MARIPOSA COUNTY ORDINANCE NO. - 544

AN ORDINANCE REGULATING DREDGING AND OTHER MINERAL EXTRACTION ACTIVITIES ON CERTAIN COUNTY PROPERTY

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

SECTION I: Chapter 18.03, containing Sections 18.03.010 through 18.03.050, is hereby added to Title 18 of the Mariposa County Code to read as follows:

Chapters:...

18.03 Dredging on County Property

Chapter 18.03

DREDGING ON COUNTY PROPERTY

Sections:

18.03.010 Definitions.
18.03.020 Prohibited activities.
18.03.030 Specified County property.
18.03.040 Exceptions and exclusions.
18.03.050 Violations and penalties.

18.03.010 Definitions. The following terms, when used in this chapter, shall have the meaning ascribed to them in this section as follows:

A. "Dredging" means the process of extracting minerals and other substances from creekbeds, riverbeds, lakebeds or other water bodies and watercourses, their banks, adjacent lands and subsurface soils, with or without the actual presence of natural water, by means of mechanical devices, machines, or other implements.

B. "County Property" means real property of any kind, type or description owned, controlled or maintained by the County of Mariposa so long as it is not abandoned or conveyed to another owner.

18.03.020 Prohibited Activities. The following activities are hereby prohibited on County property specifically described herein:
A. Dredging, mining, or other mineral extraction activity by means of engine-driven dredge or machine, or other motorized mechanical devices;

B. Any activity connected with dredging, mining and mineral extraction which obstructs in whole or in part a County Highway, watercourse, road or public thoroughfare;

C. Any activity connected with dredging, mining and mineral extraction which creates a public hazard or nuisance, pollutes or defaces public property, or otherwise endangers the public peace, health or safety.

D. The placement within specified County property of any engine-driven dredge or machine, or other motorized mechanical device capable of being used for activities prohibited in this Section.

13.03.030 Specified County property. The provisions of this Chapter shall govern the prohibited activities on each and every portion of County property described in this Section; nothing contained herein shall be construed or implied to permit, license, or consent to other activities not specifically enumerated on the described property or any other County property not described herein:

A. County property in Coulterville described as follows:

Coulterville #1

A tract of land in the townsite of Coulterville, being also a portion of Lots 2 and 3 of Section 3, Township 3 South, Range 16 East, MDB & M. further described as follows:

Beginning at the intersection of the Northeasterly right of way of State Highway 49 and the Southeasterly line of Block 3 of the Townsite of Coulterville as shown on Record of Survey No. 638, Mariposa County Records.

Thence Northeasterly along said Block 3 to the most Easterly corner thereof. Thence Easterly to the most Southerly corner of Block 4 of said Townsite. Thence along the Southeasterly line of said Block 4 Northeasterly to the most Easterly corner thereof. Thence Northeasterly 23' more or less, crossing Pine Street, to the Southerly line of Lot 1 of Block 5 of said Townsite. Thence Northeasterly 53.1' along said Southerly line of Lot 1, thence Southeasterly and crossing Maxwell Creek along the said Southerly line to the most South- easterly corner thereof. Thence Southwesterly to the most easterly corner of Lot 7 of the Angello Garborino Subdivision. Thence along the said subdivision North- westerly to the most Northerly corner thereof, thence continuing along the said subdivision Southwesterly.
to the most Westerly corner thereof. Thence Southwesterly crossing Ferry Street to the most Northerly corner of Lot 6 of Block 13 of said Townsite. Thence Southwesterly along the Northwesterly line of said Lot 6 to the Northwesterly right-of-way line of State Highway 49. Thence Northwesterly along said right-of-way line to its intersection with the Southeasterly line of Block 3 of said Townsite. Said point of intersection being the point of beginning of this description.

All as shown on Record of Survey No. 688, Mariposa County Records.

Coulterville #2

A tract of land in the Townsite of Coulterville being also a portion of Section 34, Township 2 South, Range 16 East, MDB & M, more particularly described as follows:

Beginning at the most Westerly corner of Lot 1 of Block 11 of said Townsite, thence South 37 degrees 30' East to the Southwest corner of said lot. Thence Northwesterly to the most Easterly corner of Lot 3 of Block 5 of said Townsite. Thence North 24 degrees 30' West to a point due West of point of beginning. Thence East to the most Westerly corner of Lot 1 of Block 11 being the point of beginning of this description.

