it qualifies for the identified exemption and no additional environmental review under CEQA is required.

### Section 3: Amendments to EGMC Chapter 12.08 and Title 13.

EGMC Chapter 12.08 Construction in Streets and Title 13 Watercourses are hereby amended as provided in Exhibit A and Exhibit B, respectively, incorporated herein by this reference.

### Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

### Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

### Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

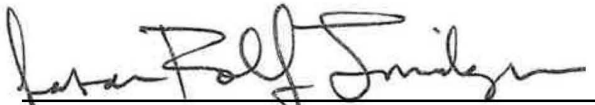
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:**       **19-2024**  
**INTRODUCED:**     November 13, 2024  
**ADOPTED:**        December 11, 2024  
**EFFECTIVE:**      January 10, 2025




BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Amendments to Elk Grove Municipal Code Chapter 12.08 Construction in Streets

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Chapter 12.08

**CONSTRUCTION IN STREETS**

Sections:

- 12.08.005 Title.
- 12.08.010 Definitions.
- 12.08.020 Permit required.
- 12.08.030 Permit fees.
- 12.08.040 Filing of plan.
- 12.08.050 Compliance with permits.
- 12.08.060 Refilling upon completion.
- 12.08.070 Performance guarantee.
- 12.08.080 Performance deposit.
- 12.08.090 Waiver of performance deposit.
- 12.08.100 Refusal to refill excavation.
- 12.08.110 Exemptions.
- 12.08.120 Permit nontransferable; permit expiration.
- 12.08.130 Emergency excavation.
- 12.08.140 City liability.
- 12.08.150 Abatement proceedings.
- 12.08.160 Penalty and cost of enforcement.

**12.08.005 Title.**

This chapter shall be known as the construction in streets ordinance.

**12.08.010 Definitions.**

For purposes of this chapter, “person” includes any individual, firm, partnership, association, corporation, public district or other political subdivision.

For purposes of this chapter, “obstruction” shall be defined as any activity or structure, temporary or permanent, encroaching into the public right-of-way excepting utility poles or pole lines that were legally placed upon the unimproved portion of the highway.

For purposes of this chapter “drainage feature” means any drainage ditch, watercourse, channel, or conduit natural or otherwise that collects, removes, or disposes of surface water runoff;

For purposes of this chapter, “Director” means the Public Works Director, or his or her designee, of the Public Works Department of the City of Elk Grove.

**12.08.020 Permit required.**

It is unlawful for any person to lay, construct or maintain any pipes, drain, or conduit across, along or on any street, road, highway, drainage feature or other public right-of-way in the City, or to make any excavation or cut or obstruction therein ~~for such purposes~~, without first obtaining an encroachment permit from the Director to do so in the manner herein provided. Every applicant shall state in detail the following information:

- A. The location, dimension, purpose, extent and nature thereof;

B. The time during which it is estimated that the excavation or obstruction will exist;

C. Such other information as may be required by the Director.

**12.08.030 Permit fees.**

A minimum processing fee and/or deposit as established by resolution of the City Council shall be paid for permits prior to permit issuance, except where a continuous billing account has been established. Additional costs incurred by the City of Elk Grove Public Works Department for processing and inspection shall be billed to the permittee on a time and material basis, based upon the City's direct billing and overhead rates in effect at the time of permit processing.

**12.08.040 Filing of plan.**

Every applicant for a permit hereunder shall file with the application a plan showing the ~~street or highway~~ street, road, highway, drainage feature or other public right-of-way; in which the proposed excavation will be made, together with the approximate locations and dimensions of the proposed excavations or obstructions. When excavations are made for service connections or for the repair of trouble in conduits or other pipes, or for culverts or drainage pipes under driveways, the Director may waive the filing of a plan.

**12.08.050 Compliance with permits.**

Any act done under the authority of a written permit issued pursuant to the provisions of this chapter shall be done in accordance with the terms and conditions of such permit.

