RECOMMENDED ACTION AND JUSTIFICATION:

Introduce and waive first reading of an Ordinance Amending Chapter 15.28 of the Mariposa County Code Entitled "Grading and Excavation", approve increase in grading permit fee from $150 to $200 and reaffirm the Resource Conservation District (RCD) as the designated permitting agency.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors had the discussion scheduled for January 24, 2006 public hearing which has been continued to February 7, 2006 for introduction of amended ordinance and fee increase.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes ( ) No  Current FY Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $

Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

Annual Recurring Cost: $

List Attachments, number pages consecutively

CLERK'S USE ONLY

Res. No.: 06-54  Ord. No. 1025
Vote – Ayes: ___  Noes: ___
Absent: ___

( ) Approved
(4) Minute Order Attached  ( ) No Action Necessary

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

COUNTY ADMINISTRATIVE OFFICER:

( ) Requested Action Recommended
( ) No Opinion
Comments:

CAO: ___

Revised Dec. 2002
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICH INMAN, County Administrative Officer
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: WAIVE 2ND READING AND ADOPT ORDINANCE AMENDING CHAPTER 15.28 OF THE MARIPOSA COUNTY CODE ENTITLED “GRADING EXCAVATION”, APPROVE INCREASE IN GRADING PERMIT FEE FROM $150 TO $200 AND REAFFIRM THE RESOURCE CONSERVATION DISTRICT (RCD) AS THE DESIGNATED PERMITTING AGENCY ORDINANCE 1025

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on February 21, 2006

ACTION AND VOTE:

10:44 a.m. Waive Second Reading and Adopt an Ordinance Amending Chapter 15.28 of the Mariposa County Code Entitled “Grading and Excavation” (County Administrative Officer, County Counsel, and Building Director)

BOARD ACTION: Tom Guarino, County Counsel, advised of a correction to the lettering of the subparts of section 15.28.200 for Liens. Discussion was held. Supervisor Pickard asked the Board to reconsider adding back in item 12 which referred to an exception for grading in isolated areas; and he noted that the grading ordinance itself wasn’t before the Board for review, just the penalty and administration portion. Discussion was held on this matter. Supervisor Bibby asked whether there was any new information on why item 12 was in the original ordinance. Supervisor Turpin expressed concern with the wording in the penalty section and the discretion that the Building Director has in this matter, and he asked that there be some policies/guidelines adopted for this. Following discussion, (M)Bibby, (S)Stetson (who passed the gavel to Supervisor Pickard), the second reading was waived and Ordinance No. 1025 was adopted, with the correction of the lettering of the subparts as requested by County Counsel. The Clerk of the Board read the title of Ordinance No. 1025 into the record. Further discussion was held. Tom Guarino responded to Supervisor Turpin’s concerns relative to the discretion with the penalty issue; and he advised that the Board could adopt a policy to serve as guidelines for the Building Director to use in exercising his discretion in assessing the fines. He commented on the current system with the departments and he noted that the applicants can appeal the fines to the Board. Ayes: Stetson, Bibby, Fritz, Noes: Turpin, Pickard. The motion passed.

Cc: Tom Guarino, County Counsel
John Davis, Building Director
Dana Hertfelder, Public Works Director
Jerry Progner, Soil Conservation
File
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
DIANNE A. FRITZ
BOB PICKARD

DISTRICT I
DISTRICT III
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:          RICH INMAN, County Administrative Officer
FROM:        MARGIE WILLIAMS, Clerk of the Board

SUBJECT:     INTRODUCE AND WAIVE FIRST READING AND ADOPT ORDINANCE
AMENDING CHAPTER 15.28 OF THE MARIPOSA COUNTY CODE
ENTITLED “GRADING EXCAVATION”, APPROVE INCREASE IN GRADING
PERMIT FEE FROM $150 TO $200 AND REAFFIRM THE RESOURCE
CONSERVATION DISTRICT (RCD) AS THE DESIGNATED PERMITTING
AGENCY
RESOLUTION 06-54

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on February 7, 2006

ACTION AND VOTE:

John Davis, Building Director;
PUBLIC HEARING to Approve an Increase in the Grading Permit Fee from the Current Cost of One
Hundred Fifty Dollars ($150.00) to Two Hundred ($200.00) to Offset the Cost of Providing this Service to
the Community. Approve an Increase in the Fine for Grading Without a Permit from the Present One
Hundred Dollars ($100.00) to Five Thousand Dollars ($5,000)
BOARD ACTION: Rich Inman, County Administrative Officer; Tom Guarino, County Counsel; and John
Davis, Building Director, presented the staff report. Staff responded to questions from the Board relative to
the establishment of a fee for service and contracting with the Resource Conservation District for
administering the permit process; concerning the recommended change in the grading permit fee; and
relative to the recommended fine structure. Jerry Progner, USDA Natural Resources Conservation Service,
advised of a question he received as to whether brushing projects would be affected by this change; and he
referred to the changes with administering the permit process. Staff and Jerry Progner responded to
questions from the Board relative to the recommendation to delete the following item from Section D.
Exceptions: “12. Grading in an isolated self contained area if there is no danger apparent to private or
public property, and will not affect existing drainage patterns or create erosion hazards.” Supervisor Turpin
stated he does not feel that the language in the draft ordinance reads smoothly, and that he would like to be
able to have a meeting with those involved to draft better language. Supervisor Bibby stated there are areas
in the draft ordinance where she feels definitions should be provided, and she agreed with the need for better
language. Staff responded to questions from the Board as to what would happen if an applicant pulled a
building permit and not a grading permit and what the process would be and how the lien process costs are
covered; actions that could be implemented today if the draft ordinance isn’t acted on at this time; relative to
revegetation standards and timeframes; relative to the differences in penalties depending on whether an
individual or corporation is involved; and relative to implementation of the fine process.

