

1 CITY OF RIALTO

2  
3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
4 RIALTO CALIFORNIA AMENDING CHAPTER 17.46 OF  
5 THE MUNICIPAL CODE FOR THE MERGER OF PARCELS.

6 WHEREAS, Chapter 17.46 of the City of Rialto ("City") Municipal Code governs the  
7 merger of parcels; and

8 WHEREAS, currently, Chapter 17.46 includes a procedure for the merger of  
9 parcels initiated by the City, but does not include a procedure for applicant initiated parcel  
10 mergers; and

11 WHEREAS, currently, the City requires an owner to file a tentative and parcel map  
12 for a merger involving five (5) or more parcels. This Ordinance will allow for the merger of  
13 unlimited parcels under single ownership without the need for a tentative and ———parcel  
14 map.  
15

16 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY  
17 ORDAIN AS FOLLOWS:

18 **SECTION 1: ADDITION OF SECTION 17.46.080 TO CHAPTER 17.46 OF THE RIALTO**  
19 **MUNICIPAL CODE**

20  
21 Section 17.46.080 is hereby added to Chapter 17.46 the Rialto Municipal Code to  
22 read as follows:

23 **"Sec. 17.46.080 – Mergers Initiated by Application**

24 This section implements the procedures and prescribes the standards for owner-initiated  
25 merger and un-merger of land as authorized by Government Code Sections 66451.30  
26 through 66451.302 and 66499.20.2 through 66400.20.3, as may be amended from time  
27 to time.  
28

1           A.     Subdivided lands may be merged and re-subdivided without reverting to  
2 acreage by complying with the requirements for the subdivision of land as provided by  
3 the Subdivision Map Act and this subsection.

4           B.     By application of all owners of record, filed with the City Engineer,  
5 contiguous parcels under common ownership may be merged without reverting to  
6 acreage. To allow the merger, the City Engineer, in consultation with the Community  
7 Development Director or designee, must find that:

8                   1.     All parcels to be merged are contiguous, adjacent or may be  
9 consolidated into a single parcel;

10                   2.     All parcels to be merged are under identical ownership; and

11                   3.     The resulting parcel is consistent with the city's general plan, any  
12 applicable specific plan, and any other applicable provision of this code.

13           C.     Upon approval of the merger by the City Engineer, the City Engineer shall  
14 file with the county recorder an instrument evidencing the merger.

15           D.     Appeal. A determination of the City Engineer to approve or deny the  
16 application may be appealed by an interested party to the City Manager, or his or her  
17 designee ("City Manager"), by filing a written notice of appeal within ten (10) calendar  
18 days from the date of the City Engineer's decision. The City Manager, at his or her  
19 discretion, may request a hearing on the matter, or may decide the matter based on the  
20 record and written appeal. The City Manager shall review the matter de novo, and shall  
21 issue a decision within forty-five (45) days of receipt of the written appeal. The City  
22 Manager's decision shall be final."

23 **SECTION 2: SEVERABILITY.**

24           If any section, subsection, subdivision, sentence, clause, phrase, or portion of this  
25 Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any  
26 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
27 portions of this Ordinance. The City Council hereby declares that it would have adopted  
28

1 this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or  
2 portion thereof, irrespective of the fact that any one or more sections, subsections,  
3 subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or  
4 unconstitutional.

5  
6 **SECTION 3: EFFECTIVE DATE.**

7 This Ordinance shall take effect thirty (30) days from its passage by the City Council  
8 of the City of Rialto.

9 **SECTION 4: PUBLICATION.**

10 The City Clerk is authorized and directed to cause this Ordinance to be published  
11 within fifteen (15) days after its passage in a newspaper of general circulation and  
12 circulated within the City in accordance with Government Code Section 36933(a) or, to  
13 cause this Ordinance to be published in the manner required by law using the alternative  
14 summary and pasting procedure authorized under Government Code Section 39633(c).  
15

16 **INTRODUCED** at the regular meeting of Rialto City Council on \_\_\_\_\_, 2022.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2022.

2  
3  
4 \_\_\_\_\_  
**Deborah Robertson, Mayor**

5 **ATTEST:**

**APPROVED AS TO FORM:**

6  
7 \_\_\_\_\_  
**Barbara McGee, City Clerk**

\_\_\_\_\_ **Eric S. Vail, City Attorney**

8  
9  
10 State of California )

11 County of San Bernardino )

12 City of Rialto )  
13

14  
15 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the  
16 foregoing Ordinance was introduced and first read on the \_\_\_\_ day of \_\_\_\_\_ 2022,  
17 and had its second reading at the regular meeting of the Rialto City Council on the \_\_\_\_  
18 day of \_\_\_\_\_, 2022, and was passed by the following vote:  
19

20 **AYES:**

21 **NOES:**

22 **ABSTAIN:**

23 **ABSENT:**  
24  
25

26 \_\_\_\_\_  
**Barbara McGee, City Clerk**