**12.08.060 Refilling upon completion.**

Immediately upon completion of the work necessitating the excavation or obstruction permitted by the permit issued hereunder, the permittee shall at his or her own cost and expense promptly and in a workmanlike manner refill the excavation or remove the obstruction. All excavations shall be refilled in a manner consistent with then applicable City standard specifications and the specific terms and conditions contained in the permit. Upon completion of the refilling of the excavation the Director shall require the permittee to ~~resurface~~ repair that portion of the ~~street or highway~~ street, road, highway, drainage feature or other public right-of-way damaged by the permittee's excavation or obstruction. The ~~resurfacing~~ repair shall be done in accordance with the then applicable City standards and the specific terms and conditions contained in the permit.

**12.08.070 Performance guarantee.**

All work performed in the public right-of-way shall be guaranteed for a period of one (1) year after the permit is accepted and closed by the City. If the pavement or the surface of the public right-of-way over any excavation should become depressed or broken at any time within one (1) year after acceptance, the permittee shall repair and/or resurface the work to eliminate all such failures and be to the satisfaction of the Director at the permittee's own cost and expense.

**12.08.080 Performance deposit.**

Except as hereinafter provided, the Director shall require the applicant to deposit a sum of money sufficient in the opinion of the Director to cover the total cost of refilling any excavation and proper restoration of the ~~highway~~ street, road, highway, drainage feature or other public right-of-way as required hereunder. The deposit shall be a corporate surety bond, or other corporate bond acceptable to the Director, cash, certified check or cashier's check payable to the City of Elk Grove. Following completion of the work by permittee and inspection and acceptance of the work by the Director, the

deposit shall remain in effect to the extent of ten (10%) percent of the value of the work to guarantee and assure faithful performance of permittee's obligations for a period of one (1) year from the Director's acceptance of the work. If the permittee fails or refuses to make repairs in accordance with the requirements of EGMC Sections 12.08.060 and 12.08.070, the Director shall do the work required and pay the cost thereof out of the deposit. If the deposit is insufficient for this purpose, the deficiency shall be charged to the permittee. If the permittee fails or refuses to pay such a deficiency upon demand, the City may recover the same by an action in any court of competent jurisdiction. Until the deficiency is paid in full no new permits shall be issued to such permittee.

**12.08.090 Waiver of performance deposit.**

The Director may waive a performance deposit whenever in his or her opinion the proposed excavation or obstruction is of a minor nature or other suitable security is provided.

**12.08.100 Refusal to refill excavation.**

If the permittee fails or refuses to refill any excavation as required by EGMC Section 12.08.060 or remove any obstruction which he or she has placed upon the highway street, road, highway, drainage feature or other public right-of-way or fails and refuses to restore or ~~resurface~~ return the street, road, highway, drainage feature or other public right-of-way to the status as it was prior to the permittee performing their work or better; ~~that portion of the surface of the highway damaged by him or her in accordance with the standards herein prescribed,~~ then the Director may do such refilling and ~~resurfacing~~ return the street, road, highway, drainage feature or other public right-of-way to the status as it was prior to the permittee performing their work or better and pay the cost thereof out of the deposit made by the permittee. The deposit shall also be used to maintain the work for a period of one (1) year after completion thereof. If the amount of the deposit is not sufficient to cover the cost of the work and the maintenance thereof, the deficiency shall be charged to the permittee. If the permittee fails or refuses to pay the deficiency upon demand, the City may recover the same by an action in any court of competent jurisdiction. Until the deficiency is paid in full no new permits shall be issued to such permittee. In lieu of such deductions the Director may bill such person for the amount owed by him or her to the City. If such amount is not paid within fifteen (15) days of the rendition of the bill, the Director may deduct the amount from the general deposit as herein provided.