The public portion of the hearing was opened and input was provided by the following:

Ken Melton stated he feels that a good job was done on the enforcement part of the draft
ordinance; and he acknowledged that it is hard to read legal language. He strongly suggested that item 12 be
left in the document; and stated that there are situations where this exception has been used, and it allows
staff discretion. He stated he would like to see the October 15th date removed from the revegetation
timeframe, and perhaps reduce the 180 days. He also suggested that consideration be given to scheduling a
workshop with the contractors and people involved in this process to review the grading ordinance.

Louie Edwards stated he is a general contractor and is new to the area. He asked about the
inspection schedule for projects; whether maximum driveway sizes are addressed; and whether
consideration was given to having Public Works take over the administration of the grading permits. He
commented on options for addressing erosion control during a project. He suggested that applicants be
advised of other agencies that may need to be involved in a project, such as Fish and Game or Water
Resources. He also suggested that there be a way to verify in the office whether a permit was issued for a
project versus having to make a site visit. He also questioned whether a percentage of the permit fee could
be used for the fine versus the proposed $1,000 a day. He suggested that language be used to require that
revegetation be done after the first rain versus the October 15th date.

The public portion of the hearing was closed. The Board commenced with deliberations. Staff
responded to questions from the Board as to whether the fee increase covers the inspections costs; relative to
the issues that were raised by the public; and relative to the proposed process with changing the
administration of the permits to the Resource Conservation District. Supervisor Turpin suggested that a
formula be developed for the fine structure. Further discussion was held relative to item 12 and whether the
language should be left in the draft ordinance and the reason the language was in the existing Code – staff
was not sure about the origination of this item. Supervisor Bibby asked that “refuse disposal sites” be
clarified.

(M)Pickard, (S)Turpin, Res. 06-54 was adopted approving the increase in the grading permit fee from
$150 to $200/Ayes: Unanimous.

Following discussion, (M)Pickard, (S)Fritz, to waive first reading and introduce the Ordinance
amending Chapter 15.28 of the Mariposa County Code entitled “Grading and Excavation” with the
following changes and corrections: item 12 is to be left in the document and the rest of the section is to be
renumbered, including the removal of “Caveat” and numbering that item as 14; correction to add “Mariposa
County Building Department or permitting agency” in Section F. Issuance, item 5; and by clarifying refuse
disposal sites as the landfill and transfer stations only. Discussion was held and staff provided input relative
to the October 15th revegetation timeframe; relative to the reason for leaving item 12 in the document;
relative to addressing the revegetation differently for the winter and summer seasons; and relative to
enforcement. Supervisor Bibby noted a typographical error in Section 15.28.170, item E, for “County’s”
and she suggested that references to the term “he” be changed to a generic term. Tom Guarino noted that the
Board could direct a policy relative to process to the Building Department in the future. Further discussion
was held relative to the penalty portion and process and flexibility in interpretation. The Clerk of the Board
read the title of the Ordinance into the record. Ayes: Fritz, Pickard; Noes: Stetson, Turpin, Bibby. The
motion failed.

(M)Fritz, (S)Bibby, the above motion was restated with the only change to be the removal of item 12
from the Ordinance. Staff responded to a question from the Board and advised that discretion would still
remain with the Building Director on the fine. The Clerk of the Board read the title of the Ordinance into
the record/Ayes: Stetson, Bibby, Fritz, Pickard; Abstained: Turpin. Supervisor Pickard changed his “aye”
vote to a “no” and Supervisor Turpin changed his “abstained” vote to a “no.” The motion passed. The
hearing was closed.

Cc: Tom Guarino, County Counsel
John Davis, Building Director
Dana Hertfelder, Public Works Director
Jerry Progner, Soil Conservation
File
MARIPOSA COUNTY ORDINANCE NO. 1025

AN ORDINANCE AMENDING CHAPTER 15.28 OF THE MARIPOSA COUNTY CODE
ENTITLED "GRADING AND EXCAVATION"

WHEREAS, the Board of Supervisors desire to amend Chapter 15.28 of the Mariposa County Code, and

WHEREAS, this amendment will change definitions, put in place civil penalties, and authorize permitting agencies,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Chapter 15.28 of the Mariposa County Code is hereby amended to read as follows:

15.28.030 Permits required.
A grading permit is required from the Mariposa County Building Department or permitting agency designated by the Board of Supervisors prior to the initiation of any grading, excavation, fill or dredging activities included under subsections A or B below:

A. Excavation.
A grading permit is required for any excavation that:
1. Disturbs more than five thousand square feet in surface area or more than eight hundred yards total cut area.
2. Disturbs any earth within a flood hazard or erosion hazard area when such excavation is done by mechanical means other than minor landscaping or gardening.
3. Is more than two feet deep.
4. Creates a cut slope more than five feet high and steeper than two horizontal to one vertical (2:1).

B. Fill.
A grading permit is required for any fill that:
1. Exceeds fifty cubic yards on any one lot.
2. Is located in a flood hazard or erosion hazard area.
3. Has an unsupported height of more than five feet.
4. Is more than one foot deep and is placed on natural terrain with a slope steeper than two horizontal to one vertical (2:1).
5. Is more than three feet deep and is intended to support structures; or
6. Obstructs a natural or manmade drainage course which carries a significant amount of storm runoff to the extent that increased erosion and siltation will occur.
7. Is intended to support structures.

