ORDINANCE NO. 198

ORDINANCE REQUIRING SETBACKS FOR BUILDINGS AND INSTALLATIONS OF A PERMANENT NATURE ON PRIMARY AND SECONDARY ROADS AND OTHER ROADS WHICH ARE UNDER THE CONTROL OF THE ROAD COMMISSIONER OF THE COUNTY OF MARIPOSA, STATE OF CALIFORNIA.

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. Definitions

The term "Building" and "Installation" shall include all places of habitation, barns, places of business and well or other structures which may be designated as permanent by the Board of Supervisors.

SECTION 2. Exceptions

Fences, corrals and cattle-chutes shall not be classified as buildings or installations.

SECTION 3. Classification

Classification of roads as primary, secondary and "other", shall be as determined by the Board of Supervisors.

SECTION 4. Setbacks

No building or installation shall be placed or erected closer than forty (40) feet from the center line of the right of way on a primary road, nor thirty (30) feet from the center line on a secondary road, nor closer than ten (10) feet from the outer edge of the right of way on other roads as determined by the Board of Supervisors.

SECTION 5. Variance

Upon written application filed with the Board of Supervisors, or filed with the Road Commissioner and transmitted by him to the Board of Supervisors, and after hearing upon said written request before said Board of Supervisors, the Board may grant a variance or permit for the construction of buildings or installations, which would otherwise be prohibited under Section 4 above, upon such terms and conditions as the Board shall impose; except that every such variance or permit shall contain a condition that
the applicant or permittee named therein shall not be entitled to receive compensation from the County of Mariposa or its assigns for any building or installation constructed under said variance or permit in the event widening or realignment of a county road should require the removal or destruction, in whole or in part, of any such building or installation constructed in accordance with such variance or permit.

SECTION 6. **Penalty**

A violation of this ordinance shall constitute a misdemeanor punishable by a fine of not to exceed Five Hundred Dollars ($500.00), or by imprisonment in the County Jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

SECTION 7. If any part of this ordinance shall for any reason be held invalid then such invalidity shall not alter or change the remaining portions hereof and the same shall be effective as though separately enacted.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California, on the 25th day of May, 1959, by the following vote:

**AYES:** McGregor, Ellis, McCoy, Miller, Conrad

**NOES:** None

**ABSENT:** None

Chairman of the Board of Supervisors

ATTEST:

County Clerk and Ex-officio Clerk of the Board of Supervisors