**12.08.110 Exemptions.**

Except as otherwise provided in Section 1468 of the California Streets and Highway Code, no performance deposit shall be required of any public district, public utility, or political subdivision which is authorized by law to establish or maintain works or facilities in, under or over any public highway, nor shall the application of any such governmental unit be denied except as hereinafter provided. Every such applicant shall be entitled as a matter of right to a permit but shall otherwise be subject to the provisions of this chapter. The Director shall have the right to deny a permit to such applicant, or require such applicant to provide a bond in a sum not to exceed twenty thousand and no/100ths (\$20,000.00) Dollars, where the applicant has failed to comply with the provisions of this chapter relating to the refilling of excavations, removing or relocating obstructions or the resurfacing or restoration of any highway street, road, highway, drainage feature or other public right-of-way and the maintenance thereof, under any previous permit.

**12.08.120 Permit nontransferable; permit expiration.**

All permits issued hereunder shall be nontransferable and the work authorized by the permit must commence within thirty (30) days of issuance thereof. Except as set forth herein, permits shall expire ninety (90) days from permit issuance. Failure to commence work within thirty (30) days of permit issuance shall result in an automatic expiration of the permit, for which the applicant may apply for a new permit. Except as set forth herein, any work required after ninety (90) days of permit issuance shall require application for a new permit. The Director at his or her sole discretion may grant a reasonable extension when the work has been unavoidably delayed without fault of the permittee.

**12.08.130 Emergency excavation.**

Nothing herein contained shall prohibit any person from making such excavation as may be necessary for the preservation of life or property when such necessity arises if the person making the excavation promptly notifies the Director of any such action. Any person making such excavation shall refill the excavation in accordance with the standards prescribed by this chapter that would be applicable if a permit was received.

**12.08.140 City liability.**

The issuance of a permit hereunder shall not be construed as imposing any liability upon the City or upon any of its officers or employees by reason of damage or injury to persons or property resulting from any excavation or obstruction authorized by the permit.

**12.08.150 Abatement proceedings.**

Any activity contrary to the provisions of this chapter or contrary to an encroachment permit or the terms or conditions imposed therein is unlawful and a public nuisance, and the Director is authorized to commence in the name of the City actions or proceedings for the abatement and removal and enjoining thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such operation and restrain and enjoin any person, firm or corporation from so operating.

**12.08.160 Penalty and cost of enforcement.**

A. Any person violating the provisions of this chapter or any encroachment permit issued pursuant to this chapter is guilty of a misdemeanor.

B. In addition to any other remedies available at law, any person violating the provisions of this chapter or any encroachment permit issued pursuant to this chapter shall be liable to the City for all expenses and damages caused by any such violation.

C.1. In addition to any other remedies provided by this chapter or State law, there are hereby imposed the following administrative civil penalties for each violation of this chapter or the terms and conditions of any encroachment permit issued pursuant to this chapter.

a. Any person initiating work within the public road right-of-way without obtaining an encroachment permit shall be subject to and responsible for a fine in the amount of Two Thousand Five Hundred and no/100<sup>ths</sup> (\$2,500.00) Dollars for a first (1<sup>st</sup>) violation, Five Thousand and no/100<sup>ths</sup> (\$5,000.00) Dollars for a second (2<sup>nd</sup>) violation, or Ten Thousand and no/100<sup>ths</sup> (\$10,000.00) Dollars for a third (3<sup>rd</sup>) or subsequent violation.

b. Any person in possession of a valid encroachment permit that initiates work within the public road right-of-way, but fails to provide notification for inspection as required by the permit shall be subject to and responsible for a fine in the amount of One Thousand and no/100<sup>ths</sup> (\$1,000.00) Dollars for a first (1<sup>st</sup>) violation, Two Thousand Five Hundred and no/100<sup>ths</sup> (\$2,500.00) Dollars for a second (2<sup>nd</sup>) violation, or Five Thousand and no/100<sup>ths</sup> (\$5,000.00) Dollars for a third (3<sup>rd</sup>) or subsequent violation.

