

see Ord 516

MARIPOSA COUNTY ORDINANCE 533

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

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

SECTION I: FINDINGS OF DECLARATION OF INTENT

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

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

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

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

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

1 F. In order to preserve and protect the health
2 and safety and welfare of the residents of the community of
3 Mariposa, the Board of Supervisors finds that it is necessary to
4 extend 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
13 progress 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
24 constitute a misdemeanor and shall be punishable as provided
25 for 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
4 of Supervisors, in emergency situations to minimize existing
5 erosion hazards or correct problems of excessive washing and
6 siltation of the Stockton Creek Reservoir, or when, at the deter-
7 mination of the duly authorized County employee, the severe hard-
8 ship of a situation warrants such action. Emergency permits
9 may be issued at the discretion of such duly authorized County
10 employee upon consultation with the County Engineer and the
11 Soil Conservation Service. Appeals of all decisions shall be
12 made to the Board of 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
22 plans and specifications for such emergency or hardship
23 grading permit.
- 24 3. To review such conditions as may be required for the
25 issuance of such permit.
- 26 4. To review and inspect work in progress and work com-
27 pleted to insure compliance with such approved plans,
28 specifications, and other conditions as may be made
 part of, and condition to, the granting of any special
 grading permit.

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

1 such ongoing grading activity in the area affected by this
2 ordinance 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 and 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)
11 impose 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
18 to 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
21 and effect after February 5, 1981, or upon adoption of a Stockton
22 Creek Watershed grading ordinance, whichever occurs first.

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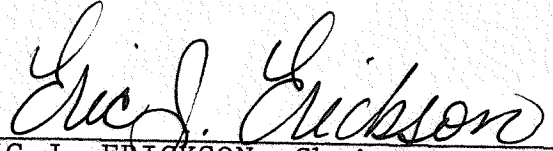
1 PASSED AND ADOPTED by the Mariposa County Board of
2 Supervisors this 22nd Day of January 1980 by the following
3 vote:

4 AYES: ERICKSON, MOFFIT, DALTON, CLARK, TABER

5 NOES: NONE


6 ABSTAIN: NONE

7 ABSENT: NONE

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10 ERIC J. ERICKSON, Chairman
11 Board of Supervisors

12 APPROVED AS TO FORM:

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15 RALPH J. CAMPBELL
16 Acting County Counsel

17 DATED: February 5, 1980

18 ATTEST:

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21 JOAN J. LYNK
22 Clerk of the Board