Mariposa County ORDINANCE NO. 532

AN ORDINANCE AMENDING THE MARIPOSA COUNTY CODE BY AMENDING CHAPTER 15.28 THEREOF RELATING TO GRADING AND EXCAVATION

The Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, does hereby ordain as follows:

Mariposa County Code Section 15.28.030, relating to grading permits required, is hereby amended by adding certain words to paragraph C thereof to read in its entirety as follows:

"C. Earth-filled dams. For the purpose of creating ponds or catching storm water, earth-filled dams require a grading permit, except on parcels of forty (40) acres or more or 1/16th section. Such requirement may be waived on a case-by-case basis by the Chief Building Inspector where the following conditions exist."

Mariposa Code Section 15.28.030, is hereby amended by adding subparagraphs 10, 11, 12 and 13 to Paragraph D thereof to read in their entirety as follows:

"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. Grading in an isolated self-contained area if there is no danger apparent to private or public property, and it will not affect existing drainage patterns or create erosion
hazards.

13. Firelines that are not used primarily as access roads.

CAVEAT: The above provisions do not relieve property owner of any civil liability which he may incur due to damage to adjacent property."

Mariposa County Code Section 15.28.050, relating to definitions, is hereby amended by adding certain definitions thereto to read in its entirety as follows.

15.28.050 Definitions. The following definitions apply to this chapter:

1. "As Graded" means the surface conditions extant on completion of grading.

2. "Bedrock" means in-place solid rock.

3. "Bench" means a relatively level step excavated into earth material on which fill is to be placed.

4. "Brushing" means managing and manipulating stands of shrubs and short scrubby trees by mechanical means to facilitate the establishment of a satisfactory cover for soil protection, forage production, fire control, increased groundwater, or to improve wildlife habitat and recreation sites.

5. "Borrow" means earth material acquired from an off-site location for use in grading on a site.

6. "Certification" means a written engineering or geological opinion concerning the progress and completion of the work.

7. "Civil engineer" means a professional engineer registered in California to practice in the field of civil works.

8. "Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of society.

9. "Compaction" means the densification of a fill by mechanical means.

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10. "Drainage facilities" means all improvements for storage or conveyance of storm runoff in drainage channels including sumps, channels, culverts, ponds, storm drains, drop inlets, outfalls, basins, pumps, gutter inlets, manholes, and conduits (see Section 15.28.110 of this chapter).

11. "Dredging" or "diking" means alteration of the grade of bottom sediments in any water body.

12. "Earth material" means any rock, natural soil or fill and/or any combination thereof.


14. "Engineering geology" means the application of geologic knowledge and principles is the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

15. "Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

16. "Excavation" means the mechanical removal of earth material.

17. "Fill" means a deposit of earth material placed by artificial means.

18. "Grade" means the vertical location of the ground surface as follows:

   a. "Existing grade" means the grade prior to grading;
   b. "Rough grade" means the stage at which the grade approximately conforms to the approved plan;
   c. "Finish grade" means the final grade of the site which conforms to the approved grading plan.

19. "Firebreak" 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.

20. "Fireline" means a strip of land cleared of all vegetation down to or below ground level during a fire to contain and provide access to a fire.

21. "Grading" means any excavating or filling or combination thereof, but not including plowing or furrowing or other alteration of the land surface
for crop production and not exceeding two feet in depth.

22. "Key" means a designed compacted fill placed in a trench excavated in earth material beneath the two of a proposed fill slope.

23. "Revegetation" means any combination of mechanical or other means by which a graded surface is turned to a condition where it supports significant natural vegetation.

24. "Sedimentation" means the addition of soil materials through erosion to a stream or water body which increases the turbidity of the water.

25. "Site" means any lot or parcel or contiguous combination thereof, under the same ownership, where grading is performed or permitted.


27. "Soil engineer" means a civil engineer experienced and knowledgeable in the practice of soil engineering.

28. "Soil engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

29. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

30. "Topsoil" means the upper strata of soil materials which is of value for revegetation purposes, generally not exceeding two feet and occasionally more shallow depending on the site. (Ord. 513 §1 (part), 1979).

This ordinance shall take effect and be operative thirty (30) days from the date of final passage in accordance with Government Code Section 25123.
PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 5th day of February, 1980, by the following vote:

AYES: Erickson, Moffitt, Dalton, Clark, Taber

NOES: None

ABSTAINED: None

ABSENT: None

ERIC J. ERICKSON, Chairman
Board of Supervisors

APPROVED AS TO FORM:

RALPH J. CAMPBELL
Acting County Counsel

DATED: January 16, 1980

ATTEST:

JOAN J. LYNK
Clerk of the Board