All as shown on Record of Survey No. 688, Mariposa County Records.

B. County property in Hornitos described as follows:

Hornitos

A tract of land in the Town of Hornitos in Sections 8 and 17, Township 5 South, Range 16 East, MDB & M. Being more particularly described as follows:

Beginning at the most Northerly corner of lot 123, Town of Hornitos as shown on Record of Survey No. 2030, Mariposa County Records. Thence North 39 degrees 30 minutes 58 seconds West 95.55 feet to the Southeasterly corner of Block 12 of said town, thence along the Easterly line of Block 12 the following bearings and distances: North 9 degrees 25 minutes 10 seconds West 322.59 feet; North 6 degrees 52 minutes 00 seconds East 219.78 feet; North 07 degrees 02 minutes 00 seconds West 142.56 feet; North 02 degrees 51 minutes 05 seconds West 173.55 feet; North 16 degrees 46 minutes 39 seconds East 173.13 feet; North 36 degrees 22 minutes 03 seconds West 183.54 feet to the Northeasterly corner of said Block 12 thence North 58 degrees 54 minutes 30 seconds West 103.20 feet to the Southeasterly corner of Block 13 of said town. Thence along the Easterly line of Block 13 the following bearings and distances: North 13 degrees 58 minutes 42 seconds West 375.11 feet; North 10 degrees, 22 minutes 13 seconds West 406.88 feet; North 02 degrees
36 minutes 38 seconds East 279.83 feet thence leaving the Easterly line of Block 13 North 35 degrees, 53 minutes 15 seconds East 97.02 feet to the Northwesterly corner of Block 11 of said Town. Thence along the Westerly line of said Block 11 the following bearings and distances:

South 08 degrees, 31 minutes, 04 seconds East 428.40 feet;
South 00 degrees, 27 minutes, 09 seconds East 202.65 feet;
South 15 degrees, 17 minutes, 00 seconds East 539.97 feet;
South 41 degrees, 25 minutes, 42 seconds East 213.22 feet;
South 14 degrees, 09 minutes, 01 seconds East 204.64 feet;
South 24 degrees, 55 minutes, 27 seconds East 50.13 feet;
South 13 degrees, 12 minutes, 42 seconds East 65.72 feet;
South 02 degrees, 10 minutes, 18 seconds West 391.14 feet;
South 08 degrees, 59 minutes, 08 seconds East 162.02 feet;
South 22 degrees, 40 minutes, 37 seconds East 190.73 feet to the Southwesterly corner of said Block 11. Thence Southeasterly to the Northwesterly corner of Block 9 of said town. Thence along the Westerly and Southerly line of said Block 9 the following bearings and distances:

South 43 degrees, 27 minutes, 46 seconds East 71.80 feet;
South 09 degrees, 25 minutes, 54 seconds East 283.93 feet;
South 04 degrees, 36 minutes, 52 seconds East 154.33 feet;
South 07 degrees, 07 minutes, 40 seconds East 79.16 feet;
South 11 degrees, 59 minutes, 47 seconds East 189.37 feet;
South 63 degrees, 41 minutes, 31 seconds East 273.02 feet to the Southeast corner of said Block 9. Thence South 32 degrees, 08 minutes, 32 seconds East 46.00 feet to the Southwesterly corner of Block 10 of said Town. Thence along the Southerly and Easterly lines of said Block 10 the following bearings and distances:

