

1 MARIPOSA COUNTY ORDINANCE NO. 469  
2 AN ORDINANCE REPEALING OR AMENDING CERTAIN LISTED ORDINANCES,  
3 OR SECTIONS OR SUBSECTIONS THEREOF

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

6 SECTION A: The following ordinances of the County of  
7 Mariposa are hereby specifically repealed as follows, to wit:

- 8 1. Ordinances 6, 7, 29, 40, 48, 77, 170, 258, and 347  
9 relating to boundaries of supervisorial districts.
- 10 2. Ordinance 9 relating to judicial townships.
- 11 3. Ordinance 343 relating to working prisoners.
- 12 4. Ordinances 50, 81, and 89 relating to meetings of the  
13 Board of Supervisors.
- 14 5. Ordinance 269 relating to qualifications of under-  
15 sheriffs and deputy sheriffs.
- 16 6. Ordinances 88 and 99 relating to justices of the  
17 peace.
- 18 7. Ordinance 331 relating to officers' salaries.
- 19 8. Ordinance 120 relating to the County Disaster  
20 Council.
- 21 9. Ordinances 12, 24, 56, 58, 61, 69, 82, 85, and 87  
22 relating to business licenses.
- 23 10. Ordinance 128 relating to estrays.
- 24 11. Ordinances 351 and 355 relating to subdivision fees.
- 25 12. Ordinances 344 and 405 relating to subdivisions.
- 26 13. Ordinance 359 relating to interim zoning restric-  
27 tions.
- 28 14. Ordinance 104 relating to license fees.

1           15. Ordinances 8 and 41 relating to county road district  
2 boundaries.

3           SECTION B: The following ordinances of the County of  
4 Mariposa are hereby amended as follows, to wit:

5           1. Ordinance 413, Section IV, is hereby amended to read  
6 as follows: "Violation of this ordinance shall constitute an in-  
7 fraction and shall be punishable under Chapter 1.28, the General  
8 Penalty provisions, of this Code."

9           2. Ordinance 429, Section 9.7 is hereby amended to read  
10 as follows: "Any person violating any of the provisions of this  
11 ordinance shall be guilty of a misdemeanor and shall be punishable  
12 under Chapter 1.28, the General Penalty provisions, of this Code."

13           3. Ordinance 429, Section V, is hereby amended to read  
14 as follows: "Violation of this ordinance shall constitute a mis-  
15 demeanor and shall be punishable under Chapter 1.28, the General  
16 Penalty provisions, of this Code."

17           4. Ordinance 399, Section 6A, is hereby amended to read  
18 as follows: "Violation of the provisions of this ordinance shall  
19 constitute an infraction and shall be punishable under Chapter 1.28,  
20 the General Penalty provisions, of this Code."

21           5. Ordinance 405, Section 8, is hereby amended to read  
22 as follows: "Violation of the provisions of this ordinance shall  
23 constitute a misdemeanor and shall be punishable under Chapter 1.28,  
24 the General Penalty provisions, of this Code."

25           6. Ordinance 366, Subsection K2, is hereby amended to  
26 read as follows: "Violation of any provision of this ordinance  
27 shall constitute a misdemeanor and shall be punishable under  
28 Chapter 1.28, the General Penalty provisions, of this Code."

1           7. Ordinance 350, Section 2, is amended to read as  
2 follows: "Violation of any provision of this ordinance shall con-  
3 stitute a misdemeanor and shall be punishable under Chapter 1.28,  
4 the General Penalty provisions, of this Code."

5           8. Ordinance 361, Section IV, is hereby amended to read  
6 as follows: "Violation of any provision of this ordinance shall  
7 constitute a misdemeanor and shall be punishable under Chapter  
8 1.28, the General Penalty provisions, of this Code."

