

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BEAUMONT AMENDING SECTIONS 12.08.010 AND 17.11.040 OF THE
BEAUMONT MUNICIPAL CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT,
RIVERSIDE COUNTY, STATE OF CALIFORNIA AS FOLLOWS:

SECTION 1. CEQA. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act (“CEQA”) pursuant to, 15060(c)(2), 15061(b)(2), 15061(b)(3) CEQA review is not required because there is no possibility that this Ordinance may have a significant effect upon the environment and the proposed text amendments constitute a minor alteration in a land use limitation under CEQA Guidelines 15305, and 15301 (Existing Facilities), 15321, (Enforcement Actions by Regulatory Agencies).

SECTION 2. Severability. The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences, or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council 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 enforced.

SECTION 3. Prosecution of Prior Ordinances. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the City of Beaumont Municipal Code, committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

WHEREAS, The City Council wishes to amend the Beaumont Municipal Code to memorialize the policy of the City that after a certain period of time certain improvement plans and studies shall be subject to recertification by the applicant and review and approval by the City in accordance with the then applicable provisions of the Beaumont Municipal Code.

NOW, THEREFORE, be it ordained **by** the City Council of the City of Beaumont as follows:

1. Section 12.08.010 of the Beaumont Municipal Code is hereby amended to read as provided in **Exhibit “A”** attached hereto and made a part hereof by this reference.

2. Section 17.11.040 of the Beaumont Municipal Code is hereby amended to read as provided in **Exhibit "B"** attached hereto and made a part hereof by this reference.

3. **SECTION 6. Effective Date and Publication.** The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Beaumont, California, approves an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the _____ day of _____, 2020, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the _____ day of _____, 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

Ray Santos, Mayor

Attest: _____
Steven Mehlman, City Clerk

Approved as to form:

John O. Pinkney, City Attorney

EXHIBIT "A"

12.08.010 - Adoption of standard specifications and submission of improvement plans and technical studies.

The most current editions of the following specifications are hereby adopted as the standard specifications for all public works within the City:

- A. *For Streets:* Riverside County Ordinance No. 461;
- B. *For Flood Control Facilities:* The Riverside County Flood Control and Water Conservation District's Standards for Flood Control Facilities.
- C. *For Sanitary Sewer Facilities:* The Eastern Municipal Water District's Standards for Sanitary Sewer Facilities.
- D. *For All Other Public Works:* The Standard Specifications for Public Works Construction, edited by the Southern California Chapter of the American Public Works Association and the Associated General Contractors of America;

Each and all of the regulations, provisions, penalties, conditions and terms of the above-listed standard specifications, most current editions thereof, are hereby referred to, adopted and made part of this Chapter, as though fully set forth herein.

Improvement Plans and Technical Studies for Public Works shall be subject to the following expiration terms:

- A. *Street Improvement Plans:* If a permit for street improvement plans is not secured within 12 months of plan approval by the City, such plans shall expire, and no permit shall be issued based on such expired plans. Once street improvement plans so expire, new or revised plans shall be submitted by the applicant which shall, notwithstanding anything to the contrary, strictly comply with all of the requirements applicable to new street improvement plan applications under the Beaumont Municipal Code at the time of resubmission including, but not limited, specifications, design guidelines and criteria, plan check and approval by the City and payment of all application and other fees.
- B. *Storm Drain Improvement Plans:* If a permit for storm drain improvement plans is not secured within 12 months of plan approval by the City, such plans shall expire, and no permit shall be issued based on such expired plans. Once storm drain improvement plans so expire, new or revised plans shall be submitted by the applicant which shall, notwithstanding anything to the contrary, strictly comply with all of the requirements applicable to new storm drain improvement plan applications under the Beaumont Municipal Code at the time of resubmission including, but not limited to, specifications, design guidelines and criteria, plan check and approval by the City and payment of all application and other fees.
- C. *Sewer Improvement Plans:* Expiration of sewer improvement plans shall be as provided in the Eastern Municipal Water District's Standards for Sanitary Sewer Facilities. Once sewer improvement plans so expire, new or revised plans shall be submitted by the applicant which shall, notwithstanding anything to the contrary, strictly comply with all of the requirements applicable to sewer improvement plans applications under the Beaumont Municipal Code and Eastern Municipal Water District Standards for Sanitary Sewer Facilities in effect at the time of

resubmission including, but not limited to, specifications, design guidelines and criteria, plan check and approval by the City and payment of all application and other fees.