2. Whenever the Director determines that an encroachment violates the provisions of this chapter, or the terms and conditions of any encroachment permit issued pursuant to this chapter, the Director shall give written notice of such violation to the alleged violator. The notice shall include the following information:

a. The street address, legal description or other description sufficient to identify the affected property.

b. The penalty imposed as a result of such violation.

c. A statement that the party affected may file a written request for hearing with the Director if it objects to imposition of the penalty.

d. A statement that the penalty imposed shall be enforced if the party fails to file a timely written request for a hearing.

3. Notice of any administrative civil penalty shall be served either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the alleged violator. Service shall be effective for all purposes upon receipt if personally served, or within five (5) days of mailing as herein provided. Proof of service of the notice shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the Director. The failure of a party to receive such notice shall not affect in any manner the validity of any proceedings taken pursuant to this chapter.

4.a. A written request for a hearing must be received by the Director within seven (7) days of the effective date of service of the notice. The Director shall set a time and date for the hearing and notify the party requesting the hearing in writing of the time, date and place of the hearing. The hearing shall be before a Hearing Officer designated by the Director.

b. The hearing shall be held at the earliest administratively convenient date, taking into consideration the availability of counsel and witnesses. Notice of the date set for hearing shall be mailed to the parties at least ten (10) days prior to the hearing date. The alleged violator shall be entitled to appear personally, produce evidence, and be represented by counsel. At the hearing, the City shall have the burden of going forward first with evidence in support of the allegations contained in the order imposing penalties and shall have the burden of establishing the facts by a preponderance of the evidence. The Hearing Officer may administer oaths and take official notice of facts as authorized by law.

c. Oral evidence shall be taken only on oath or affirmation.

d. Each party shall have the following rights: to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against it.

e. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

f. The order of the Hearing Officer shall be in writing resolving the essential issues raised and confirming, amending or rejecting the administrative civil penalty imposed by the Director. Procedures concerning notice and service thereof shall be as provided herein.

5. The manner of contesting the final order of the Hearing Officer concerning any administrative civil penalty is governed by Section 53069.4 of the Government Code, or any successor provision thereto. A copy of the notice of appeal authorized by Section 53069.4 of the Government Code shall be served upon the City Clerk.

D. Each party violating any provision of this chapter or any encroachment permit issued pursuant to this chapter shall be guilty of a separate offense for each and every day on which any such violation is committed, continued, or permitted by any such person.

E. In addition to any penalty, sanction, fine or imprisonment, any person violating the provisions of this chapter or any encroachment permit issued pursuant to this chapter shall be required to pay any and all expenses of enforcement including those costs necessary to inspect, remove and/or correct the violation. In addition to all remedies herein contained, the City may pursue all reasonable and legal means in collecting those sums authorized and due.

Amendments to EGMC Title 13 Watercourses

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

**Title 13  
WATERCOURSES**

Chapters:

- 13.04 Obstructions
- 13.28 Enforcement

**Chapter 13.04  
OBSTRUCTIONS**

Sections:

- 13.04.010 Definitions.
- 13.04.020 Permit required.
- 13.04.030 Change of direction.
- 13.04.040 Diverting drainage.
- 13.04.050 Permit required for obstruction.
- 13.04.060 Obstruction of flow unlawful – Exception.
- 13.04.070 Responsibility of property owner.
- 13.04.080 Application.
- 13.04.090 Issuance.
- 13.04.100 Unsatisfactory work.
- 13.04.110 Delegation of authority.

