

**MENDOCINO COUNTY CODE**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 4386, enacted July 11, 2017.**

See the Code Comparative Table and Disposition List for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.



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## PREFACE

The Mendocino County Code, has been kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 22, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance No. 4386, passed July 11, 2017.**

Municipal Code Corporation  
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CURRENT OFFICIALS

of the

COUNTY OF MENDOCINO, CALIFORNIA

---

Carre Brown  
*1st District Supervisor*

John McCowen  
*2nd District Supervisor*

Georgianne Croskey  
*3rd District Supervisor*

Dan Gjerde  
*4th District Supervisor*

Dan Hamburg  
*5th District Supervisor*

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<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/ Omitted</b>	<b>Supp. No.</b>
4376	1-10-2017	Included	47
4377	1-10-2017	Included	47
4378	1-24-2017	Included	47
4380	3- 7-2017	Included	48
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4385	6- 6-2017	Included	49
4386	7-11-2017	Included	49





**CHAPTER 5.130****DELEGATING AUTHORITY TO INVEST TO  
TREASURER-TAX COLLECTOR****Sec. 5.130.010 Delegation of Authority to Invest  
for Calendar Year 2017.**

Pursuant to authority contained in Government Code section 27000.1 and 53607 the Board of Supervisors hereby delegates to the Treasurer the authority to invest or reinvest the funds of the County and the funds of other depositors in the County Treasury pursuant to Government Code sections 53600 to 53970 for the 2017 calendar year. Nothing in this section shall limit the Treasurer's authority pursuant to Government Code sections 53635 or 53684. (Ord. No. 3924, 1996; Ord. No. 4009, 1998; Ord. No. 4034, 1999; Ord. No. 4055, 2000; Ord. No. 4069, 2001; Ord. No. 4085, 2002; Ord. No. 4107, 2003; Ord. No. 4122, 2004; Ord. No. 4142, 2005; Ord. No. 4167, 2006; Ord. No. 4180, 2007; Ord. No. 4198, 2008) (Ord. No. 4216, 1-27-2009; Ord. No. 4232, 1-26-2010; Ord. No. 4271, 1-25-2011; Ord. No. 4288, 1-24-2012; Ord. No. 4303, 1-22-2013; Ord. No. 4321, 1-21-2014; Ord. No. 4331, 1-20-2015; Ord. No. 4350, 2-2-2016; Ord. No. 4378, 1-24-2017)

## CHAPTER 5.140

### MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT\*

#### Sec. 5.140.020 Authority.

This Chapter is adopted pursuant to the "Parking and Business Improvement Area Law of 1989," being Section 36500 to 36551 of the California Streets and Highways Code and Resolution of Intention No. 06-062 adopted by the Board of Supervisors of the County of Mendocino on April 11, 2006. Such resolution was published and mailed as provided by law, and hearings thereon were held by the Board of Supervisors of the County of Mendocino at its regular meeting on May 9, 2006 at which time all persons desiring to be heard, and all objections made or filed, were fully heard. The Board of Supervisors of the County of Mendocino duly concluded the hearing on May 9, 2006, and determined that protests objecting to the formation of the District had not been made by a majority of the operators of Hotels within the District and that such protests are overruled and denied. The Board of Supervisors of the County of Mendocino finds that the operators of hotels in the District, in the opinion of the Board of Supervisors of the County of Mendocino, will be benefited by the expenditure of funds raised by the assessments proposed to be levied. (Ord. No. 4336, 5-19-2015; Ord. No. 4384, § I, 6-6-2017)

#### Sec. 5.140.030 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this Chapter:

(a) **ADMINISTRATIVE FEE.** "Administrative fee" means a fee not to exceed three (3) percent, which the County of Mendocino is entitled

\***Editor's note**—Ord. No. 4336, adopted May 19, 2015, amended ch. 5.140, §§ 5.140.010—5.140.270, in its entirety. Former ch. 5.140 pertain to similar subject matter, and was derived from Ord. No. 4170 (part), adopted 2006.

to retain from the assessments they collect within their respective boundaries to pay for the County's everyday administrative costs of the District.

(b) **ADVISORY BOARD.** "Advisory board" means the advisory board appointed by the Board of Supervisors of the County of Mendocino.

(c) **ANNUAL REPORT.** "Annual report" means the annual report as approved by the Board of Supervisors pursuant to the Business and Improvement Area Law of 1989.

(d) **ANNUAL MARKETING PLAN.** "Annual Marketing Plan" means the BID Advisory Board annual report as approved by the Board of Supervisors as it pertains to the improvements and activities to be provided, the estimate revenue, and the estimated costs of the improvements and activities to be provided.

(e) **ASSESSMENT.** "Assessment" means the levy imposed by this Chapter for the purpose of providing services, activities and programs promoting hotel tourism in the District and marketing the District.

(f) **BID.** "BID" means the Mendocino County Lodging Business Improvement District.

(g) **BOARD.** "Board" means the Board of Supervisors of the County of Mendocino.

(h) **BOARD OF SUPERVISORS.** "Board of Supervisors" means the Board of Supervisors of the County of Mendocino.

(i) **BUSINESS AND IMPROVEMENT AREA LAW OF 1989.** "Business and Improvement Area Law of 1989" means the provisions of California Streets and Highways Code sections 36500 to 36551, as amended.

(j) **CITY or CITIES.** "City" or "cities" shall mean, individually or collectively, the City of Fort Bragg, the City of Ukiah, and the City of Willits.

(k) **CONTRACTOR.** "Contractor" means the individual or entity designated by the Board of Supervisors to administer the Business Improvement District (BID) including hiring and oversight of the individual or entity charged with implementation of the Annual Marketing Plan that is annually approved by the Board of Supervisors.

(l) **CORE BUSINESS OR ORGANIZATIONAL INTEREST.** "Core Business or Organizational Interest" means a governing board applicant's primary source of business or employment income or organizational representation.

(m) **COUNTY.** "County" means the County of Mendocino.

(n) **COUNTY CLERK.** "County Clerk" means the Clerk of the Board of Supervisors.

(o) **DISTRICT.** "District" means the Mendocino County Lodging Business Improvement District created by this Chapter and as delineated in Section 5.140.040.

(p) **ENFORCEMENT FEE.** "Enforcement fee" means the reimbursable fee, in addition to the administrative fee and any other penalties or fines, which the County is entitled to retain from the assessments they collect, equal to its actual costs of audits and actions to collect, minus any costs of audits and enforcement actions collected from operators in default of this Chapter.

(q) **HOTEL or LODGING BUSINESS.** "Hotel" or "lodging business" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist home or house, private residence, detached bedroom, motel, studio hotel, bachelor hotel, lodging houses, rooming houses, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

(r) **HOTEL REVENUES.** "Hotel revenues" means the gross revenues or gross rent collected from the occupancy of space prior to the levy of any tax or other charges.

(s) **LARGE LODGING OPERATORS.** "Large Lodging Operators" are those lodging operators who, in the aggregate, most nearly generate the top sixty percent (60%) of the assessment revenue on a fiscal year basis.

(t) **MCLA.** "MCLA" means the Mendocino County Lodging Association.

(u) **MEDIUM LODGING OPERATORS.** "Medium Lodging Operators" are those lodging operators ranked immediately below the Large Lodging Operators who, in the aggregate, most nearly generate the next twenty percent (20%) of the assessment revenue on a fiscal year basis.

(v) **MENDOCINO COUNTY LODGING ASSOCIATION.** "Mendocino County Lodging Association" means the Mendocino County Lodging Association, Inc., an Internal Revenue Code 501(c)(6) organization.

(w) **MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT.** "Mendocino County Lodging Business Improvement District" means the Lodging Business Improvement District of the County of Mendocino created by this Chapter and as delineated in Section 5.140.040.

(x) **OPERATOR.** "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sub lessee, mortgagee in possession, licensee, or any other capacity, including but not limited to use of a managing agent. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

(y) **PENALTY ASSESSMENT.** "Penalty Assessment" means the Penalties provided for in Section 5.140.130 which are imposed in addition to the Assessment and any other penalties or costs of audits and enforcement actions.

(z) **REGIONAL PROMOTIONAL ORGANIZATION.** "Regional Promotional Organization" means an organization in Mendocino County with regular meetings and an ongoing promotional mission focused on a particular region."

(aa) **RENT.** "Rent" means the consideration charged, whether or not received, for the occupancy of space for a period of thirty (30) days or

less, counting portions of calendar days as full days, in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, and property and services of any kind or nature, without any deduction there from whatsoever.

(ab) **SMALL LODGING OPERATORS.** "Small Lodging Operators" are those lodging operators ranked below the Medium Lodging Operators who, in the aggregate, most nearly generate the bottom twenty percent (20%) of the assessment revenue on a fiscal year basis.

(ac) **TAX ADMINISTRATOR.** "Tax Administrator" means the Treasurer-Tax Collector of the County of Mendocino.

(Ord. No. 4336, 5-19-2015; Ord. No. 4384, § II, 6-6-2017)

**Sec. 5.140.040 Area Established—Description.**

The Board of Supervisors finds and determines that the public convenience and necessity require the establishment of the District herein described. It further finds that the operators of hotels within the District will benefit from the activities undertaken to generate hotel tourism and marketing of the District. Pursuant to the Parking and Business Improvement Area Law of 1989, a parking and business improvement area is established, to be known as the "Mendocino County Lodging Business Improvement District," herein called "District." The District encompasses all that area within the unincorporated area of the County of Mendocino and the incorporated areas within the City of Fort Bragg, the City of Ukiah, and the City of Willits.

(Ord. No. 4336, 5-19-2015; Ord. No. 4384, § III, 6-6-2017)

**Sec. 5.140.050 Authorized Uses.**

The purpose of forming the District as a business improvement area under the Parking and Business Improvement Area Law of 1989 is to provide revenue to defray the costs of services, activities and programs promoting tourism which will benefit the operators of Hotels in the District

through the promotion and marketing of the Hotels and related products, including scenic, recreational, cultural and other attractions in the District of benefit to the District. It is the intent of this Chapter to provide a supplemental source of funding for the promotion of tourism in the District and it is not intended to supplant any other existing sources of revenues that may be used by the County of Mendocino for the promotion of tourism or marketing of products produced within the County. The specific services, activities and programs to be provided by the District are as follows:

(A) The general promotion of hotels operating within the District;

(B) The marketing of products and events that have a connection with the hotel industry operating in the District;

(C) The marketing of the District to the media and travel industry in order to benefit local tourism and the hotels in the District.

(D) Any activities permitted under the Parking and Business Improvement Law of 1989 that are included as costs as specified in the annual report to be prepared by the advisory board and adopted annually by the Board of Supervisors. Activities means, but is not limited to, all of the following:

1. Promotion of public events which benefit businesses in the area and which take place on or in public places within the area;

2. Furnishing of music in any public place in the area;

3. Promotion of tourism within the area;

4. Activities which benefit businesses located and operating in the area;

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.060 Classification of Hotels and Assessments Imposed.**

(A) Each operator of a hotel who collects rent and benefits from tourist visits and operates in the District will be assessed a share of the costs of the aforementioned services, activities and programs according to the rent revenues and the ben-

efit to be received, and the assessment is hereby levied as set forth as a one percent (1%) levy on gross rent.

(B) The above-described assessment is an assessment calculated on a daily basis from gross rent revenues collected by each operator, is levied on the operators of the Hotels on a daily basis and is due to be collected on a quarterly basis or at the close of any shorter reporting period established by the Tax Administrator.

(Ord. No. 4336, 5-19-2015; Ord. No. 4384, § IV, 6-6-2017)

**Sec. 5.140.070 Operator's Duties.**

(A) The operator of a hotel may elect to pass on all or part of the assessment to customers of the hotel, in which case the operator of the hotel shall separately identify or itemize the assessment on any document provided to a customer. The amount of assessment levy shall be separately stated from the amount of the rent charged, and each customer shall receive a receipt for payment from the operator.

(B) If the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

(C) Pursuant to Civil Code Section 2238, a proprietor performing his or her functions under this Chapter by a managing agent is responsible as principal for the negligence of his or her agent in the transaction of the business of the agency.

(D) Each operator of a hotel shall deliver a return to the Tax Administrator, on or before the last day of the month following the close of each calendar quarter or at the close of any shorter reporting period established by the Tax Administrator, which specifies the amount of gross rent collected during the previous three calendar months (calendar year quarterly basis) and pay the amount

of the resulting assessment due from the operator to the County of Mendocino. The County of Mendocino shall collect the assessment from the operators of hotels within the District.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.080 Exemptions.**

The Board of Supervisors may elect to exempt a hotel business recently established in the area subject to this assessment from a given year's levy of assessments. If the Board elects to do so, it shall so specify in its annual resolution of intention that it must adopt pursuant to the Business and Improvement Area Law of 1989.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.090 Reporting and Remitting.**

(A) Each operator shall, on or before the last day of the month following the close of each calendar quarter or at the close of any shorter reportings period which may be established by the Tax Administrator, make a return to the Tax Administrator, on forms provided by the Tax Administrator, of the total rent charged and received and the amount of assessment due. Each operator shall describe in such return the assessment attributable to each hotel under the operator's control, together with the name of the owner of each hotel, the address and location of each hotel for which assessments are reported in the return. The Operator shall execute such return under penalty of perjury and shall return it to the Tax Administrator under the laws of the State of California.

(B) The failure to file such return shall be subject to a civil fine of Five Hundred Dollars (\$500.00). The fine shall be payable to the Tax Administrator within thirty (30) days after the Tax Administrator gives notice to an operator of the operator's failure to file the return.

(C) At the time the return is filed, the full amount of the assessment shall be remitted to the Tax Administrator. The Tax Administrator may establish shorter reporting periods for any certificate holder if the Tax Administrator deems it necessary in order to insure collection of the as-

assessment and the Tax Administrator may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All assessments collected by operators pursuant to this Chapter shall be held in trust for the account of the County until payment thereof is made to the Tax Administrator.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.100 Registration Certificate.**

In order that the County will have an accurate record of parties being assessed a share of the costs of the District, each operator will be required to register as hereinafter provided.

(A) Each hotel owned or operated by the same owner or operator, at the time the District is formed, and located upon a separate parcel of property described by its own assessor's parcel number shall, within thirty days of the effective date of this ordinance, be automatically registered as such by the Tax Administrator. The Tax Administrator shall provide Hotel operators a Registration Certificate to be at all times posted in a conspicuous place on the premises. Each Hotel for which a separate business license is issued shall require a separate Registration Certificate.

(B) Prior to commencing business each operator, including each managing agent, of any Hotel shall register such hotel with the Tax Administrator and obtain from him or her a Registration Certificate to be at all times posted in a conspicuous place on the premises. The Registration Certificate shall, among other things, state the following:

- (1) Name and address of the hotel;
- (2) Name of the operator;
- (3) Name and address of owners;
- (4) Registration certificate number and date issued.

(C) The Registration Certificate shall not be transferable, and shall be returned to the Tax Administrator upon sale of property or cessation of business along with the final remittance of assessment due.

(D) The operator named on the face of the Registration Certificate shall be responsible for the assessment and shall remit such assessment to the Tax Administrator. The certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a Hotel without strictly complying with all local applicable laws,

meanor which is punishable as aforesaid. In addition, the Tax Administrator may pursue on behalf of the County, any civil or administrative remedy otherwise available for failure to comply with the requirements of this Chapter. If the County prevails, the County shall be entitled to recover any costs, including attorney's fees, costs of enforcement, or other expenses incurred because of failure to comply with the requirements of this Chapter. Failure to pay such costs upon demand shall be grounds for revocation of an operator's certificate of registration as provided in Section 5.140.100 (REGISTRATION CERTIFICATE) above.  
(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.210 Advisory Board.**

(A) Pursuant to the Business and Improvement Area Law of 1989, an advisory board with five (5) members shall be appointed by the Mendocino County Board of Supervisors only for fulfilling the purposes of the Business and Improvement Area Law of 1989. Members of the advisory board shall be selected and appointed by the Mendocino County Board of Supervisors from a list of nominees prepared by the Board of Directors of the Mendocino County Lodging Association and/or the designated contractor. All nominees must be owners or operators of Hotels within the District, or employed by the operator of a Hotel within the District. Two (2) members shall be appointed to represent the inland area of the District. Two (2) members shall be appointed to represent the coastal region of the District. One (1) member shall be appointed at large. Members of the advisory board shall serve two (2) year terms, with two (2) members appointed in every even numbered year and three (3) members appointed in every odd numbered year. Upon completion of a term, an incumbent may apply to be considered for reappointment. In the event of a mid-term resignation, an appointment may be made by the Mendocino County Board of Supervisors for the remainder of that term.

(B) Provided contractor coordinates with the Mendocino County Treasurer-Tax Collector no

later than May 1 of any year, the Tax Collector will include in the next Transient Occupancy Tax billing distribution an announcement that has been produced by contractor, according to specifications and deadlines established by the Tax Collector, of openings on the advisory board with directions as to how eligible candidates may apply.

(C) The advisory board shall convene annually by November 30 to cause to be prepared the annual report for the purposes of the Business and Improvement Area Law of 1989.

(D) The advisory board shall attempt to submit its annual report to the Board of Supervisors at least ninety (90) days preceding the fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report.

(E) The Board of Supervisors hereby gives authority to the Chief Executive Officer or designee to convene the advisory board, approve the bylaws, and approve the annual work plan for the advisory board.

(F) Nothing in this Chapter shall preclude the advisory board from convening at a meeting with the Board of Directors of the Mendocino County Lodging Association, and/or Contractor, to prepare and discuss the annual report with other countywide promotional and marketing organizations.

(Ord. No. 4336, 5-19-2015; Ord. No. 4384, § V, 6-6-2017; Ord. No. 4386, 7-11-2017)

**Sec. 5.140.220 Annual Report.**

(A) Pursuant to the Business and Improvement Area Law of 1989, the advisory board shall cause to be prepared an annual report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The report may propose changes, including, but not limited to, the boundaries of the parking and business improvement area or any benefit zones within the area, the basis and method of levying the assessments, and any changes in the classification of businesses, if a classification is used.

(B) The report shall be filed with the clerk and shall refer to the parking and business improvement area by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following:

(1) Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(C) The Board of Supervisors may approve the report as filed by the advisory board or may modify any particular item contained in the report and approve it as modified. The Board of Supervisors shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments.

(D) The BID Advisory Board annual report, as approved by the Board of Supervisors, shall, as it pertains to the improvements and activities to be provided, the estimated revenue, and the estimated costs of the improvements and activities to be provided, be deemed the BID Annual Marketing Plan.

