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MARIPOSA COUNTY ORDINANCE NO. 498

AN INTERIM EMERGENCY

STOCKTON CREEK GRADING ORDINANCE

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

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.
- 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 the Long Range Water Study Committee, due to the threat to Public Health and Safety, has 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. In order to preserve and protect the health, safety and welfare of the residents of the Community of Mariposa, the Board of Supervisors finds that it is necessary to adopt this urgency interim 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.

Section III: Regulation of Grading:

- A. All grading, excavation or removing of earth by mechanical means with-

1 in the Stockton Creek Watershed is expressly prohibited; this shall
2 apply to all existing earth moving in progress if such activity re-
3 presents a public hazard from erosion and siltation of Stockton Creek
4 Reservoir.

- 5 B. For purposes of this Ordinance, "Mechanical Means" shall apply to all
6 earth moving equipment to include dozers, graders or other implements
7 used for the moving of earth; this is not intended to apply to such
8 earth moving as can be accomplished by hand implements or for such
9 earth tilling activities and equipment associated with residential
10 landscaping or gardening.

11 Section IV: Penalty:

12 Violation of any provision of this ordinance shall constitute a mis-
13 demeanor and shall be punishable as provided for under Chapter 1.28 of
14 the General Penalty provisions of the Mariposa County Code.

15 Section V: Special Permits:

- 16 A. Special conditional grading permits may be issued by a duly authorized
17 County employee, designated by the Board of Supervisors, in emergency
18 situations to minimize existing erosion hazards or correct problems
19 of excessive washing and siltation of the Stockton Creek Reservoir, or
20 when, at the determination of the duly authorized County employee, the
21 severe hardship of a situation warrants such action. Emergency permits
22 may be issued at the discretion of such duly authorized County employee
23 upon consultation with the County Engineer and Soil Conservation Ser-
24 vice. Appeals of all decisions shall be made to the Board of Super-
25 visors in accordance with County policy.
- 26 B. Such duly authorized County employee, upon receipt of a special con-
27 ditional grading permit application, shall consult with the U.S.
28 Department of Agriculture Soil Conservation Service and Mariposa

1 County Engineer or his representative to:

- 2 1. Determine the validity of such an emergency or hardship request.
- 3 2. Determine what measures, if any, should be taken to mitigate
- 4 erosion and siltation hazard and review plans and specifications
- 5 for such emergency or hardship grading permit.
- 6 3. Review such conditions as may be required for the issuance of
- 7 such permit.
- 8 4. Review and inspect work in progress and work completed to insure
- 9 compliance with such approved plans, specifications and other con-
- 10 ditions as may be made part of, and condition to, the granting of
- 11 any special grading permit.

12 C. Such duly authorized County employee, upon notification or by virtue
13 of other knowledge, shall review and inspect such ongoing grading
14 activity in the area affected by this ordinance, with the Soil Con-
15 servation Service and the County Engineering Department to determine
16 whether or not such grading represents a public hazard from excessive
17 erosion or siltation. Upon such consultation the duly authorized
18 County employee may determine that such ongoing grading is in non-
19 compliance with the intent of this urgency ordinance, and take such
20 actions as to revoke any existing permits, and pursue such legal
21 avenues as may be required to; 1) Halt such grading and earthmoving
22 activity, 2) Correct such hazard as may be created and 3) Impose
23 such penalty provisions as may be appropriate under this urgency
24 ordinance, Mariposa County Code and State Law.

25 Section VI: Urgency Ordinance:

26 A. This ordinance is an urgency ordinance to protect the public safety,
27 health and welfare. The fact constituting the urgency is the erosion
28 and siltation threat to the Stockton Creek Reservoir, a public water

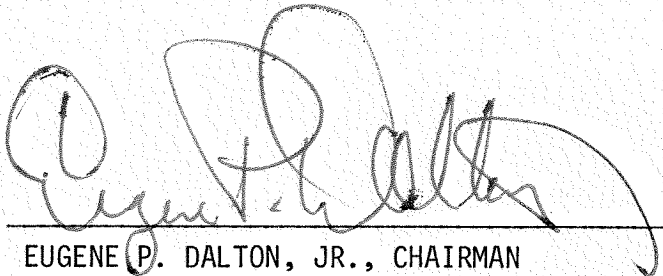
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supply.


B. This ordinance takes effect immediately and, in accordance with Government Code Section 65858, and is in no further force and effect one hundred twenty (120) days from the date of its adoption, except as it may be extended as provided by Government Code Section 65959.

PASSED AND ADOPTED by the Board of Supervisors, County of Mariposa, this 6th day of February, 1979 by the following vote:

AYES: Dalton, Weber, Erickson, Clark
NOES: None
NOT VOTING: None
ABSENT: Owings


EUGENE P. DALTON, JR., CHAIRMAN
Board of Supervisors

ATTEST:


JOAN LYNK, CLERK OF THE BOARD

There is a large maps attached to the original Ordinance on file.