**13.04.010 Definitions.**

The following definitions A through D are taken from the pamphlet entitled “Letters, Symbols and Glossary for Hydraulics” prepared by the American Society of Civil Engineers in their Manual of Engineering Practices No. 11 adopted October 13, 1935:

- A. “Channel” means an elongated open depression in which water may or does flow;
- B. “Conduit” is a general term for any channel intended for the conveyance of water, whether open or closed, or any container for flowing water;
- C. “Ditch” means an artificial channel usually distinguished from a canal by its smaller size;
- D. “Drainage” means:
  - 1. The process of removing surplus ground or surface water by artificial means;
  - 2. The manner in which the waters of an area are removed;
  - 3. The area from which waters are drained, a drainage basin.
- E. “Drainage feature” means any drainage ditch, watercourse, channel, or conduit natural or otherwise that collects, removes, or disposes of surface water runoff;
- F. “Director” means the Public Works Director, or designee, of the Public Works Department of the City of Elk Grove.

#### **13.04.020 Permit required.**

It is unlawful for any person to interfere with, destroy or use in any manner whatsoever any levee, embankment, channel, dam, reservoir, rain or stream gauges, telephone line, piling, or other stream protection work constructed by the City or by any drainage district organized under the laws of the State without having received a written permit therefor from the ~~City Council~~ Director, which permit shall be revocable whenever, in the opinion of the ~~City Council~~ Director, the public interest and welfare require the revocation thereof. Application for the use of any levee, embankment, channel, dam or reservoir shall be made to the ~~City engineer~~ Director setting forth the particular use desired and the purpose and duration thereof, ~~and the City engineer~~ The Director shall investigate such applications and make ~~recommendations thereon to the City Council~~ a determination regarding the proposed use, ~~and the City Council~~ Based on such determination, the Director may impose such ~~any~~ terms and conditions as ~~that~~ may be necessary to ensure the proper maintenance of the property for flood control and drainage purposes.

#### **13.04.030 Change of direction.**

It is unlawful for any person to place on or cause to be placed in any drainage ditch, watercourse, channel or conduit or upon any property over which the City, or any drainage district, has an easement for flood control or drainage purposes duly recorded in the Office of the Sacramento County Clerk-Recorder, any wires, fence, building or other structure, or any refuse, rubbish, tin cans or other matter that may impede, retard, or change the direction of the flow of water in such drainage ditch, watercourse, channel or conduit, or that will catch or collect debris carried by such water, or is placed where the natural flow of the storm and flood waters would carry the same downstream to the damage and detriment of either private or public property adjacent to the drainage ditch, watercourse, channel or conduit.

#### **13.04.040 Diverting drainage.**

It is unlawful for any person to change the drainage on his their property so as to divert the drainage to the nearest public road without first obtaining a permit so to do from the ~~City Council~~ Director.

#### **13.04.050 Permit required for obstruction.**

It is unlawful for any person to fill or obstruct or maintain any fill or obstruction in any drainage ditch, watercourse, channel or conduit carrying storm or drainage water unless a permit so to do has been obtained from the ~~City Council~~ Director.

#### **13.04.060 Obstruction of flow unlawful – Exception.**

It is unlawful for any person to do anything to any drainage ditch, watercourse, channel or conduit carrying storm or drainage water that will in any manner obstruct or interfere with the flow of water through such ditches, watercourses, channels or conduits unless a permit so to do has been obtained from the ~~City Council~~ Director.

#### **13.04.070 Responsibility of property owner.**

Every property owner, whether it be a person or his their lessee or tenant, through whose property a drainage ditch, watercourse, channel or conduit carrying storm or drainage water passes, shall keep and maintain the same free from obstacles that will prevent or retard the flow of water through such ditch, watercourse, channel or conduit except that same may be filled or altered if a permit so to do has been first obtained pursuant to this chapter.

### **13.04.080 Application.**

Any person desiring to obtain a permit as hereinabove provided shall file an application in writing therefor with the ~~City Council~~Director, which shall state:

- A. The name and address of the applicant, and if the applicant is a corporation, the names and addresses of the principal officers thereof;
- B. The place where such work is to be done;
- C. Description of the work to be done, together with the materials to be used therefor, accompanied by a diagram of the proposed work and such other information as the ~~City Council~~Director may require to carry out the purposes of this chapter;
- D. Total estimated cost of the proposed work;
- E. That if the permit is granted, the applicant agrees that all work specified in the application will ~~be commenced~~ commence within thirty (30) days after the permit is granted and will be pursued to its completion with reasonable diligence.

