

MARIPOSA COUNTY ORDINANCE NO. 960

AN ORDINANCE AMENDING SECTION 12.08.030 OF CHAPTER 12.08 ENTITLED
"OBSTRUCTIONS" OF THE MARIPOSA COUNTY CODE

The Board of Supervisors of the County of Mariposa ordains as follows:

SECTION I: Section 12.08.030 of Chapter 12.08 entitled "Obstructions" of the Mariposa County Code is hereby amended to read as follows:

12.08.030 Obstruction of street, sidewalk or other places open to the public.

Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of an infraction.


1. For purposes of this section the word "willfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage.

2. For purposes of this section the word "maliciously" imports a wish to vex, annoy, or injure another person, or intent to do a wrongful act, established either by proof or presumption of law.

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

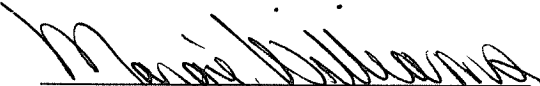
PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 23rd day of January, 2001 by the following vote:

AYES:	REILLY, BALMAIN, STEWART, PARKER, PICKARD
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE



DOUG BALMAIN, Chairman
Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN
County Counsel

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: 1/9/00
AGENDA ITEM NO.: 5A-CA-7
1-23-01 *[Handwritten initials]*

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No)

Waive first reading and introduce ordinance Waive second reading and adopt ordinance amending Section 12.08.030 entitled "Obstructions" of the Mariposa County Code.

Our current Ordinance has been challenged alleging that it's over broad under the United States Constitution and therefore unconstitutional. We have amended it to be consistent with State Penal Code that has been upheld relative to constitutional attack. The offices of the District Attorney, Sheriff and County Counsel recommend this change.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: () Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 960

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved () Denied ()

Minute Order Attached () No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

_____ Recommended

_____ Not Recommended

_____ For Policy Determination

_____ Submitted with Comment

_____ Returned for Further Action

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

Comment: _____

A.O. Initials: [Signature]