C. Earth-filled dams.
For the purpose of creating ponds or catching storm water, earth filled dams that do not fall under the jurisdiction of the State Department of Water Resources, Division of Safety of Dams, are subject to the standards of this chapter. Dams six (6) feet or more in height as measured from the natural bed of the water course (at the downstream toe of the dam) to the crest of the spillway require a grading permit. In all cases, impoundment of surface waters must comply with regulations as set forth by the Division of Water Rights, California Department of Water Resources. The requirement for a grading permit may be waived by the Mariposa County
Building Department or permitting agency on a case by case basis, where all of the following conditions exist:

1. The proposed dam will not create a hazard to private property and improvements.
2. The proposed dam will not drastically affect existing drainage patterns or create erosion hazards.
3. The proposed dam will not contain more than ten (10) acre-feet of water;
4. The proposed dam is located on a parcel of forty (40) acres or one-sixteenth section, or more.
5. Written approval from the State Water Resource Control Board, Division of Water Rights for the specific project is provided.

D. Exceptions.

Notwithstanding the criteria in subsections A and B above, a grading permit is not required for any of the following activities:

1. Excavations below existing or finish grade (see definitions, Section 15.28.050) for basements and footing of a building, swimming pools, retaining wall or other structure authorized by a building permit.
2. Cemetery graves.
3. Refuse disposal sites approved by the Mariposa County Health Department for Landfill and Transfer Stations only.
4. Excavations for wells, tunnels, or public utilities as determined by the Mariposa County Building Department or permitting agency.
5. Excavations or fills for road projects conducted by or under control of the Mariposa County engineering department.
6. Exploratory excavations under the direction of soil engineers or engineering geologists affecting or disturbing areas less than ten thousand square feet in size.
7. Access roads developed in conjunction with crop production (including range land) which:
   a. Are located within "agricultural exclusive zone" or under exclusive agricultural use.
   b. Are solely for the purpose of providing access of water supplies, storage areas, livestock grazing areas, producing fields or orchards, or fence lines.
   c. Do not create a cut or fill greater than three feet in height.
8. Surface mining projects approved in accordance with this title.
9. Maintenance grading of existing roads, private driveways or existing ponds.
10. Brushing done with earth-moving equipment on private property for the creation of a fuel break or open space provided that:
    a. There is no unnecessary excavation or fill.
    b. There is no excessive soil in brush pile or piles.
    c. Ground cover is preserved or the ground is reseeded as necessary.
11. Emergency firelines created during a fire, to contain, or provide access to, a fire.
12. Firelines that are not used primarily as access roads.
13. The above provisions do not relieve property owner of any civil liability which he may incur due to damage to adjacent property.

15.28.040 Hazards.

A. Existing hazards.

Whenever the Mariposa County Building Department or permitting agency determines that any existing excavation or embankment or fill on private property, to include the exceptions listed in subsection D of Section 15.28.030, has become a hazard to life and limb,
endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment or fill is located, or other person or agent in control of said property or project, upon receipt of notice in writing from the Mariposa County Building Department or permitting agency, shall within the period specified therein repair or eliminate such excavation, embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this code. The Mariposa County Building Department or permitting agency may require special or conditional permits or performance bonds to insure compliance with the intent of this section.

B. **Hazardous Grading.**

The Mariposa Building Department or permitting agency shall not issue a permit where he finds that the work as proposed by the applicant is liable to endanger private property or result in the deposition of debris on any public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the Mariposa Building Department or permitting agency that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, sedimentation ponds, revegetation/reseeding of cut and filled slopes or other means, the Mariposa Building Department or permitting agency may issue the permit with the condition that such protective work be performed.

C. **Geological or Flood Hazard.**

If, in the opinion of the Mariposa County Building Department or permitting agency, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the grading permit and building permit for habitable structures shall be denied.

15.28.050 **Definitions.**

19. "Fuelbreak" means a wide strip or block of land on which the vegetation has been permanently modified to a low volume fuel type so that fires burning into it may be readily controlled.

31. "Erosion hazard area" means an area or areas located within the boundaries of the county of Mariposa which has been identified by county ordinance or policy as an erosion hazard area due to the existence of steep terrain, highly erosive soils, or other factors.

15.28.060 **Grading permit requirements.**

A. **Permits Required.**

Except as exempted in subsection D of Section 15.28.030, no person shall do any grading without first obtaining a grading permit from the Mariposa County Building Department or permitting agency. A separate permit shall be required for each site and may cover both excavations and fills. Subdivisions on which all grading is performing as a unit shall be considered a single site.

B. **Application.**

To obtain a permit the applicant shall first file an application therefore in writing on a form furnished for that purpose by the Mariposa County Building Department or permitting agency. Every applicant shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done, by lot, block, tract and house and street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans and specifications as required in subsection C of this section.
5. Be signed by the permittee, or his authorized agent who may be required to submit evidence to indicate such authority.
6. Give such other information as reasonably may be required by the Mariposa County Building Department or permitting agency.
7. State the estimated quantity of work involved.
8. State the estimated starting and completion dates.
9. For projects involving the construction, or enlargement of dams, written approval from the State Water Resource Control Board, Division of Water Rights for the specific project must be provided prior to issuance of the grading permit.

C. Plans and Specifications.

1. Minor Grading. A minor grading plan is to be submitted where the grading includes less than five thousand cubic yards of cut and fill and where the Mariposa County Building Department or permitting agency has determined that a grading project is of a minor nature due to the absence of:
   a. Steep slopes.
   b. Location in a "geologic study area" or "flood hazard area".
   c. Potential damage to structures on or adjacent to the subject site.
   d. Potential blockage of drainage channels.
   e. Potential impairment of significant natural vegetation, biological habitats, public views or other sensitive natural resources.

