

## **GRADING STANDARDS / HAUL ROUTE REQUIREMENTS**

### **Sections:**

15.72.065 Hauling of earth materials.

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A. Any person, firm, association or corporation (hereinafter “permittee”) moving or causing to be moved more than 2,500 cubic yards of earth material per project from or to the site of a grading operation on any public roadway within the City of Lake Elsinore shall be subject to the following requirements:

1. Haul Route. The permittee shall file a completed “haul route questionnaire” in the form approved by the City Engineer. The City Engineer shall approve any proposed staging area and the route to be used in transportation of the earth materials on public roadways. Deviation from the designated staging area and haul route shall constitute a violation of the condition of the permit issued under this chapter. When the City Engineer approves a route, he or she shall do so in writing on the permit document, and shall immediately notify the traffic division of the Lake Elsinore Police Department that such haul route has been specified and approved.
2. Access Roads. Access road to the grading site shall be only at points designated on the approved grading plans. At a minimum, the first 50 feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed five percent. There must be a 300-foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the five percent grade or 300-foot sight distance requirements cannot be obtained due to site constraints, then a flagman shall be posted at the access road and shall remain for the entire duration of earth-moving/material export/transportation operations. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.
3. Signs. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the City Engineer and shall be posted by the permittee on the public roadway in the vicinity of the access intersection consistent with the current State of California Department of Transportation “Manual of Traffic Control – Warning Signs, Lights and Devices for Use in Performance of Work Upon Highways.” The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current

State of California Department of Transportation "Traffic Manual." The advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.

4. Inspection. Every driver of a vehicle, combination of vehicles, mobile equipment or load subject to this chapter shall stop and submit to an inspection of the size, weight, equipment and safety of such vehicle, combination of vehicles, mobile equipment or load at any location where any officer of the Lake Elsinore Police Department is conducting tests and inspections of such vehicles, combination of vehicles, mobile equipment or loads and when signs are displayed requiring the stop.

5. Time of Hauling Operations. Except as provided hereinbelow, hauling on City roadways shall only be permitted between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays. No hauling vehicles may be parked on City roadways adjacent to the job site with motors running prior to 8:00 a.m. The City Engineer shall, however, shorten the permitted hours of operations such that the permitted hours shall not include those times when children are likely to be present at the beginning and end of the school day if the haul route passes a school zone or for such other previously unforeseen effect on the health, safety, or welfare of the surrounding community. The City Council may extend the hours of hauling operations upon application by the permittee and upon a finding by the City Council that such hauling operations are not detrimental to the health, safety, or welfare of residents or the general public.

6. Notification. The permittee shall notify the City Engineer in writing at least 24 hours before hauling is to commence.

7. Dust Control. Either water or dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth materials to or from the project site on City roadways. The permittee shall be responsible for maintaining City roadways used for transporting materials in a condition free of dust, earth, or debris. The permittee will be responsible for obtaining all clearances and permits, if any, directly from the South Coast Air Quality Management District (SCAQMD).

8. Debris on City Roadways. California Vehicle Code Section [23112\(b\)](#) forbids the placing, dumping or depositing of dirt and rocks on public streets or any portion of the public right-of-way. All vehicles engaged in hauling earth materials under the provisions of this chapter shall refrain from depositing dirt or debris on City roadways by any means, including, but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The permittee conducting any earth-moving operation under this chapter shall be

responsible for the complete removal of such materials if spilled, dumped or deposited on a City roadway within 24 hours of noted spill, dumping or deposition. If the permittee fails to remove such spillage, dumping or deposited material within the noted time frame, and it is necessary for the City to complete the removal, the permittee shall be liable to pay the City the full cost of such removal work. The City Engineer may require a cash deposit up to \$5,000 to insure the clean-up of public streets.

9. Load Limits. The City Engineer may further specify load limits where, in his or her opinion, the standard load capacity of vehicles used in such hauling would cause damage to streets on the designated route.

10. Financial Responsibility for Damage to Streets. Any grading or hauling contractor or project site owner/permittee moving earth materials on City roadways shall be financially responsible for any damage to the public streets caused by the hauling vehicles, and shall pay to the City of Lake Elsinore the cost, as determined by the City Engineer, of repairing such damage, or shall repair the damage in question to the satisfaction of the City Engineer.

