

1 MARIPOSA COUNTY ORDINANCE No. 612

2 AN ORDINANCE AMENDING CHAPTER 13.08
3 OF THE MARIPOSA COUNTY CODE ENTITLED "SEWAGE DISPOSAL"
4 BY AMENDING SECTIONS 13.080.010, 13.08.070 AND
5 13.08.110 AND BY ADDING SECTIONS 13.08.120,
6 13.08.130, 13.08.140 AND 13.08.150

7 THE BOARD OF SUPERVISORS of Mariposa County, a political
8 subdivision of the State of California, hereby ordains as follows:

9 SECTION I: Subparagraph "M" is relettered as subparagraph "N"
10 of Section 13.08.010 of the Mariposa County Code.

11 SECTION II: Subparagraph "M" is added to Section 13.08.010 of
12 the Mariposa County Code to read as follows:

13 "M. "Violator" means any person, persons, or other
14 legal entity which is in violation of any of the terms
15 and conditions of this chapter or of any other
16 resolution, ordinance, rule or regulation of the health
17 department as described in Section 13.08.090."

18 SECTION III: Subparagraph "O" is added to Section 13.08.010 of
19 the Mariposa County Code to read as follows:

20 "O. "Occupy" means to reside in any structure as an
21 owner, or with the permission of either the owner or person
22 who has the lawful right of possession of the structure; or
23 to operate or conduct, in any structure, any business-
24 related activity, whether for profit or not."

25 SECTION IV: Section 13.08.070 of the Mariposa County Code is
26 hereby amended to read in its entirety as follows:

27 "13.08.070 Private sewage system--Permit required.

28 It is unlawful for any person to construct, build, or rebuild
any private sewage disposal system without first securing the
necessary written permits from the building department. The

1 building department and the health department are granted
2 authority to establish reasonable standards of construction
3 as a condition to the granting of a permit."

4 SECTION V: Section 13.08.110 of the Mariposa County Code is
5 hereby amended to read in its entirety as follows:

6 "13.08.110 Unlawful occupation. It shall be unlawful
7 for any person to occupy any structure, including a building,
8 dwelling, or industrial facility which does not have a sewage
9 disposal system which has been approved by the County."

10 SECTION VI: Section 13.08.120 is hereby added to the Mariposa
11 County Code to read as follows:

12 "13.08.120 Violation--Notice and opportunity to cure.

13 Any person found to be violating any provision of this
14 chapter or any other resolution, ordinance, rule or regulation
15 of the health department as described in Section 13.08.090,
16 shall be served by the health officer or other authorized
17 person with written notice stating the nature of the viola-
18 tion and providing a reasonable time limit for the satisfac-
19 tory correction thereof. The notice shall further state the
20 name of the individual at the health department who is author-
21 ized to inspect, and determine whether the violation has been
22 cured. The time limit shall be not fewer than two or more
23 than five working days. The violator shall, within the
24 period of time stated in such notice, permanently cease all
25 violations. All persons shall be held strictly responsible
26 for any and all acts of agents or employees done under the
27 provisions of this chapter. Upon being notified by the health
28 officer of any defect arising in any sewage disposal system

1 or of any violation of this chapter, the person or persons
2 having charge of said work shall immediately correct said
3 work pursuant to the terms and conditions of this section."

4 SECTION VII: Section 13.08.130 is hereby added to the Mariposa
5 County Code to read as follows:

6 "13.08.130 Violation--Abatement of occupancy. Con-
7 tinued habitation of any building or dwelling, or continued
8 operation of any industrial facility in violation of the
9 provisions of this chapter or any other resolution, ordinance
10 rule or regulation of the health department as described in
11 Section 13.08.090, creates a public health hazard, and is a
12 public nuisance. The health department may cause proceedings
13 to be brought for the abatement of the occupancy of the
14 building, dwelling, or industrial facility during the period
15 of such violation."

16 SECTION VIII: Section 13.08.140 is hereby added to the Mariposa
17 County Code to read as follows:

18 "13.08.140 Enforcement measures only. Mariposa County
19 declares that the procedures provided for in Section 13.08.120
20 through 13.08.160 are established as a means of enforcement
21 of the terms and conditions of this chapter, its resolutions,
22 ordinances, rules and regulations, and not as a penalty."

23 SECTION IX: Section 13.08.150 is hereby added to the Mariposa
24 County Code to read as follows:

25 "13.08.150 Violation--Penalty. Violation of any provi-
26 sion of this chapter shall constitute an infraction and
27 shall be punishable under Chapter 1.20, the general penalty
28 provisions, of this Code. The provisions of this chapter

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may also be enforced by injunction issued by the Superior Court upon suit of the County or the owner or person in possession of any real property affected by such violation; civil enforcement shall be cummulative and in no way affect the penal provisions hereof. "

SECTION X: The ordinance shall become effective THIRTY (30) DAYS from the date of final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED this 7th day of February, 1984, by the Board of Supervisors of Mariposa County by the following vote:

AYES: BARRICK, ERICKSON, MOFFITT, TABER

NOES: NONE

ABSENT: DALTON

ABSTAINED: NONE

Gertrude R. Taber
GERTRUDE R. TABER, Chairman
Board of Supervisors

ATTEST:

Lynne Robinson
LYNNE ROBINSON, Acting County Clerk
and Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN, County Counsel

MARIPOSA COUNTY BOARD OF SUPERVISORS

MEMORANDUM

TO: MARIPOSA GAZETTE
FROM: JERRY MC CARTHY
RE: ORDINANCES FOR PUBLICATION

The following is referred to you for publication:

One copy each of Mariposa County Ordinances No. 612,
No. 613, and No. 614.

cc: File