   A minor grading plan is to consist of the following as determined by the Mariposa County Building Department or permitting agency; provided, that information submitted with any required plot plan, site plan or development plan may also be used to fulfill those submittal requirements:
   aa. General vicinity map.
   bb. Property limits of the site.
   cc. Generalized existing contours and drainage channels including those areas of the subject site (and adjoining properties) that will be affected by the disturbance either directly or through drainage alterations.
   dd. Location of any buildings or structures that are within fifty feet of the area which may be affected by the proposed grading operation.
   ee. Limiting dimensions, elevations or finished contours to be achieved by the grading and proposed drainage channels and related construction.

2. Engineered Grading. An engineered grading plan is to be submitted for any grading in excess of five thousand cubic yards or where the Mariposa County Building Department or permitting agency has determined that a grading project should be engineered based on the presence of:
   a. Steep slopes.
   b. Location in an "erosion hazard area" or a "flood hazard area".
   c. Potential damage to structures on the subject site or adjacent properties.
   d. Potential impairment of natural vegetation, biological habitats, public views or other sensitive resources.

   Where it is determined by the Mariposa County Building Department or permitting agency that, due to terrain, soil characteristics, grading design, etc., engineered grading plans will serve no benefit with respect to effecting a safe and adequate grading operation, such engineered grading plan requirements may be waived.

   An engineered grading plan is to be drawn to scale and is to be of sufficient clarity to indicate the nature and extent of the work proposed to and shows in detail that it will conform to the provisions of this title. Two sets of plans and specifications are to be prepared and signed by a civil engineer and are to include the following information as determined by the Mariposa County Building Department or permitting agency:
aa. General vicinity map.
bb. Property limits of the subject site.
cc. Details of terrain and area drainage and accurate contours of existing ground at intervals determined by the Mariposa County Building Department or permitting agency.

dd. Location of any buildings or structures that are within fifty feet of the area which may be affected by the proposed grading operations.

e. Limiting dimensions, elevations of finished contours to be achieved by the grading, and proposed drainage channels and related construction.

ff. Specifications covering construction and material requirements.

gg. Soil engineering report to include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures and criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

hh. Engineering geology report to include a description of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

ii. A statement indicating methods to mitigate any conditions whereby the Mariposa County Building Department or permitting agency may require an engineered grading plan such as steep slopes, location in a "geologic study area" or "flood hazard area," potential damage to structures on the subject site or adjacent property, potential impairment of natural vegetation, habitat, public views or other sensitive resources.

jj. Drainage plan if not included in any of the above.

kk. Erosion control plan and/or recommendation for mitigating measures.

3. Flood Hazard and Erosion Hazard. All applications for a grading permit in a flood hazard or erosion hazard area shall contain:
   a. A drainage plan; and
   b. An erosion control plan and/or recommendations for mitigating measures.

Such drainage and erosion control plans should be reviewed by the resource conservation district staff and recommendations forwarded to the Mariposa County Building Department or permitting agency prior to the issuance of any permit or conditional permit.

D. **Soil Engineering Report.**

1. The soil engineering report required by subparagraph C(2)(gg) shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

2. Recommendations included in the report and approved by the Mariposa County Building Department or permitting agency shall be incorporated in the grading plans or specifications.

E. **Engineering Geology Report.**

1. The engineering geology report required by subparagraph C(2)(hh) shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

2. Recommendations included in the report and approved by the Mariposa County Building Department or permitting agency shall be incorporated in the grading plans or specifications.

F. **Issuance.**

1. The application, plans and specifications filed by an applicant for a permit shall be checked by the Mariposa County Building Department of permitting agency. Such plans
may be checked by the Mariposa County Building Department or permitting agency. Such plans may be reviewed by other departments of the county to check compliance with the laws and ordinances under their jurisdiction. If the Mariposa County Building Department or permitting agency is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances and that the fee specified in Section 15.28.070 has been paid, he shall issue a permit therefore to the applicant.

When the Mariposa County Building Department or permitting agency issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Mariposa County Building Department or permitting agency, and all work shall be done in accordance with the approved plans. The Mariposa County Building Department or permitting agency may require that grading operations and projects designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

2. Coordination of Grading Plans. The Mariposa County Building Department or permitting agency may require inspection and testing by a county approved testing agency or the county engineer's office, and he is responsible for coordination of the parties to all grading activities including the civil engineer, soils engineer, engineering geologist, county engineer's office, other county departments (where required), the grading contractor, and the county approved testing agency.

3. Retention of Plans. One set of approved plans, specifications, and computations shall be retained by the Mariposa County Building Department or permitting agency for a period of not less than ninety (90) days from the date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work site at all times during which the work authorized thereby is in progress.

4. Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the Mariposa County Building Department or permitting agency from thereafter requiring the correction of errors in said plans and specification or from preventing building operations being carried on.

5. Expiration. Every permit issued by the Mariposa County Building Department or permitting agency under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Permits may be granted an extension of the time where the Mariposa County Building Department or permitting agency finds that unusual circumstances warrant such an extension of time and will not create a hazard or nuisance.

Before any work can be recommenced, if a permit has expired, a new permit shall be first obtained so to do, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided, further, that such suspension or abandonment has not exceeded one (1) year.

