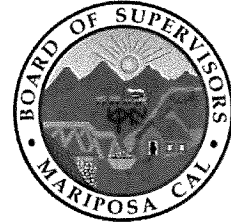




# MARIPOSA COUNTY

County Counsel · (209) 966-3222



## ORDINANCE 2021-1163

MEETING: April 20, 2021  
TO: The Board of Supervisors  
FROM: Steve Dahlem, County Counsel  
RE: An Ordinance Amending Section 10.08.140 of the Mariposa County Code

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### **RECOMMENDED ACTION AND JUSTIFICATION:**

Waive the Second Reading and Adopt an Ordinance Titled "An Ordinance Amending Section 10.08.140 of the Mariposa County Code Entitled "Violation - Penalty".

The Legislature has substantially changed the way parking violations are handled and no longer are parking violations treated as infractions within the criminal justice system; instead they are treated as civil offenses, subject to civil penalties and administrative enforcement.

Section 10.08.140 currently reads that a parking violation is an infraction. The amendment to this section will bring Mariposa County Code in line with the California Vehicle Code by providing that any person violating the parking provisions of the ordinance shall be subject to a civil parking penalty in amounts set forth by Board resolution. The proposed resolution is attached for Board information only. The resolution will be presented at the same meeting in which the Board will hold a second reading of the ordinance amendment. Assuming Board adoption of the ordinance, the proposed resolution will then be presented to the Board for adoption.

The separate resolution includes penalty amounts for violations of Vehicle Code parking restrictions. It would be inappropriate to include existing Vehicle Code parking restrictions in the County's ordinance.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

April 6, 2021: This ordinance was introduced.

The recent adoption of no parking areas in Fish Camp, El Portal, and Lazo Way in the Don Pedro area caused a review of parking enforcement leading to the recommended action.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

No changes can be made at the second reading. Negative action will prevent this ordinance from going into effect.

## Ordinance 2021-1163

**RESULT:**    **ADOPTED [UNANIMOUS]**

**MOVER:**     Tom Sweeney, District II Supervisors

**SECONDER:** Rosemarie Smallcombe, District I Supervisor

**AYES:** Smallcombe, Sweeney, Long, Forsythe, Menetrey

**MARIPOSA COUNTY ORDINANCE NO. 1163**

**AN ORDINANCE AMENDING SECTION 10.08.140 OF THE MARIPOSA COUNTY CODE ENTITLED "VIOLATION - PENALTY"**

**WHEREAS**, the Legislature has substantially changed the way parking violations are handled and no longer are parking violations treated as infractions within the criminal justice system; instead they are treated as civil offenses, subject to civil penalties and administrative enforcement; and

**WHEREAS**, the purpose of this ordinance is the preservation of the public peace, health, and safety in the County; and

**WHEREAS**, the Board of Supervisors desires to establish civil penalties for parking violations;

**NOW, THEREFORE**, the Board of Supervisors of the County of Mariposa does ordain as follows:

**SECTION I:** Section 10.08.140 entitled "VIOLATION - PENALTY", shall be amended by amending Subsection "A" and adding Subsection "B" which shall read in its entirety as follows:


**10.08.140 VIOLATION - PENALTY.**

- A. Every non-parking violation of the provisions of this chapter is an infraction punishable as provided in Vehicle Code Section 42001.
- B. Any person violating the parking provisions of this chapter shall be guilty of a civil offense and shall be subject to a civil parking penalty, and late penalties, as applicable, in those amounts set forth by resolution adopted by the Board of Supervisors. Each calendar day that a vehicle is left parked or standing in an area prohibited for parking by this chapter shall be considered a separate violation.

**SECTION II:** This Ordinance shall become effective thirty (30) days after final passage pursuant to the provisions of Government Code Section 25123.

**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 20<sup>th</sup> day of April, 2021 by the following vote:

AYES: SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

  
\_\_\_\_\_  
**MARSHALL LONG**, Chair  
Board of Supervisors

**ATTEST:**

**APPROVED AS TO FORM:**

  
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**RENE LA ROCHE**  
Clerk of the Board

  
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**STEVEN W. DAHLEM**  
County Counsel