

**MENDOCINO COUNTY CODE**

**Looseleaf Supplement**

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

**Ordinance No. 4414, adopted July 24, 2018.**

See the Code Comparative Table and Disposition List for further information

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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. 4414, passed July 24, 2018.**

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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               |
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| 4385            | 6- 6-2017           | Included                | 49               |
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| 4394            | 10-17-2017          | Included                | 51               |
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**CHAPTER 6.32**

**CANNABIS BUSINESS TAX**

**Sections:**

- Sec. 6.32.010 Title.**
- Sec. 6.32.020 General Tax.**
- Sec. 6.32.030 Purpose of the Ordinance.**
- Sec. 6.32.040 Definitions.**
- Sec. 6.32.050 Tax Imposed.**
- Sec. 6.32.060 Reporting and Remittance of Tax.**
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- Sec. 6.32.080 Payment — When Taxes Deemed Delinquent.**
- Sec. 6.32.090 Notice Not Required by the County.**
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- Sec. 6.32.180 Constitutionality and Legality.**
- Sec. 6.32.190 Audit and Examination of Records and Equipment.**
- Sec. 6.32.200 Other Licenses, Permits, Taxes, Fees or Charges.**
- Sec. 6.32.210 Payment of Tax Does Not Authorize Unlawful Business.**
- Sec. 6.32.220 Deficiency Determinations.**
- Sec. 6.32.230 Failure to Report— Nonpayment, Fraud.**
- Sec. 6.32.240 Tax Assessment — Notice Requirements.**
- Sec. 6.32.250 Tax Assessment — Hearing, Application and Determination.**
- Sec. 6.32.260 Conviction for Chapter Violation — Taxes Not Waived.**
- Sec. 6.32.270 Violation Deemed Misdemeanor.**
- Sec. 6.32.280 Severability.**
- Sec. 6.32.290 Remedies Cumulative.**
- Sec. 6.32.300 Amendment or Repeal.**
- Sec. 6.32.010 Title.**  
This ordinance shall be entitled as the "Cannabis Business Tax". This ordinance shall be applicable in the unincorporated territory of the County of Mendocino, which shall be referred to herein as "County."  
(Ord. No. 4361, § 1, 8-2-2016)
- Sec. 6.32.020 General Tax.**  
The Cannabis Business Tax is enacted solely for general governmental purposes for the County and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the County's general fund and used for purposes consistent with general fund expenditures of the County.  
(Ord. No. 4361, § 1, 8-2-2016)
- Sec. 6.32.030 Purpose of the Ordinance.**  
This ordinance is adopted to achieve the following purposes, among others, and directs that the provisions hereof be interpreted in order to accomplish those purposes:  
A. To impose a tax on the privilege of cultivating, manufacturing, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing cannabis and/or cannabis products and accessories by commercial cannabis businesses in the unincorporated area of the County, pursuant to the state Medicinal and Adult-Use Cannabis Regulation and Safety Act, specifically California Revenue and Taxation Code section 34021.5 (which supersedes California Business and Professions Code section 19348);

B. To impose a tax on lawful commercial cannabis business in accordance with the authority granted by California Revenue and Taxation Code section 7284 to impose a business license tax;

C. To specify the type of tax and rate of tax to be levied and the method of collection; and

D. To comply with all requirements for imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in an election on the issue.

(Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 1, 7-10-2018)

#### **Sec. 6.32.040 Definitions.**

The following words and phrases shall have the meanings set forth below when used in this Chapter:

A. "Business" shall include all activities engaged in or caused to be engaged in within the unincorporated area of the County, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. "Calendar year" means January 1 through December 31 of the same year.

C. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

D. "Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana

products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

E. "Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

F. "Commercial cannabis business" means any commercial business activity relating to cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, and selling (wholesale and/or retail sales) of cannabis and any ancillary products and accessories in the unincorporated area of the County, whether or not carried on for gain or profit.

