

ORDINANCE NO. 321

AN ORDINANCE PROVIDING REGULATIONS FOR THE DIVISION OF LOTS IN APPROVED SUBDIVISIONS IN THE COUNTY OF MARIPOSA

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

SECTION 1: LEGISLATIVE INTENT. It is hereby determined that this Ordinance is necessary for the orderly development of the County of Mariposa in that a chaotic situation is being created, and will become more critical if not regulated, by the division of lots and parcels of real property in approved subdivisions as delineated in Mariposa County Ordinance No. 201, and amendments thereto. By assuring proper access, drainage provisions, lot size and design, water supply, sewage facilities and utility easements on lot divisions, the public peace, health, safety, comfort, convenience, interest and welfare will be protected.

SECTION 2: The division of lots and parcels outside of subdivisions which are approved pursuant to Mariposa County Ordinance No. 201, and amendments thereto, have been excluded because it is felt that the public peace, health, safety, comfort, convenience, interest and welfare will not be affected since lot sizes of subdivisions approved pursuant to Mariposa County Ordinance No. 201, and amendments thereto, are made on the basis of available water and sewer requirements.

SECTION 3: Definitions. Subdivision shall mean any land or portion thereof which has been subdivided pursuant to Mariposa County Ordinance No. 201, and any amendments thereto, for which a final map has been accepted by the County and filed with the Mariposa County Recorder. Lots and Parcels shall mean any division/^{of land} on an approved and filed subdivision map as delineated on any final subdivision map approved and recorded pursuant to Mariposa County Ordinance No. 201.

SECTION 4: Every person acting as a grantor, grantee,

1 vendor, vendee, purchaser, buyer, broker for any such person,
2 escrow agent for any such person, or agent for any such person,
3 shall not divide or participate in the division of any lot or
4 parcel of land as the same appears upon a record of survey map
5 approved and accepted by the County of Mariposa, pursuant to
6 Mariposa County Ordinance No. 201, and any amendments thereto,
7 without obtaining a use permit issued as provided herein, prior
8 to such division.

9 SECTION 5: Use permit means a written authorization
10 issued by the Planning Commission or other agency, officer, or
11 employee of the County of Mariposa, that the Board may designate,
12 authorizing the permittee to divide land. Use permits may be
13 revocable, conditional, or valid for a term period, and may be
14 issued only for use or purposes for which permits are required
15 or permitted by the terms of this Ordinance and shall be governed
16 by the following regulations:

17 A) Application for use permit shall be made to the
18 Planning Commission in writing on a form prescribed by the
19 Commission and shall be accompanied by plans and elevations
20 where necessary, and shall adequately describe the proposed
21 division and shall show proposed access, sanitation facilities,
22 water and utility easements. Such application shall be accom-
23 panied by a fee of ten dollars (\$10.00), no part of which shall
24 be returnable to the applicant.

25 B) The Planning Commission may hold such hearings
26 thereon as it may deem necessary.

27 C) The Planning Commission shall find that the establish-
28 ing or operation of the use applied for will or will not, under
29 the circumstances of the particular case, be detrimental to
30 public health, safety, and welfare, or contrary to provisions
31 of the County Master Plan or General Plan. The Planning Commission
32 may designate such conditions as it deems necessary to carry out

1 the purpose of this Ordinance, General or Master Plan, and may
2 require appropriate guarantees that such conditions will be
3 complied with.

4 SECTION 6: Any applicant, or other interested party, not
5 satisfied with the action of the Planning Commission may, within
6 ten (10) days after the formal decision of the Planning Commission,
7 appeal in writing to the Board of Supervisors. A copy of such
8 appeal shall be submitted to the Commission. Said Board shall
9 render its' decision within sixty-five (65) days after the filing
10 of such appeal. Appellant shall have the right of hearing before
11 the Board.

12 SECTION 7: Any use permit may be revoked in any case
13 where the conditions of such permit are not being complied with.
14 The Planning Commission shall give written notice of intention to
15 revoke such permit to the permittee at least ten (10) days prior
16 to a hearing thereof. Any revocation shall be appealable in
17 the same manner as the denial of a permit as above specified. In
18 any case where the use specified in the use permit has not been
19 commenced within six (6) months after the date of such permit,
20 then, without further action by the Commission, or the Board,
21 the use permit granted shall be null and void.

22 SECTION 8: Penalties for violation. Any person, firm,
23 or corporation, whether as principal, agent, employee, or otherwise,
24 violating any of the provisions of this Ordinance, shall be guilty
25 of a misdemeanor and, upon conviction thereof, shall be punishable
26 by a fine of not more than \$300.00, by imprisonment in the County
27 Jail for a term not to exceed three (3) months, or by both such
28 fine and imprisonment.


29 SECTION 9: The Board of Supervisors of the County of
30 Mariposa hereby find that it is necessary for this Ordinance to
31 take effect immediately upon its passage as an urgency measure
32 in the interest of public safety, health, and welfare. For the

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foregoing reasons, this Ordinance shall take effect immediately upon its passage, as an urgency measure, in accordance with the provisions of Government Code Section 65858, and other applicable laws and Constitutional provisions.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California, this 13th day of January, 1970, by the following vote:

- AYES: Davis, Hurlbert, Long, Moffitt, Richardson
- NOES: None
- NOT VOTING: None
- ABSENT: 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