9           9. Ordinance 431, Section 2, is hereby amended to read  
10 as follows: "County Ordinances 406, Section 3; 363, Section 4;  
11 362, Section 4; 342, Section 1; 311, Section 7; 337, Section 2;  
12 333, Section 12; 319, Section 10; 306, Section 2; 305, Section 3;  
13 296, Section 2; 288, Section 3; 286, Section 5; 268, Section 57;  
14 259, Section 16; 227, Section 3; 216, Section 3; 205, Section 7;  
15 202, Section 12; 200, the third paragraph; 198, Section 6; 178,  
16 Section 1; 156, Section 6; 144, Section 2; and 137, Section 2; are  
17 amended to read as follows: "Violation of any provision of this  
18 ordinance shall constitute an infraction and shall be punishable  
19 under Chapter 1.28, the General Penalty provisions, of this Code."

20           10. Ordinance 18 is hereby amended by deleting Sections  
21 2 and 3 thereof.

22           11. Ordinance 441 is hereby amended at Line 8 to read as

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Deleted at  
time of  
final  
adoption,  
11/15/77.

1 follows: ". . . shall be fixed at the sum of \$23,337.00 annually  
2 as fixed by Ordinance 454."

3 12. Ordinance 441 is hereby amended at Line 10 to sub-  
4 stitute the numeral "410" for the numeral "336".

5 13. Ordinance 435 is hereby amended by deleting the  
6 words "County Ordinance No. 289, and" from the first sentence of  
7 Section 2.

8 14. Ordinance 400, Article I, is hereby amended by sub-  
9 stituting the words "Ordinance 387, Article I, Subsection 7(b)" for  
10 the reference to "Ordinance 387, Section B".

11 15. Ordinance 388, Article II, Section 4, is hereby  
12 amended by substituting the words "California Environmental Quality  
13 Act, Public Resources Code §21000 et seq." for the words  
14 "California Environmental Quality Act of 1970, Public Resources  
15 Code Section 21000-21174 as amended by Chapter 1154 of the Statutes  
16 of 1972".

17 16. Ordinance 177 is hereby amended by substituting the  
18 words "Board of Recreation Commissioners" for all references to the  
19 "Recreation and Park Commission" or "Recreation and Parks  
20 Commission".

21 17. Ordinance 456, Section 1, is hereby amended by sub-  
22 stituting the words "Title 3" for the words "Article 2".

23 18. Ordinance 154, Section 1, is hereby amended to read  
24 as follows: "(a) 'State of war emergency' means the condition  
25 which exists immediately, with or without a proclamation thereof  
26 by the Governor, whenever this state or nation is attacked by an  
27 enemy of the United States, or upon receipt by the state of a  
28 warning from the federal government indicating that such an enemy

1 attack is probably or imminent.

2           "(b) 'State of emergency' means the duly proclaimed  
3 existence of conditions of disaster or of extreme peril to the  
4 safety of persons and property within the state caused by such con-  
5 ditions as air pollution, fire, flood, storm, epidemic, riot, or  
6 earthquake or other conditions, other than conditions resulting  
7 from a labor controversy or conditions causing a 'state of war  
8 emergency', which conditions, by reason of their magnitude, are or  
9 are likely to be beyond the control of the services, personnel,  
10 equipment, and facilities of any single county, city and county,  
11 or city and require the combined forces of a mutual aid region or  
12 regions to combat. The Chairman of the Board may request the  
13 Governor to declare the existence of a state of emergency when he  
14 finds that local resources are inadequate to cope with the emer-  
15 gency.

16           "(c) 'Local emergency' means the duly proclaimed exis-  
17 tence of conditions of disaster or of extreme peril to the safety  
18 of persons and property within the territorial limits of a county,  
19 city and county, or city, caused by such conditions as air pollu-  
20 tion, fire, flood, storm, epidemic, riot, or earthquake or other  
21 conditions, other than conditions resulting for a labor controversy,  
22 which conditions are or are likely to be beyond the control of the  
23 services, personnel, equipment, and facilities of that political  
24 subdivision and require the combined forces of other political sub-  
25 divisions to combat. A state of local emergency shall not remain  
26 in effect for more than seven (7) days unless the proclamation by  
27 the commander of the Disaster Council is ratified by the Board.  
28 Following such ratification, the Board shall review, at least every

1 fourteen (14) days until such local emergency is terminated, the  
2 need for continuing the local emergency and shall proclaim the ter-  
3 mination of such local emergency at the earliest possible date that  
4 conditions warrant."