(Ord. No. 4336, 5-19-2015; Ord. No. 4384, § VI, 6-6-2017)

**Sec. 5.140.230 Modification or Disestablishment of the District.**

(A) The Board of Supervisors, by ordinance, may modify the provisions of this Chapter and

may disestablish the District, after adopting a resolution of intention pursuant to such procedures prescribed by law, including the "Parking and Business Improvement Area Law of 1989," being Section 36500 to 36551 of the California Streets and Highways Code. Such resolution shall describe the proposed change or changes, or indicate it proposes to disestablish the area, and shall state the time and place of a hearing to be held by the Board of Supervisors to consider the proposed action.

(B) If the operators of Hotels who pay fifty percent (50%) or more of the assessments in the District file a petition with the County Clerk requesting the Board of Supervisors to adopt a resolution of intention to modify or disestablish the District, the Board of Supervisors shall adopt such resolution and act upon it as required by law. Signatures on such petition shall be those of a duly authorized representative of the operators of Hotels in the District.

(C) In the event the resolution proposes to modify any of the provisions of this Chapter, including changes in the existing assessments or in the existing boundaries of the District, such proceedings shall terminate if protest is made by the operators of Hotels who pay fifty percent (50%) or more of the assessments in the District, or in the existing boundaries of the District if it is proposed to be enlarged.

(D) If the resolution proposes disestablishment of the District, the Board of Supervisors shall disestablish the District; unless at such hearing, protest against disestablishment is made by the operators of Hotels paying fifty percent (50%) or more of the assessments in the District.

(E) In considering written protests submitted by owners of lodging businesses in an incorporated city to the formation of the District, the Board shall separately determine the number of written protests submitted by lodging business owners within the boundaries of each city. If written protests are received from lodging businesses operators who will pay more than fifty percent (50%) of the assessments proposed to be levied



within the boundaries of the city where the operator conducts businesses, then the Board of Supervisors shall declare lodging businesses in the incorporated city excluded from the District and ineligible to benefit from the activities of the District.

(F) Within one year from receipt of a signed petition protesting the assessment and requesting the removal from the District boundaries by owners of lodging businesses in an incorporated city who will pay more than fifty percent (50%) of the assessments proposed to be levied in that incorporated city boundary, the Board shall remove the incorporated city and all lodging businesses contained therein from the District pursuant to such procedures prescribed by law, including Streets & Highways Code section 36550 to 36551.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.240 Administrative Fee.**

(A) The county shall be entitled to charge an amount equal to its actual costs of collection and administration, not to exceed three percent (3%) of the assessments collected from operators of Hotels in the District, to defer the administrative costs incurred for the operation of the District. Notwithstanding the foregoing, the three percent (3%) administrative fee limit shall not apply to audit and enforcement costs and other related unforeseeable costs. This administrative fee shall be collected no later than September 30 after the close of each fiscal year.

(B) All assessments shall be transferred to the Contractor within thirty (30) days following collection of the assessment by the County. Prior to the expenditure of such funds, the Contractor shall enter into a contract with the County.

(Ord. No. 4336, 5-19-2015; Ord. No. 4384, § VII, 6-6-2017)

**Sec. 5.140.245 Business Improvement District (BID) Administration and Implementation.**

The Board of Supervisors shall designate a Contractor that shall be responsible for adminis-

tration of the Business Improvement District (BID) including hiring and oversight of the individual or entity charged with implementation of the Annual Marketing Plan that is annually approved by the Board of Supervisors for countywide promotion and marketing.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.250 Contract.**

A. Prior to the expenditure of any District funds, the Contractor shall enter into a contract with County for the services, activities and programs authorized by this Chapter. Pursuant to said contract, all assessments, including assessment penalties and interest, shall be transferred to the Contractor within thirty (30) days following collection of the assessment by the County.

B. The scope of services of the contract will itemize the services, activities, and programs to be provided by the Contractor or subcontracted by the Contractor for the District.

C. This contract shall provide for a fifty percent (50%) County match of the total current fiscal year assessment collected pursuant to Section 5.140.240(B), for the purpose of countywide promotion. The fifty percent (50%) County match shall be estimated based on the prior fiscal year assessment collected and shall be paid out in twelve (12) equal monthly installments. After the fiscal year is closed, an adjustment amount will be determined to make the annual County match amount equal to fifty percent (50%) of the total current fiscal year assessment collected. This adjustment amount will be applied no later than September 30 of the following fiscal year. The County may provide an advance in funds to the District and the contract shall provide for the terms and conditions of the advance.

D. The Contract shall provide that all copyright and other use rights in any and all promotional and marketing materials, including, but not limited to, any and all proposals, plans, specifications, designs, drawings, sketches, renderings, models, reports and related documents (including computerized or electronic copies) respecting in any

way the subject matter of this Agreement, whether prepared by the County, the Contractor, the Contractor's subcontractors or third parties at the request of the Contractor which are currently held or controlled by the Contractor, or which may be created during the term of this contract, shall be provided to any subsequent contractor designated by the County and if there is none they shall be assigned to the County and its assignees to assure their continued availability for use in the promotion and marketing of Mendocino County.

E. The Contract shall provide that all existing and unexpended material and financial assets of any kind derived from the BID assessment and match and transferred to Contractor by Visit Mendocino County, Inc., shall be provided to any subsequent contractor designated by the County and if there is none they shall be assigned to the County and its assignees to assure their continued availability for use in the promotion and marketing of Mendocino County;

F. The Contract shall require that all of the following conditions shall be incorporated into the bylaws of the Contractor's governing board and shall only be changed with the concurrence of the County and amendment of this section:

1. The governing board shall be subject to the Brown Act and provide for financial transparency in all promotional and marketing activities, including payroll.

2. The governing board shall be comprised of eleven (11) members of whom five (5) shall be directly elected by lodging operators as provided herein and six (6) shall be appointed by the Board of Supervisors as provided herein;

3. Governing board members:

a) Shall be required to submit a resume showing relevant experience, complete a questionnaire demonstrating their interest and commitment in promoting Mendocino County, and agree to actively participate in governing board meetings, committees, trainings and other scheduled board activities;

b) Shall be elected or appointed to three (3) year terms based on their core business or organi-

zational interest as defined herein except the At Large appointee shall be appointed based on their knowledge and commitment to promoting Mendocino County;

c) Shall be subject to term limits of not more than two (2) terms (except a member who has completed less than one-half (1/2) of a full term may serve two (2) additional terms if duly elected or appointed);

d) Shall be ineligible to serve for three (3) years after being termed out;

4. Lodging members of the governing board shall be directly elected by lodging operators, who shall be classified as "large," "medium," or "small," based on their gross receipts for the fiscal year preceding the election, and who shall vote the percentage of the assessment paid by them, in a County conducted election, as follows:

a) One (1) member elected by and from all large lodging operators;

b) One (1) member elected by and from all large coastal lodging operators;

c) One (1) member elected by and from all large inland lodging operators;

d) One (1) member elected by and from all medium lodging operators;

e) One (1) member elected by and from all small lodging operators;

5. Non-elected members of the governing board shall be appointed by the Board of Supervisors from applicants who have applied or been nominated as follows:

a) One (1) member nominated by and from a coastal chamber of commerce or coastal regional promotional organization;

b) One (1) member nominated by and from an inland chamber of commerce or inland regional promotional organization;

c) One (1) member nominated by and from a winery or winegrower organization or who applies from an individual winery or winegrower;

d) One (1) member who is nominated by and from an arts organization, by and from an attractions governing board, or who applies from an individual attraction;

e) One (1) member who applies from a food or beverage business, including culinary, beer or other spirits;

f) One (1) member who applies At Large

6. The terms of governing board members shall be staggered so that no less than three (3) or more than four (4) members shall be elected or appointed in any one (1) year (except to fill a vacant unexpired term) with initial terms elected or appointed as follows, with all subsequent terms to be for three (3) years;

a) Large lodging elected by all large lodging operators: three (3) years;

b) Large lodging elected by all large inland lodging operators: two (2) years;

c) Large lodging elected by all large coastal lodging operators: one (1) year;

d) Medium lodging elected by all medium lodging operators: two (2) years;

e) Small lodging elected by all small lodging operators: three (3) years;

f) Coastal chamber of commerce or regional promotional organization: three (3) years;

g) Inland chamber of commerce or regional promotional organization: two (2) years;

h) Winery or winegrower or winery or wine-grower organization: three (3) years;

i) Arts or Attractions: two (2) years;

j) Food and Beverage (including culinary, beer and other spirits): one (1) year;

k) At Large: one (1) year;

G. The BOS shall provide for public noticing of all vacancies; shall actively encourage multiple nominations for each open seat; and shall provide for geographical diversity.

(Ord. No. 4336, 5-19-2015; Ord. No. 4384, § VIII, 6-6-2017)

#### **Sec. 5.140.260 Enforcement Fee.**

The County shall be entitled to retain from the assessments they collect an enforcement fee equal to its actual costs of actions to collect including but not limited to attorney fees, minus any penalties collected from operators in default of this

Chapter. The fee provided by this Section shall be in addition to the three percent Administrative Fee charged under Section 5.140.240 above.

(Ord. No. 4336, 5-19-2015)

#### **5.140.270 Reserved.**

**Editor's note**—Ord. No. 4384, § IX, adopted June 6, 2017, repealed § 5.140.270, in its entirety. Former § 5.140.270 pertained to "Effective Date," and was derived from Ord. No. 4336, adopted May 19, 2015.

## CHAPTER 5.150

### ASSESSMENT APPEALS BOARD

#### **Sec. 5.150.010. Establishment of Board.**

Pursuant to the provisions of Section 16 of Article XIII of the California Constitution, an assessment appeals board is created and established for Mendocino County.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.020. Members and Alternate Members of the Assessment Appeals Board.**

The assessment appeals board shall consist of three (3) members who shall be appointed and reappointed directly by the Board of Supervisors for terms as provided by law. The Board of Supervisors shall appoint and reappoint directly alternate members for terms as provided by law for regular members of the assessment appeals board. An alternate member shall serve whenever any regular member is temporarily unable to act as a member of the board.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.030. Qualifications for Membership.**

A person shall not be eligible for nomination for membership on the assessment appeals board unless he or she has a minimum for five (5) years professional experience in this state of one (1) of the following: certified public accountant or public accountant; licensed real estate broker; attorney; property appraisers accredited by a nationally recognized professional organization; or a person who the nominating member of the Board of Supervisors has reason to believe is possessed of competent knowledge of property appraisal and taxation.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.040. Jurisdiction and Duties of Assessment Appeals Board.**

The assessment appeals board shall constitute the board of equalization for Mendocino County and shall have the power to equalize the valuation of taxable property within the county for the purpose of taxation, as provided by applicable law.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.050. Compensation.**

Compensation for members of the assessment appeals board shall be established by this board by resolution.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.060. Clerical Assistance.**

The Clerk of the Board of Supervisors shall be the clerk of the assessment appeals board, keep a record of the proceedings, shall provide such clerical assistance as the assessment appeals board may require, and shall otherwise perform those duties prescribed by law for the clerk of the assessment appeals board.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.070. Legal Advisor.**

The County Counsel shall, upon request, provide such legal assistance to the assessment appeals board as such counsel determines is appropriate and necessary.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.080. Rules of Procedure.**

All proceedings before the assessment appeals board shall be conducted in accordance with the rules relating to local equalization as set forth in Title 18 of the Code of California Regulations, as well as such local rules as the Board of Supervisors may prescribe.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

**Sec. 5.150.090. Assessment Appeal Board Fees.**

All fees and costs applicable to Assessment Appeal Board appeal applications and proceedings shall be set from time to time by Board of Supervisors' resolution.

(Ord. No. 4308, 7-30-2013)



## **Title 9**

### **HEALTH AND SANITATION**

#### **Chapter 9.05 Emergency and Pre-Hospital Medical Service System**

##### **Division One General**

##### **Division Two Authorizations**

##### **Division Three Funding**

##### **Division Four Effective**

#### **Chapter 9.08 Restaurants**

#### **Chapter 9.12 Regulation of Sewage and Septage Pumpers**

#### **Chapter 9.16 Fees Pertaining to Health or Sanitation**

#### **Chapter 9.20 Smoking in County Buildings**

#### **Chapter 9.24 Mendocino County Water Haulers' Ordinance**

#### **Chapter 9.28 Regulation of Hazardous Substances Stored in Underground Storage Tanks**

#### **Chapter 9.30 Adult Use Marijuana Cultivation Regulation**

#### **Chapter 9.31 Medical Marijuana Cultivation Regulation**

#### **Chapter 9.32 Smoking Pollution Control and Health Protection Ordinance**

#### **Chapter 9.33 Outdoor Burning**

#### **Chapter 9.34 FIRST 5 Mendocino County Ordinance**

#### **Chapter 9.35 IHSS Public Authority Ordinance**

#### **Chapter 9.36 Reserved**

#### **Chapter 9.37 The Repeal of (Measure G) Mendocino County Code Chapter 9.36 Cannabis Personal Use Ordinance for Mendocino County/and Adoption of New Guidelines for Maintenance and Possession of Medical Marijuana That Do Not Exceed the Minimum State Limits**

- Chapter 9.40 Disease Prevention Demonstration Project**
- Chapter 9.41 Single-use Carryout Bags by Retail Establishments**
- Chapter 9.42 Disposable Food Ware**



**CHAPTER 9.05****EMERGENCY AND PRE-HOSPITAL  
MEDICAL SERVICE SYSTEM\*****Sections:****Division One General**

- Sec. 9.05.100 Title.**
- Sec. 9.05.110 Authority.**
- Sec. 9.05.120 Intent and Scope.**
- Sec. 9.05.130 Definitions.**

**Division Two Authorizations**

- Sec. 9.05.200 Authorization Required.**
- Sec. 9.05.210 Ambulance Service Provider Permits Required.**
- Sec. 9.05.220 Provider Authorization Required.**
- Sec. 9.05.230 Exclusive Operating Area.**
- Sec. 9.05.240 EMS Dispatch.**
- Sec. 9.05.250 Emergency and Disaster Operations.**
- Sec. 9.05.260 Violations.**

**Division Three Funding**

- Sec. 9.05.300 Fees.**
- Sec. 9.05.310 EMS Fund and EMS Trust.**

**Division Four Effective**

- Sec. 9.05.400 Severability.**
- Sec. 9.05.410 CEQA.**
- Sec. 9.05.420 Implementation.**

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\*Editor's note—Ord. No. 4379, adopted March 7, 2017, repealed ch. 9.05, Divs. 1—5, §§ 9.05.010—9.05.050, 9.05.100—9.05.199, 9.05.200—9.05.270, 9.05.300—9.05.390, 9.05.400—9.05.420, in its entirety; and enacted a new ch. 9.05 to read as set out herein. Former ch. 9.05 pertained to "Emergency Medical Response," and was derived from Ord. No. 3791 (part), adopted 1991 and Ord. No. 3876 (part), adopted 1994.

**DIVISION ONE GENERAL****Sec. 9.05.100 Title.**

A. The ordinance codified in this Chapter shall be known as the "Emergency and Pre-Hospital Medical Services System Ordinance of Mendocino County."  
(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.110 Authority.**

A. The County of Mendocino (hereinafter, "County") has established an Emergency Medical Services (EMS) system containing an organized pattern of readiness and response services pursuant to California Health and Safety Code section 1797.200, et seq.

B. The County has designated a Local EMS Agency (LEMSA) to administer the County EMS system pursuant to Health and Safety Code section 1797.200, et seq.

C. This Chapter shall be administered by the County through its designated LEMSA. The LEMSA shall administer the EMS System through the use of agreements with public and private entities as well as policies, procedures and guidelines as provided for in Health and Safety Code section 1797.204.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.120 Intent and Scope.**

A. Intent: It is the intent of this Chapter for the LEMSA to provide medical control and management of EMS in the County in conformance with California Health and Safety Code section 1443, Welfare and Institution Code section 17000, Vehicle Code section 2512, and Government Code section 37101.

B. Scope: The LEMSA shall develop and implement policy, procedure, and guidelines setting forth minimum requirements for the authorization and operation of ground and air EMS providers for the purpose of providing the organization and resources required to maintain an EMS

system that meets state mandates and the health and safety needs of the residents of and the visitors to the County.

C. The LEMSA shall develop and implement procedures for the training, education, certification, accreditation and discipline of pre-hospital personnel in accordance with Health and Safety Code and California Code of Regulations for the purposes of protecting the health and safety of the residents of and the visitors to the County.

D. The LEMSA shall develop and implement additional policy, procedure and guidelines as appropriate to be consistent with current health-care practice or when mandated by Health and Safety Code and/or California Code of Regulations for the purposes of protecting the health and safety of the residents of and the visitors to the County.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.130 Definitions.**

A. "Advanced Life Support" or "ALS"; see "Class of Service."

B. "Ambulance" means any privately or publicly owned vehicle especially designed, constructed, modified, equipped, arranged, maintained and operated for the sole purpose of transporting sick, injured, infirm, convalescent or otherwise incapacitated persons, and expectant mothers.

C. "Ambulance Dispatch Center" means any entity that dispatches ambulances in response to requests for service through any means of communication.

D. "Ambulance Service Provider" means any person or entity who, for monetary, public service, or other consideration, transports, in one (1) or more air or ground ambulances providing any class of service, one (1) or more persons needing medical attention or services from any location in the County.

E. "Ambulance Service Provider Permit" means a permit issued by the LEMSA in accordance with LEMSA policy authorizing the holder to act as an Ambulance Service Provider within the County.

F. "Basic Life Support" or "BLS"; see "Class of Service."

G. "Board" means the Board of Supervisors, County of Mendocino.

H. "Class of service" means the level or levels of complexity of field emergency medical services that may be provided by the Permittee and/or certified person. These are:

1. Emergency Medical Responder (EMR) level care provided by a person who has completed a state-approved EMR course that meets or exceeds the national EMS education standards for EMR and functions within the state and LEMSA-approved scope of practice,

2. Basic Life Support (BLS) as defined in Health and Safety Code Section 1797.60 provided at the EMT scope of practice level as defined in Health and Safety Code Section 1797.80.

3. Advanced Life Support (ALS) as defined in Health and Safety Code Section 1797.56 provided by a paramedic as defined in Health and Safety Code Section 1797.84.

4. "Critical Care Transport" or "CCT" level care during transport which exceeds the paramedic scope of practice, requiring a higher level of health care licensure.