Upon completion of the rough grading and/or final grading for any engineered grading, the Mariposa County Building Department or permitting agency may require submission of an as-graded grading plan and soil and geologic grading reports.

The applicant is to notify the Mariposa County Building Department or permitting agency when the grading operation is ready for final inspection. Final approval will not be given
until all work has been completed in accordance with the final approved grading plan including installation of all drainage facilities and their protection devices and all revegetation and erosion control measures as required.

6. Suspension or Revocation. The Mariposa County Building Department or permitting agency may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of this chapter.

15.28.070 Fees.

A. Plan-checking Fee.
   1. For excavation and fill on the same site, the fee shall be based on the volume of the excavation or fill, whichever is greater. Before accepting a set of plans and specifications for checking, the Mariposa County Building Department or permitting agency shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures as indicated elsewhere in this chapter. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan-checking fee for grading plans shall be set by Mariposa County resolution.
   2. The plan-checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the fee shown for the entire project.

B. Grading Permit Fees.
   1. A fee for each grading permit shall be paid to the Mariposa County Building Department or permitting agency as set by Mariposa County resolution.
   2. The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

15.28.080 Bonds.

A. The Mariposa County Building Department or permitting agency may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

B. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the Mariposa County Building Department or permitting agency in an amount equal to that which would be required in the surety bond.

15.28.090 Grading standards.

Excavations and fills are to be conducted in accordance with the following standards:

A. Cuts and fills are to be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations and adequate residential yard area or outdoor storage or sales area incidental to a nonresidential use. "Adequate" area for grading or residential yards is to be limited to not more that five thousand square feet per residential unit, and "adequate" graded storage and sales area is to be limited to not more than twenty percent of gross floor area.

B. Cut slopes are to be no steeper than two horizontal to one vertical (2:1) or fifty percent except where certified by a registered civil engineer as to stability and/or approved by the Mariposa County Building Department or permitting agency.

C. Fills are to be subject to the following standards, provided, that the Mariposa County Building Department or permitting agency may exempt minor fills that are not intended to support structures unless otherwise recommended in an approved soil engineering report:

1. Fill slopes may not be constructed on natural slopes steeper than two to one (2:1) or as determined by the Mariposa County Building Department or permitting agency.

2. The ground surface is to be prepared to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials, scarifying to provide a bond with the new fill, and, where slopes are steeper than two to one (2:1) and the height is
greater than five feet, benching into sound bedrock or other competent materials as determined by the Mariposa County Building Department or permitting agency.

3. The bench under the toe of a fill on a slope steeper than two to one (2:1) is to be at least ten feet wide. The area beyond the toe of a fill is to be sloped for sheet overflow or a paved drain provided. Where fill is to be placed over a cut, the bench under the toe of a fill is to be at least ten feet wide, but the cut must be made before placing any fill and approved by the soils engineering (or Mariposa County Building Department or permitting agency for minor grading) as a suitable foundation for fill. Unsuitable soil is soil which is not competent to support other soil or fill, to support structures, or to perform satisfactorily the other functions for which the soil is intended.

4. Detrimental amounts of organic material may not be permitted in fills. Tree stumps, roots, limbs, or other large chunks of decomposable material shall not be buried in fill. No rock or similar irreducible material with a maximum dimension greater than twelve inches is to be buried or placed in fills, except that the Mariposa County Building Department or permitting agency may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. The following conditions also apply to such case:
   a. Prior to issuance of a grading permit, potential rock disposal areas are to be delineated on the grading plan if required.
   b. Rock sizes greater than twelve inches in maximum dimension are to be below grade, measured vertically at a distance determined by the Mariposa County Building Department or permitting agency.
   c. Rocks are to be placed so as to assure filling of all voids with fines.

5. All fills for building pads and roads are to be compacted to a minimum of ninety percent of maximum density as determined by the county engineer. Fill density will be determined by the county approved testing agency.

6. Drainage and terracing is to be provided, and the area above fill slopes and the surfaces of terraces are to be graded and paved as required in Section 15.28.110.

7. All dams meeting the criteria set forth in 15.28.030 C shall be designed and constructed in accordance with the current edition of the Guidelines for the Design and Construction of Small Embankment Dams as published by the State Department of Water Resources, Division of Safety of Dams.

15.28.100 Setbacks.
Setbacks for cuts and fills are to be as follows:
A. The tops of cuts and toes of fill slopes are to be set back from the outer boundaries of the permit area including slope right of way areas and easements in accordance with Figure No. 1 and Table No. 1 set forth at the end of this chapter.
B. Setbacks between graded slopes and structures are to be provided in accordance with Figure No. 2 set forth at the end of this chapter.

15.28.110 Drainage and terracing.
A. Drainage facilities and terracing are to conform to the following unless engineering is required, it is to be a midheight. For cut slopes greater than otherwise indicated on the approved grading plan:
   1. Terraces at least six feet in width are to be established at not more than thirty-foot intervals on all cut or fill slopes to control surface drainage and debris except that, where only one terrace has sixty feet and up to one-hundred-twenty feet in height, one terrace at approximately midheight is to be twelve feet in width. Terraces on cut or fill slopes greater than one hundred twenty feet in height are to be designed by the civil engineer and approved by the Mariposa County Building Department or permitting agency. Suitable access is to be provided to permit proper cleaning and maintenance.
2. Swales or ditches on terraces are to have a minimum gradient of run of swale or ditch may not collect runoff from a tributary area exceeding thirteen thousand five hundred square feet (projected) without discharging into a down drain without approval of the Mariposa County Building Department or permitting agency.