5 19. Ordinance 457 is hereby amended by specifically re-  
6 pealing Subsections 6(b) and 6(c) thereof.

7 20. Ordinance 154, Subsection 4A, is hereby amended to  
8 read as follows: "To develop a plan for meeting any condition con-  
9 stituting a local emergency, state of emergency, or state of war  
10 emergency. Such plan shall provide for the effective mobilization  
11 of all of the resources within the County, both public and private."

12 21. Ordinance 154 is hereby amended by specifically re-  
13 pealing Subsection 5B thereof.

14 22. Ordinance 154, Subsection 5A, is hereby amended to  
15 read as follows: "To proclaim the existence of a state of local  
16 emergency."

17 23. Ordinance 154 is hereby amended by adding Section  
18 9.5 thereto which reads as follows: "Public officers, employees,  
19 and registered volunteers are hereby authorized to command the aid  
20 of citizens when necessary in the execution of their duties during  
21 a state of war emergency, a state of emergency, or a local emer-  
22 gency."

23 24. Ordinance 154 is hereby amended by adding Section  
24 10.5 thereto which reads as follows: "The Board may call test ex-  
25 ercises whenever, in its opinion, such test exercises are needed;  
26 provided, however, that with respect to any such test exercise, no  
27 one shall have the power to command the assistance of any private  
28 citizen, and the failure of a citizen to obey any order or

1 regulation pertaining to a test exercise shall not constitute a  
2 violation of any law."

3           25. Ordinance 295, Section 5, is hereby amended to read  
4 as follows: "Any deed, instrument, or writing to which the United  
5 States, or any agency or instrumentality thereof, is a party shall  
6 be exempt from any tax imposed pursuant to this ordinance when the  
7 exempt agency is acquiring title."

8           26. Ordinance 299 is hereby amended by repealing  
9 Section 4 thereof.

10           27. Ordinance 295, Section 12, is hereby amended to read  
11 as follows: "The Recorder shall not record any deed, instrument,  
12 or writing subject to the tax imposed by this ordinance, unless the  
13 tax is paid at the time of recording. A declaration of the amount  
14 of tax due, signed by the party determining the tax or his agent,  
15 shall appear on the face of the document or on a separate paper in  
16 compliance with Section 11932 of the California Government Code,  
17 and the Recorder may rely thereon; provided he has no reason to  
18 believe that the full amount of the tax due has not been paid. The  
19 declaration shall include a statement that the consideration or  
20 value on which the tax due was computed was, or that it was not,  
21 exclusive of the value of a lien or encumbrance remaining on the  
22 interest or property conveyed at the time of sale. Failure to  
23 collect the tax due shall not affect the constructive notice other-  
24 wise imparted by recording a deed, instrument, or writing."

25           28. Ordinance 295 is hereby amended to add Section 19 to  
26 read as follows: "Any tax imposed by this ordinance shall not  
27 apply with respect to any deed, instrument, or writing to a bene-  
28 ficiary or mortgagee, which is taken from the mortgagor or trustor

1 as a result of or in lieu of foreclosure; provided that such tax  
2 shall apply to extent that the consideration exceeds the unpaid  
3 debt, including accrued interest and cost of foreclosure. Con-  
4 sideration, unpaid debt amount, and identification of grantee as  
5 beneficiary or mortgagee shall be noted on said deed, instrument,  
6 or writing or stated in an affidavit or declaration under penalty  
7 of perjury for tax purposes."

8           29. Ordinance 176, Subsection 5(b)(2), is hereby amended  
9 by adding the words, "Neither shall the name of the County be sub-  
10 stituted for that of the state in the phrase 'retailer engaged in  
11 business in this state' in Section 6203 of the California Revenue  
12 and Taxation Code, nor in the definition of that phrase in Section  
13 6203 of the California Revenue and Taxation Code."