I. "County" means the County of Mendocino, State of California.

J. "Department" means County of Mendocino, Department of Health and Human Services Agency.

K. "Emergency Medical Services" or "EMS" means medical services performed in response to an Emergency Call.

L. "EMS Aircraft Service" means any aircraft service utilized for the purpose of pre-hospital emergency patient response and transport. EMS Aircraft Service includes air ambulances and all categories of rescue aircraft as defined in Title 22.

M. "EMS Dispatch" means the Ambulance Dispatch Center designated by the LEMSA for the dispatch of EMS responders to Emergency Calls.

N. "EMS Entity" means a public or private organization of any type providing EMS and/or Ambulance services within the County.

O. "EMS System" means a specifically organized arrangement which provides for the personnel, facilities and equipment for the effective and coordinated delivery of medical care services under emergency conditions, as described in Health and Safety Code sections 1797 and 1798.

P. "EOA" means Exclusive Operating Area as defined in Health & Safety Code section 1797.85.

Q. "LEMSA" means the Local EMS Agency established by the County, designated by the Board pursuant to Health and Safety Code section 1797, et seq.

R. "Maddy EMS Fund" references funding available through Health and Safety Code section 1797.98 which compensates health care providers for emergency medical services for individuals who do not have health insurance and cannot afford to pay for emergency care and for discretionary EMS purposes.

S. "Permit" means an "Ambulance Service Provider Permit."

T. "Permittee" means an Ambulance Service Provider which has been granted a permit by the LEMSA to engage in a business or service in which ambulances are operated.

U. "Provider Authorization" means an agreement between an EMS Entity and the LEMSA specifying terms and conditions for the provision of EMS including, but not limited to, class of service to be provided, LEMSA approval for optional scope of practice, participation in LEMSA data and quality improvement activities and/or performance standards.

(Ord. No. 4379, 3-7-2017)

## **DIVISION TWO AUTHORIZATIONS**

### **Sec. 9.05.200 Authorization Required.**

A. All EMS Entities operating in the County shall be authorized by the LEMSA in accordance with the requirements of this Chapter and any Federal or State law or regulation governing EMS.

B. Authorization shall consist of a Provider Authorization and, if indicated for the type of EMS Entity, an Ambulance Service Provider Permit.

C. Provider Authorizations shall be issued in accordance with LEMSA Provider Authorization Policy.

D. Ambulance Service Provider Permits shall be issued in accordance with LEMSA Ambulance Service Permit Policy.

(Ord. No. 4379, 3-7-2017)

### **Sec. 9.05.210 Ambulance Service Provider Permits Required.**

A. Any entity (either as an owner, agent or otherwise) who wishes to furnish, operate, conduct, maintain, or otherwise engage in, or offer, or profess to engage in providing ambulance service in the County shall have a valid Ambulance Service Provider Permit in accordance with the LEMSA System Plan and EMS policies, procedures, and guidelines.

B. Permit requirements shall apply to providers of air and ground ambulances, including BLS, ALS and CCT vehicles.

C. Permit requirements shall not apply to ambulance service providers engaged in the transport of patients where the transport initiated outside County boundaries for transport into or through the County.

D. Public agencies operating as EMS Entities are exempt from the LEMSA permitting process.

E. LEMSA Policy shall specify due process for the issuance of Ambulance Service Provider permits including:

1. Application and approval process.
2. Procedure for denial of application.
3. Procedure for suspension or revocation of permits issues in conformity with this chapter.
4. Appeal process for contesting denial of application, or suspension and or revocation of permits issued in conformity with this chapter.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.220 Provider Authorization Required.**

A. Any EMS entity providing ambulance service, Advanced Life Support or other EMS Services requiring LEMSA authorization in the County, shall secure a Provider Authorization from the LEMSA specifying terms and conditions for the provision of EMS including, but not limited to, class of service to be provided, LEMSA approval for optional scope of practice, participation in LEMSA data and quality improvement activities and applicable performance standards as defined in LEMSA policies, procedures and guidelines.

B. Provider Authorizations shall not apply to cities or fire districts providing pre-hospital emergency medical services subject to and in accordance with Health and Safety Code section 1797.201. Such agencies providing services under Section 1797.201 shall nonetheless be subject to LEMSA medical control and applicable performance standards as defined in LEMSA policies, procedures and guidelines. Compliance of City and Fire District pre-hospital emergency service providers with LEMSA medical control and applicable performance standards pursuant to LEMSA policies, procedures and guidelines shall not evidence or constitute an "agreement" with such City and Fire Districts for purposes of Section 1797.201, and nothing in this ordinance may be so construed. Nothing in this ordinance is intended to affect, or may be construed to affect, in any way the rights and obligations of City and Fire District pre-hospital emergency service providers pursuant to Section 1797.201. Nothing in this ordinance is intended to affect or may be construed to affect the eligibility of City and Fire District pre-hospital emergency service providers to enter exclusive operating agreements under Health and Safety Code section 1797.224.

**C. Exemptions.**

1. Provider Authorization requirements shall not apply to non-transport EMS Entities except where specific LEMSA authorizations for EMS Scope of Practice are required by California Health and Safety Code and/or California Code of Regulations.

2. Provider Authorization requirements shall not apply to ambulance service providers engaged in the transport of patients where the transport initiated outside County boundaries for transport into or through the County.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.230 Exclusive Operating Area.**

A. The LEMSA, as directed by the Board, may establish one or more exclusive operating areas (EOAs), as defined in Health & Safety Code section 1797.85, which may be awarded either without a competitive process (a "non-competitive EOA") or pursuant to a competitive process (a "competitive EOA"), provided that in either case the requirements of Health and Safety Code section 1797.224 are met.

B. An EMS Entity granted an EOA shall enter into an agreement with the County (an "EOA Agreement") setting forth the terms on which the EMS Entity shall provide services within the EOA, including the level and type of ambulance services covered by the EOA Agreement.

C. No EMS Entity shall render any type or level of services considered exclusive within an EOA, unless the EMS Entity has entered into an EOA Agreement with the County to provide such services.

D. Nothing in this Chapter or in any rule or regulation enacted by the County shall be construed as requiring the County to establish either a competitive or noncompetitive EOA.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.240 EMS Dispatch.**

A. All dispatch of ambulance(s) and/or EMS Entities in response to a request for EMS services shall be in accordance with relevant LEMSA policy for the provision of Medical Control to EMS Dispatch.

B. Dispatch of ambulance(s) and/or EMS Entities in response to a request for EMS and/or ambulance transportation shall only be conducted by communications centers approved by the LEMSA.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.250 Emergency and Disaster Operations.**

During any "state of war emergency," "state of emergency" or "local emergency," as defined in the California Emergency Service Act (Chapter 7 of Division 1 of Title 2 of the Government Code), as amended, each Ambulance Service Provider shall provide equipment, facilities, and personnel as required by the LEMSA.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.260 Violations.**

A. Any person or EMS Entity required to have a valid Ambulance Service Provider Permit to provide ambulance services within the County, that does not have a valid Ambulance Service Provider Permit shall be in violation of this Chapter as well as any relevant statute or regulation.

B. Any EMS Entity providing ambulance services without the LEMSA authorization required in the Health and Safety Code or the California Code of Regulations Title 22 via a Provider Authorization shall be in violation of this Chapter as well as any relevant statute or regulation.

(Ord. No. 4379, 3-7-2017)

**DIVISION THREE FUNDING**

**Sec. 9.05.300 Fees.**

The LEMSA shall establish the fees to recover the costs of the oversight of the EMS system through the County Board of Supervisors approved fee schedule.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.310 EMS Fund and EMS Trust.**

A. An EMS special fund, known as the "Maddy Fund," has been established pursuant to Health and Safety Code section 1797.98, et seq. Monies collected are to be deposited in this fund and distributed according to the Health and Safety Code.

B. An EMS Trust has been established for monies collected from EMS providers related to permits, fines, and liquidated damages. Said mon-

ies will continue to be exclusively utilized to fund EMS-related system improvements at the direction of the LEMSA. It is not intended to support EMS provider operations.

(Ord. No. 4379, 3-7-2017)

**DIVISION FOUR EFFECTIVE**

**Sec. 9.05.400 Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.410 CEQA.**

Adoption and implementation of this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. Adoption and implementation of the Permit and Provider Authorization requirements, and other measures contained in the ordinance will not result in any direct physical change to the environment. The basis for this determination is that this ordinance does not in itself approve any activities that have an environmental impact, but instead establishes standards, Permit and Provider Authorization requirements, and other measures that regulate the delivery of EMS. The Director of the Department of Health Services is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

(Ord. No. 4379, 3-7-2017)

**Sec. 9.05.420 Implementation.**

This ordinance shall be, and the same is hereby declared to be, in full force and effect thirty (30)

days after the date of its passage. A summary of the ordinance shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in The Ukiah Daily Journal, a newspaper of general circulation published in the County of Mendocino, State of California.  
(Ord. No. 4379, 3-7-2017)

**CHAPTER 9.08**  
**RESTAURANTS**

fine and imprisonment. (Ord. No. 3656, adopted 1987.)

**Sec. 9.08.010 Purpose and Authority.**

The ordinance codified in this Chapter is enacted pursuant to Section 27503 of the Health and Safety Code of the State of California for the purpose of protecting the public health, and regulating certain kinds of business transacted and carried on in the unincorporated territory of the County of Mendocino, State of California. (Ord. No. 3656, adopted 1987.)

**Sec. 9.08.020 Definitions.**

For the purpose of this Chapter, the following definition applies:

(A) "Restaurant" means any food establishment issued a permit to operate as a restaurant by the Division of Environmental Health. (Ord. No. 3656, adopted 1987.)

**Sec. 9.08.030 Hand Washing and Toilet Facilities.**

All restaurants which do not come within the definition of a temporary food facility, mobile food preparation unit or food vehicle shall install and make available at least one hand washing or toilet facility for patrons; provided, however, that any such restaurant which is in operation as of the effective date of the ordinance codified in this Chapter shall have six (6) months from such date within which to comply with this Section. Any such restaurant which already has as of such date either a hand washing facility or toilet facility, or both, shall be required to make such facility available during such six (6) months. (Ord. No. 3656, adopted 1987.)

**Sec. 9.08.040 Penalty.**

Failure to comply with the provisions of this Chapter shall be a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment in the County Jail for a period not to exceed six (6) months or both the

## CHAPTER 9.12

### REGULATION OF SEWAGE AND SEPTAGE PUMPERS

#### Sec. 9.12.010 License Required.

It shall be unlawful for any person, firm, or corporation to pump, or to engage in the business of pumping, cleaning, or otherwise removing material from septic tanks, cesspools, seepage pits, sewage wells, sewage ponds, or other sewage disposal systems, or to dispose of or aid in the disposal of septage, sewage, or any material removed from such systems, unless he holds an unrevoked license from the Mendocino County Health Officer as provided by this Chapter. (Ord. No. 411, adopted 1961, as amended by Ord. No. 3465, adopted 1983.)

#### (a) DEFINITIONS—

**HEALTH OFFICER**—the duly appointed Health Officer of Mendocino County, including his authorized deputies, the Director of Environmental Health Officers, Environmental Health Officers, and Assistant Environmental Health Officers.

**SEPTAGE**—residual materials, including sludge, scum, and liquid from a septic tank.

**SEWAGE**—the liquid and waterborne wastes derived from ordinary living processes, free from industrial wastes.

**CESSPOOL**—an unlimited pit, including sewage wells, which receives raw sewage.

**SEWAGE PONDS**—an open pond which receives sludge, sewage, or wastewater for either storage or treatment. (Ord. No. 3465, adopted 1983.)

#### Sec. 9.12.020 Applicability of Article.

Sections 9.12.010 to 9.12.080, inclusive, of this Chapter, shall not be applicable to any person, firm or corporation who either as owner or tenant cleans a septic tank, cesspool or a sewage seepage pit upon property actually owned, leased or occupied by him or it, but said owner or tenant shall be required to file the statement required by Section

9.12.080 of this Chapter. (Ord. No. 411, Sec. 11, adopted 1961.)

#### Sec. 9.12.030 License Application Procedure.

Application for a license referred to in Section 9.12.010 shall be made to the Health Officer of Mendocino County on forms provided by him or her. A non-refundable fee of fifty dollars (\$50.00) to defray the cost of investigating the application, shall accompany the application. (Ord. No. 411, adopted 1961, as amended by Ord. No. 3465, adopted 1983.)

#### Sec. 9.12.040 License Conditions.

Applicants shall be licensed as required by the provisions of this Chapter, under such standards and conditions adopted by the Health Officer, and deemed necessary for the protection of public health and safety. (Ord. No. 411, adopted 1961, as amended by Ord. No. 3465, adopted 1983.)

#### (a) BOND REQUIRED

Before an applicant can be licensed or before a license is renewed, he shall submit a bond in the amount of \$2,500. Said bond shall meet terms and conditions established by the Health Officer to insure performance according to this Chapter. (Ord. No. 3465, adopted 1983.)

#### FAITHFUL PERFORMANCE BOND

WHEREAS, the Board of Supervisors of Mendocino County, State of California, and \_\_\_\_\_, (hereinafter designed as "principal") have entered into an agreement whereby principal agrees to pump or engage in the business of pumping, cleaning or otherwise removing material from septic tanks, cesspools, seepage pits, sewage wells, sewage ponds and other sewage disposal systems within the County pursuant to Mendocino County Code Chapter 9.12 and agrees to abide by and observe the provisions contained therein; and

WHEREAS, said principal is required under the terms of said Chapter 9.12 to furnish



of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, it being herein expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, subsections, paragraphs, clauses or phrases be declared invalid or unconstitutional. (Ord. No. 3477, adopted 1983.)

## CHAPTER 9.30

### ADULT USE MARIJUANA CULTIVATION REGULATION

#### Sec. 9.30.010 Purpose and Intent.

It is the purpose and intent of this Chapter to immediately regulate the cultivation of adult use marijuana in a manner that is consistent with State law and which is necessary to protect the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Mendocino by balancing: (1) the desires of people wishing to cultivate marijuana used for non-medical purposes; and (2) the needs of neighbors and communities to be protected from public safety and nuisance impacts. Nothing in this Chapter shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance as defined herein; or (2) allow any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal under California State law.

This Chapter is enacted pursuant to paragraph (1) of subdivision (b) of California Health and Safety Code § 11362.2, and is intended to regulate the personal cultivation of marijuana as allowed by paragraph (3) of subdivision (a) of California Health and Safety Code § 11362.1.

Nothing in this Chapter is intended, nor shall it be construed, to exempt the cultivation of adult use marijuana, as defined herein, from any and all applicable local and state construction, grading, electrical, plumbing, land use, water rights, waste water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.

(Ord. No. 4383, § 1, 5-2-2017)

#### Sec. 9.30.020 Findings.

(A) In 2016 the voters of the State of California approved Proposition 64 (amending, repealing and adding sections of the Business and Professions Code, the Food and Agriculture Code, and Health and Safety Code, the Labor Code, the

Revenue and Taxation Code, and the Water Code, and entitled "the Control, Regulate and Tax Adult Use of Marijuana Act").

(B) The intent of Proposition 64 was to legalize marijuana for those over twenty-one (21) years old, protect children, Californians and the environment and regulated the cultivation, distribution, sale and use of marijuana. Proposition 64 legalizes the cultivation of not more than six (6) marijuana plants. It further provides that counties may enact reasonable regulations to reasonably regulate said cultivation.

(C) Marijuana plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries.

(D) Marijuana may be sold for as much as twelve-hundred dollars (\$1,200.00) per pound, or more.

(E) The strong smell of marijuana may create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and armed robbery.

(F) In recent years there has been an increased number of marijuana related incidents of burglary, robbery and armed robbery, some including acts of violence resulting in injury or death.

(G) Marijuana that is grown indoors may require excessive use of electricity which may overload standard electrical systems creating an unreasonable risk of fire. If indoor grow lighting systems are powered by diesel generators, improper maintenance of the generators and fuel lines and the improper storage and disposal of diesel fuel and waste oil may create an unreasonable risk of fire and pollution.

(H) In the absence of a formal regulatory framework, marijuana cultivators are less likely to learn of, or implement, guidelines that are protective of the public peace, health and safety.

(I) The County finds that in the absence of a formal regulatory framework the negative impacts frequently associated with marijuana cultivation are expected to increase, resulting in an unregu-

lated, unstudied and potentially significant negative impact on the environment and upon the public peace, health and safety.

(J) The County has previously adopted regulations governing the cultivation of medical marijuana. This ordinance imposes regulations on the personal cultivation of non-medical adult use marijuana pursuant to Proposition 64. (Ord. No. 4383, § 1, 5-2-2017)

### **Sec. 9.30.030 Definitions.**

As used herein the following definitions shall apply:

"Adult use marijuana" means non-medical marijuana cultivated pursuant to Proposition 64 and the provisions of this Chapter 9.30.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Cultivation" means the planting, growing, harvesting, drying or processing at a cultivation site of marijuana plants or any part thereof.

"Cultivation site" means a location or locations within a private residence or on the grounds of a private residence where marijuana is planted, grown, harvested, dried, cured, graded, trimmed, or where one (1) does all or any combination of those activities, the total plant canopy of which shall not exceed one hundred (100) square feet.

"Indoors" means cultivation within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Mendocino, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one (1) or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two inches (2") x four inches (4") or thicker studs overlain with three-eighths-inch ( $\frac{3}{8}$ ") or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Legal parcel" means a lot of real property which was created pursuant to the Subdivision Map Act, or for which a certificate of compliance has been recognized and recorded.

"Marijuana" means "adult use marijuana" and also means all parts of the plant *Cannabis sativa*, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

"Mixed light" means the use of both natural and artificial or supplemental lighting sources during the growing cycle to cultivate marijuana. Included in this definition is the process of solely manipulating natural light to cultivate adult use marijuana.

"Outdoors" or "outdoor cultivation" means any cultivation site that uses no artificial or supplemental lighting to cultivate marijuana. Use of supplemental lighting to maintain vegetative starts or immature plants prior to transplanting outdoors shall be considered consistent with this definition.

"Parcel" means a legal parcel as defined herein.

"Park" means an area of land used for community recreation owned or operated by a public entity or a private area of land recognized as a neighborhood park utilized by youth. State or Federal designated parks and forestlands as recognized within the Mendocino County General Plan are not included within this definition.

"Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

"Plant canopy" means the cumulative total of square footage occupied by growing marijuana plants, as determined by calculating the area within the outermost circumference of the canopy of each plant, but does not include aisles or other open areas outside the canopy area of growing marijuana plants.

"Private residence" means a house, apartment unit, mobile home or other similar dwelling.