11. Bonds for Grading to Include Street Repairs. Any bonding required pursuant to this chapter shall be in an amount sufficient to cover the cost of repair of any damage to the City roadways and any public facilities therein and the cost of removal of any earth materials or other debris deposited therein reasonably expected to result from permittee's operations. The conditions of the bond shall guarantee payment to the City for all costs and expense in repairing the damaged streets or other public facilities and the removal of any deposits of earth materials or other debris resulting from the permitted operations. In lieu of a bond, the permittee may deposit cash with the City upon the same terms and conditions and in an amount equal to that which would be required in the bond.

12. Other Conditions. Any permit subject to the provisions of this section may specify other necessary conditions or restrictions where the use of City roadways would disrupt the normal traffic activities or cause a public inconvenience.

B. Hauling in Excess of 5,000 Cubic Yards. In addition to the requirements set forth in subsection (A) of this section, a permittee moving or causing to be moved more than 5,000 cubic yards of earth material per project on any public roadway shall be subject to the following requirements:

1. City Council Approval. Hauling in excess of 5,000 cubic yards requiring the use of City roadways shall be approved by the City Council at a public meeting of the City Council. The City Council may impose additional conditions or restrictions or may waive provisions of this chapter

so long as such modifications are in the interests of the City and are not detrimental to the health, safety, or welfare of residents or the general public.

2. Notification of City Council Meeting to Adjacent Property Owners. Property owners within a minimum of 300 feet of the access road(s) to the grading site and as additionally deemed appropriate by the City Engineer shall be notified at least 10 days in advance of the day, time and place of the City Council meeting as provided in subsection (B)(1) of this section.

3. Indemnification. A written agreement, approved as to form by the City Attorney, shall be filed by the permittee providing that the City of Lake Elsinore and all officers, employees, agents and representatives thereof shall be indemnified and held harmless by the permittee from any liability or responsibility for any accident, loss or damage to persons or property happening or occurring as the proximate result of the use of streets/highways under the terms of the application and the permit granted in response thereto, and that all of said liabilities are hereby assumed by the permittee.

4. Certificate of Insurance. A valid policy of bodily injury and property damage insurance for vehicles operating on City roadways. The minimum policy limit is \$500,000 combined single limit coverage and shall name the City of Lake Elsinore as an additional insured.

5. Cash Deposit. Five thousand dollar clean-up/damage cash deposit refundable upon the completion of hauling activities and inspection by the City.

C. Export of Processed Material. All export material shall be discharged into a legal disposal site. No permittee shall process, including, but not limited to, crush, sift, or segregate, excavated earth materials on site for export and commercial sale without first obtaining a permit pursuant to Chapter [14.04](#) LEMC regarding surface mining and reclamation.

D. Exemption. Mining and reclamation activities which are subject to an approved or vested mining permit or an approved reclamation plan are not subject to the provisions of this chapter. [Ord. 1271 § 2, 2010].

**15.72.070 Permit issuance, conditions or denial.**

A. Whenever in the judgment of the City Engineer or design review, the proposed work would not meet the foregoing requirements, the application shall be denied;

B. In granting any permit application under this chapter, the City Engineer and design review may attach such conditions thereto as may be reasonably necessary to prevent danger to public or private

property or to prevent the operation from being conducted in a manner likely to create a nuisance. No person shall violate any conditions so imposed by the City Engineer and/or design review. Such conditions may include, but shall not be limited to:

1. Limitations on the hours of operation in which the work may be performed;
2. Designation of routes upon which materials may be transported and means of access to the site;
3. The place and manner of disposal of excavated materials;
4. Requirements as to the mitigation of dust and dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public or any portion thereof, including due consideration, care, and respect for the property rights, convenience and reasonable desires and the needs of said neighborhood or any portion thereof;
5. Designation of maximum or minimum slopes to be used;
6. Regulations as to the use of public streets and places in the course of the work;
7. A performance bond to cover landscaping or other conditions of the permit;
8. Mitigating measures required by design review;
9. Such conditions as may be imposed pursuant to LEMC [15.72.065](#). [Ord. 1271 §§ 3, 4, 2010; Ord. 801 § 2, 1987].