14           30. Ordinance 245, Section IV, is hereby amended by  
15 adding Subsection (d) which reads as follows: "The rental of any  
16 mobile home which is not located outside a mobile home park, not  
17 for occupancy on a transient basis, or is not located in an unin-  
18 corporated area of the County."

19           31. Ordinance 245, Section IV, is hereby amended by  
20 adding Subsection (e) thereto which reads as follows: "The rental  
21 of a mobile home, wherever situated, and without regard to the  
22 length of occupancy, to a tenant who is an employee of the owner  
23 or operator of such mobile home."

24           32. Ordinance 154, Section 2(E), is hereby amended to  
25 change the word "captain" to "commander".

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1           33. Ordinance 154, Section 2(F), is hereby amended to  
2 change the word "chief" to "ranger in charge".  
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4           34. Ordinance 158 is hereby amended by substituting the  
5 words "Sections 16521 to 16524, inclusive, of the California  
6 Agricultural Code" for the words "Sections 411 to 415, inclusive,  
7 of the Agricultural Code of the State of California".

8           35. Ordinance 146, the first clause of Section 1, is  
9 hereby amended to read as follows: "The provisions of Sections  
10 17041, 17043, and 17045 of the California Agricultural Code are  
11 hereby adopted and made operative in that part of the County des-  
12 cribed as follows:".

13           36. Ordinance 398, Section 3, is hereby amended to read  
14 as follows: "Violation of any provision of this ordinance shall  
15 constitute an infraction and shall be punishable under Chapter  
16 1.28, the General Penalty provisions, of this Code."

17           37. Ordinance 268, the second sentence in Section 42, is  
18 hereby amended to substitute the numeral "45°" for the numeral  
19 "50°".

20           38. Ordinance 268, the second sentence of Section 45, is  
21 hereby amended to read as follows: "This section shall not apply  
22 with regard to dogs being used by the blind, or to dogs used by  
23 uniformed employees of private patrol operators and operators of  
24 a private patrol service who are licensed pursuant to Chapter 11  
25 (commencing with Section 7500) of Division 3 of the California  
26 Business and Professions Code, while such employees are acting w  
27 within the course and scope of their employment as private patrol-  
28 men."

1           39. Ordinance 259, Section V, is hereby amended to read  
2 as follows: "No person in the County shall collect, transport, or  
3 dispose of garbage or refuse in the County for consideration,  
4 either as a full-time or a part-time business or occupation, ex-  
5 cepting in full compliance with the terms of this ordinance, other  
6 applicable ordinances, and the rules of the County Health  
7 Department."

8           40. Ordinance 259, Section XIV, is hereby amended to  
9 read as follows: "It is unlawful for any person to place, deposit,  
10 or dump, or to cause to be placed, deposited, or dumped, in any dry  
11 water course within the County, any refuse or garbage, except in  
12 authorized sites."

13           41. Ordinance 459, Section 6, is hereby amended by sub-  
14 stituting the word "lawful" for the word "unlawful".

15           42. Ordinance 413 is hereby amended by specifically  
16 repealing Section IV thereof.

17           43. Ordinance 453 is hereby amended by specifically  
18 repealing Section 12 thereof.

19           44. Ordinance 453 is hereby amended by adding Section  
20 15 thereto which reads as follows: "The County may bring an action  
21 to enjoin a violation of this ordinance or a violation of Section  
22 326.5 of the California Penal Code."

23           45. Ordinance 453, Subsection 2(b), is hereby amended to  
24 read as follows: "Authorized organization means organizations ex-  
25 empted from the payment of the bank and corporation tax by Sections  
26 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701,1 of the  
27 Revenue and Taxation Code. Senior citizens organizations and  
28 mobile home park associations are also authorized organizations."