"Publically traveled private road" means a private roadway easement or access easement which serves, or has the potential to serve, more than four (4) lots or parcels. Such easement shall be considered a street as defined in Mendocino County Code section 20.008.052(26).

"Residential Treatment Facility" means a State licensed residential facility that provides treatment for drug and/or alcohol dependency.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Sheriff" or "Sheriff's Office" means the Sheriff's Office of the County of Mendocino or the authorized representatives thereof.

"Wildlife Exclusionary Fencing" means fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field fencing a minimum of six (6) feet high measured from grade that is installed into the ground and secured to prevent animals from burrowing underneath. The fence must include a lockable gate and the gate opening must include a solid step or apron installed into the ground and secured to prevent animals from burrowing underneath.

"Youth-oriented facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner

that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(Ord. No. 4383, § 1, 5-2-2017)

#### **Sec. 9.30.040 Limitations on Cultivation of Adult Use Marijuana Plants.**

(A) Cultivation of adult use marijuana in or on the grounds of a private residence or accessory structure may contain one (1) or more cultivation sites, containing no more than six (6) adult use marijuana plants with a total plant canopy not to exceed one hundred (100) square feet.

(B) Cultivation of adult use marijuana on a parcel where medical marijuana plants are being cultivated pursuant to the qualified patient or primary caregiver exemption of section 10A.17.030, shall not be used to increase the total square footage of cannabis that may be cultivated thereon but shall be contained within the square footage allowed pursuant to said exemption.

(C) Cultivation of adult use marijuana on a parcel where medical marijuana plants are being cultivated pursuant to Chapter 9.31 shall not be used to increase the total number of marijuana plants that may be cultivated on the legal parcel, but up to six (6) of the total allowed number of twenty-five (25) plants may be set aside as personal cultivation of adult use marijuana.

(D) Cultivation of adult use marijuana is allowed on a parcel where medical cannabis is cultivated pursuant to Chapter 10A.17 provided that the person or persons cultivating the adult use marijuana reside thereon, the adult use marijuana plants do not exceed one hundred (100) square feet of total plant canopy and the plants shall be identified on the site plan required pursuant to Chapter 10A.17.090.

(E) Cultivation of adult use marijuana on any parcel less than ten (10) acres in size shall only be allowed indoors as defined in this Chapter. (Ord. No. 4383, § 1, 5-2-2017)

**Sec. 9.30.050 Limitation on Location to Cultivate Marijuana.**

(A) The cultivation of marijuana, in any amount or quantity, shall not be allowed in the following areas:

(1) Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility as defined herein.

(2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate parcel.

(3) Outdoors or using mixed light in a mobile home park as defined in Health and Safety Code section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.

(4) In any location where the marijuana plants are visible from the public right of way or publicly traveled private roads.

(5) Outdoors or using mixed light within fifty (50) feet of a parcel under separate ownership or access easement (whichever is most restrictive).

(B) The distance between the above-listed uses in section (A)(1) and marijuana that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 9.30.060, or if the marijuana is cultivated indoors, from the nearest exterior wall of the building in which the marijuana is cultivated to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located. The distance in sections (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in section 9.30.060 to the nearest exterior wall of the residential structure.

(C) Any indoor cultivation sites that comply with paragraph (A)(1) shall also be subject to the following:

(1) Cultivation sites located within a private residence that is a rental unit, as that term is

defined by County Code section 20.008.050, shall not be located in any indoor space other than a garage or accessory structure.

(2) Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.

(3) The cultivation of marijuana within an accessory structure shall be subject to the development requirements of the zoning district in which it is located and to the accessory use regulations of the applicable zoning code.

(Ord. No. 4383, § 1, 5-2-2017)

**Sec. 9.30.060 Cultivation of Marijuana.**

(A) It is declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel of land within any unincorporated area of the County to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of marijuana plants in excess of the limitations imposed within section 9.30.040 or in violation of the limitations on location imposed within section 9.30.050 or in violation of any of the following conditions contained in this section.

(B) The cultivation of marijuana shall be limited to no more than one hundred (100) square feet of total plant canopy within or upon the grounds of any private residence.

(C) The outdoor, indoor or mixed light cultivation of marijuana shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.

(D) The use of light assistance for the indoor or mixed light cultivation of marijuana shall not exceed a maximum of thirty-five (35) watts of lighting capacity per one (1) square foot of growing area. The indoor or mixed-light cultivation of marijuana shall rely on the electrical grid or some

form of alternative energy source. The indoor or mixed-light cultivation of marijuana shall not rely on a generator as a primary source of power.

(E) All lights used for the indoor or mixed light cultivation of marijuana shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed.

(F) All activities associated with the cultivation of marijuana shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.

(G) All cultivation of marijuana shall not utilize water that has been or is illegally diverted from any stream, creek, or river.

(H) The activities associated with cultivation of marijuana shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.

(I) All marijuana grown in Mendocino County (excluding indoor growing) must be within a secure, wildlife exclusionary fence of at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when the resident is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

(J) All buildings where marijuana is cultivated or stored shall be properly secured to prevent unauthorized entry.

(K) Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device.

(L) Prohibition on Tree Removal. Removal of any commercial tree species as defined by Cal-

ifornia Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a marijuana cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to safety or disease concerns.

(M) Any person who is not the legal owner of a parcel and who is cultivating marijuana on such parcel shall obtain written permission to cultivate marijuana from the legal owner of the parcel prior to commencing cultivation of marijuana on such parcel.

(N) Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building. (Ord. No. 4383, § 1, 5-2-2017)

#### **Sec. 9.30.070 Public Nuisance.**

A violation of any provision of this Ordinance shall be deemed to be a public nuisance and subject to the enforcement process as set forth in section 9.30.080.

(Ord. No. 4383, § 1, 5-2-2017)

#### **Sec. 9.30.080 Enforcement.**

(A) The County may abate the violation of this Chapter in accordance with the provisions of County Code Chapter 8.75, 8.76 or by the prosecution of a civil action, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Chapter or requiring compliance with other terms.

(B) The County may also abate the violation of this Chapter through the abatement process established by Government Code section 25845. (Ord. No. 4383, § 1, 5-2-2017)

**Sec. 9.30.090 Attorneys' Fees.**

Pursuant to Government Code section 25845(c), in any action, administrative proceeding, or matter commenced by the County to abate a nuisance, or to collect the cost of abatement or any penalty or fee related thereto, the prevailing party shall recover its attorneys' fees. The recovery of attorneys' fees under this section is limited to those actions, administrative proceedings, or matters in which the County chooses at the initiation of the action, administrative proceeding, or matter to seek the recovery of its own attorneys' fees. In no event shall an award of attorneys' fees under this Chapter exceed the reasonable amount of attorneys' fees incurred by the County in the action or proceeding.

(Ord. No. 4383, § 1, 5-2-2017)

**Sec. 9.30.100 Use of Money Collected Under This Chapter.**

All money collected for penalties for violations of this Chapter and all money collected for recovery of costs of enforcement of this Chapter shall be made available to the Department responsible for the enforcement action for training and further code enforcement actions.

(Ord. No. 4383, § 1, 5-2-2017)

## CHAPTER 9.31

### MEDICAL MARIJUANA CULTIVATION REGULATION\*

#### Sec. 9.31.010 Purpose and intent.

It is the purpose and intent of this Chapter to immediately regulate medical marijuana in a manner that is consistent with State law and which is necessary to protect the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Mendocino by balancing: (1) the needs of medical patients and their caregivers for enhanced access to medical marijuana; (2) the needs of neighbors and communities to be protected from public safety and nuisance impacts; and (3) the need to limit harmful environmental impacts that are sometimes associated with marijuana cultivation. Nothing in this Chapter shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance as defined herein; (2) allow the use or diversion of marijuana for nonmedical purposes; or (3) allow any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal under California State law.

Nothing in this Chapter is intended, nor shall it be construed, to exempt the cultivation of medical marijuana, as defined herein, from any and all applicable local and state construction, grading, electrical, plumbing, land use, water rights, waste water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.

Nothing in this Chapter is intended, nor shall it be construed, as allowing cultivation of medical marijuana in the areas governed by the Inland Zoning Code of Mendocino County without a permit as required by section 10A.17.030(A) or by

\*Editor's note—Ord. No. 4383, § 2, adopted May 2, 2017, repealed ch. 9.31, §§ 9.31.010—9.31.190, in its entirety; and enacted a new ch. 9.31 to read as set out herein. Former ch. 9.31 pertained to similar subject matter, and was derived from Ord. No. 4356, adopted May 17, 2016 and Ord. No. 4375, § 1, adopted January 10, 2017.

any qualified patient or primary caregiver in excess of the limits provided by section 10A.17.030(B) of this Code.

(Ord. No. 4383, § 2, 5-2-2017)

#### Sec. 9.31.020 Confidential Nature of Medical Marijuana Information Legislative Intent.

To the fullest extent authorized by State and Federal law, all use information received by and/or generated by the operation of this Chapter or prior or other iterations of cannabis cultivation ordinances of the County has always been intended to be treated and held by the County as confidential information. Notwithstanding the foregoing, information provided to the county may be released as required by law, judicial order, or subpoena, and could be used in criminal prosecution.

(Ord. No. 4383, § 2, 5-2-2017)

#### Sec. 9.31.030 Findings.

(A) The voters of the State of California approved Proposition 215 (codified as Health and Safety Code section 11362.5 and entitled "The Compassionate Use Act of 1996").

(B) The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction. The Act further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes."

(C) The State enacted SB 420 in 2004, known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of



qualified patients and primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act, and enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420.

(D) The Medical Marijuana Program Act defines "primary caregiver" as an individual who is designated by a qualified patient or person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person.

(E) The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to create or maintain a public nuisance.

(F) Marijuana plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries.

(G) Marijuana, whether grown for medicinal purposes, or diverted to the black market, may be sold for as much as twelve-hundred dollars (\$1,200.00) per pound, or more.

(H) The strong smell of marijuana may create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and armed robbery.

(I) In recent years there has been an increased number of marijuana related incidents of burglary, robbery and armed robbery, some including acts of violence resulting in injury or death.

(J) Marijuana that is grown indoors may require excessive use of electricity which may overload standard electrical systems creating an unreasonable risk of fire. If indoor grow lighting systems are powered by diesel generators, improper maintenance of the generators and fuel lines and the

improper storage and disposal of diesel fuel and waste oil may create an unreasonable risk of fire and pollution.

(K) The original enactment of this ordinance in 2008 adopted a limit of no more than twenty-five (25) marijuana plants on any one (1) parcel which was intended to result in a significant reduction in the complaints of odor and the risks of fire, crime and pollution described herein.

(L) In 2010, in response to complaints that the twenty-five (25) plant per parcel limit was too restrictive and that the overall impact on negative impacts was less than optimal, the County amended this ordinance to allow for an exemption to the twenty-five (25) plant per parcel limitation provided that those seeking the exemption apply for, obtain, and abide by the conditions of a permit issued by the Sheriff. The exemption required inspection by the Sheriff's Office and compliance with numerous conditions designed to protect the public peace, health and safety, including numerous conditions that required enhanced environmental protection.

(M) The exemption came to be known as the 9.31 permit program and successfully provided a means for medical marijuana cultivators to be clearly in compliance with state and local law while protecting the public peace, health, and safety, including the environment.

(N) In 2012, in response to a directive from the United States Department of Justice, the County eliminated the exemption from the twenty-five (25) plant per parcel limit and has not had in place a system of regulatory compliance since that time.

(O) With the elimination of the exemption from the twenty-five (25) plant per parcel limit, the County also revised the definition of legal parcel from defining an unlimited number of contiguous parcels under common ownership or control as one (1) parcel eligible for a single exemption, to defining any portion of a parcel with a separate Assessor's Parcel number as a parcel, resulting in an individual owner of multiple contiguous parcels being able to cultivate twenty-five (25) mari-

juana plants times the number of Assessor's Parcel numbers, instead of being limited to no more than ninety-nine (99) plants with an exemption.

(P) Mendocino County's geographic and climatic conditions; low population density; availability of resource lands previously utilized for forestry and grazing; and history and reputation as a cannabis producing region; have attracted a steady influx of individuals for the purpose of participating in cannabis activity, whether for medical or commercial reasons.

(Q) The State Water Resources Control Board, the North Coast Regional Water Quality Control Board, and the State Department of Fish and Wildlife have documented a dramatic increase in the number of marijuana cultivation sites, corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. These impacts result from the widespread unpermitted, unmitigated, and unregulated impacts of land grading, road development, vegetation removal, timber clearance, erosion of disturbed surfaces and stream banks, stream diversion for irrigation, temporary human occupancy without proper sanitary or waste disposal facilities and threaten the survival of endangered fish species. In addition, the actions of some marijuana growers, either directly or through irresponsible practices, result in the killing of wildlife, including the endangered Pacific Fisher.

(R) Mendocino County also remains vulnerable to numerous large scale trespass commercial marijuana cultivation operations on public and private lands, yet law enforcement consistently estimates that each year they eradicate no more than ten (10) percent of the marijuana grown in violation of state law.

(S) Effective enforcement is further hampered by conflicting local, state and federal laws which create ambiguity in determining which marijuana cultivation operations are legal or not, and whether those that are non-compliant ought to be subject to civil or criminal enforcement.

(T) On September 11, 2015, the State enacted the Medical Cannabis Regulation and Safety Act (MCRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, distribution, transportation, testing, and dispensing of medical marijuana on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018.

(U) Previous landmark marijuana legislation, including the Compassionate Use Act and the Medical Marijuana Program Act, have precipitated a "green rush" with individuals moving to Mendocino County to grow marijuana; with some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.

(V) Since the adoption of MCRSA numerous sources, including law enforcement, elected officials, county administrators, neighbors and marijuana cultivators have reported numerous inquiries from individuals and entities, both from within and without Mendocino County, who seek to expand their current cultivation operations, or start new ones.

(W) In the absence of a formal regulatory framework, marijuana cultivators are less likely to learn of, or implement, guidelines that are protective of the public peace, health, safety and the environment; while law enforcement has been deprived of a clear means of distinguishing legally compliant marijuana cultivators from those who threaten the public peace, health, safety and the environment.

(X) The County finds that in the absence of a formal regulatory framework the negative impacts frequently associated with marijuana cultivation are expected to increase, resulting in an unregulated, unstudied and potentially significant negative impact on the environment and upon the public peace, health and safety.

(Y) In 2016 the voters of the State of California approved Proposition 64 (amending, repealing and adding sections of the Business and Profes-

sions Code, the Food and Agriculture Code, and Health and Safety Code, the Labor Code, the Revenue and Taxation Code, and the Water Code, and entitled "the Control, Regulate and Tax Adult Use of Marijuana Act"). Proposition 64 allows for the personal cultivation of up to six (6) marijuana plants on the grounds of or within any private residence.

(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.040 Definitions.**

As used herein the following definitions shall apply:

"Adult use marijuana" means marijuana cultivated pursuant to Proposition 64 and the provisions of Chapter 9.30.

"Agricultural Commissioner" or "Agricultural Commissioner's Office" or the "Department of Agriculture" means the Mendocino County Department of Agriculture or the authorized representatives thereof.

"Attorney General's Guidelines" means Guidelines for the Security and Non-Diversion of marijuana Grown for Medical Use issued by the Attorney General in August 2008.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Collective" means "Medical Marijuana Collective," as defined below.

"Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants at a cultivation site of marijuana plants or any part thereof.

"Cultivation site" means a location or locations on one (1) legal parcel where marijuana is planted, grown, harvested, dried, cured, graded, trimmed, or where one (1) does all or any combination of those activities.

"Identification card" shall have the same definition as California Health and Safety Code section 11362.5 et seq., and as may be amended.

"Indoors" means cultivation within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by

the County of Mendocino, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one (1) or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two inches (2") x four inches (4") or thicker studs overlain with three-eighths inches ( $\frac{3}{8}$ ") or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Legal parcel" means a lot of real property which was created pursuant to the Subdivision Map Act, or for which a certificate of compliance was recognized and recorded. Where contiguous legal parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this Chapter.

"Marijuana" means all parts of the plant *Cannabis sativa*, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code. "Marijuana" includes "cannabis."

"Medical Marijuana Collective" means qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients who associate by written agreement, or form a cooperative in accordance with section 12300 of the Corporations Code within the unincorporated area of the County in order to collectively or cooperatively cultivate, store, and/or dispense marijuana for medical purposes, as provided

in Health and Safety Code section 11362.775. The term collective shall include "cooperative" unless the context clearly indicates otherwise.

"Mixed light" means the use of both natural and artificial or supplemental lighting sources during the growing cycle to cultivate marijuana. Included in this definition is the process of solely manipulating natural light to cultivate marijuana.

"Outdoors" or "outdoor cultivation" [means] any cultivation site that uses no artificial or supplemental lighting to cultivate marijuana. Use of supplemental lighting to maintain vegetative starts or immature plants prior to transplanting outdoors shall be considered consistent with this definition.

"Parcel" means a legal parcel as defined herein.

"Park" means an area of land used for community recreation owned or operated by a public entity or a private area of land recognized as a neighborhood park utilized by youth. State or Federal designated parks and forestlands as recognized within the Mendocino County General Plan are not included within this definition.

"Primary caregiver" means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health and Safety Code section 11362.7(d).

"Publically traveled private road" means a private roadway easement or access easement which serves, or has the potential to serve, more than four (4) lots or parcels. Such easement shall be considered a street as defined in Mendocino County Code section 20.008.052(26).

"Qualified patient" means a person who is entitled to the protections of section 11362.5 of the Health and Safety Code, but who does not have an identification card issued pursuant to Article 2.5 of Chapter 6 of Division 10 of the Health and Safety Code (Section 11362.7 et seq.).

"Residential Treatment Facility" means a State licensed residential facility that provides treatment for drug and/or alcohol dependency.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Sheriff" or "Sheriff's Office" means the Sheriff's Office of the County of Mendocino or the authorized representatives thereof.

"Wildlife Exclusionary Fencing" means fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field fencing a minimum of six (6) feet high measured from grade that is installed into the ground and secured to prevent animals from burrowing underneath. The fence must include a lockable gate and the gate opening must include a solid step or apron installed into the ground and secured to prevent animals from burrowing underneath.

"Youth-oriented facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

"Zip-ties" means plastic ties with individualized numbers stamped on them, issued by the Mendocino County Sheriff's Office for the purpose of identifying a legal marijuana plant. (Ord. No. 4383, § 2, 5-2-2017)

#### **Sec. 9.31.050 Intentionally Omitted.**

#### **Sec. 9.31.060 Limitation on Number of Plants.**

(A) The cultivation of more than twenty-five (25) marijuana plants on any legal parcel, either indoors or outdoors, within the unincorporated area of the County, regardless of whether the

person(s) growing the marijuana is/are a "qualified patient", "primary caregiver", or "collective", is hereby prohibited. This limitation shall include any adult use marijuana plants grown pursuant to Chapter 9.30.