3. A single run of swale or ditch may not collect runoff from a tributary area exceeding thirteen thousand five hundred square feet (projected) without discharging into a down drain without approval of the Mariposa County Building Department or permitting agency.

4. Cut and fill slopes are to be provided with subsurface drainage as necessary by the Mariposa County Building Department or permitting agency or the soils engineer or in accordance with a drainage and/or erosion control plan prepared pursuant to the ordinances codified in this chapter. Check dams, cribbing, riprap or other devices or methods are to be employed to control erosion and provide safety.

5. All drainage facilities are to be designed to carry waters to the nearest practical drainage way approved by the Mariposa County Building Department or permitting agency as a safe place to deposit such waters. Erosion of ground in the area of discharge is to be prevented by installation of nonerosive down drains or other devices.

6. Building pads are to have a drainage gradient of two percent toward approved drainage facilities, except that the gradient from the building pad may be one percent if approved by the Mariposa County Building Department or permitting agency and all of the following conditions exist throughout the permit area:
   a. No proposed fills are greater than ten feet in maximum depth.
   b. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet.
   c. No existing slope faces, which have a slope face steeper than ten horizontally to one vertically (10:1), have a vertical height in excess of ten feet.

7. Paved interceptor drains are to be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than forty feet measured horizontally or as approved by the Mariposa County Building Department or permitting agency. Interceptor drains are to be paved with a minimum of three inches of reinforced concrete or approved equal. They are to have a minimum depth of twelve inches and a minimum paved width of thirty inches measured horizontally across the drain. The slope of such drain is to be approved by the Mariposa County Building Department or permitting agency.

B. Grading, dredging or diking may not alter any intermittent or perennial stream as shown on any USGS 7 1/2 minute map, except as permitted through approval of a Streambed Alteration Permit from the California Department of Fish and Game issued under Sections 1601 or 1602 of the Fish and Game Code.

C. Contours of finished surfaces are to be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Borders of cut slopes and fills are to be rounded-off to a minimum radius of five feet so as to blend with the natural terrain.

D. **Storm Drainage Plan.**

The Mariposa County Building Department or permitting agency may require storm drainage plans in conjunction with grading permit applications. Such plans shall be required when it is determined that storm drainage or excessive runoff may be generated from grading and excavating activity to endanger neighboring or downstream properties, public rights-of-way, and drainage channels.

E. **Drainage Plan Content.**

Drainage plans are to be accurately and neatly drawn to include the following as determined by the Mariposa County Building Department or permitting agency:

1. Flow of surface water onto and off the site.
2. Existing and finished contours at intervals determined by the chief building inspector.
3. Building and road elevations, existing and proposed.
4. Existing and proposed drainage channels including drainage swales, ditches and berms.
5. Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels including sumps, basins, channels, culverts, ponds, storm drain and drop inlets.
6. Estimates of existing and increased runoff resulting from the proposed improvements if required.

F. Storm Drainage System Standards.
Drainage facilities are to be adequate to assure that the development will not result in stormwater runoff that could cause flooding, ponding, soil erosion, sediment production and sediment pollution. The following standards also apply:

1. Site development is to be accomplished wherever possible in a manner that will maximize percolation and infiltration of precipitation into the ground and will minimize direct surface runoff into adjoining streets, watercourses or properties.
2. In general, the release rate of stormwater from all parts of the subject site after development may not exceed the stormwater runoff rate from the area in its previous undeveloped state for all intensities and durations of rainfall. The carrying capacity of the channels immediately downstream is to be considered in determining the permitted amount of the stormwater release.
3. All drainage facilities are to be designed to carry stormwaters to the nearest stable channel or natural drainage way with adequate capacity to carry the flow. If drainage facilities discharge onto natural ground, the applicant is to provide a method to reduce the velocity of flow in order to prevent erosion or other harmful effects to the subject site or other adjoining properties.

G. All new structures shall have gutters and downspouts installed to convey roof runoff away from fill slopes or other erodible areas and to stable outlets.

15.28.120 Erosion control.
A. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where it is determined by the Mariposa County Building Department or permitting agency that cut slopes are not subject to erosion due to erosion-resistant character of the materials, such protection may be omitted.

B. Erosion Control Plan Content.
With any minor or engineered grading plan, an erosion control plan may be required to be submitted including the following items:

1. Protective measures to be taken during construction such as hydro mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces and/or sediment traps in order to prevent erosion by surface or ground water of the cut faces of excavations or of the sloping surfaces of fills.
2. Permanent methods of revegetation following completion of proposed grading or improvements.
3. Approximate sequence and timing of grading and construction increments and/or subsequent revegetation and/or landscaping work.

C. Revegetation Standards.

1. Permanent revegetation or landscaping, if required, is to be commenced on the construction site as soon as practical and in no case exceeding one hundred eighty (180) days after achieving final grades and utility impositions. All revegetation shall be completed no later than October 15th. Whenever practical, land is to be developed in increments of workable size which can be completed during a single construction season; erosion control measures are to be coordinated with the sequence of grading or improvements.

2. Grading equipment is to be confined to areas immediately adjacent to areas of disturbance as indicated by the plan approved by the county engineer.
3. All surfaces disturbed by vegetation removal, grading, haul roads, or other activity of construction which alters the natural vegetative cover are to be prepared for expedient revegetation or otherwise maintained to control erosion unless covered with impervious or other improved surfaces pursuant to approved plans within thirty (30) days following the completion of grading (or removal of vegetation if no grading was involved). U.S. Department of Agriculture Natural Resources Conservation Service standards and specifications for erosion control shall be used.