South 63 degrees 52 minutes, 57 seconds East 315.37 feet;
South 03 degrees 21 minutes, 58 seconds West 114.97 feet;
South 84 degrees 19 minutes, 50 seconds East 511.85 feet;
South 24 degrees 29 minutes, 26 seconds East 243.28 feet;
South 66 degrees 30 minutes, 46 seconds East 434.20 feet;
South 84 degrees 29 minutes, 49 seconds East 358.80 feet;
North 23 degrees 13 minutes, 32 seconds East 468.98 feet to the Southerly Right-of-Way of Hornitos Road, thence along said Right-of-Way South 65 degrees 24 minutes, 53 seconds East 159.90 feet to the East line of said Town of Hornitos, being also the East line of Section 17, thence along said Easterly line South 01 degrees, 36 minutes 54 seconds West 778.33 feet to the Southeast corner of said town, being also the S 1/16 corner between Sections 17 and 16. Thence along the South line of said Town South 89 degrees 39 minutes, 15 seconds West 5281.09 feet to the Southwest corner thereof, being also the S 1/16 corner between Sections 17 and 18. Thence along the West line of said Town North 02 degrees, 24 minutes, 52 seconds East 276.74 feet to the Southerly Right-of-Way line of the Merced Falls-Hornitos Road. Thence along the said Southerly line North 66 degrees, 48 minutes, 33 seconds East 919.38 feet. Thence along a curve to the right, having a radius of 970 feet through a central angle of 27 degrees 52 minutes, 18 seconds.
471.86 feet. Thence South 84 degrees 42 minutes, 21 seconds East 947.02 feet. Thence along a curve to the left, having a radius of 440 feet through a central angle of 66 degrees 57 minutes, 33 seconds 514.21 feet, thence North 29 degrees 31 minutes, 42 seconds East 317.02 feet, thence along a curve to the left, having a radius of 490 feet through a central angle of 37 degrees 39 minutes, 33 seconds 322.06 feet. Thence North 13 degrees 59 minutes, 03 seconds West 32.50 feet to the Southerly line of Lot 123 of said Town. Thence along the Southerly and Easterly lines of said Lot 123, North 75 degrees 06 minutes, 54 seconds East, 36.90 feet and North 00 degrees, 15 minutes, 46 seconds West, 429.01 feet to the most Northerly corner thereof being the point of beginning of this description.

All as shown on Record of Survey No. 2030, Mariposa County Records.

18.030.040 Exceptions and exclusions.

A. The following shall be excluded from the provisions of this Chapter:

1. County officers and employees while on official County business;

2. Persons or entities who have entered into written contracts or agreements with Mariposa County for the purpose of conducting the specified activities on the County property;

3. Persons or entities who have received the express written consent of Mariposa County respecting the property and activities described in this Chapter.

B. The following shall constitute exceptions to the provisions of this Chapter;

1. Extraction of minerals by means of a pan, shovel, or other hand tool not powered, driven or connected to a motor or engine of any kind, provided the use thereof does not otherwise violate Subsections A or B of Section 18.03.020.

18.03.050 Violations and penalties. Each and every calendar day upon which any activity is conducted in violation of the provisions of this Chapter shall constitute a separate violation; the penalties for violation of any of the provisions of this Chapter shall be as prescribed in Section 1.20.010 of this Code, or as otherwise provided in this Title; any device placed upon
County property in violation of this Chapter may be impounded at the owner's expense and held as evidence until a final disposition of the matter is effected; the provisions of this Chapter may also be enforced by injunction or other civil remedy by the County or any person affected by such violation, and the methods of enforcement set forth herein shall be cumulative and in no way affect the penal provisions hereof.

SECTION II:

A. This ordinance is an emergency measure and is for the immediate preservation of the public peace, health and safety. The facts constituting the emergency are as follows:

1. The specific County properties described herein have become the subject of recent, intensive dredging activity by a number of persons using hazardous, noisy, and inappropriate equipment without permission or consent by the County;

2. Such activities have created a public nuisance on public property, creating noise, sanitation problems, hazardous conditions and obstructions, and public hostility and unrest.

B. This ordinance takes effect immediately pursuant to Government Code Section 25123 by four-fifths vote of the Board of Supervisors.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 20th day of May, 1980 by the following vote:

AYES: Erickson, Moffitt, Dalton, Taber, Clark

NOES: None

ABSTAIN: None

ABSENT: None

ERIC J. ERICKSON, Chairman
Board of Supervisors
ATTEST:

JOAN J. LYNK, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RICHARD K. DENHALTER, County Counsel