(B) Wherever medical marijuana is grown, a copy of a current and valid, State-issued medical marijuana identification card or physician recommendation must be displayed in such a manner as to allow law enforcement officers to easily see the card without having to enter any building of any type.

(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.070 Limitation on Location to Cultivate Marijuana.**

(A) The cultivation of marijuana, whether grown collectively or individually, in any amount or quantity, shall not be allowed in the following areas:

(1) Within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility as defined herein.

(2) Outdoors or using mixed light within one hundred (100) feet of any occupied legal residential structure located on a separate parcel.

(3) Outdoors or using mixed light in a mobile home park as defined in Health and Safety Code section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership.

(4) In any location where the marijuana plants are visible from the public right of way or publicly traveled private roads.

(5) Outdoors or using mixed light within fifty (50) feet of a parcel under separate ownership or access easement (whichever is most restrictive).

(B) The distance between the above-listed uses in section (A)(1) and marijuana that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 9.31.080, or if the marijuana is cultivated indoors, from the nearest exterior wall of the building in which the marijuana is cultivated to the nearest

boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located. The distance in sections (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in section 9.31.080 to the nearest exterior wall of the residential structure.

(C) Any indoor cultivation sites that comply with paragraph (A)(1) shall also be subject to the following:

(1) Indoor cultivation sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.

(2) The cultivation of marijuana for medical use within an accessory structure shall be allowed subject to the development requirements of the zoning district in which it is located and to the accessory use regulations of the applicable zoning code.

(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.080 Cultivation of marijuana.**

(A) It is declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel of land within any unincorporated area of the County to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of marijuana plants for medicinal purposes in excess of the limitations imposed within section 9.31.060 or in violation of the limitations on location imposed within section 9.31.070 or in violation of any of the following conditions contained in this section.

(B) The indoor cultivation of marijuana plants shall be limited to no more than one hundred (100) square feet per parcel.

(C) The outdoor, indoor or mixed light cultivation of medical cannabis shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.

(D) The use of light assistance for the indoor or mixed light cultivation of medical cannabis shall not exceed a maximum of thirty-five (35) watts of lighting capacity per one (1) square foot of growing area. The indoor or mixed-light cultivation of medical cannabis shall rely on the electrical grid or some form of alternative energy source. The indoor or mixed-light cultivation of medical cannabis shall not rely on a generator as a primary source of power.

(E) All lights used for the indoor or mixed light cultivation of medical cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed.

(F) All activities associate[d] with the cultivation of marijuana shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.

(G) All cultivation of marijuana shall not utilize water that has been or is illegally diverted from any stream, creek, or river.

(H) The activities associated with cultivation of marijuana shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.

(I) All medical cannabis grown in Mendocino County (excluding indoor growing) must be within a secure, wildlife exclusionary fence of at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when the cultivator (or their agent) is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

(J) All buildings where marijuana is cultivated or stored shall be properly secured to prevent unauthorized entry.

(K) Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device.

(L) Prohibition on Tree Removal. Removal of any commercial tree species as defined by California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing a cannabis cultivation site is prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to safety or disease concerns.

(M) Any person who is not the legal owner of a parcel and who is cultivating marijuana on such parcel shall obtain written permission to cultivate marijuana from the legal owner of the parcel prior to commencing cultivation of marijuana on such parcel.

(N) Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building. (Ord. No. 4383, § 2, 5-2-2017)

#### **Sec. 9.31.090 "Zip-Tie" Provision.**

(A) To assist in the enforcement of this Ordinance, and to avoid unnecessary confiscation and destruction of medicinal marijuana plants, marijuana grown for medicinal purposes in the unincorporated areas of Mendocino County subject to this Chapter may obtain "zip-ties" issued by the Mendocino County Sheriff's Office. For proper identification, such "zip-ties" should be securely attached to the base of individual flowering marijuana plants.

(B) "Zip-Ties" can be obtained through the Mendocino County Sheriff's Office. All applicants for "zip-ties" must present a State-issued medical marijuana identification card or a valid medical

recommendation. The fee for the "zip-ties" shall be set by the Mendocino County Board of Supervisors in accordance with all applicable laws and regulations and the Master Fee Policy. Any zip-tie fees may be discounted by fifty percent (50%) for Medi-Cal, SSI, and CMSP recipients, and equivalent income-qualified veterans.  
(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.100 Medical Marijuana Collectives.**

Until such time as State law provides otherwise, medical marijuana collectives operating pursuant to Health and Safety Code section 11362.775 shall comply with all of the following:

(1) Operate on a non-profit basis as set forth in section IV B.1. of the Attorney General's Guidelines;

(2) Employ only persons who are at least twenty-one (21) years of age and comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance, state workers' compensation and liability laws;

(3) Follow the membership and verification guidelines as set forth in Section IV B.3 of the Attorney General's Guidelines, except that whenever "should" appears it shall be replaced with "shall";

(4) Require all prospective members to complete and sign a written membership application acknowledging and agreeing to abide by all the rules of the collective and all applicable requirements of this section;

(5) Prohibit sales to non-members as set forth in section IV B.5. of the Attorney General's Guidelines;

(6) Allow reimbursements and allocations of medical marijuana as set forth in section IV B.6. of the Attorney General's Guidelines;

(7) Possess marijuana only in amounts consistent with the medical needs of the members of the collective; and only cultivate marijuana consistent with the limits set forth in this ordinance;

(8) Exterior signage shall not indicate or advertise the presence or availability of medical marijuana.

(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.110 Intentionally Omitted.**

**Sec. 9.31.120 Intentionally Omitted.**

**Sec. 9.31.130 Public Nuisance.**

Notwithstanding any other provision of the Mendocino County Code, including but not limited to section 10A.17.160, cultivating marijuana pursuant to and in compliance with the provisions of this Chapter shall not be deemed a public nuisance. A violation of any provision of this Ordinance shall be deemed to be a public nuisance and subject to the enforcement process as set forth in section 9.31.140.

(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.140 Enforcement.**

The County may enforce this Chapter by using any applicable state or county law, including, but not limited to Mendocino County Code Chapters 1.08, 8.75 or 8.76, and may use either the administrative process to achieve code compliance or available civil remedies, such as injunctive relief.  
(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.150 Attorneys' Fees.**

Pursuant to Government Code section 25845(c), in any action, administrative proceeding, or matter commenced by the County to abate a nuisance, or to collect the cost of abatement or any penalty or fee related thereto, the prevailing party shall recover its attorneys' fees. The recovery of attorneys' fees under this section is limited to those actions, administrative proceedings, or matters in which the County chooses at the initiation of the action, administrative proceeding, or matter to seek the recovery of its own attorneys' fees. In no event shall an award of attorneys' fees under

this Chapter exceed the reasonable amount of attorneys' fees incurred by the County in the action or proceeding.

(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.160 Use of Money Collected Under This Chapter.**

All money collected for penalties for violations of this Chapter and all money collected for recovery of costs of enforcement of this Chapter shall be made available to the Department responsible for the enforcement action for training and further code enforcement actions.

(Ord. No. 4383, § 2, 5-2-2017)

**Sec. 9.31.170 Effectiveness.**

The provisions of this chapter shall not apply in the inland zoning areas of the County governed by Division 1 of Title 20 of this Code. Any entitlement that may be created by this Chapter shall exist only until such time as this chapter is superseded by a permitting program or otherwise repealed or replaced. Nothing in this Chapter 9.31 permits qualified patients or personal caregivers to cultivate in excess of the limits provided by State law.

(Ord. No. 4383, § 2, 5-2-2017)



## CHAPTER 9.32

### SMOKING POLLUTION CONTROL AND HEALTH PROTECTION ORDINANCE

#### Sec. 9.32.010 Title.

This Chapter shall be known as the "Smoking Pollution Control and Health Protection Ordinance." (Ord. No. 3864 (part), adopted 1993.)

#### Sec. 9.32.020 Findings and Purpose.

(A) The Mendocino County Board of Supervisors does hereby find that:

(1) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing environmental tobacco smoke is a cause of disease, including lung cancer in nonsmokers. At special risk are children, elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

(2) Health hazards induced by breathing environmental tobacco smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction and bronchospasm.

(3) The American Medical Association, former U.S. Surgeon Generals C. Everett Koop, M.D. and Antonia Novello, M.D. and former Secretary of the U.S. Department of Health and Human Services, Dr. Louis Sullivan, have publicly denounced the tobacco industry for targeting children, teens, women and members of racial and ethnic minority groups in its advertising and promotions and have called for local, State and Federal action to prevent the tobacco industry from targeting these individuals, especially youth.

(4) Based on weight of available scientific evidence, the U.S. Environmental Protection Agency (EPA) has concluded that the widespread exposure to environmental tobacco smoke in the United States presents a serious and substantial public health impact.

(B) Accordingly, the Mendocino County Board of Supervisors finds and declares that the purposes of this Chapter are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke, and (3) to reduce addiction to tobacco products by children and teenagers. (Ord. No. 3864 (part), adopted 1993.)

#### Sec. 9.32.030 Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

(1) "Bar" means an area which is devoted to the serving of alcohol beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area. A "bar" for the purpose of this definition does not include any establishment where tobacco smoke can filter into a restaurant through a passageway, ventilation system or any other means.

(2) "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit making purposes, including retail establishments, service and professional offices.

(3) "Employee" means any person who is employed by any employer for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity or business.

(4) "Employer" means any person, partnership, corporation, including a municipal corporation, special district, local public agency or nonprofit entity, employing the services of one or more individual persons or utilizing the services of volunteers.

(5) "Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by



**Sec. 20.102.015** Uses Subject to a Minor Use Permit.

**Sec. 20.102.020** Uses Subject to a Major Use Permit.

**Sec. 20.102.025** Minimum Lot Area.

**Sec. 20.102.030** Maximum Dwelling Density.

**Sec. 20.102.035** Minimum Front Yard.

**Sec. 20.102.040** Minimum Side and Rear Yards.

**Sec. 20.102.045** Building Height Limit.

**Sec. 20.102.050** Findings.

#### **CHAPTER 20.104 O-S OPEN SPACE DISTRICT**

**Sec. 20.104.005** Intent.

**Sec. 20.104.010** Permitted Uses.

**Sec. 20.104.015** Uses Subject to a Minor Use Permit.

**Sec. 20.104.020** Uses Subject to a Major Use Permit.

**Sec. 20.104.025** Minimum Lot Area.

**Sec. 20.104.030** Minimum Front and Rear Yards.

**Sec. 20.104.035** Minimum Side Yards.

**Sec. 20.104.040** Building Height Limit.

#### **CHAPTER 20.108 P-F PUBLIC FACILITIES DISTRICT**

**Sec. 20.108.005** Intent.

**Sec. 20.108.010** Permitted Uses.

**Sec. 20.108.015** Uses Subject to a Minor Use Permit.

**Sec. 20.108.020** Uses Subject to a Major Use Permit.

**Sec. 20.108.025** Minimum Lot Area.

**Sec. 20.108.030** Minimum Front Yard.

**Sec. 20.108.035** Minimum Side and Rear Yards.

**Sec. 20.108.040** Building Height Limit.

#### **CHAPTER 20.112 "A-H" AIRPORT HEIGHT COMBINING DISTRICTS**

**Sec. 20.112.005** Intent.

**Sec. 20.112.010** Regulations for "A-H" Airport Height Combining Districts.

**Sec. 20.112.015** Definitions.

**Sec. 20.112.020** Zones.

**Sec. 20.112.025** Airport Zoning Maps.

**Sec. 20.112.030** Height Limits.

**Sec. 20.112.035** Use Restrictions.

**Sec. 20.112.040** Nonconforming Uses.

**Sec. 20.112.045** Administrative Agency.

**Sec. 20.112.050** Abatement.

#### **CHAPTER 20.114 "AZ" AIRPORT ZONE COMBINING DISTRICT**

**Sec. 20.114.005** Intent.

**Sec. 20.114.010** Regulations.

#### **CHAPTER 20.116 "C" CLUSTER COMBINING DISTRICT**

**Sec. 20.116.005** Intent.

**Sec. 20.116.010** Regulations for "C" Cluster Combining District.

#### **CHAPTER 20.120 RESERVED**

#### **CHAPTER 20.124 "IS" ISOLATED SERVICE COMBINING DISTRICT**

**Sec. 20.124.005** Intent.

**Sec. 20.124.010** Regulations for "IS" Isolated Service Combining District.

#### **CHAPTER 20.128 "AV" AIRPORT DISTRICTS**

**Sec. 20.128.005** Intent.

**Sec. 20.128.010** Permitted Uses for "AV" Districts.

Sec. 20.128.015 Uses Subject to a Minor Use Permit for "AV" Districts.

Sec. 20.128.020 Maximum Height Limit for "AV" Districts.

**CHAPTER 20.132 "L" SPECIAL MINIMUM LOT SIZE COMBINING DISTRICT**

Sec. 20.132.005 Intent.

Sec. 20.132.010 Regulations for "L" Special Minimum Lot Size Combining District.

**CHAPTER 20.134 "MP" MINERAL PROCESSING COMBINING DISTRICT**

Sec. 20.134.005 Intent.

Sec. 20.134.010 Regulations for "MP" Mineral Processing Combining District.

Sec. 20.134.015 Uses Subject to a Use Permit.

**CHAPTER 20.136 P-D PLANNED DEVELOPMENT COMBINING DISTRICT**

Sec. 20.136.005 Intent.

Sec. 20.136.010 General Development Criteria.

Sec. 20.136.015 Maximum Density.

Sec. 20.136.020 Lot Size.

**CHAPTER 20.138 "P" PLAN COMBINING DISTRICT**

Sec. 20.138.005 Intent.

Sec. 20.138.010 Regulations.

Sec. 20.138.015 Plan Identification.

Sec. 20.138.020 "P-1": Brooktrails Specific Plan.

**CHAPTER 20.140 "SH" SPECIAL HAZARDS COMBINING DISTRICT**

Sec. 20.140.005 Intent.

Sec. 20.140.010 Regulations for "SH" Special Hazards Combining District.

**CHAPTER 20.144 "SS" SEISMIC STUDY COMBINING DISTRICT**

Sec. 20.144.005 Purpose.

Sec. 20.144.010 Regulations.

**CHAPTER 20.146 "R" COMMERCIAL RESORT COMBINING DISTRICT**

Sec. 20.146.005 Intent.

Sec. 20.146.010 Permitted Uses.

Sec. 20.146.015 Uses Subject to a Minor Use Permit.

Sec. 20.146.017 Uses Subject to a Major Use Permit.

Sec. 20.146.020 Special Limitations.

**CHAPTER 20.148 SUPPLEMENTAL LIMITATIONS ON USES**

Sec. 20.148.005 Limitation on Uses.

**CHAPTER 20.152 GENERAL PROVISIONS AND EXCEPTIONS DISTRICTS**

Sec. 20.152.005 Purpose.

Sec. 20.152.010 Lot Area.

Sec. 20.152.015 Yards.

Sec. 20.152.020 Corridor Preservation Setback.

Sec. 20.152.025 Height Exceptions.

Sec. 20.152.030 Density Bonus.

Sec. 20.152.035 Density Transfer.

Sec. 20.152.040 Supportive and Transitional Housing.

**CHAPTER 20.156 HOME OCCUPATIONS**

Sec. 20.156.005 Declaration.

Sec. 20.156.010 General Standards.

Sec. 20.156.015 Specific Standards.

**Sec. 20.156.020** Examples of Uses That Frequently Qualify as Home Occupations.

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- Sec. 20.160.005** Declaration.
- Sec. 20.160.010** Permit.
- Sec. 20.160.015** General Standard.
- Sec. 20.160.020** Specific Standards for Cottage Industries—Limited.
- Sec. 20.160.025** Specific Standards for Cottage Industries—General.
- Sec. 20.160.030** Examples of Uses Permitted Upon Securing a Minor Use Permit.
- Sec. 20.160.035** Conflict Resolution.

**CHAPTER 20.164 ACCESSORY USE REGULATIONS**

- Sec. 20.164.005** Declaration.
- Sec. 20.164.010** Accessory Uses Encompassed by Principal Use.
- Sec. 20.164.015** Residential and Agricultural Use Types.
- Sec. 20.164.020** Civil, Commercial, Industrial or Extractive Use Types.

**CHAPTER 20.168 TEMPORARY USE REGULATIONS**

- Sec. 20.168.005** Declaration.
- Sec. 20.168.010** Identification of Permitted Temporary Uses.
- Sec. 20.168.015** Temporary Uses Subject to Controls.
- Sec. 20.168.020** Entertainment Events or Religious Assembly.
- Sec. 20.168.025** Construction Support.
- Sec. 20.168.030** Uses in New Subdivisions.
- Sec. 20.168.035** Camping.
- Sec. 20.168.040** Use of a Trailer Coach.

- Sec. 20.168.045** Family Care Unit.
- Sec. 20.168.050** Portable Sawmill.

**CHAPTER 20.172 MOBILE HOMES AND MOBILE HOME PARKS**

- Sec. 20.172.005** Declaration.
- Sec. 20.172.010** Development Standards—Mobile Home Parks.
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**CHAPTER 20.176 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS**

- Sec. 20.176.005** Declaration.
- Sec. 20.176.010** Principles.
- Sec. 20.176.015** Development Standards.

**CHAPTER 20.180 OFF-STREET PARKING**

- Sec. 20.180.005** Declaration.
- Sec. 20.180.010** General.
- Sec. 20.180.015** Residential.
- Sec. 20.180.020** Retail, Commercial and Service Uses.
- Sec. 20.180.025** Health Uses.
- Sec. 20.180.030** Places of Public Assembly—Educational, Religious or Recreational.
- Sec. 20.180.035** Manufacturing, Industrial and Warehousing.

**CHAPTER 20.184 SIGN REGULATIONS**

- Sec. 20.184.005** Intent.
- Sec. 20.184.010** Off-Site Signs—Standards.
- Sec. 20.184.015** Temporary Off-Site Signs.
- Sec. 20.184.020** On-Site Signs—Standards.
- Sec. 20.184.025** General Regulations.
- Sec. 20.184.030** Nonconforming Signs.
- Sec. 20.184.035** Nonconforming Sign—Continuation.