### **13.04.090 Issuance.**

A. If the ~~City Council~~Director determines that the work 1) will not interfere with the flow of natural storm waters and 2) will not injure adjoining property, the ~~City Council~~Director shall issue a permit to do the proposed work in the manner specified in the application, or in such manner as the ~~City Council~~Director may determine as required to carry out the purposes of this chapter, and upon payment of the fees required by this section.

B. The applicant at the time of obtaining any such permit shall pay to the City the amount based on the Public Works fee schedule in accordance with EGMC Section 12.08. ~~an amount equal to two (2%) percent of the estimated cost of the work to be done as indicated by the permit if the estimated cost is One Thousand and no/100<sup>ths</sup> (\$1,000.00) Dollars or less, and in addition, an amount equal to one and one-half (1.5%) percent of the estimated cost of the work in excess of One Thousand and no/100<sup>ths</sup> (\$1,000.00) Dollars as a permit fee to cover the ordinary inspection cost of the work to be performed; provided, however, that in no event shall the permit fee herein required to be paid be less than One and no/100<sup>ths</sup> (\$1.00) Dollar.~~ In addition, if it is determined by the agency charged with inspection that any special test such as, but not limited to, soil tests, compaction tests, materials tests, or other special tests are required, then the permittee shall pay to the City the actual costs of such tests.

### **13.04.100 Unsatisfactory work.**

If the work is not done in accordance with the terms of the permit and contrary to the instructions of the inspector, then the applicant or permittee is to be considered to have violated the terms of this chapter and shall be subject to the terms of EGMC Section 13.04.080 which shall be enforced pursuant to the provisions of EGMC Chapter 1.04. Furthermore, the work must be reconstructed pursuant to the terms of the original permit. If not so done by the applicant or permittee, and if essential to the health, welfare or safety of the general public, then the ~~City Council~~Director may order the work to be done, which work must be paid for by the permittee or applicant, and if not paid shall be a lien against ~~his~~ their property.

**~~13.04.110 Delegation of authority.~~**

~~The City Council may delegate any or all of its authority to the Public Works Director or his or her designee as it may see fit. Whenever the Council has so delegated its authority, then the Public Works Director shall be considered as acting for and on behalf of the City Council. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 2000-14A §1, eff. 10-25-2000; Ord. 2000-1 §1, eff. 7-1-2000]~~

**Chapter 13.28  
ENFORCEMENT**

Sections:

13.28.010 Penalties.

13.28.020 Special event exemption.

**13.28.010 Penalties.**

A. Notwithstanding the provisions of EGMC Chapter 1.04 and unless otherwise stated in this title, a violation of any of the provisions of this title, or failure to comply with any of the regulatory requirements of this title, shall be punishable as follows:

1. A first (1<sup>st</sup>) violation of any of the provisions of this title is punishable as an infraction; and
2. A second (2<sup>nd</sup>) or subsequent violation of the same provisions of this title committed within seventy-two (72) hours of the previous violation shall be a misdemeanor.

**13.28.020 Special event exemption.**

This title or any chapter or section therein or portion thereof may, by resolution duly adopted by the City Council, be made inapplicable during the period of the conduct of a festival, commemoration, celebration, ceremony, or other similar special event, upon such terms and conditions as the City Council may prescribe within the resolution.

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 19-2024**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on November 13, 2024, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 11, 2024, by the following vote:*

**AYES:           COUNCILMEMBERS: Singh-Allen, Robles, Brewer, Spease, Suen**

**NOES:           COUNCILMEMBERS: None**

**ABSTAIN:       COUNCILMEMBERS: None**

**ABSENT:        COUNCILMEMBERS: None**

***A summary of the ordinance was published pursuant to GC 36933(c) (1).***

  
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**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**