1           46. All references to "a nonprofit, charitable organiza-  
2 tion" are hereby amended to refer to "an authorized organization"  
3 in Section 3, Subsection 4(c), and Section 7, which refer to "a  
4 specific nonprofit, charitable organization"; in Subsections 8(b)  
5 and 8(c), which refer to "the nonprofit, charitable organization",  
6 of Ordinance 453."

7           47. Ordinance 453, the first sentence of Section 8, is  
8 hereby amended to read as follows: "An organization authorized to  
9 conduct bingo games pursuant to this ordinance shall conduct a  
10 bingo game only on property owned or leased by it, and which pro-  
11 perty is used by such organization for an office or for performance  
12 of the purposes for which the organization is organized. Nothing  
13 in this section shall be construed to require that the property  
14 owned or leased by the organization be used or leased exclusively  
15 by such organization."

16           48. Ordinance 453, Subsection 8(e), is hereby amended  
17 to read as follows: "With respect to organizations exempt from  
18 payment of the bank and corporation tax by Section 2370ld of the  
19 Revenue and Taxation Code, all profits derived from a bingo game  
20 shall be kept in a special fund or account and shall not be com-  
21 mingled with any other fund or account. Such profits shall be used  
22 only for charitable purposes. With respect to other organizations  
23 authorized to conduct bingo games pursuant to this section, all  
24 proceeds derived from a bingo game shall be commingled with any  
25 other fund or account. Such proceeds shall be used only for  
26 charitable purposes, except as follows: (1) Such proceeds may be  
27 used for prizes; (2) A portion of such proceeds, not to exceed  
28 ten percent (10%) of the proceeds after the deduction for prizes,

1 or five hundred dollars (\$500.00) per month, whichever is less,  
2 may be used for rental of property, overhead, and administrative  
3 expenses."

4 49. Ordinance 288 is hereby amended by adding Section IV  
5 thereto which reads as follows: "This ordinance shall not prohibit  
6 any commercial vehicle from using any enumerated County highway  
7 by direct route to, or from, a state highway for the purpose of  
8 delivering or loading for transportation goods, wares, and merchan-  
9 dise."

10 50. Ordinance 296 is hereby amended by adding Section  
11 III thereto which reads as follows: "This ordinance shall not  
12 prohibit any commercial vehicle from using any enumerated County  
13 highway by direct route to, or from, a state highway for the pur-  
14 pose of delivering or loading for transportation goods, wares, and  
15 merchandise."

16 51. Ordinance 305 is hereby amended by adding Section IV  
17 thereto which reads as follows: "This ordinance shall not pro-  
18 hibit any commercial vehicle from using any enumerated County high-  
19 way by direct route to, or from, a state highway for the purpose  
20 of delivering or loading for transportation goods, wares, and mer-  
21 chandise."

22 52. Ordinance 306 is hereby amended by adding Section  
23 III thereto which reads as follows: "This ordinance shall not pro-  
24 hibit any commercial vehicle from using any enumerated County high-  
25 way by direct route to, or from, a state highway for the purpose  
26 of delivering or loading for transportation goods, wares, and mer-  
27 chandise."

28 53. Ordinance 156, Section 4, is hereby amended by

1 deleting the word "billboard" thereof.

2           54. Ordinance 333, the second sentence of Section 2, is  
3 hereby amended by substitution the word and numeral "fifteen (15)"  
4 for the word and numeral "ten (10)".

5           55. Ordinance 333 is hereby amended by adding, immediate-  
6 ly following Section 2, Section 2.5 thereto which reads as follows:  
7 "In order to initiate proceedings under this ordinance, the Board  
8 shall determine that the County or public utility has voluntarily  
9 agreed to pay over fifty percent (50%) of all costs of conversion,  
10 excluding costs of users' connections to underground electric or  
11 communication facilities."

12           56. Ordinance 455, Subsection 6(b), is hereby amended  
13 by adding thereto, immediately following the words "or inscription",  
14 the words "when such action would destroy or deface property, real  
15 or personal, owned by the County, or would otherwise be contrary to  
16 the public health, safety, morals, or general welfare."