**Sec. 20.184.040 Illegal Signs.**

**Sec. 20.184.045 Variances.**

**CHAPTER 20.188 DEVELOPMENT  
REVIEW**

**Sec. 20.188.005 Intent.**

**Sec. 20.188.010 Improvements Subject to  
Development Review.**

**Sec. 20.188.015 Development Review  
Package and Application Form.**

## CHAPTER 20.116

### "C" CLUSTER COMBINING DISTRICT

#### Sec. 20.116.005 Intent.

This district is intended to be combined with property:

(A) Lying adjacent to lands in agricultural preserve or zoned Timberland Production for the purpose of providing a buffer to these resource lands; or

(B) Used for more than four (4) dwelling units when clustered to enhance and protect the agricultural or natural resources of a site. (Ord. No. 3639 (part), adopted 1987)

#### Sec. 20.116.010 Regulations for "C" Cluster Combining District.

(A) Parcels contiguous to Type I Agricultural Preserves shall have a five (5) acre minimum except that a higher density may be allowed to recognize the average density of the existing parcel sizes within one-quarter ( $\frac{1}{4}$ ) mile.

(B) Parcels contiguous to Type II Agricultural Preserves or Timberland Production zoning shall have a ten (10) acre minimum except that a higher density may be allowed to recognize the average density of the existing parcel sizes within one-quarter ( $\frac{1}{4}$ ) mile.

(C) In exception to Subsections (A) and (B) above of this Section, a higher density may be allowed if:

(1) A use permit or subdivision is processed and approved which preserves and protects those lands adjacent to resource lands for nonresidential purposes.

#### (D) Development Standards.

(1) Residential development shall be limited to twenty-five percent (25%) of the area of the property.

(2) Open Space easements or other methods will be required on all open space not included within the residential development area on both parcel groups and dwelling groups.

#### (E) Use Permit Standards.

(1) Residential development shall be located at the farthest feasible point from the protected resource. Unless energy conservation and environmental concerns require location nearest to public roadways and utilization of common water sources and septic disposal.

(a) Residential development area shall be measured along the outside perimeter of the structures on the plot plan.

(b) Residential development (structures) should be arranged in such a way that the area of development should not exceed 3:1, length to width ratio.

(2) Access to the residential development shall be via a common easement or driveway.

(3) Width of the access easement and improvements for access, drainage and utilities shall be determined as necessary by the Planning Commission and/or Board of Supervisors based on the Public Works Department's recommendations.

(4) If clustering is accomplished by the approval of a use permit, a condition of approval shall state that the Open Space portion of the property shall remain in Open Space, which may include an Open Space easement or conservation easement, until such time as the land use density is increased by a General Plan amendment.

(5) If clustering is accomplished by the filing of a parcel or final map, the Open Space parcel shall be noted on said map as "Not a Residential Building Site."

(6) In no instance shall the density allowed exceed the maximum allowable density within the General Plan. (Ord. No. 3639 (part), adopted 1987)

## CHAPTER 20.120

### RESERVED\*

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\***Editor's note**—Ord. No. 4385, § 2, adopted June 6, 2017, repealed ch. 20.120, §§ 20.120.005—20.120.030, in its entirety. Former ch. 20.120 pertained to "'FP" Flood Plain Combining District," and was derived from Ord. No. 3639 (part), adopted 1987; Ord. No. 3682 (part), adopted 1988; Ord. No. 3825 § 1(part), adopted 1992 and Ord. No. 3851 (part), adopted 1993.



## CHAPTER 20.124

### "IS" ISOLATED SERVICE COMBINING DISTRICT

#### Sec. 20.124.005 Intent.

This district is intended to allow continued use of legally established commercial and industrial uses within a General Plan land use classification which make the use legal nonconforming. This Chapter is intended to retain the individual identity of the existing land use, and the ability of that use to expand based upon economic demand or public need. (Ord. No. 3639 (part), adopted 1987)

#### Sec. 20.124.010 Regulations for "IS" Isolated Service Combining District.

In any district combined with an "IS" District, the regulations of this Chapter shall apply in addition to those herein specified for such district, provided that if conflict in regulations occurs, the regulations of this Chapter shall govern.

(A) Establishment of "IS" Isolated Service Combining District.

(1) In each instance in which a legally existing land use made nonconforming by the General Plan is determined to warrant "Isolated Service" designation, a contract zoning shall be established for the site.

(2) Application for "IS" Isolated Service Combining District shall be initiated by the property owner and the application shall be submitted to the Planning and Building Services Department. Upon approval of the "IS" Combining District the owner and the Planning and Building Services Director shall sign a zoning contract.

(3) The zoning contract shall designate the nature, extent and intensity of the land use in question and will control said use to the extent that exists upon adoption of the contract zoning.

(4) Upon termination of the contract use the "IS" Isolated Service Combining District shall be null and void and all subsequent uses of the site shall comply with the provisions of the base zone designation for the parcel.

(B) The modification or expansion of a commercial or industrial use in the "IS" Combining District may be allowed upon the issuance of a minor use permit. The following findings must be made prior to the approval of the minor use permit:

(1) The proposal will not result in unmitigated adverse impacts to surrounding land uses.

(2) The expansion or modification is found necessary to meet economic demand or increased public need. (Ord. No. 3639 (part), adopted 1987)

## CHAPTER 20.128

### "AV" AIRPORT DISTRICTS

#### Sec. 20.128.005 Intent.

This district classification is intended to be applied on properties used or planned to be used, as airports, and where special regulations are necessary for the protection of life and property. (Ord. No. 3639 (part), adopted 1987)

#### Sec. 20.128.010 Permitted Uses for "AV" Districts.

- (A) Airports and support facilities, paved runways, taxiways, landing strips and aprons.
- (B) Aircraft storage, service and repair hangars.
- (C) Aircraft fueling facilities.
- (D) Passenger and freight terminal facilities.
- (E) Lighting, radio and radar facilities.
- (F) Accessory structures and facilities including aircraft and aviation accessory sales.
- (G) Industrial caretaker housing. (Ord. No. 3639 (part), adopted 1987)

#### Sec. 20.128.015 Uses Subject to a Minor Use Permit for "AV" Districts.

- (A) Industrial plants, operations and uses.
- (B) Commercial and service structures and uses. (Ord. No. 3639 (part), adopted 1987)

#### Sec. 20.128.020 Maximum Height Limit for "AV" Districts.

Thirty-five (35) feet. (Ord. No. 3639 (part), adopted 1987)

**Title 22**

**LAND USAGE**

**Chapter 22.04 Underground Utility Districts**

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**Chapter 22.17 Floodplain Ordinance**



## CHAPTER 22.17

### FLOODPLAIN ORDINANCE

**Sec. 22.17.000 Statutory Authorization, Findings of Fact, Purpose and Methods.**

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.005 Statutory Authorization.**

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of Mendocino County does hereby adopt the following floodplain management regulations.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.010 Findings of Fact.**

(A) The flood hazard areas of Mendocino County are subject to periodic inundation which results in loss of life and property; health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.015 Statement of Purpose.**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Protect human life and health;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business interruptions;

(E) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

(F) Helps maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

(G) Ensure that potential buyers are notified that property is in an area of special flood hazard; and

(H) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.020 Methods of Reducing Flood Losses.**

In order to accomplish its purposes, this ordinance includes methods and provisions to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(D) Control filling, grading, dredging, and other development which may increase flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.100 Definitions.**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions provided herein are specific to the administration and interpretation of this Chapter, and are not meant to conflict with other definitions found in the County Code.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.105 Definitions (A).**

(A) "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

(B) "Accessory structure" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site; i.e., private garage, storage shed, farm out buildings, etc. In no case shall such accessory structure dominate, in area, extent or purpose, the principal lawful structure or use. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy. See Chapter 20.164, Accessory Use Regulations (Division I, Mendocino County Zoning Code) Section 20.308.020(F) Accessory Buildings, Chapter 20.308, (Division II, Mendocino County Zoning Code).

(C) "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

(D) "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

(E) "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

(F) "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(G) "Area of special flood hazard" — See "Special flood hazard area."

(H) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).

(I) "Area of special mudslide (i.e., mudflow) hazard" is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.110 Definitions (B).**

(A) "Base flood" means a flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

(B) "Basement" means any area of the building having its floor subgrade — i.e., below ground level — on all sides.

(C) "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which

they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and

(2) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

(D) "Building" — see "Structure."  
(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.115 Definitions (C).**

(A) "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate map (FIRM) as Zone V1-V30, VE, or V.  
(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.120 Definitions (D).**

(A) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.  
(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.125 Definitions (E).**

(A) "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

(B) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(C) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).  
(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.130 Definitions (F).**

(A) "Flood, flooding, or flood water" means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(2) The condition resulting from flood-related erosion.

(B) "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

(C) "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

(D) "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(E) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

(F) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.

(G) "Flood-related erosion area" or "Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(H) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

(I) "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source — see "Flooding".

(J) "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations. The Building Official, as defined in Chapter 18.04, shall be the Floodplain Administrator.

(K) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but

not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

(L) "Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

(M) "Flood-proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood-proofing.)

(N) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Also referred to as, "Regulatory Floodway".

(O) "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

(P) "Fraud and victimization" as related to Section 22.17.500 Variances, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the County will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one-hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and



suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

(Q) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.135 Definitions (G).**

(A) "Governing body" is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.140 Definitions (H).**

(A) "Hardship" as related to Section 22.17.500, Variances, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The County of Mendocino requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(B) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(C) "Historic structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.145 Definitions (L).**

(A) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(B) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

(C) "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

(1) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in

an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

(a) The wet flood-proofing standard in section 22.17.405(A)(3);

(b) The anchoring standards in section 22.17.405(A)(1);

(c) The construction materials and methods standards in section 22.17.405(A)(2); and

(d) The standards for utilities in section 22.17.410.

(2) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.150 Definitions (M).**

(A) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(B) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(C) "Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

(D) "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(E) "Mudslide" describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

(F) "Mudslide (i.e., mudflow) prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow. (Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.155 Definitions (N).**

(A) "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

(B) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.160 Definitions (O).**

(A) "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

(B) "One-hundred-year flood" or "100-year flood" — see "Base flood."  
(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.165 Definitions (P).**

(A) "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

(B) "Public safety and nuisance" as related to Section 22.17.500, Variances, of this ordinance means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.  
(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.170 Definitions (R).**

(A) "Recreational vehicle" means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled, truck-mounted or permanently towable on the highways without a permit; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(B) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(C) "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

(D) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.  
(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.175 Definitions (S).**

(A) "Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(B) "Sheet flow area" — see "Area of shallow flooding".

(C) "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

(D) "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construc-

tion, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(E) "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

(F) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(G) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations or state or local

health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Cumulative value of incremental improvements shall be considered over the previous five-year period in determining the total value of improvements proposed.

(Ord. No. 4385, § 1, 6-6-2017)

#### **Sec. 22.17.180 Definitions (V).**

(A) "V zone" — see "Coastal high hazard area."

(B) "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

(C) "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 4385, § 1, 6-6-2017)

#### **Sec. 22.17.185 Definitions (W).**

(A) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(B) "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.200 General provisions.**

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.205 Lands to Which this Ordinance Applies.**

This ordinance shall apply to all areas of special flood hazards within the unincorporated lands of Mendocino County.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.210 Basis for Establishing the Areas of Special Flood Hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Mendocino County, California, Unincorporated Areas, dated June 12, 1992 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated June 1, 1983, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Board of Supervisors by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at Department of Planning and Building Services at 860 N. Bush Street, Ukiah, California.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.215 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the County of Mendocino — Department of Planning and

Building Services from taking such lawful action as is necessary to prevent or remedy any violation.  
(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.220 Abrogation and Greater Restrictions.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.225 Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.230 Warning and Disclaimer of Liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the County of Mendocino, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.235 Severability.**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.300 Administration.**

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.305 Establishment of Development Permit.**

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 22.17.210. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

(A) Site plan, including but not limited to:

(1) For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site; and

(2) Proposed locations of water supply, sanitary sewer, and utilities; and

(3) If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and

(4) If applicable, the location of the regulatory floodway.

(B) Foundation design detail, including but not limited to:

(1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

(2) For a crawl-space foundation, location and total net area of foundation openings as required in Section 22.17.405(A)(3) of this ordinance and FEMA Technical Bulletins 1-93 and 7-93; and

(3) For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent (95%) using the Standard Proctor Test method).

(C) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 22.17.405(B) of this ordinance and FEMA Technical Bulletin TB 3-93; and

(D) All appropriate certifications listed in Section 22.17.315(D) of this ordinance; and

(E) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.310 Designation of the Floodplain Administrator.**

The Building Official is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.315 Duties and Responsibilities of the Floodplain Administrator.**

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

(A) Permit Review. Review all development permits to determine that:

(1) Permit requirements of this ordinance have been satisfied,

(2) All other required state and federal permits have been obtained,

(3) The site is reasonably safe from flooding, and

(4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes

of this ordinance, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one (1) foot at any point.

(B) Review, Use and Development of Other Base Flood Data.

(1) When base flood elevation data has not been provided in accordance with Section 22.17.210, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 22.17.400. Any such information shall be submitted to the County for adoption; or

(2) If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one (1) of two (2) methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas — A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer Section 22.17.400:

(a) Simplified method:

(i) 100-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and

(ii) Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA.

(b) Detailed method. The 100-year or base flood discharge and the base flood elevation shall be obtained using detailed methods identified in FEMA Publication 265, published in July 1995 and titled: "Managing Floodplain Development in Approximate Zone A Areas-A Guide for Obtaining and Developing Base (100-year) Flood Elevations".

(C) Notification of Other Agencies: In alteration or relocation of a watercourse:

(1) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

(2) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

(3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(D) Documentation of Floodplain Development: Obtain and maintain for public inspection and make available as needed the following:

(1) Certification required by Section 22.17.405(A)(3) and 22.17.420 (lowest floor elevations).

(2) Certification required by 22.17.405(B) (elevation or flood-proofing of nonresidential structures).

(3) Certification required by 22.17.405(C) (wet flood-proofing standard).

(4) Certification of elevation required by Section 22.17.420 (subdivision standards).

(5) Certification required by Section 22.17.435(A) (floodway encroachments).

(E) Map Determinations: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 22.17.500.

(F) Remedial Action: Take action to remedy violations of this ordinance as specified in Section 22.17.215.

(Ord. No. 4385, § 1, 6-6-2017)

### **Sec. 22.17.320 Appeals.**

The Board of Supervisors of Mendocino County shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.400 Provisions for Flood Hazard Reduction.**

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.405 Standards of Construction.**

(A) In all areas of special flood hazards the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes shall meet the anchoring standards of Section 22.17.420.

(2) Construction materials and methods. All new construction and substantial improvement shall be constructed:

(a) With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;

(b) Using methods and practices that minimize flood damage;

(c) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(d) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(3) Elevation and flood-proofing. (See Section 22.17.100 definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement".)

(a) Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

(i) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified. In

the AO zones without velocity the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two (2) feet, or elevated at least four (4) feet above the highest adjacent grade if no depth number is specified.

(ii) In an A zone, elevated to or above the base flood elevation; said base flood elevation shall be determined by one (1) of the methods in Section 20.17.315(D) of this ordinance. The lowest floor be elevated at least two (2) feet above the base flood elevation, as determined by the community.

(iii) In all other Zones, elevated to or above the base flood elevation. The lowest floor be elevated at least two (2) feet above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(B) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 22.17.405(A)(3) or together with attendant utility and sanitary facilities:

(1) Be floodproofed below the elevation recommended under Section 22.17.405(A)(3) so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.

(C) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be



designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:

(1) Have a minimum of two (2) openings having a total net area of not less than one-square-inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

(2) Be certified by a registered professional engineer or architect.

(D) Manufactured homes shall also meet the standards in Section 22.17.420.  
(Ord. No. 4385, § 1, 6-6-2017)

#### **Sec. 22.17.410 Standards for Utilities.**

(A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(1) Infiltration of flood waters into the systems, and

(2) Discharge from the systems into flood waters.

(B) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.  
(Ord. No. 4385, § 1, 6-6-2017)

#### **Sec. 22.17.415 Standards for Garages and Accessory Buildings.**

(A) Attached garages:

(1) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for automatic entry of flood waters (See Section 22.17.405(C)). Areas of the garage below the BFE must be constructed with flood resistant materials (See Section 22.17.405(A)(2)).

(2) A garage attached to a non-residential structure must meet the above requirements or be

dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

(B) Detached garages and accessory structures:

(1) "Accessory building" (structure) used solely as a private garage, storage shed, farm out buildings, etc., as defined in Section 22.17.105, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

(a) Use of the accessory structure must be limited to parking or limited storage;

(b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

(c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

(d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

(e) The accessory structure must comply with floodplain encroachment provisions in Section 22.17.435; and

(f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 22.17.405.  
(Ord. No. 4385, § 1, 6-6-2017)

#### **Sec. 22.17.420 Standards for Subdivisions.**

(A) All new subdivision proposals (Minor and Major Subdivisions) as defined in Title 17, Chapter 17, Article II of the Mendocino County Code (Division of Land Regulations), including proposals for manufactured home parks as defined in Title 20, Division I, Chapter 20.172 of the Mendocino County Zoning Ordinance shall adhere to the following:

(1) All preliminary subdivision proposals shall identify the Special Flood Hazard Area (SFHA) and the elevation of the base flood. For subdivisions consisting of five (5) or more lots as defined in Section 17-18 of the Division of Land Regula-

tions, the elevations of the lowest floors of all proposed structures and pads on the final plans shall be identified.

(2) All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(3) All subdivision proposals shall be consistent with the need to minimize flood damage.

(4) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(5) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. No. 4385, § 1, 6-6-2017)

#### **Sec. 22.17.425 Standards for Manufactured Homes.**

(A) All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, AE, V1-V30, VE and V on the community's Flood Insurance Rate Map, on sites located:

(1) Outside of a manufactured home park or subdivision,

(2) In a new manufactured home park or subdivision,

(3) In an expansion to an existing manufactured home park or subdivision, or

(4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (the State of California recommends at least two (2) feet above the base flood elevation) and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(B) All manufactured homes to be placed or substantially improved on sites in an existing man-

ufactured home park or subdivision within Zones A1-30, AH, AE, V1-V30, VE and V on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 22.17.420(A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

(1) Lowest floor of the manufactured home is at or above the base flood elevation (the State of California recommends at least two (2) feet above the base flood elevation), or

(2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(Ord. No. 4385, § 1, 6-6-2017)

#### **Sec. 22.17.430 Standards for Recreational Vehicles.**

(A) All recreational vehicles placed on sites within Zones A1-30, AH, AE, V1-V30, VE and V on the community's Flood Insurance Rate Map will either:

(1) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use — a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

(2) Meet the permit requirements of Section 22.17.300 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 22.17.420(A).