4. Topsoil removed from the surface in preparation for grading and construction is to be stored whenever possible on or near the site and protected from erosion while grading operations are underway; provided, that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads so as to provide a suitable base for seeding and planting.

5. Acceptable methods of revegetation include straw mulching, hydro mulching, and planting of fast germinating grass seed. Where lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each one thousand square feet of land area. Other methods of revegetation may be approved by the Mariposa County Building Department or permitting agency where equivalent protection is provided.

6. All revegetation and landscaping are to be conducted within suitable growing periods. Native plant materials are specifically encouraged in order to reduce irrigation demands.

7. For all grading or improvements to be conducted during the rainy season, a sedimentation control plan is to be submitted including, where necessary, temporary sedimentation basins. Sedimentation control facilities are to be installed in conjunction with initial grading operations and maintained throughout the construction period to remove sediments from runoff waters during development.

8. Permanent sediment catchment basins or other types of sediment retention facilities are required wherever necessary to prevent discharge of sediment into stream channels. Accumulated sediment is to be inspected and removed for disposal according to a regular maintenance schedule.

15.28.130 Grading inspection.
A. General.
All grading operations for which a permit is required shall be subject to inspection by the Mariposa County Building Department or permitting agency. When required by the Mariposa County Building Department or permitting agency, special inspection of grading operations and special testing shall be performed in accordance with the provisions of this chapter.

B. Engineered Grading Requirements.
1. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He shall also be responsible for the professional inspection and certification of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the Mariposa County Building Department or permitting agency. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work.

2. Soil engineering and engineering geology reports may be required as specified in subsection C of Section 15.28.060. During grading all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the Mariposa County Building Department or permitting agency by the soil engineer and the engineering geologist.
3. The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

4. The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters and the need for sub-drains or other groundwater drainage devices. He shall report his findings to the soil engineer and the civil engineer for engineering analysis.

5. The Mariposa County Building Department or permitting agency shall inspect the project at the various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

C. Regular Grading Requirements.
1. The Mariposa County Building Department or permitting agency may require inspection and testing by an approved testing agency.

2. The county approved testing agency's responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill and the compaction of fills.

3. When the Mariposa County Building Department or permitting agency has cause to believe that geologic factors may be involved, the grading operation will be required to conform to "engineered grading" requirements.

D. Notification of noncompliance.
If, in the course of fulfilling their responsibilities under this chapter, the civil engineer, the soil engineer, the engineering geologist, or the county approved testing agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Mariposa County Building Department or permitting agency. Recommendations for corrective measures, if necessary, shall be submitted.

E. Transfer of Responsibility for Certification.
If the civil engineer, the soil engineer, the engineering geologist or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for certification upon completion of the work.

15.28.140 Completion of work.
A. Final Reports.
Upon completion of the work, the Mariposa County Building Department or permitting agency may require the following reports and drawings and supplements thereto:

1. An as-graded grading plan prepared by the civil engineer including original ground surface drainage facilities. He shall provide certification that the work was done in accordance with the final approved grading plan.

2. A soil grading report prepared by the soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests, and other substantiating data and comments on any changes made during grading their effect on the recommendations made in the soil engineering investigation report. He shall provide certification as to the adequacy of the site for the intended use.

3. A geologic grading report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He shall provide certification as to the adequacy of the site for the intended use as affected by geologic factors.

B. Notification of Completion.
The permittee or his agent shall notify the Mariposa County Building Department or permitting agency when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.

15.28.150 Designated areas.
The following geographical areas of Mariposa County are designated "erosion hazard area" or "flood hazard area:"
The Stockton Creek Watershed Area is designated an erosion hazard area.

15.28.160 Enforcement.
A. The Mariposa County Building Department is hereby authorized and directed to enforce the provisions of this chapter. The final decision of the Building Director in enforcing the provisions of this chapter shall be subject to appeal as provided in section 15.28.190.
B. The Mariposa County Building Department may order any work stopped where there is reason to believe it is being conducted in violation of any provision of the permit or approval, or of any provision of the county code or regulations adopted pursuant thereto, or in violation of any provision of any exemption so that there is reason to doubt that such exemption is applicable.
C. It shall be unlawful to undertake any work or to permit any work in progress beyond the date of posting or service of such order, except in conformity to the terms of such order or notice of order, or until relief from such order is obtained from the Mariposa County Building Department, or upon appeal from the Board of Supervisors.
D. The Mariposa County Building Department or permitting agency may require such certification, approval, guidance and/or recommendation as may assist in the determination of the propriety of the activity to be carried on, before allowing the progress of such work to continue.
E. The Building Director shall be responsible for enforcement of provisions related to grading permits.

15.28.170 Injunctive relief/Civil penalties.
A. Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or causes the same to be done, contrary to or in violation of any provision of this chapter, shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed one thousand dollars ($1,000) for each day that the violation continues to exist.
B. When the Mariposa County Building Department determines that any person has engaged in, is engaging in, or is about to engage in any act(s) or practice(s) which constitute or will constitute a violation of provisions of this chapter, or order issued, promulgated or executed hereunder, the County Counsel may make application to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by a Superior Court having jurisdiction over the cause. In any civil action brought pursuant to this section in which a temporary restraining order, preliminary injunction or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the legal remedies are inadequate.
C. Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this chapter shall be liable and obliged to pay the County of Mariposa for all costs incurred by
the County in obtaining abatement or compliance or which are attributed to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the County, its agents, officers, or employees as a result of such violation or efforts to enforce or abate the violation.

D. In determining the amount of a civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred; the assets, liabilities and net worth of the persons responsible, whether corporate or individual; and corrective action taken by the persons responsible; and the cooperation or lack of cooperation in public efforts toward abatement or correction.