G. "Cannabis business tax," "business tax," or "commercial cannabis tax" means the tax due pursuant to this Chapter for engaging in commercial cannabis business in the unincorporated area of the County.

H. "Commercial cannabis cultivation" means cultivation conducted by, for, or as part of a commercial cannabis business.

I. "County permit" means a permit issued by the County to a person to authorize that person to operate or engage in a commercial cannabis business. The term "County permit" includes a commercial cannabis permit issued pursuant to Chapter 10A.17 and/or any other subsequent or additional Chapter of the Mendocino County Code which may be adopted or amended from time to time which authorizes any cannabis regulatory activity.

J. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

K. "Delivery" means the commercial transfer of cannabis or cannabis products from a dispensary to a retail customer at a separate location.

L. "Dispensary" means a facility where cannabis or cannabis products are offered, either in-



dividually or in any combination, for retail sale, including an establishment that delivers cannabis or cannabis products as part of a retail sale.

M. "Distributor" or "distribution" or "distribution facility" means a person or facility involved in the procurement, sale, and/or transport of cannabis and cannabis products between permitted or licensed entities.

N. "Employee" means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

O. "Engaged in business" means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the unincorporated area of the County or coming into the unincorporated area of the County from an outside location to engage in such activities. A person shall be deemed engaged in business within the County if:

1. Such person or person's employee maintains a fixed place of business within the unincorporated area of the County for the benefit or partial benefit of such person;
2. Such person or person's employee owns or leases real property within the unincorporated area of the County for business purposes;
3. Such person or person's employee regularly maintains a stock of tangible personal property in the unincorporated area of the County for sale in the ordinary course of business;
4. Such person or person's employee regularly conducts solicitation of business within the unincorporated area of the County;
5. Such person or person's employee performs work or renders services in the unincorporated area of the County; and

6. Such person or person's employee utilizes the streets within the unincorporated area of County in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

P. "Evidence of doing business" means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the unincorporated area of the County.

Q. "Gross Receipts," except as otherwise specifically provided, means the total amount actually received from all sales; the total amount or compensation actually received for the performance of any act or service, of whatever nature it may be, for which a charge is made, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in "gross receipts" shall be all receipts, cash, and property of any kind or nature, without any deduction there from on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever, except that the following shall be excluded therefrom:

1. Cash discounts where allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or return of refundable deposits previously included in gross receipts;
4. Receipts from investments where the holder of the investment receives only interest and/or dividends, royalties, annuities and gains from the sale or exchange of stock or securities solely for a person's own account, not derived in the ordinary course of a business;

5. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

6. Cash value of sales, trades or transactions between departments or units of the same business;

7. Transactions between a partnership and its partners;

8. Receipts from services or sales in transactions between affiliated corporations. An affiliated corporation is a corporation:

a. The voting and non-voting stock of which is owned at least eighty percent by such other corporation with which such transaction is had; or

b. Which owns at least eighty percent of the voting and non-voting stock of such other corporation; or

c. At least eighty percent of the voting and non-voting stock of which is owned by a common parent corporation which also has such ownership of the corporation with which such transaction is had.

9. Transactions between a limited liability company and its member(s), provided the limited liability company has elected to file as a Subchapter K entity under the Internal Revenue Code and that such transaction(s) shall be treated the same as between a partnership and its partner(s) as specified in Subsection (9) above;

10. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;

11. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the finance department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

R. "Manufacturer" means a person that conducts the production, preparation, propagation,

or compounding of cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container, that holds a valid County permit.

S. "Nursery" means a person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

T. "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, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

U. "Personal cannabis cultivation" means cultivation by a person consistent with the provisions of California law and the Mendocino County Code exclusively for the persons' own use, whether for medical or nonmedical uses, where the person does not provide, donate, sell or distribute cannabis to any other person. "Personal cannabis cultivation" also includes cultivation by a primary caregiver who cultivates consistent with the provisions of California law and the Mendocino County Code exclusively for the personal medical use of a person with an identification card or a qualified patient for whom the person is the primary caregiver and who does not receive remuneration for these activities except in full compliance with California law.

