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 and safety and welfare of the residents of the community of Mariposa, the Board of Supervisors finds that it is necessary to extend this interim emergency ordinance as set forth below.

SECTION II: AREA AFFECTED

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

SECTION III: REGULATION OF GRADING

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

B. For purposes of this ordinance, "mechanical means" shall apply to all earth-moving equipment to include dozers, graders, or other implements used for the moving of earth; this is not intended to apply to such earth-moving as can be accomplished by hand implements or for such earth-tilling activities and equipment associated with residential landscaping or gardening.

SECTION IV: PENALTY

Violation of any provision of this ordinance shall constitute a misdemeanor and shall be punishable as provided for under Chapter 1.20, the General Penalty provisions, of the Mariposa County Code.
SECTION V: SPECIAL PERMITS

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

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

1. To determine the validity of such an emergency or hardship request.

2. To determine what measures, if any, should be taken to mitigate erosion and siltation hazard, and to review plans and specifications for such emergency or hardship grading permit.

3. To review such conditions as may be required for the issuance of such permit.

4. To review and inspect work in progress and work completed to insure compliance with such approved plans, 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 notification or by virtue of other knowledge, shall review and inspect
such ongoing grading activity in the area affected by this ordinance with the Soil Conservation Service and the County Engineering Department to determine whether or not such grading represents a public hazard from excessive erosion and siltation. Upon such consultation the duly authorized County employee may determine that such ongoing grading is in non-compliance with the intent of this interim emergency ordinance, and take such actions as to revoke any existing permits, and pursue such legal avenues as may be required to (1) halt such grading and earth-moving activity, (2) correct such hazard as may be created, and (3) impose such penalty provisions as may be appropriate under this interim emergency ordinance, the Mariposa County Code, and State law.

SECTION VI: INTERIM EMERGENCY ORDINANCE

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

B. This ordinance takes effect immediately and, in accordance with Government Code §65858, is in no further force and effect after February 5, 1981, or upon adoption of a Stockton Creek Watershed grading ordinance, whichever occurs first.
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 22nd Day of January 1980 by the following vote:

AYES: ERICKSON, MOFFIT, DALTON, CLARK, TABER

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

ERIC J. ERICKSON, Chairman
Board of Supervisors

APPROVED AS TO FORM:

RALPH J. CAMPBELL
Acting County Counsel

DATED: February 5, 1980

ATTEST:

JOAN J. LYNK
Clerk of the Board