E. The County Counsel upon receipt of a decision of the Building Director or Board of Supervisors which orders the payment of civil penalties or payment of enforcement costs or other abatement costs, may (in addition to any other collection procedures allowed by law) prepare and file a civil action on behalf of the county in any court of competent jurisdiction to recover the civil penalties and costs of enforcement provided by this section and for injunctive or any other appropriate relief. All costs and penalties recovered by the County Counsel under this section in excess of the total County costs of enforcement shall be deposited in the County's general fund.

F. In the event a civil action is initiated to obtain enforcement of the decision of the hearing officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement.

15.28.180 Recovery of costs/Penalties.

A. The Mariposa County Building Department shall maintain records of all costs including, but not limited to, administrative, professional fees, court costs, attorney's fees, laboratory costs, remedial construction costs and other costs incurred in the processing of violations and enforcement of this chapter, and shall, to the extent feasible, recover such costs from the owner of the property upon which the violation occurs, or other person responsible. If the County elects upon the filing of a Superior Court action to seek attorney fees and the person alleged to have violated the code is the prevailing party that person may recover their attorney fees in an amount not to exceed the amount of attorney fees incurred by the County in the action.

B. Upon investigation and determination that a violation of any of the provisions of this chapter exists, the Mariposa County Building Department shall notify the record owner or person in possession or control of the property, or other person responsible, by mail, of the existence of the violation, the Building Director's intent to charge the person for all administrative costs associated with enforcement, and of the person's right to a hearing on objections thereto.

C. At the conclusion of the case the Building Director shall send a summary of costs associated with enforcement and the amount of the civil penalty to be involved to the owner and to the person having possession or control of the subject property, or other responsible person, by mail, first class postage prepaid. Such summary shall include a notice of the right to a hearing before the Building Director to object to the imposition of the charges and penalty.

D. Any request for hearing to be made upon the imposition of the costs and penalties shall be filed with the Building Director within fifteen (15) days of the service of the summary of costs and penalties.

E. The Building Director shall, within thirty (30) days of receipt of such request for hearing, schedule a hearing upon the imposition of such costs and penalties, such hearing to be held at a time convenient to the parties, as the Building Director may arrange. Such hearing shall begin within sixty (60) days of the request for a hearing unless mutually agreed otherwise.

F. In determining the validity of the costs and penalties assessed, the Building Director shall consider whether the total costs and penalties are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, whether the present owner created the violation; whether there is a present ability to correct the violation; whether the
person responsible moved promptly to correct the violation; the degree of cooperation or lack thereof, provided by the person responsible; whether reasonable minds may differ as to whether a violation exists and whether the current owner know or should have known that violations existed.

G. The Building Director shall issue his decision within thirty (30) days after the conclusion of the hearing and shall serve a copy of the notice of decision, including the amount of civil penalties and costs imposed by first class mail postage prepaid. Such notice of decision shall include a notice of a right to a hearing before the Board of Supervisors as set forth in section 15.28.190.

H. The decision of the Building Director imposing costs and penalties may be appealed to the Board of Supervisors by the party subject to the decision as provided in section 15.28.190.

I. Until all costs, fees and penalties assessed by the Building Director under this chapter are paid in full, no final inspections, certificates of completion, certificates of compliance, certificates of occupancy, conditional use permits, land use permits, or final map shall be issued by the Mariposa County Building Department or any other County agency to the party subject to the decision or involving the property where the violation occurred.

J. Any costs and civil penalties not paid timely shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the thirtieth day after the final decision at the same rate as allowed for a civil judgment.

K. The failure to request a hearing or appeal provided in this section shall constitute a failure to exhaust available administrative remedies and a waiver of the right to an appeal hearing and review of the decision and imposition of costs and penalties or any portion thereof.

15.28.190 Appeals.
All decisions of the Building Director regarding the enforcement of this chapter shall be subject to appeal to the Mariposa County Board of Supervisors. Any person subject to such decision may, within ten (10) days after such decision is rendered, file an appeal in writing with the Clerk of the Mariposa County Board of Supervisors. The decision of the Board of Supervisors shall be final. A fee for filing an appeal shall be paid by the appellant to the Clerk of the Board as set forth by resolution of the Board of Supervisors from time to time.

15.28.200 Liens.
The amount of any unpaid costs and civil penalties, plus accrued interest, may be imposed as a lien on any real property owned by a responsible person within this County against whom costs and civil penalties have been imposed, as follows:

A. Notice shall be given to the responsible person before recordation of the lien and be served in the same manner as a summons in the civil action pursuant to Code of Civil Procedures section 415.10 et seq. as amended.

B. The lien shall attach when the County records it with the County Recorder’s Office. The lien shall specify the amount of the lien, the date of the lien, the date of the code violation, the date of the final decision, the street address or legal description, and the Assessor’s Parcel Number of the parcel upon which the lien is imposed, and the name and address of the record owner(s) of the parcel, if known.

C. In the event that the lien is discharged, released, or satisfied, either through payment, or foreclosure or other lawful means, the County shall record a notice of discharge or satisfaction of lien containing the information specified in subsection (B) of this section.

D. The County may take such other actions as are allowed for enforcement of a civil judgment as allowed by law.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.
PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 21st day of February 2006 by the following vote:

AYES: STETSON, BIBBY, FRITZ
NOES: TURPIN, PICKARD
ABSENT: NONE
ABSTAINED: NONE

LEE STETSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM

THOMAS P. GUARINO
County Counsel