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MARIPOSA COUNTY ORDINANCE NO. 560

AN URGENCY ORDINANCE TO ADD CHAPTER 8.27 TO THE
MARIPOSA COUNTY CODE TO REQUIRE CLEARING OF BRUSH
AND VEGETATION FROM MARIPOSA CREEK

THE BOARD OF SUPERVISORS of Mariposa County, a political
subdivision of the State of California, does hereby ordain
as follows:

SECTION I: Chapter 8.27 is hereby added to the Mariposa
County Code to read as follows:

Chapter 8.27

CLEARING OF VEGETATION IN MARIPOSA CREEK

Sections:

8.27.010 Mandatory clearing of vegetation in Mariposa Creek

8.27.020 Enforcement

8.27.030 Violation--Penalty

8.27.010 Mandatory clearing of vegetation in Mariposa

Creek. Any person, organization, partnership, joint venture
or corporation that owns, leases, controls, operates or
maintains any property within or adjacent to, or touching upon
the creekbed of Mariposa Creek between 8th Street and Highway
140, Mariposa, California shall at all times do the following:

A. Maintain or cause to be maintained an area on each
side of the centerline of Mariposa Creek to a distance of
fifteen (15) feet from said centerline
clear and free of willows, tules, undergrowth and other brush
and vegetation which is detrimental to the normal stream flow
of water in said creek or which obstructs waterflow in such a
manner as to produce a hazard or potentially hazardous
condition.

1 B. Remove and clear away any obstruction within
2 fifteen (15) feet of the centerline of Mariposa Creek on each
3 side thereof which obstructs waterflow in such a manner as to
4 create a hazard or potentially hazardous condition.

5 8.27.020 Enforcement. This chapter may be enforced
6 by any peace officer or public health official authorized with
7 citation powers under state law or County ordinance.

8 8.27.030 Violation--Penalty. Each and every separate
9 calendar day upon which a violation of this chapter occurs
10 shall constitute a separate violation as provided in Section
11 1.20.040 of this code. The penalty for violation of any of
12 the provisions of this chapter shall be an infraction as
13 described in Section 1.20.030 of this code; the provisions
14 of this chapter may also be enforced by injunction issued
15 by the Superior Court upon suit of the county or the owner
16 or person in possession of any real property affected by such
17 violation; civil enforcement shall be cumulative and in no
18 way affect the penal provisions hereof.

19 SECTION II: This ordinance shall take effect and
20 become enforceable immediately upon passage by at least a
21 four-fifths (4/5) vote of the Board of Supervisors as an
22 urgency measure for the immediate preservation of the public
23 peace, health, and safety. The facts constituting the urgency
24 are as follows:

25 In the wet season of past years periodic
26 flooding has created a hazard to the peace,
27 health and safety of the public and of persons
28 owning or residing on land adjacent to or near
Mariposa Creek. Present growth of brush and

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vegetation in and around the creekbed could substantially obstruct or direct normal waterflow with the wet season imminent; such diversion or obstruction would be likely to cause immediate hazard to life, health and property.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 6th day of January, 1981, by the following vote:

AYES: Taber, Moffitt, Clark, Erickson
NOES: Dalton
ABSENT: None
ABSTAINED: None

Eric J. Erickson
ERIC J. ERICKSON, Chairman
Board of Supervisors

ATTEST:

ELLEN BRONSON
ELLEN BRONSON, County Clerk and
Ex Officio Clerk of the Board

Lynne Robinson
BY: LYNNE ROBINSON
Assistant County Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Richard K. Denhalter 12/29/80
RICHARD K. DENHALTER, County Counsel