ORDINANCE NO. 340

AIRPORT APPROACHES ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES
AND ALSO OF OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE
USE OF AIR SPACE IN THE VICINITY OF THE MARIPOSA-YOSEMITE AIRPORT
BY CREATING AIRPORT APPROACH ZONES, HORIZONTAL ZONES, CONICAL
ZONES, TRANSITION ZONES, AND ESTABLISHING THE BOUNDARIES THEREOF:
PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH
ZONES: DEFINING CERTAIN TERMS USED HEREIN: PROVIDING FOR ENFORCE-
MENT AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

The Board of Supervisors of the County of Mariposa do
ordain as follows:

SECTION 1: Pursuant to the authority conferred by Article
XI, Section 11, of the California Constitution, the Board of
Supervisors of the County of Mariposa, State of California, deem
it necessary to create an "Airport Approaches Zoning Ordinance"
for the purpose of promoting the health, safety and general welfare
of the inhabitants of the County of Mariposa, by preventing the
creation or establishment of airport hazards, thereby protecting
the lives and property of the users of the Mariposa-Yosemite Airport
and of the occupant of the land in its vicinity and preventing
destruction and impairment of the utility of the airport and the
public investment therein.

SECTION 2: SHORT TITLE: This ordinance shall be known and
may be cited as the Mariposa-Yosemite Airport Zoning Ordinance of
the County of Mariposa.

SECTION 3: DEFINITIONS. As used in this ordinance, unless
the context otherwise requires:

(1) "Airport" means the Mariposa-Yosemite Airport.
(2) "Airport Hazard" means any structure or tree or use
of land which obstructs the airspace required for the flight of
aircraft in landing or taking off at the airport or is otherwise
hazardous to such landing or taking off of aircraft.
(3) "Non-Conforming Use" means any structure, tree, or use
of land which does not conform to a regulation prescribed in this
ordinance or an amendment thereto, as to the effective date of such
regulations.

(4) "Person" means any individual, firm, co-partnership,
corporation, company, association, joint stock association, city,
county or district and includes any trustee, receiver, assignee.

(5) "Structure" means any object constructed or installed
by man, including, but not limited to buildings, towers, smoke-
stacks, and overhead lines.

(6) "Landing Area" means the area of the Airport used for
the landing, take-off, or taxiing of aircraft.

(7) "Tree" means any object of natural growth.

(8) "County" means the County of Mariposa.

(9) "Planning Commission" means the County Planning
Commission of the County of Mariposa, State of California.

SECTION 4: ZONES. In order to carry out the purposes of
this ordinance, all of the land within the boundaries of the
Mariposa-Yosemite Airport and other land in the vicinity of the
Airport is hereby divided into horizontal zones, conical zones,
transition zones and runway approach zones, boundaries of which are
shown on a map designated as Mariposa-Yosemite Airport Zoning Map.

That the Mariposa-Yosemite Airport Zoning Map is hereby
approved as the official map for such zoning purposes and shall
be on file in the office of the County Clerk and that the same is
hereby made a part of this ordinance, subject to amendments thereof
made pursuant to law from time to time. That such amendments shall
be entered on the official map and the same shall be maintained up
to date at all times.

SECTION 5: ZONES. In order to carry out the purpose of
this ordinance, the boundaries of the zones provided for in Section
4 shall be as set forth in the Mariposa-Yosemite Airport Zoning
Map, a copy of which shall be on file in the office of the Mariposa
County Clerk. Said map shall be available for examination at all

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times that said office is open for business.

**HEIGHT LIMITS:** Except as otherwise provided in this ordinance, no structure shall be erected, altered or maintained, in any airport approach zone, transition zone, horizontal zone or conical zone to a height in excess of the height limit herein established for each zone. For purposes of determining these height limits as hereinafter specified, the U. S. Coast and Geodetic Survey has established the official airport elevation reference to be 2221 feet mean sea level and all height limits will begin at said elevation. For purposes of this regulation, the following height limits are hereby established for each of the zones in question:

(a) Horizontal zone one hundred fifty (150) feet.

(b) Conical zone one hundred fifty (150) feet at the inner perimeter and increasing in height at the ratio of 20:1 to the outer perimeter.

(c) Runway approach zone Runway 12 and Runway 30 as designated on said Mariposa-Yosemite Airport shall not exceed a height greater than permitted by a 20 to 1; glideslope and in no event to exceed one hundred and fifty (150) feet.

