

5-21-02

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: May 7, 2002  
AGENDA ITEM NO.: #8 CA-I

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_\_\_)

1) Waive first reading and introduce ordinance 2) Waive second reading and adopt ordinance adding a new Chapter 13.28 to the Mariposa County Code entitled "Yosemite West Maintenance District Flow Control".

See attached memo from County Counsel for more information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: ( ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

SOURCE: ( ) 4/5ths Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:

Ordinance

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CLERK'S USE ONLY: 5-7-02 Intro. 975

Res. No.: \_\_\_\_\_ Ord. No. 975

Vote - Ayes: 4 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_

( ) Minute Order Attached ( ) No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended


\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted with Comment

\_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

\_\_\_\_\_

A.O. Initials: 

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

**MARIPOSA COUNTY ORDINANCE NO. 975**

**AN ORDINANCE ADDING A NEW CHAPTER 13.28 TO THE MARIPOSA COUNTY CODE ENTITLED “YOSEMITE WEST MAINTENANCE DISTRICT FLOW CONTROL”**

**Whereas**, reconstruction of the sewer system, including both sewer and sewage treatment facilities at Yosemite West is planned to accommodate full build-out (i.e., sufficient capacity for each lot in the subdivision to accommodate at a minimum, one three bedroom, two bath single family residence) of the Yosemite West subdivision, and

**Whereas**, it is the intent of the Board of Directors of the Yosemite West Maintenance District (District) that Yosemite West lot owners be assured that the District sewer capacity will permit each lot to be improved to accommodate at a minimum for a three bedroom, two bath single family residence, and

**Whereas**, in order to assure property owners that capacity will be available for full build-out, water rationing may be necessary in the future, and

**Whereas**, a strong correlation exists between water usage and sewage inflow to the Districts’ sewage treatment facility, therefore limitations on water usage may be necessary to regulate and/or limit on flows into the sewage treatment facility, and

**Whereas**, the regulations and restrictions contained herein will conserve the water supply of the District, thereby regulating sewer flow, for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

**Whereas**, this Ordinance shall not in any way be construed as a substitution for proper District maintenance of the sewer system;

**Now, Therefore, the Board of Supervisors of Mariposa County**, a political subdivision of the State of California, hereby ordains as follows:

**Section I:** A new chapter, Chapter 13.28, shall be added to the Mariposa County Code and shall be entitled “Yosemite West Flow Control”. Chapter 13.28 shall read as follows:

**13.28.010**

1. If at any time after reconstruction of the District sewer system the sewer capacity will not permit sewer hookups sufficient to allow full build-out of all lots to a minimum of one three bedroom, two bath single family residence per lot, the District shall limit water usage of each lot to a level to allow for full build-out. The limitation of water usage shall be an adjustment to the volumetric flow allocation per Equivalent Dwelling Unit (EDU) as calculated in the engineer’s report for Assessment District No. 01-1 (Yosemite West Wastewater Facilities Project) County of Mariposa, State of California. The limitation shall be determined by the Public Works

Director based on a qualified engineer's report. (By way of example, if Lot A's assessment is based upon 1 EDU and Lot B's assessment is based upon 1 ½ EDU's, then in that event if a limitation on water usage is implemented on the basis of 100 gallons per day per EDU, Lot A would be entitled to 100 gallons per day and Lot B would be entitled to 150 gallons per day). If any water customer fails to curtail water usage as directed by the District, the District shall install a flow-restriction device on the offending customer's service to guarantee compliance. For new construction, including duplexes and remodeling, any additional EDU allocation (more than allowed as calculated directly above) must be separately acquired from any surplus EDU allocation that may be available. The management and determination of "surplus EDU" for the District shall be the responsibility of the Mariposa County Public Works Department. If no "surplus" EDU allocation is available, construction must conform to the permitted EDU amount. The Mariposa County Public Works Department shall be responsible for ongoing monitoring of the sewer system to ensure early detection of unanticipated sewer capacity reductions.

2. The District shall have the authority to adjust water usage limitations from time to time as sewer capacity and/or water availability dictates. Water allocations shall not be transferable between lots.

3. The provisions of this Ordinance shall be in full force and effect only upon adoption of a Resolution by the District implementing the regulations contained herein.

4. The remedies contained herein for failure of a lot owner to comply with the regulations of this Ordinance shall be in addition to any other legal remedies of the District.

5. Violation: Fines and Penalties. Except as otherwise provided herein, violations of any provision of this Ordinance shall be punished as follows:

<u>Violation</u>	<u>Classification</u>	<u>Penalty</u>
First violation	Infraction	\$100.00
Second and subsequent violations within a six-month period	Misdemeanor	\$500.00

The penalties prescribed herein may be amended from time to time by Resolution of the District Board of Directors. At such time as limitations are implemented, Mariposa County Public Works Department shall monitor water meters monthly to determine conformity of each lot to the limitations imposed.

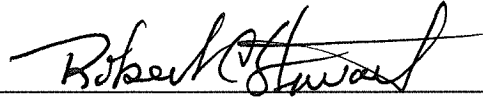
6. The District shall disconnect the water service to any lot cited for a misdemeanor under this section. Such service shall be restored only upon payment of the turn-on charge fixed by the District by Resolution. Each month any violation of this Ordinance is committed or continued shall constitute a separate offense and shall be punishable as such hereunder.

7. The controls contained in this Ordinance shall not be implemented unless the reconstruction is completed to allow full build-out of all of the lots in the District as described in paragraph 1 above.

**Section II:** This Ordinance shall become effective thirty (30) days after final passage pursuant to the provisions of Government Code Section 25123.

**Passed and adopted** by the Board of Supervisors of Mariposa County this 21st day of May 2002 by the following vote:

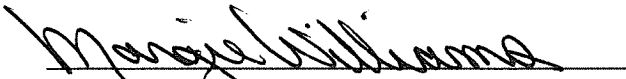
**AYES:** Parker, Balmain, Stewart, Pickard  
**NOES:** None  
**ABSENT:** Reilly  
**ABSTAINED:** None



**ROBERT C. STEWART, Chairman**

**ATTEST:**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**



**MARGIE WILLIAMS**  
Clerk of the Board

  
**JEFFREY G. GREEN**  
County Counsel