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.435 Floodways.**

Located within areas of special flood hazard established in Section 22.17.210 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply.

(A) Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.

(B) If Section 22.17.430(A) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 22.17.400.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.440 Coastal High Hazard Areas.**

Within coastal areas as established under Section 22.17.115, the following standards shall apply.

(A) All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those required by applicable state or local building standards.

(B) All new construction and other development shall be located on the landward side of the reach of mean high tide.

(C) All new construction and substantial improvement shall have the space below the lowest

floor free of obstructions or constructed with breakaway walls as defined in Section 22.17.110 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

(D) Fill shall not be used for structural support of buildings.

(E) Man-made alterations of sand dunes which would increase potential flood damage is prohibited.

(F) The Floodplain Administrator shall obtain and maintain the following records:

(1) certification by a registered engineer or architect that a proposed structure complies with Section 22.17.435(A), and

(2) the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.500 Variance Procedure.**

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.505 Nature of Variances.**

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. Upon application to the County, a variance may be granted by the Floodplain Administrator for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Board of Supervisors to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so

serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.510 Consideration of Variances.**

(A) In passing upon requests for variances, the Floodplain Administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the

(1) Danger that materials may be swept onto other lands to the injury of others;

(2) Danger of life and property due to flooding or erosion damage;

(3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(4) Importance of the services provided by the proposed facility to the community;

(5) Necessity to the facility of a waterfront location, where applicable;

(6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) Compatibility of the proposed use with existing and anticipated development;

(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) Safety of access to the property in time of flood for ordinary and emergency vehicles;

(10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(B) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and

(2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(C) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

(D) The Board of Supervisors shall hear and decide appeals regarding decisions of the Floodplain Administrator related to variances from the requirements of this Chapter. The Board of Supervisors shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of this Chapter.

(Ord. No. 4385, § 1, 6-6-2017)

**Sec. 22.17.515 Conditions for Variances.**

(A) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half-acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing

that the procedures of Sections 22.17.300 and 22.17.400 of this ordinance have been fully considered. As the lot size increases beyond one-half-acre, the technical justification required for issuing the variance increases.

(B) Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 22.17.100 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(C) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(D) Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Board of Supervisors need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Board of Supervisors believes will both provide relief and preserve the integrity of the local ordinance.

(E) Variances shall only be issued upon a:

(1) Showing of good and sufficient cause;

(2) Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 22.17.100 of this ordinance) to the applicant; and

(3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 22.17.100 — see "Public safety or nuisance"), cause fraud or victimization (as defined in Section 22.17.100 ) of the public, or conflict with existing local laws or ordinances.

(F) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of sections 22.17.515(A) through 22.17.515(E) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(G) Upon consideration of the factors of Section 22.17.510(A) and the purposes of this ordinance, the Floodplain Administrator or the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(Ord. No. 4385, § 1, 6-6-2017)



CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section	Section this Code
				Added 20.308.110(37)
				Rnbd 20.308.110(37)
				as 20.308.110(38)
				Added 20.308.115(G)
				20.320.060
				Added 20.444.040
4366	10- 4-2016	Emergency organization and functions		Rpld Ch. 7.04, §§ 7.04.010—7.04.180
				Added Ch. 7.04, §§ 7.04.010—7.04.160
4367	6- 7-2016	Public health, safety and welfare		Added Ch. 8.400, §§ 8.400.010—8.400.030
4370	12- 6-2016	Master grid and property numbering systems	1	18.16.010
			2	Rnbd 18.16.100
				as 18.16.020
			3	18.16.030
			4	18.16.040
			5	18.16.050
			6	18.16.060
			7	18.16.070
			8	18.16.080
			9	18.16.090
			10	Rnbd 18.16.120
				as 18.16.100
			11	Rnbd 18.16.130
				as 18.16.110
			12	Rpld 18.16.140
4371	1-10-2017	Administrative citations and penalties	1	Added Ch. 1.08, §§ 1.08.010—1.08.170
4372	1-10-2017	Office of county hearing officer	1	Added Ch. 2.76, §§ 2.76.010—2.76.050
4373	1-10-2017	Uniform nuisance abatement procedure	1	Rpld Ch. 8.75, §§ 8.75.010—8.75.100
				Added Ch. 8.75, §§ 8.75.010—8.75.240
4374	1-10-2017	Procedures specific to cannabis cultivation	1	Added Ch. 8.76, §§ 8.76.010—8.76.120
4375	1-10-2017	Marijuana cultivation violation enforcement mechanisms	1	9.31.140
4376	1-10-2017	Civil service		3.16.140

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4377	1-10-2017	Personnel and salary		3.04.150(G)
4378	1-24-2017	Revenue and finance		5.130.010
4379	3- 7-2017	Health and sanitation		Rpld Ch. 9.05, Divs. 1—5, §§ 9.05.010—9.05.050, 9.05.100—9.05.199, 9.05.200—9.05.270, 9.05.300—9.05.390, 9.05.400—9.05.420
				Added Ch. 9.05, Divs. 1—4, §§ 9.05.100—9.05.130, 9.05.200—9.05.260, 9.05.300, 9.05.310, 9.05.400—9.05.420
4380	3- 7-2017	Building regulations	1	18.04.010
			2	18.04.025
			3	18.04.035
			4	18.04.040
			5	18.04.045
			6	18.04.050
			7	18.04.055
			8	18.04.060
			9	Rnbd 18.08.030 as 18.08.040
			10	Rnbd 18.08.020 as 18.08.035
			11	Rnbd 18.08.015 as 18.08.030
			12	Rnbd 18.04.015 as 18.08.015
			13	Added 18.08.020
			14	Added 18.08.025
4381	4- 4-2017	Medical cannabis cultivation	1	Added Ch. 10A.17, §§ 10A.17.010— 10A.17.190
		Medical cannabis cultivation site	2	Added Ch. 20.242, §§ 20.242.010— 20.242.070
4383	5- 2-2017	Health and sanitation	1	Added Ch. 9.30, §§ 9.30.010—9.30.100
			2	Rpld Ch. 9.31, §§ 9.31.010—9.31.190



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4384	6- 6-2017	Revenue and finance		Added Ch. 9.31, §§ 9.31.010—9.31.170
			I	5.140.020
			II	5.140.030
			III	5.140.040
			IV	5.140.060
			V	5.140.210
			VI	5.140.220
			VII	5.140.240
			VIII	5.140.250
4385	6- 6-2017	Land usage	IX	Rpld 5.140.270
		Zoning ordinance	1	Added Ch. 22.17, §§ 22.17.000—22.17.515
4386	7-11-2017	Revenue and finance		Rpld Ch. 20.120, §§ 20.120.005—20.120.030
				5.140.210



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  - temporary use 20.168.035
  - TPZ district 20.068.025
  - U-R district 20.056.020
- Camping area, incidental, defined 20.008.034
- Campsite defined 20.008.024
- Card room
  - off-street parking 20.180.030
- Caretaker housing
  - See also Industrial caretaker housing
  - temporary use 20.168.040
- Carnival
  - temporary use 20.168.020

## ZONING

### ZONING (Cont'd.)

Carwash  
off-street parking 20.180.020

Cemetery  
classification 20.012.010  
defined 20.020.020  
F-L district 20.064.010  
I-1 district 20.096.010  
I-2 district 20.100.010  
P-F district 20.108.010  
P-I district 20.102.010  
R-1 district 20.072.015  
R-2 district 20.076.015  
R-3 district 20.080.015  
R-C district 20.084.010  
R-L district 20.060.010  
R-R district 20.048.010  
S-R district 20.044.010  
U-R district 20.056.010

Chimney defined 20.008.024

Church  
off-street parking 20.180.030

Circus  
temporary use 20.168.020

City defined 20.008.015

Civic use types  
described 20.020.005  
designated 20.012.010

Clinic  
C-1 district 20.088.010  
C-2 district 20.092.010  
classification 20.012.010  
defined 20.008.024  
MU-2 district 20.085.010  
P-F district 20.108.010  
R-3 district 20.080.010  
R-C district 20.084.010  
R-R district 20.048.015  
services defined 20.020.025  
S-R district 20.044.010

Club  
See also Lodge, fraternal, civic assembly  
off-street parking 20.180.015

Cluster combining district  
See C district

Cluster defined 20.008.024

Cluster development  
A-G district 20.052.025  
classification 20.012.010

### ZONING (Cont'd.)

Cluster development (Cont'd.)  
F-L district 20.064.025  
R-L district 20.060.025  
R-R district 20.048.020  
TPZ district 20.068.025  
U-R district 20.056.020

College  
defined 20.008.024  
off-street parking 20.180.030

Combining districts  
See also A-H district  
AZ district  
C district  
FP district  
IS district  
L district  
P-D district  
R district  
SH district  
SS district  
defined 20.008.024  
designated 20.040.010

Commercial district  
See C-1 district  
C-2 district

Commercial resort combining district  
See R district

Commercial, service structure, use  
AV district 20.128.015

Commercial use types  
described 20.024.005  
designated 20.012.010

Commission defined 20.008.015

Communications services  
C-1 district 20.088.010  
C-2 district 20.092.010  
classification 20.012.010  
defined 20.024.045  
I-1 district 20.096.010  
I-2 district 20.100.010  
MU-2 district 20.085.010  
off-street parking 20.180.035  
P-I district 20.102.010  
R-C district 20.084.015

Community development commission  
density determination, bonus award 20.152.030

Concert  
temporary use 20.168.020



## ZONING (Cont'd.)

Conflict of provisions 20.004.035  
 Conservation easement defined 20.008.024  
 Construction defined 20.008.024  
 Construction sales, services  
   C-2 district 20.092.015  
   classification 20.012.010  
   defined 20.024.050  
   I-1 district 20.096.010  
   I-2 district 20.100.010  
   P-I district 20.102.010  
   R-C district 20.084.015  
 Construction support facilities temporary use  
   20.168.025  
 Contract zoning defined 20.008.024  
 Contractor storage yard  
   off-street parking 20.180.035  
 Cooperage, commercial  
   defined 20.032.040  
   R-L district 20.060.025  
 Corridor preservation setback established  
   20.152.020  
 Cottage industry  
   classification 20.012.010  
   conflict of provisions 20.160.035  
   defined 20.008.024  
   designated 20.160.030  
   F-L district 20.064.020  
   general  
     A-G district 20.052.020  
     defined 20.024.060  
     R-L district 20.060.020  
     standards 20.160.025  
     TPZ district 20.068.020  
     U-R district 20.056.015  
   limited  
     C-1 district 20.088.015  
     defined 20.024.055  
     R-C district 20.084.015  
     S-R district 20.044.015  
     standards 20.160.020  
   minor use permit required 20.160.010  
   P-I district 20.102.015  
   purpose 20.160.005  
   regulations 20.160.015  
   R-R district 20.048.015  
 County defined 20.008.015  
 Cultural exhibit, library services  
   C-1 district 20.088.010

## ZONING (Cont'd.)

Cultural exhibit, library services (Cont'd.)  
   C-2 district 20.092.010  
   classification 20.012.010  
   defined 20.020.035  
   P-F district 20.108.010  
   R-C district 20.084.010  
   R-R district 20.048.010  
   S-R district 20.044.010  
 Custom manufacturing  
   See Manufacturing, custom  
 Dance hall  
   off-street parking 20.180.030  
 Day care facility/small school  
   accessory use 20.164.015  
   A-G district 20.052.020  
   C-1 district 20.088.015  
   C-2 district 20.092.015  
   child day care facility 20.020.023  
   classification 20.012.010  
   defined 20.020.040  
   F-L district 20.064.020  
   MU-2 district 20.085.010  
   off-street parking 20.180.030  
   P-F district 20.108.010  
   R-1 district 20.072.015  
   R-2 district 20.076.015  
   R-3 district 20.080.010  
   R district 20.146.017  
   R-C district 20.084.015  
   R-L district 20.060.020  
   R-R district 20.048.015  
   S-R district 20.044.015  
   U-R district 20.056.015  
 Definitions  
   "A" 20.008.020  
   "B" 20.008.022  
   "C" 20.008.024  
   construction rules 20.008.010  
   "D" 20.008.026  
   "F" 20.008.028  
   "G" 20.008.030  
   generally 20.008.015  
   "H" 20.008.032  
   "I" 20.008.034  
   "J" 20.008.036  
   "K" 20.008.038  
   "L" 20.008.040  
   "M" 20.008.042

## ZONING

### ZONING (Cont'd.)

#### Definitions (Cont'd.)

"N" 20.008.044  
"O" 20.008.046  
"P" 20.008.048  
purpose 20.008.005  
"R" 20.008.050  
"S" 20.008.052  
"T" 20.008.054  
"U" 20.008.056  
"V" 20.008.058  
"W" 20.008.060  
"Y" 20.008.062  
"Z" 20.008.064

#### Density

A-G district 20.052.035  
bonus defined 20.152.030  
C-1 district 20.088.030  
C-2 district 20.092.030  
defined 20.008.026  
F-L district 20.064.035  
increase allowed when 20.152.030  
MU-2 district 20.085.030  
P-D district 20.136.015  
P-I district 20.102.030  
R-1 district 20.072.030  
R-2 district 20.076.030  
R-3 district 20.080.030  
R-C district 20.084.030  
R-L district 20.060.035  
R-R district 20.048.030  
S-R district 20.044.030  
TPZ district 20.068.040  
transfer 20.152.035  
U-R district 20.056.030

#### Dental office

off-street parking 20.180.025

#### Department defined 20.008.015

#### Development agreement defined 20.008.026

#### Development review

appeal 20.188.035  
applicability 20.188.010  
application 20.188.015  
approval 20.188.030  
Brooktrails Township  
See Brooktrails review district  
conflict of provisions 20.188.050  
exceptions 20.188.060  
nuisance without 20.188.045

### ZONING (Cont'd.)

#### Development review (Cont'd.)

procedure 20.188.025  
purpose of provisions 20.188.005  
required when 20.188.020  
work without prohibited 20.188.040

#### Director defined 20.008.015

#### Distribution

See Wholesaling, storage, distribution

#### Districts

See also Specific District

Combining districts

boundary determination 20.040.025

designation 20.040.015

established 20.040.005

map adoption 20.040.020

#### Division defined 20.008.015

#### Drive-in restaurant

off-street parking 20.180.020

#### Drug store

off-street parking 20.180.020

#### Duplex

defined 20.008.026

off-street parking 20.180.015

#### Dwelling

See also Specific Type

defined 20.008.026

#### Dwelling group

A-G district 20.052.020

C-1 district 20.088.015

C-2 district 20.092.015

classification 20.012.010

defined 20.008.026

F-L district 20.064.020

R-1 district 20.072.015

R-2 district 20.076.015

R-3 district 20.080.015

R district 20.146.015

R-C district 20.084.015

R-L district 20.060.020

R-R district 20.048.015

S-R district 20.044.015

TPZ district 20.068.020

U-R district 20.056.015

#### Dwelling unit defined 20.008.026

#### Eating, drinking establishment

C-1 district 20.088.010

C-2 district 20.092.010

classification 20.012.010

## ZONING (Cont'd.)

Eating, drinking establishment (Cont'd.)  
 defined 20.024.065  
 MU-2 district 20.085.010  
 R district 20.146.010  
 R-C district 20.084.015  
 S-R district 20.044.020

Educational facility  
 A-G district 20.052.025  
 C-1 district 20.088.020  
 C-2 district 20.092.020  
 classification 20.012.010  
 defined 20.020.045  
 F-L district 20.064.025  
 P-F district 20.108.010  
 R-3 district 20.080.020  
 R district 20.146.017  
 R-L district 20.060.025  
 R-R district 20.048.020  
 S-R district 20.044.020  
 U-R district 20.056.020

Enabling plan adoption 20.004.010

Enforcement  
 See also Violation, penalty  
 generally 20.216.005

Entertainment  
 classification 20.012.010  
 temporary use regulations 20.168.020

Entertainment, indoor  
 I-1 district 20.096.010  
 I-2 district 20.100.010  
 R-3 district 20.080.020  
 S-R district 20.044.020

Entertainment, outdoor  
 F-L district 20.064.025  
 I-1 district 20.096.020  
 I-2 district 20.100.020  
 R-L district 20.060.025

Essential services  
 A-G district 20.052.010  
 C-1 district 20.088.010  
 C-2 district 20.092.010  
 classification 20.012.010  
 defined 20.020.050  
 F-L district 20.064.010  
 I-1 district 20.096.010  
 I-2 district 20.100.010  
 MU-2 district 20.085.010  
 O-S district 20.104.010

## ZONING (Cont'd.)

Essential services (Cont'd.)  
 P-F district 20.108.010  
 P-I district 20.102.010  
 R-1 district 20.072.010  
 R-2 district 20.076.010  
 R-3 district 20.080.010  
 R district 20.146.010  
 R-C district 20.084.010  
 R-L district 20.060.010  
 R-R district 20.048.010  
 S-R district 20.044.010  
 TPZ district 20.068.010  
 U-R district 20.056.010

Exhibition hall  
 See also Cultural exhibition, library services  
 off-street parking 20.180.030

Explosives storage  
 classification 20.012.010  
 defined 20.028.025  
 I-2 district 20.100.020  
 use combinations 20.012.015

Extractive use types  
 described 20.036.005  
 designated 20.012.010

Fair housing acts, reasonable accommodation  
 appeals 20.239.045  
 applicability 20.239.020  
 application requirements 20.239.025  
 definitions 20.239.015  
 findings and decision 20.239.040  
 purpose and intent 20.239.010  
 review  
 authority 20.239.030  
 procedure 20.239.035

Family care home  
 accessory use 20.164.015  
 defined 20.008.028

Family care institution  
 defined 20.008.028  
 off-street parking 20.180.025

Family care unit  
 defined 20.008.028  
 temporary use 20.168.045

Family defined 20.008.028

Family residential uses  
 defined, designated 20.016.010  
 R-2 district 20.076.015  
 R district 20.146.010, 20.146.015

