MARIPosa COUNTY ORDINANCE NO. 469

AN ORDINANCE REPEALING OR AMENDING CERTAIN LISTED ORDINANCES,
OR SECTIONS OR SUBSECTIONS THEREOF

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

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Mariposa are hereby specifically repealed as follows; to wit:

1. Ordinances 6, 7, 29, 40, 48, 77, 170, 258, and 347
relating to boundaries of supervisorial districts.

2. Ordinance 9 relating to judicial townships.

3. Ordinance 343 relating to working prisoners.

4. Ordinances 50, 81, and 89 relating to meetings of the
Board of Supervisors.

5. Ordinance 269 relating to qualifications of undersheriffs
and deputy sheriffs.

6. Ordinances 88 and 99 relating to justices of the
peace.

7. Ordinance 331 relating to officers' salaries.

8. Ordinance 120 relating to the County Disaster
Council.

9. Ordinances 12, 24, 56, 58, 61, 69, 82, 85, and 87
relating to business licenses.

10. Ordinance 128 relating to estrays.

11. Ordinances 351 and 355 relating to subdivision fees.

12. Ordinances 344 and 405 relating to subdivisions.

13. Ordinance 359 relating to interim zoning restric-
tions.

14. Ordinance 104 relating to license fees.
15. Ordinances 8 and 41 relating to county road district boundaries.

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

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

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

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

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

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

6. Ordinance 366, Subsection K2, is hereby amended to read as follows: "Violation of any provision of this ordinance shall constitute a misdemeanor and shall be punishable under Chapter 1.28, the General Penalty provisions, of this Code."
7. Ordinance 350, Section 2, is amended to read as follows: "Violation of any provision of this ordinance shall constitute a misdemeanor and shall be punishable under Chapter 1.28, the General Penalty provisions, of this Code."

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

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

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

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

//
//
//
//
//
//
//

Deleted at time of final adoption, 11/15/77.
follows: "... shall be fixed at the sum of $23,337.00 annually as fixed by Ordinance 454."

12. Ordinance 441 is hereby amended at Line 10 to substitute the numeral "410" for the numeral "336".

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

14. Ordinance 400, Article I, is hereby amended by substituting the words "Ordinance 387, Article I, Subsection 7(b)" for the reference to "Ordinance 387, Section B".

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

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

17. Ordinance 456, Section 1, is hereby amended by substituting the words "Title 3" for the words "Article 2".

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

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

"(c) 'Local emergency' means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake or other conditions, other than conditions resulting for a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat. A state of local emergency shall not remain in effect for more than seven (7) days unless the proclamation by the commander of the Disaster Council is ratified by the Board. Following such ratification, the Board shall review, at least every
fourteen (14) days until such local emergency is terminated, the
need for continuing the local emergency and shall proclaim the ter-
mination of such local emergency at the earliest possible date that
conditions warrant."

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

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

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

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

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

24. Ordinance 154 is hereby amended by adding Section
10.5 thereto which reads as follows: "The Board may call test ex-
cercises whenever, in its opinion, such test exercises are needed;
provided, however, that with respect to any such test exercise, no
one shall have the power to command the assistance of any private
citizen, and the failure of a citizen to obey any order or
regulation pertaining to a test exercise shall not constitute a violation of any law."

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

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

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

28. Ordinance 295 is hereby amended to add Section 19 to read as follows: "Any tax imposed by this ordinance shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor
as a result of or in lieu of foreclosure; provided that such tax
shall apply to extent that the consideration exceeds the unpaid
debt, including accrued interest and cost of foreclosure. Con-
sideration, unpaid debt amount, and identification of grantee as
beneficiary or mortgagee shall be noted on said deed, instrument,
or writing or stated in an affidavit or declaration under penalty
of perjury for tax purposes."

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

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

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

32. Ordinance 154, Section 2(E), is hereby amended to
change the word "captain" to "commander".
33. Ordinance 154, Section 2(F), is hereby amended to change the word "chief" to "ranger in charge".

34. Ordinance 158 is hereby amended by substituting the words "Sections 16521 to 16524, inclusive, of the California Agricultural Code" for the words "Sections 411 to 415, inclusive, of the Agricultural Code of the State of California".

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

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

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

38. Ordinance 268, the second sentence of Section 45, is hereby amended to read as follows: "This section shall not apply with regard to dogs being used by the blind, or to dogs used by uniformed employees of private patrol operators and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the California Business and Professions Code, while such employees are acting within the course and scope of their employment as private patrolmen."
33. Ordinance 259, Section V, is hereby amended to read as follows: "No person in the County shall collect, transport, or dispose of garbage or refuse in the County for consideration, either as a full-time or a part-time business or occupation, excepting in full compliance with the terms of this ordinance, other applicable ordinances, and the rules of the County Health Department."

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

41. Ordinance 459, Section 6, is hereby amended by substituting the word "lawful" for the word "unlawful".

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

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

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

45. Ordinance 453, Subsection 2(b), is hereby amended to read as follows: "Authorized organization means organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701l of the Revenue and Taxation Code. Senior citizens organizations and mobile home park associations are also authorized organizations."
46. All references to "a nonprofit, charitable organization" are hereby amended to refer to "an authorized organization" in Section 3, Subsection 4(c), and Section 7, which refer to "a specific nonprofit, charitable organization"; in Subsections 8(b) and 8(c), which refer to "the nonprofit, charitable organization", of Ordinance 453."

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

48. Ordinance 453, Subsection 8(e), is hereby amended to read as follows: "With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows: (1) Such proceeds may be used for prizes; (2) A portion of such proceeds, not to exceed ten percent (10%) of the proceeds after the deduction for prizes,
or five hundred dollars ($500.00) per month, whichever is less, may be used for rental of property, overhead, and administrative expenses."

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

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

51. Ordinance 305 is hereby amended by adding Section IV thereto which reads as follows: "This ordinance shall not prohibit any commercial vehicle from using any enumerated County highway by direct route to, or from, a state highway for the purpose of delivering or loading for transportation goods, wares, and merchandise."

52. Ordinance 306 is hereby amended by adding Section III thereto which reads as follows: "This ordinance shall not prohibit any commercial vehicle from using any enumerated County highway by direct route to, or from, a state highway for the purpose of delivering or loading for transportation goods, wares, and merchandise."

53. Ordinance 156, Section 4, is hereby amended by
deleting the word "billboard" thereof.

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

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

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

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

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

59. That portion of Ordinance 429, Section 3.0, which
defines the term "subdivision" is hereby amended to read as fol-
lows: "SUBDIVISION means the division of any improved or unim-
proved land, shown by the latest equalized County assessment roll
as a unit or as contiguous units, for the purpose of sale, lease,
or financing, whether immediate or future except for leases of
agricultural land for agricultural purposes."

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

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

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

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

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

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

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

67. Ordinance 176 is hereby amended by specifically re-
pealing Section 6 thereof, as amended by Ordinance 219, Section 7.
68. Ordinance 176 is hereby amended by specifically repealing Section 9 thereof.

69. Ordinance 108 is hereby amended by specifically repealing Section 8 thereof.

70. Ordinance 349 is hereby amended by specifically repealing Section 9 thereof.

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

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

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

AYES: Clark, Dalton, Long, Owings.

NOES: None.

NOT VOTING: None.

ABSENT: None.

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

ELLEN BRONSON, COUNTY CLERK AND EX OFFICIO CLERK OF THE BOARD