- D. *Technical Studies:* Hydrologic and hydraulic studies, sewer studies, traffic studies, and estimates of probable cost shall be valid for a period of one year from the date of approval of the same by the City after which they shall expire and no entitlement, permit or approval shall be issued based on such an expired study or estimate. Once hydrologic and hydraulic studies, sewer studies, traffic studies, and estimates of probable cost so expire, new or revised studies or estimates shall be submitted by the applicant which shall, notwithstanding anything to the contrary, strictly comply with all of the requirements applicable to the same under the Beaumont Municipal Code in effect at the time of resubmission including, but not limited to, design guidelines and criteria, review and approval by the City and payment of all application and other fees.

EXHIBIT "B"

17.11.040 - Site preparation and submission of grading plans.

This Section indicates the requirements that are applicable to the preparation of a site for development.

- A. *Property Lines.* Boundary stakes shall be placed on the property by a licensed land surveyor prior to beginning construction for the purpose of delineating property lines.
- B. *Site Grading Requirements.* Site grading shall conform to the following:
 1. All grading shall conform to the Uniform Building Code, Chapter 70, as may be amended by City Ordinance.
 2. The minimum building pad and drainage swale slope shall equal one percent if cut or fill is less than ten feet. The minimum building pad and drainage swale slope shall equal two percent if the cut or fill is greater than ten feet. Drainage swales shall be a minimum of 0.3 feet deep and be constructed a minimum of two feet from the top of cut or fill slopes.
 3. The maximum cut and fill slopes are two to one (2:1).
 4. A five foot wide by one foot high berm must be provided, or its equivalent along the top of all fill slopes over five feet high.
 5. All grading shall be done under the supervision of a competent soils engineer who shall certify that all fill has been properly placed and who shall submit a final compaction report for all fills over one feet deep.
 6. A Registered Civil Engineer shall submit to the Building and Safety Department, written certification of completion of rough grading in accordance with the approved grading plan prior to issuance of the building permit. This certification shall apply to line; grade, elevation and the location of cut fill slopes.
 7. A final compaction report will be required for all fills greater than one foot.
 8. All grading shall be done in conformance with recommendations of a preliminary soils investigation.
 9. Two sets of the final compaction report shall be submitted to the Building and Safety Department which shall include foundation design recommendations and certification that grading has been done in conformance with the recommendation of the preliminary soils report.
 10. The contractor shall notify the Building and Safety Department, at least 24 hours in advance requesting finish lot grade and drainage inspection. This inspection must be approved prior to building permit final inspection for each lot.
 11. During rough grading operations and prior to the construction of permanent drainage structures, temporary drainage control shall be provided to prevent the ponding of water of water and the flooding of adjacent properties.
 12. No fill shall be placed on existing ground until the ground has been cleared of weeds debris, topsoil, and other deleterious material.

13. If steep sloping terrain occurs upon which fill is to be placed, it must be cleared, keyed, and benched into firm natural soil for full support. Preparation shall be approved by a registered Soils Engineer prior to the placement of fill material.
14. Cut slopes or fill slopes equal to or greater than three in vertical height shall be planted with grass or ground cover to protect the slope from erosion and instability in accordance with policies of the City Engineer prior to the approval of final inspection.
15. Dust shall be controlled by watering or other approved methods.
16. All existing drainage courses on the project site must continue to function, especially during storm conditions. Protective measures and temporary drainage provisions must be used to protect adjoining properties during grading operations.
17. Stability calculations with a factor of at least one and five-tenth shall be submitted by a soils engineer to the Building and Safety Department for cut and cut and fill slopes over 30 feet in vertical height.
18. A Registered Civil Engineer or licensed land surveyor shall submit certification of building pad elevation. Where specific elevations are required; the elevation (with respect to mean sea level) shall be given. If an elevation with respect to adjacent ground surface is required, the actual distance above the adjacent ground shall be given.
19. The design engineer shall provide a minimum of one blue top finished pad, prior to rough grade approval.
20. If a grading permit is not secured within 12 months of grading plan approval by the City, such plans shall expire, and no grading permit shall be issued based on such expired plans. Once a grading plan so expires, a new or revised grading plan shall be submitted by the applicant which shall, notwithstanding anything to the contrary, strictly comply with all of the requirements applicable to the same under the Beaumont Municipal Code in effect at the time of resubmission including, but not limited to, specifications, design guidelines and criteria, review and approval by the City and payment of all application and other fees.
21. Geotechnical reports shall be valid for a period of 3 years from the date of approval by the City. After three years the geotechnical report shall expire and no entitlement, permit or approval shall be issued based on such expired geotechnical report. Once a geotechnical report so expires, a new or revised geotechnical report shall be submitted by the applicant which shall, notwithstanding anything to the contrary, strictly comply with all of the requirements applicable to the same under the Beaumont Municipal Code in effect at the time of resubmission including, but not limited to, specifications, design guidelines and criteria, review and approval by the City and payment of all application and other fees.