

**MARIPOSA COUNTY ORDINANCE NO. 1018**

**AN ORDINANCE AMENDING SECTION 18.04.040 OF  
CHAPTER 18.04 OF THE MARIPOSA COUNTY CODE  
ENTITLED "RIGHT TO FARM ACTIVITY"**

**WHEREAS**, the Board of Supervisors desire to amend Section 18.04.040 of Chapter 18.04 of the Mariposa County Code, and

**WHEREAS**, this amendment will place in bold face type language contained in Section 18.04.040 relative to nuisances and will remove the notary language also contained in Section 18.04.040,

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY**, a political subdivision of the State of California, does ordain as follows:

**SECTION I:** Section 18.04.040 of Chapter 18.04 of the Mariposa County Code is hereby amended to read as follows:

**18.04.040 Disclosure.**

A. Pursuant to Section 1102.6a of the California Civil Code, it is intended by this Section to require disclosures in addition to those disclosures required by Section 1102.6 of the California Civil Code.

B. Upon any transfer of real property by gift, sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or transfer of residential stock cooperative improved with dwelling units, the transferor shall require that the disclosure statement set forth in Section 18.04.040(C) shall be signed by the grantee, purchaser, or lessee.

C. The disclosure required by Section 18.04.040(B) is set forth herein, and shall contain, and be in the form of, the following:

**"REAL ESTATE TRANSFER DISCLOSURE STATEMENT**

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE COUNTY OF MARIPOSA, STATE OF CALIFORNIA, DESCRIBED AS \_\_\_\_\_.

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE-DESCRIBED PROPERTY IN COMPLIANCE WITH MARIPOSA COUNTY CODE SECTION \_\_\_\_\_. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTION OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

(I)

**SELLER INFORMATION**

The seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in a real estate transaction dealing with the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. THE FOLLOWING ARE

REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF MARIPOSA AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

The County of Mariposa permits properly conducted agricultural operations within the County. You may be subject to inconveniences or discomfort arising from such operations including but not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. You should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a County with a strong rural character and an active agricultural sector. **Mariposa County has determined that no existing or future agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs, standards, and practices and with all chapters of the Mariposa County Code, as established and followed by similar agricultural operations, shall be or become a nuisance, public or private, pursuant to the Mariposa County Code, after the same has been in operation for more than one year if it was not a nuisance at the time it began.** If you have any questions concerning this policy, please contact the Mariposa County Planning and Building departments.

Seller certifies that the information herein is true and correct to the best of seller's knowledge as of the date signed by the seller.

Seller \_\_\_\_\_ Date \_\_\_\_\_

Seller \_\_\_\_\_ Date \_\_\_\_\_

(II)

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTION OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTION/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller \_\_\_\_\_ Date \_\_\_\_\_ Buyer \_\_\_\_\_ Date \_\_\_\_\_

Seller \_\_\_\_\_ Date \_\_\_\_\_ Buyer \_\_\_\_\_ Date \_\_\_\_\_

Agent (Broker representing Seller):

\_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_

(Associate licensee or Broker signature)

Agent (Broker obtaining the offer):

\_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_

(Associate licensee or Broker signature)

Present Assessors Parcel No. \_\_\_\_\_

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY."

D. If a buyer refuses to sign the disclosure statement set forth in Section 18.04.040(C), the transferor may comply with the requirements of this ordinance by delivering the statement to the buyer as provided in Section 18.04.040(C) and affixing and signing the following declaration to the statement:

I, (name), have delivered a copy of the foregoing disclosure statement as required by law to (buyer's name), who has refused to sign.

I declare the foregoing to be true.

Date: \_\_\_\_\_  
Signature


Print Name: \_\_\_\_\_

E. Forms for the disclosure statement set forth in section 18.04.040(C) shall be printed and made available to property owners and real estate agents by the Mariposa County planning and building department.

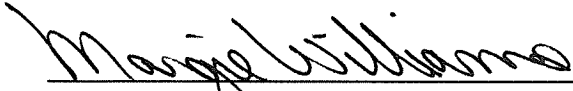
**SECTION II:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 7<sup>th</sup> day of June 2005 by the following vote:


AYES: STETSON, TURPIN, BIBBY, FRITZ, PICKARD  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

  
\_\_\_\_\_  
**BOB PICKARD**, Chairman  
Mariposa County Board of Supervisors

**ATTEST:**

  
\_\_\_\_\_  
**MARGIE WILLIAMS**  
Clerk of the Board

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**THOMAS P. GUARINO**  
County Counsel



# COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR  
LEE STETSON, VICE CHAIR  
LYLE TURPIN  
JANET BIBBY  
DIANNE FRITZ

DISTRICT V  
DISTRICT I  
DISTRICT II  
DISTRICT III  
DISTRICT IV



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: TOM GUARINO, County Counsel  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: FIRST READING AND INTRODUCTION OF AN ORDINANCE AMENDING  
SECTION 18.04.040 OF CHAPTER 18.04 OF THE MARIPOSA COUNTY  
CODE ENTITLED, "RIGHT TO AGRICULTURAL ACTIVITY"

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 17, 2005

#### ACTION AND VOTE:

B) Waive First Reading and Introduce an Ordinance Amending Section 18.04.040 of Chapter 18.04 of the Mariposa County Code, Entitled "Right to Agricultural Activity"

**BOARD ACTION:** Discussion was held. Supervisor Bibby noted that this will affect transactions that do not go through a real estate agent, and she asked for clarification that no objections have been received to this amendment, and she asked that "this" not be in bold in the document. (M)Turpin, (S)Stetson, the first reading was waived and the Ordinance was introduced, with the change in "this" to be in regular text. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

cc: John Davis, Building Director  
Kris Schenk, Planning Director  
Cathi Boze, Agricultural Commissioner  
Farm Bureau  
Board of Realtors  
File