## ZONING

### ZONING (Cont'd.)

- Farm employee defined 20.008.028
- Farm employee housing
  - A-G district 20.052.015
  - accessory use 20.164.015
  - classification 20.012.010
  - defined 20.016.015
  - F-L district 20.064.015
  - limitation 20.148.005
  - R-L district 20.060.015
  - TPZ district 20.068.015
- Farm labor housing
  - A-G district 20.052.020
  - classification 20.012.010
  - defined 20.016.020
  - F-L district 20.064.020
  - limitation 20.148.005
  - R-L district 20.060.020
  - TPZ district 20.068.020
- Federal defined 20.008.015
- Feed yard
  - off-street parking 20.180.035
- Field crop
  - See Row, field crop
- Financial services
  - C-2 district 20.092.010
  - classification 20.012.010
  - defined 20.024.070
  - R-C district 20.084.015
- Fire, police protection
  - A-G district 20.052.010
  - C-1 district 20.088.010
  - C-2 district 20.092.010
  - classification 20.012.010
  - defined 20.020.055
  - F-L district 20.064.010
  - I-1 district 20.096.010
  - I-2 district 20.100.010
  - MU-2 district 20.085.015
  - O-S district 20.104.010
  - P-F district 20.108.010
  - P-I district 20.102.010
  - R-1 district 20.072.010
  - R-2 district 20.076.010
  - R-3 district 20.080.010
  - R district 20.146.010
  - R-C district 20.084.010
  - R-L district 20.060.010
  - R-R district 20.048.010

### ZONING (Cont'd.)

- Fire, police protection (Cont'd.)
  - S-R district 20.044.010
  - TPZ district 20.068.010
  - U-R district 20.056.010
- F-L district
  - administrative permit 20.064.015
  - density 20.064.035
  - designated 20.040.005
  - height 20.064.055
  - lot area 20.064.030
  - lot splits in agricultural preserves for
    - farmworker housing 20.064.060
  - major use permit 20.064.025
  - minor use permit 20.064.020
  - permitted uses 20.064.010
  - purpose 20.064.005
  - yards
    - exception 20.064.050
    - front, rear 20.064.040
    - side 20.064.045
- Flea market
  - off-street parking 20.180.020
- Flood plain defined 20.008.028
- Floodplain ordinance
  - abrogation and greater restrictions 22.17.220
  - administration 22.17.300
  - appeals 22.17.320
  - basis for establishing the areas of special flood hazard 22.17.210
  - coastal high hazard areas 22.17.440
  - compliance 22.17.215
  - conditions for variances 22.17.515
  - consideration of variances 22.17.510
  - definitions 22.17.100—22.17.185
  - establishment of development permit 22.17.305
  - findings of fact 22.17.010
  - floodplain administrator
    - Designation of the 22.17.310
    - Duties and responsibilities of the 22.17.315
  - floodways 22.17.435
  - general provisions 22.17.200
  - interpretation 22.17.225
  - Lands to which this ordinance applies 22.17.205
  - methods of reducing flood losses 22.17.020
  - nature of variances 22.17.505
  - provisions for flood hazard reduction 22.17.400
  - severability 22.17.235

## ZONING (Cont'd.)

Floodplain ordinance (Cont'd.)  
standards for  
garages and accessory buildings 22.17.415  
manufactured homes 22.17.425  
recreational vehicles 22.17.430  
subdivisions 22.17.420  
utilities 22.17.410  
standards of construction 22.17.405  
statement of purpose 22.17.015  
statutory authorization 22.17.005  
statutory authorization, findings of fact,  
purpose and methods 22.17.000  
variance procedure 22.17.500  
warning and disclaimer of liability 22.17.230

Floor area  
defined 20.008.028  
gross, defined 20.008.028

Food, beverage preparation  
C-1 district 20.088.010  
C-2 district 20.092.010  
classification 20.012.010  
defined 20.024.080  
R district 20.146.010

Food, beverage retail sales  
C-1 district 20.088.010  
C-2 district 20.092.010  
classification 20.012.010  
defined 20.024.075  
MU-2 district 20.085.010  
off-street parking 20.180.020  
R-C district 20.084.015  
S-R district 20.044.020

Forest land district  
See F-L district

Forest production, processing  
A-G district 20.052.010  
C-1 district 20.088.010  
C-2 district 20.092.010  
classification 20.012.010  
defined 20.032.045  
F-L district 20.064.010, 20.064.020  
I-1 district 20.096.010  
I-2 district 20.100.010  
O-S district 20.104.010  
P-F district 20.108.010  
P-I district 20.102.010, 20.102.015  
R-1 district 20.072.010  
R-2 district 20.076.010

## ZONING (Cont'd.)

Forest production, processing (Cont'd.)  
R-3 district 20.080.010  
R-C district 20.084.010, 20.084.020  
R-L district 20.060.010  
R-R district 20.048.010  
S-R district 20.044.010  
TPZ district 20.068.010  
U-R district 20.056.010

Frontage defined 20.008.028

Fuel yard  
off-street parking 20.180.035

Funeral, interment services  
C-2 district 20.092.010  
classification 20.012.010  
defined 20.024.085  
off-street parking 20.180.030  
R-C district 20.084.015

Furniture store  
off-street parking 20.180.020

Garage  
private  
accessory use 20.164.015  
defined 20.008.030  
public, defined 20.008.030

Gasoline sales  
C-1 district 20.088.015  
C-2 district 20.092.015  
classification 20.012.010  
limitation 20.148.005  
S-R district 20.044.020

Gazebo  
accessory use 20.164.015

General commercial district  
See C-2 district

General industrial defined 20.028.015

General industrial district  
See I-2 district

General plan  
defined 20.008.015  
district compatibility 20.220.005

Generally 20-0

Golf course  
off-street parking 20.180.030

Government administrative services  
C-1 district 20.088.010  
C-2 district 20.092.010  
classification 20.012.010  
defined 20.020.010

## ZONING

### ZONING (Cont'd.)

#### Government administrative services (Cont'd.)

MU-2 district 20.085.010  
P-F district 20.108.010  
R-3 district 20.080.010  
R-C district 20.084.010  
R-R district 20.048.015  
S-R district 20.044.010

#### Grade defined 20.008.030

#### Group care

C-1 district 20.088.015  
C-2 district 20.092.015  
classification 20.012.010  
defined 20.020.060  
MU-2 district 20.085.010  
P-F district 20.108.010  
P-I district 20.102.010  
R-1 district 20.072.015  
R-2 district 20.076.015  
R-3 district 20.080.010  
R district 20.146.017  
R-C district 20.084.015  
R-R district 20.048.015  
S-R district 20.044.015  
U-R district 20.056.015

#### Guest cottage

accessory use 20.164.015  
defined 20.008.030

#### Gymnasium

off-street parking 20.180.020

#### Handball court

off-street parking 20.180.030

#### Hazards combining district

See SH district

#### Health club

off-street parking 20.180.020

#### Heavy industrial defined 20.028.020

#### Height

A-G district 20.052.055  
AV district 20.128.020  
C-1 district 20.088.045  
C-2 district 20.092.045  
defined 20.008.022  
exceptions 20.152.025  
F-L district 20.064.055  
I-1 district 20.096.040  
I-2 district 20.100.040  
MU-2 district 20.085.045  
O-S district 20.104.040

### ZONING (Cont'd.)

#### Height (Cont'd.)

P-F district 20.108.040  
P-I district 20.102.045  
R-1 district 20.072.045  
R-2 district 20.076.045  
R-3 district 20.080.045  
R-C district 20.084.045  
R-L district 20.060.055  
R-R district 20.048.050  
S-R district 20.044.045  
TPZ district 20.068.060  
U-R district 20.056.050

#### Historic landmarks

See R district

#### Home occupation

accessory use 20.164.015  
defined 20.008.032  
designated 20.156.020  
generally 20.156.005  
regulations generally 20.156.010  
requirements 20.156.015

#### Horticulture

A-G district 20.052.010  
C-1 district 20.088.010  
C-2 district 20.092.010  
classification 20.012.010  
defined 20.032.010  
F-L district 20.064.010  
I-1 district 20.096.010  
I-2 district 20.100.010  
O-S district 20.104.010  
P-F district 20.108.010  
P-I district 20.102.010  
R-1 district 20.072.010  
R-2 district 20.076.010  
R-3 district 20.080.010  
R-C district 20.084.010  
R-L district 20.060.010  
R-R district 20.048.010  
S-R district 20.044.010  
TPZ district 20.068.010  
U-R district 20.056.010

#### Hospital

defined 20.008.032  
off-street parking 20.180.025

#### Hot tub

accessory use 20.164.015

ZONING (Cont'd.)

- Hotel
  - defined 20.008.032
  - off-street parking 20.180.015
- I-1 district
  - designated 20.040.005
  - height 20.096.040
  - lot area 20.096.025
  - major use permit 20.096.020
  - minor use permit 20.096.015
  - permitted uses 20.096.010
  - purpose 20.096.005
  - yards
    - front 20.096.030
    - side, rear 20.096.035
- I-2 district
  - designated 20.040.005
  - height 20.100.040
  - lot area 20.100.025
  - major use permit 20.100.020
  - minor use permit 20.100.015
  - permitted uses 20.100.010
  - purpose 20.100.005
  - yards
    - front 20.100.030
    - side, rear 20.100.035
- Impact facility, major
  - A-G district 20.052.025
  - C-1 district 20.088.020
  - C-2 district 20.092.020
  - defined 20.020.070
  - I-1 district 20.096.020
  - I-2 district 20.100.020
  - P-F district 20.108.010
  - P-I district 20.102.020
  - R-3 district 20.080.020
  - R district 20.146.017
  - R-C district 20.084.020
  - R-R district 20.048.020
  - S-R district 20.044.020
  - U-R district 20.056.020
- Impact services, utilities, major
  - A-G district 20.052.025
  - C-1 district 20.088.020
  - C-2 district 20.092.020
  - classification 20.012.010
  - defined 20.020.075
  - F-L district 20.064.025
  - I-1 district 20.096.020

ZONING (Cont'd.)

- Impact services, utilities, major (Cont'd.)
  - I-2 district 20.100.020
  - O-S district 20.104.020
  - P-F district 20.108.010
  - P-I district 20.102.020
  - R-1 district 20.072.020
  - R-2 district 20.076.020
  - R-3 district 20.080.020
  - R district 20.146.017
  - R-C district 20.084.020
  - R-L district 20.060.025
  - R-R district 20.048.020
  - S-R district 20.044.020
  - TPZ district 20.068.025
  - U-R district 20.056.020
  - use combinations 20.012.015
- Inclusionary housing 20.238
  - adjustments, modifications, or waivers 20.238.080
  - affordable housing
    - in-lieu fees 20.238.035
    - standards 20.238.020
    - trust fund 20.238.075
  - alternatives 20.238.030
  - applicability 20.238.010
  - density bonus and other incentives 20.238.045
  - eligibility to occupy inclusionary housing units 20.238.05
  - equity sharing 20.238.060
  - incentives 20.238.040
  - inclusionary housing
    - credit 20.238.025
    - plan compliance 20.238.050
    - unit requirement 20.238.015
  - ordinance review 20.238.090
  - owner-occupied units 20.238.065
  - purpose 20.238.005
  - renter-occupied units 20.238.07
  - severability 20.238.090
- Industrial caretaker housing
  - AV district 20.128.010
  - classification 20.012.010
  - defined 20.016.025
  - I-1 district 20.096.010
  - I-2 district 20.100.010
  - P-I district 20.102.010
- Industrial district
  - See I-1 district

## ZONING

### ZONING (Cont'd.)

Industrial district (Cont'd.)  
    I-2 district  
    P-I district  
Industrial employee housing  
    classification 20.012.010  
    defined 20.016.030  
    I-1 district 20.096.015  
    I-2 district 20.100.015  
    P-I district 20.102.015  
Industrial plant, use  
    AV district 20.128.015  
Industrial use  
    classification 20.012.010  
    combinations 20.012.015  
    general, P-I district 20.102.020  
    I-1 district 20.096.010  
    I-2 district 20.100.010, 20.100.020  
    types  
        described 20.028.005  
        designated 20.012.010  
Inn  
    defined 20.008.034  
    off-street parking 20.180.015  
Integration of provisions 20.004.020  
Interpretation of provisions 20.004.025  
IS district  
    designated 20.040.010  
    purpose 20.124.005  
    regulations 20.124.010  
Isolated service combining district  
    See IS district  
Junkyard  
    defined 20.008.036  
    off-street parking 20.180.035  
Jurisdiction, original, defined 20.008.046  
Kennel  
    A-G district 20.052.020  
    C-2 district 20.092.015  
    classification 20.012.010  
    defined 20.008.038  
    F-L district 20.064.010  
    I-1 district 20.096.010  
    I-2 district 20.100.010  
    P-I district 20.102.015  
    R-L district 20.060.010  
    R-R district 20.048.015  
    U-R district 20.056.015  
Kitchen defined 20.008.038

### ZONING (Cont'd.)

L district  
    designated 20.040.010  
    purpose 20.132.005  
    regulations 20.132.010  
Laundry  
    C-2 district 20.092.010  
    classification 20.012.010  
    I-1 district 20.096.010  
    I-2 district 20.100.010  
    MU-2 district 20.085.015  
    off-street parking 20.180.020  
    R-C district 20.084.015  
    services defined 20.024.090  
Lecture  
    temporary use 20.168.020  
Library  
    off-street parking 20.180.030  
Library services  
    See Cultural exhibit, library services  
Limited commercial district  
    See C-2 district  
Limited industrial district  
    See I-1 district  
Living area defined 20.008.040  
Living unit defined 20.008.040  
Lodge, fraternal, civic assembly  
    C-1 district 20.088.010  
    C-2 district 20.092.010  
    classification 20.012.010  
    defined 20.020.065  
    F-L district 20.064.025  
    I-1 district 20.096.010  
    I-2 district 20.100.010  
    MU-2 district 20.085.010  
    P-F district 20.108.010  
    P-I district 20.102.015  
    R-1 district 20.072.015  
    R-2 district 20.076.015  
    R-3 district 20.080.010  
    R district 20.146.010  
    R-C district 20.084.010  
    R-L district 20.060.025  
    R-R district 20.048.015  
    S-R district 20.044.010  
    U-R district 20.056.015  
Lodging  
    A-G district 20.052.025  
    C-1 district 20.088.020



## ZONING (Cont'd.)

## Lodging (Cont'd.)

C-2 district 20.092.010  
 classification 20.012.010  
 F-L district 20.064.025  
 P-F district 20.108.020  
 R-1 district 20.072.020  
 R-2 district 20.076.020  
 R-3 district 20.080.020  
 R district 20.146.017  
 R-L district 20.060.025  
 R-R district 20.048.020  
 S-R district 20.044.020  
 TPZ district 20.068.025  
 U-R district 20.056.020

## Lot

corner, defined 20.008.040  
 coverage defined 20.008.040  
 defined 20.008.040  
 depth defined 20.008.040  
 double frontage, defined 20.008.040  
 key, defined 20.008.040  
 width defined 20.008.040

## Lot area

A-G district 20.052.030  
 C-1 district 20.088.025  
 C-2 district 20.092.025  
 defined 20.008.040  
 F-L district 20.064.030  
 I-1 district 20.096.025  
 I-2 district 20.100.025  
 MU-2 district 20.085.025  
 O-S district 20.104.025  
 P-F district 20.108.025  
 P-I district 20.102.025  
 R-1 district 20.072.025  
 R-2 district 20.076.025  
 R-3 district 20.080.025  
 R-C district 20.084.025  
 R-L district 20.060.030  
 R-R district 20.048.025  
 S-R district 20.044.025  
 TPZ district 20.068.035  
 U-R district 20.056.025  
 variance exception 20.152.010

## Lot line

front, defined 20.008.040  
 rear, defined 20.008.040  
 side, defined 20.008.040

## ZONING (Cont'd.)

## Lot size

P-D district 20.136.020

## Lot size combining district

See L district

## Mail order businesses

C-2 district 20.092.010  
 defined 20.024.092  
 I-1 district 20.096.010  
 I-2 district 20.100.010  
 R-C district 20.084.015

## Major impact facility

See Impact facility, major

## Major use permit

See also Use permit

A-G district 20.052.025  
 C-1 district 20.088.020  
 C-2 district 20.092.020  
 defined 20.008.056  
 F-L district 20.064.025  
 I-1 district 20.096.020  
 I-2 district 20.100.020  
 MU-2 district 20.085.020  
 O-S district 20.104.020  
 P-F district 20.108.020  
 P-I district 20.102.020  
 R-1 district 20.072.020  
 R-2 district 20.076.020  
 R-3 district 20.080.020  
 R district 20.146.017  
 R-C district 20.084.020  
 R-L district 20.060.025  
 R-R district 20.048.020  
 S-R district 20.044.020  
 TPZ district 20.068.025  
 U-R district 20.056.020

## Manufacturing

off-street parking 20.180.035

## Manufacturing, custom

C-2 district 20.092.015  
 classification 20.012.010  
 defined 20.028.010  
 I-1 district 20.096.010  
 I-2 district 20.100.010  
 P-I district 20.102.020  
 R-C district 20.084.020

## Map

See also Districts  
 defined 20.008.064

# ZONING

## ZONING (Cont'd.)

### Market

off-street parking 20.180.020

### Medical services

C-1 district 20.088.010

C-2 district 20.092.010

classification 20.012.010

defined 20.024.095

MU-2 district 20.085.010

off-street parking 20.180.025

R-3 district 20.080.010

R district 20.146.010

R-C district 20.084.015

S-R district 20.044.015

### Mineral processing combining district

MP district 20.134.005

### Mining, processing

A-G district 20.052.025

C-1 district 20.088.020

C-2 district 20.092.020

classification 20.012.010

defined, designated 20.036.010

F-L district 20.064.025

I-1 district 20.096.020

I-2 district 20.100.020

O-S district 20.104.020

P-F district 20.108.020

P-I district 20.102.020

R-1 district 20.072.020

R-2 district 20.076.020

R-3 district 20.080.020

R-C district 20.084.020

R-L district 20.060.025

R-R district 20.048.020

S-R district 20.044.020

TPZ district 20.068.025

U-R district 20.056.020

use combinations 20.012.015

### Mini-warehouse

classification 20.012.010

I-1 district 20.096.010

I-2 district 20.100.010

### Minor use permit

See also Use permit

A-G district 20.052.020

AV district 20.128.015

C-1 district 20.088.015

C-2 district 20.092.015

defined 20.008.056

## ZONING (Cont'd.)

### Minor use permit (Cont'd.)

F-L district 20.064.020

I-1 district 20.096.015

I-2 district 20.100.015

MU-2 district 20.085.015

O-S district 20.104.015

P-F district 20.108.015

P-I district 20.102.020

R-1 district 20.072.015

R-2 district 20.076.015

R-3 district 20.080.015

R district 20.146.015

R-C district 20.084.015

R-L district 20.060.020