17           57. Ordinance 455, Subsection 6(h), is hereby amended by  
18 adding thereto, immediately following the words "any circulars",  
19 the words "which would endanger or violate the public health,  
20 safety, morals, or general welfare."

21           58. That portion of Ordinance 429, Section 3.0, which  
22 defines the term "subdivider" is hereby amended to read as  
23 follows: "SUBDIVIDER means a person, firm, corporation, partner-  
24 ship, or association who proposes to divide, divides, or causes to  
25 be divided real property into a subdivision for himself or for  
26 others except that employees and consultants of such persons or  
27 entities, acting in such capacity, are not 'subdividers'."

28           59. That portion of Ordinance 429, Section 3.0, which

1 defines the term "subdivision" is hereby amended to read as fol-  
2 lows: "SUBDIVISION means the division of any improved or unim-  
3 proved land, shown by the latest equalized County assessment roll  
4 as a unit or as contiguous units, for the purpose of sale, lease,  
5 or financing, whether immediate or future except for leases of  
6 agricultural land for agricultural purposes."

7           60. Ordinance 429, Subsection 6.8(h), is hereby amended  
8 by substituting the words "Section 66475 et seq. of the California  
9 Government Code" for the words "Chapter 1 of Division 10 of Title 8  
10 of the Subdivision Map Act."

11           61. Ordinance 210 is hereby amended by substituting the  
12 letter "B" for the letter "C" which immediately precedes the amend-  
13 ment to Ordinance 180.

14           62. Ordinance 340, Section 4, is hereby amended by add-  
15 ing the words "clear zones" thereto, immediately following the  
16 words "is hereby divided into".

17           63. Ordinance 334 is hereby amended by specifically re-  
18 pealing Section 1 thereof.

19           64. Ordinance 376 is hereby amended by specifically re-  
20 pealing Section 4 thereof.

21           65. Ordinance 176 is hereby amended by specifically re-  
22 pealing Subsection 4(b)(4) thereof as amended by Ordinance 352,  
23 Section 4, thereof.

24           66. Ordinance 176 is hereby amended by specifically re-  
25 pealing Subsection 5 thereof, as amended by Ordinance 219, Section  
26 6, and Ordinance 352, Section 6.

27           67. Ordinance 176 is hereby amended by specifically re-  
28 pealing Section 6 thereof, as amended by Ordinance 219, Section 7.

1           68. Ordinance 176 is hereby amended by specifically re-  
2 pealing Section 9 thereof.

3           69. Ordinance 108 is hereby amended by specifically re-  
4 pealing Section 8 thereof.


5           70. Ordinance 349 is hereby amended by specifically re-  
6 pealing Section 9 thereof.


7           71. Ordinance 198, Section 4, is hereby amended to read  
8 as follows: "No building or installation shall be placed or  
9 erected closer than (1) fifty (50) feet from the center  
10 line of a forty (40) foot or fifty (50) foot existing or future  
11 local road; (2) sixty-five (65) feet from the center line of a  
12 sixty (60) foot secondary road on a County major highway."

13           72. Ordinance 459 is hereby amended by adding Section  
14 7.5 thereto which reads as follows: "Violation of any provisions  
15 of this ordinance shall constitute a misdemeanor and shall be pun-  
16 ishable under Chapter 1.28, the General Penalty provisions, of this  
17 Code."

18           PASSED AND ADOPTED by the Board of Supervisors, County of  
19 Mariposa, this 15th day of November, 1977, by the following vote:

- 20           AYES:           Clark, Dalton, Long, Owings.
- 21           NOES:           None.
- 22           NOT VOTING: None.
- 23           ABSENT:       None.

  
 FRANK L. LONG, JR., CHAIRMAN  
 BOARD OF SUPERVISORS

24  
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 26  
 27           ATTEST:  
 28             
 ELLEN BRONSON, COUNTY CLERK AND  
 EX OFFICIO CLERK OF THE BOARD