

1 MARIPOSA COUNTY ORDINANCE 516

2 AN INTERIM EMERGENCY ORDINANCE RELATING TO GRADING
3 IN THE STOCKTON CREEK WATERSHED AREA

4 The Board of Supervisors of the County of Mariposa,
5 State of California, hereby ordain as follows:

6 SECTION I: FINDINGS OF DECLARATION OF INTENT

7 A. The County of Mariposa is presently developing a
8 grading ordinance with specific standards and procedures for all
9 grading and excavations in the Stockton Creek Watershed; a compre-
10 hensive Countywide grading ordinance has been developed and
11 adopted by the County.

12 B. Due to past grading and excavation activity in the
13 Watershed without adequate erosion control measures being taken,
14 excessive turbidity has resulted in the Stockton Creek Reservoir.

15 C. The Mariposa County Planning Commission and Long-
16 Range Water Study Committee, due to the threat to public health
17 and safety, have recommended that all grading in the Watershed be
18 terminated until such time as adequate grading and erosion control
19 standards are adopted in the Stockton Creek Watershed.

20 D. The County of Mariposa has recently completed an
21 erosion control/sedimentation (208) study of the Stockton Creek
22 Watershed, and this study is in the public review stages of
23 adoption and implementation.

24 E. The erosion control/sedimentation study contains
25 specific policies, programs, and standards that, when implemented,
26 will correct existing erosion hazards and minimize the sedimenta-
27 tion problems of future development and/or improvements in the
28 Stockton Creek Watershed area.

1 F. In order to preserve and protect the health and
2 safety and welfare of the residents of the community of Mariposa,
3 the Board of Supervisors finds that it is necessary to extend
4 this interim emergency ordinance as set forth below.

5 SECTION II: AREA AFFECTED

6 This ordinance shall apply to the area known as the
7 "Stockton Creek Watershed" and described in Exhibit "A" attached
8 hereto and made a part hereof as though set out in full.

9 SECTION III: REGULATION OF GRADING

10 A. All grading, excavation, or removing of earth by
11 mechanical means within the Stockton Creek Watershed is expressly
12 prohibited; this shall apply to all existing earth-moving in pro-
13 gress if such activity represents a public hazard from erosion
14 and siltation of Stockton Creek Reservoir.

15 B. For purposes of this ordinance, "mechanical means"
16 shall apply to all earth-moving equipment to include dozers,
17 graders, or other implements used for the moving of earth; this
18 is not intended to apply to such earth-moving as can be accom-
19 plished by hand implements or for such earth-tilling activities
20 and equipment associated with residential landscaping or garden-
21 ing.

22 SECTION IV: PENALTY

23 Violation of any provision of this ordinance shall con-
24 stitute a misdemeanor and shall be punishable as provided for
25 under Chapter 1.20, the General Penalty provisions, of the
26 Mariposa County Code.

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1 SECTION V: SPECIAL PERMITS

2 A. Special conditional grading permits may be issued
3 by a duly authorized County employee, designated by the Board of
4 Supervisors, in emergency situations to minimize existing erosion
5 hazards or correct problems of excessive washing and siltation of
6 the Stockton Creek Reservoir, or when, at the determination of
7 the duly authorized County employee, the severe hardship of a
8 situation warrants such action. Emergency permits may be issued
9 at the discretion of such duly authorized County employee upon
10 consultation with the County Engineer and the Soil Conservation
11 Service. Appeals of all decisions shall be made to the Board of
12 Supervisors in accordance with County policy.

13 B. Such duly authorized County employee, upon receipt
14 of a special grading permit application, shall consult with the
15 U.S. Department of Agriculture, Soil Conservation Service, and
16 the Mariposa County Engineer or his/her designated representative
17 for the following reasons:

- 18 1. To determine the validity of such an emergency or hard-
19 ship request.
- 20 2. To determine what measures, if any, should be taken to
21 mitigate erosion and siltation hazard, and to review
 plans and specifications for such emergency or hardship
 grading permit.
- 22 3. To review such conditions as may be required for the
23 issuance of such permit.
- 24 4. To review and inspect work in progress and work com-
25 pleted to insure compliance with such approved plans,
26 specifications, and other conditions as may be made part
 of, and condition to, the granting of any special grad-
 ing permit.

27 C. Such duly authorized County employee, upon notifi-
28 cation or by virtue of other knowledge, shall review and inspect

1 sugh ongoing grading activity in the area affected by this ordi-
2 nance with the Soil Conservation Service and the County
3 Engineering Department to determine whether or not such grading
4 represents a public hazard from excessive erosion or siltation.
5 Upon such consultation the duly authorized County employee may
6 determine that such ongoing grading is in non-compliance with the
7 intent of this interim emergency ordinance, and take such actions
8 as to revoke any existing permits, and pursue such legal avenues
9 as may be required to (1) halt such grading and earth-moving
10 activity, (2) correct such hazard as may be created, and (3) im-
11 pose such penalty provisions as may be appropriate under this
12 interim emergency ordinance, the Mariposa County Code, and State
13 law.

14 SECTION VI: INTERIM EMERGENCY ORDINANCE

15 A. This ordinance is an interim emergency ordinance
16 to protect the public safety, health, and welfare. The facts
17 constituting the emergency is the erosion and siltation threat to
18 the Stockton Creek Reservoir, a public water supply.

19 B. This ordinance takes effect immediately and, in
20 accordance with Government Code §65858, is in no further force and
21 effect after February 5, 1980, or upon adoption of a Stockton
22 Creek Watershed grading ordinance, whichever occurs first, except
23 as it may be extended as provided by Government Code §65959.

24 PASSED AND ADOPTED by the Mariposa County Board of
25 Supervisors this 5th day of June, 1979, by the following vote:

26 AYES: Dalton, Clark, Weber, Owings

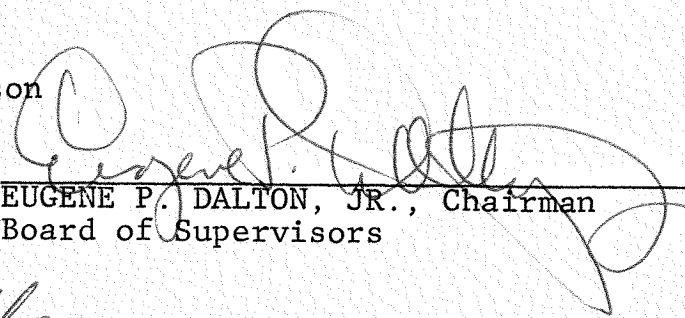
27 NOES: None

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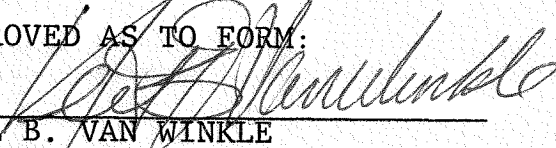
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NOT VOTING: None

ABSENT: Erickson


EUGENE P. DALTON, JR., Chairman
Board of Supervisors

APPROVED AS TO FORM:


NEIL B. VAN WINKLE
County Counsel/Administrative
Assistant to the Board

DATED: June 19, 1979

ATTEST:


JOAN LYNK, Clerk of the Board

There is a large maps attached to the original Ordinance on file.