(d) Transition Zones: The height to be determined within the boundaries of the transition zone by reference to Mariposa-Yosemite airport zoning map at a ratio of 7:1 commencing at the boundary of the landing area.

(e) For additional runways.

(f) Excepted Height Limitations: Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 25 feet above the surface of the land except in the clear and approach zone to the runway.

Where an area is covered by more than one (1) height limitation, the more restrictive limitations shall prevail.

**SECTION 6:** USE RESTRICTIONS: No use may be made of land within any airport approach zone, horizontal zone, conical zone, or airport transition zone, in such a manner as to create electrical interference with radio communication between the airport and
aircraft making it difficult for pilots to distinguish between
airport light and other lights, resulting in glare in the eyes of
the pilots using the airport, impairing visibility in the vicinity
of the airport, or otherwise endangering the landing, take-off or
maneuvering of aircraft.

SECTION 7: NON-CONFORMING USES: The regulations prescribed
in Sections 5 and 6 of this ordinance shall not be construed to
require the removal, lowering, or other change or alteration of any
structure or trees not conforming to the regulations as of the
effective date hereof, or otherwise interfere with the continuance
of any non-conforming use. Nothing herein contained shall require
any change in the construction, alteration or intended use of any
structure, the construction or lateration of which was begun prior
to the effective date of this ordinance, and is diligently pro-
secuted and completed within a reasonable time thereof.

SECTION 8: ADMINISTRATIVE AGENCY: The Board of Supervisors
may by resolution designate a person whose duty it is to enforce
the regulations herein described. Said person may be, in the
Board of Supervisor's discretion, a county officer or employee.
The Planning Commission shall review and decide upon all applica-
tions for permits and variances under Sections 9 and 10 of this
ordinance.

SECTION 9: PERMITS: Before any non-conforming structure
or trees may be replaced, substantially altered or repaired, re-
built, allowed to grow higher, or replanted, a permit must be
secured from the Planning Commission. No permit shall be granted
that would allow the establishment or creation of an airport
hazard or permit a non-conforming structure or tree or non-conform-
ing use to be made or become higher or become a greater hazard to
air navigation than it was on the effective date of this ordinance,
or than it is when the application for a permit is made. Except as
provided herein, all applications for permits shall be granted.
No such permit shall be required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of the existing structure.

SECTION 10: VARIANCES: Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this article, may apply to the Planning Commission for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit or the regulations and this article; provided, that any variance may be allowed subject to any reasonable conditions that the Planning Commission may deem necessary to effectuate the purpose of the article.

SECTION 11: VIOLATIONS: In the event any person should erect, construct, move, alter or attempt to erect, construct, move or alter any structure or allow any tree to exceed a height, in violation of the provisions of this ordinance, the same is hereby declared a public nuisance, and it shall be the duty of the District Attorney of the County of Mariposa to bring and prosecute an action in any Court of competent jurisdiction to enjoin such person from continuing such erection, construction, moving, alteration or growth, or if such erection, construction, moving, alteration or growth is being or has been accomplished, the District Attorney shall bring and prosecute an action to enjoin such person from maintaining same.

SECTION 12: PENALTY: Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable of a fine of not more than Five Hundred ($500) Dollars or by imprisonment for a term not
exceeding six months, or by both such fine and imprisonment. Such
person shall be deemed guilty of a separate offense for each and
every day during any portion of which any violation of this ordinance
is committed, continued or permitted, by such person and shall be
punishable as herein provided.

SECTION 13: CONFLICTING REGULATIONS: Where this ordinance
imposes a greater or more stringent restriction upon the use of
land than is imposed or required by any other ordinance or regula-
tion, the provisions of this ordinance shall govern.

SECTION 14: VALIDITY: Should any section or part of a
section, clause or provision of this ordinance be declared by any
Court to be invalid, the same shall not affect the validity of the
ordinance as a whole or any part thereof, other than the part so
declared to be invalid.

PASSED AND ADOPTED by the Board of Supervisors of the
County of Mariposa, State of California, this 4th day of May,
1971, by the following vote:

AYES: Davis, Hurlbert, Long, Moffitt, Richardson

NOES: None

ABSENT: None

NOT VOTING: None

Frank L. Long, Jr., Chairman of
the Board of Supervisors of the
County of Mariposa, State of
California

ATTEST:

Gabrielle Wilson, County Clerk
and Ex Officio Clerk of the
Board of Supervisors