ORDINANCE NO. 379

AN INTERIM ORDINANCE OF THE COUNTY OF MARIPOSA
STATE OF CALIFORNIA

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

SECTION I: WHEREAS, the Business and Professions Code of the State of California, Section 11535, subsection (d) requires parcel maps in the subdividing of any real property, and allows exceptions thereto, the Board of Supervisors of the County of Mariposa deem it necessary to create a Parcel Map Exceptions Ordinance for the purpose of regulating, controlling, and setting forth the circumstances under which a waiver or exception to the requirement of submission of a parcel map will be allowed.

SECTION II: This ordinance shall be known and may be cited as the "Mariposa County Parcel Map Waiver Ordinance."

SECTION III: Definitions. The following definitions are adopted for purposes of this ordinance.

a. PARCEL MAP refers to a map showing the division of land as described in Sections 11576 and 11577 of the California Business and Professions Code.

b. PERSON means any individual, firm, co-partner, corporation, company, association, joint stock association city, county or district and includes any trustee, receiver, assignee, or other entity having ownership, control, or custody of divisible real property.

c. PLANNING COMMISSION means the County Planning
Commission of the County of Mariposa, State of California.

d. EXEMPTION means any act by the Planning Commission in which a vote is taken and by a majority thereof, an exemption of the requirement for a parcel map is granted.

SECTION IV: Exemptions to be allowed without Planning Commission approval:

a. In the case of a division of real property consisting of an area of Forty (40) acres, or more, or a quarter of a quarter of a section, or more, or one-sixteenth (1/16) of a section or more and none of the resulting parcels are less than 40 acres or one-sixteenth (1/16) of a section.

SECTION V: Exemptions to be allowed with Planning Commission approval:

a. Any division of real property, wherein adjoining landowners transfer property and no greater number of parcels results than that number of parcels prior to such transfer, including, but not limited to, boundary line adjustments.

SECTION VI: Fees: A non-refundable fee of Thirty Dollars ($30.00) shall accompany all applications presented to the Planning Commission, wherein approval of a real property division is requested.

SECTION VII: Certificate of Compliance. Before any deed shall be recorded with the Mariposa County Recorder pursuant to paragraph V, it shall bear a certificate of compliance signed by the Planning Commission or an authorized agent therefor.

SECTION VIII: Legislative Intent. It shall not be the purpose of this ordinance to repeal, neglect, or circumvent, any existing requirements, which any applicant for waiver of parcel map
requirements would be compelled by law to adhere to.

SECTION IX: Penalty Clause. Any person coming within the provisions of this ordinance who is convicted of violating any of its provisions shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than FIVE HundRED DOLLARS ($500.00) or by imprisonment in the County Jail not to exceed six (6) months, or both.

SECTION X: Guidelines and Requirements. The Board of Supervisors shall adopt by resolution any and all guidelines and procedures to be employed and deemed necessary by said Board of Supervisors for the proper operation and enforcement of this ordinance. All such resolutions, rules, guidelines, and procedures shall be incorporated by reference and become a part hereof.

SECTION XI: Validity. If any section, sub-section, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid or unconstitutional.

SECTION XII: Enforcement. The office of the Planning Commission shall be responsible for the enforcement of this ordinance.

SECTION XIII: Appeal. Any applicant for approval of an aforesaid exemption or waiver of a parcel map who is dissatisfied with the decision of the Planning Commission may, within THIRTY DAYS (30) after such action, request a review of such action by
the Board of Supervisors. In such event of an appeal, the Board
of Supervisors shall promptly consider the matter, and its decision
thereon shall be final and conclusive.

SECTION XIV: Adoption. This Ordinance shall take effect
immediately upon its enactment as an urgency measure for the imme-
diate protection of the public health and safety within the meaning
of subsection (d) of the Government Code 25123 and the Constitution
of the State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County
of Mariposa, State of California, this 5th day of February,
1974, by the following vote:

AYES: Davis, Hurlbert, Moffitt, Richardson

NOES: Long

ABSENT: None

NOT VOTING: None

HERBERT R. DAVIS, JR.
Chairman of the Board

ATTEST:

ELLEN P. RITTER, County Clerk
and Ex-Officio Clerk of the Board