V. "Processing" means to harvest, dry, cure, grade, trim, or package for transport commercial cannabis.

W. "Sale" means and includes any sale, exchange, or barter of cannabis or cannabis products.

X. "State" means the State of California.

Y. "State license," "license," or "registration" means a state license issued pursuant to California Business & Professions Code section 26000, et seq. or other applicable state law.

Z. "Testing laboratory" means a facility, entity, or site in the state that offers or performs testing of cannabis or cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state; and
2. Registered with the California State Department of Public Health.

AA. "Transport" means the transfer of cannabis or cannabis products from the permitted business location of one permittee or licensee to the permitted business location of another permittee or licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to state law.

BB. "Transporter" means a person issued all required state and County permits to transport cannabis or cannabis products between permitted facilities.

CC. "Treasurer-Tax Collector" means the Treasurer-Tax Collector of the County of Mendocino, his or her deputies or any other County officer charged with the administration of the provisions of this Chapter. (Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 2, 7-10-2018)

#### **Sec. 6.32.050 Tax Imposed.**

A. There is established and imposed a cannabis business tax at the rates set forth in this Chapter. Every person who is engaged in commercial cannabis cultivation in the unincorporated area of the County shall pay an annual cannabis business tax.

B. Tax on commercial cannabis cultivation excluding nurseries.

1. Every person who cultivates commercial cannabis in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through December 31, 2020, shall be set at two and one half percent (2.5%) of the gross receipts

per calendar year; provided, however, that cultivators shall pay not less than the following amounts:

a. Persons cultivating pursuant to a cultivation permit applied for or issued pursuant to Chapter 10A.17 that authorizes the cultivation of a maximum of two thousand five hundred (2,500) square feet of cannabis (including, but not limited to, Type C, Type C-A or Type C-B cultivation permits) shall pay a tax of no less than one thousand two hundred fifty dollars (\$1,250) per calendar year.

b. Persons cultivating pursuant to a cultivation permit applied for or issued pursuant to Chapter 10A.17 that authorizes the cultivation of over two thousand five hundred (2,500) square feet and up to five thousand (5,000) square feet of cannabis (including, but not limited to, Type 1, Type 1A and Type 1B cultivation permits) shall pay a tax of no less than two thousand five hundred dollars (\$2,500) per calendar year.

c. Persons cultivating pursuant to a cultivation permit applied for or issued pursuant to Chapter 10A.17 that authorizes the cultivation of over five thousand (5,000) square feet of cannabis (including, but not limited to, Type 2, Type 2A and Type 2B cultivation permits) shall pay a tax of no less than five thousand dollars (\$5,000) per calendar year.

d. Persons who file a Notice of Non-Cultivation with the Department of Agriculture pursuant to Chapter 10A.17 shall not be required to pay the minimum payment amounts required by this paragraph B.1 for either (1) the calendar year in which the Notice of Non-Cultivation is filed or (2) the calendar year in which the Notice of Non-Cultivation terminates, at the election of the Person, which election shall be made at the time of the filing of the Notice of Non-Cultivation; for Persons who do not make an election, the Treasurer-Tax Collector shall select the first of the two calendar years.

e. Payment of the minimum payment amounts required by this paragraph B.1. shall be effective starting January 1, 2018.

2. As of July 1, 2020, such tax rate may be increased in two and one half percent (2.5%) increments, not to exceed the maximum tax rate of ten percent (10%) per calendar year on gross receipts. Incremental increases in the tax rate shall occur January 1 following an approval by the Board of Supervisors at a regularly scheduled meeting of the Board of Supervisors, and occur not more than once per calendar year.

C. Tax on commercial cannabis dispensaries.

1. Every person who is engaged in business as a dispensary in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through December 31, 2020 shall be set at five percent (5%) of the gross receipts per calendar year.

2. As of July 1, 2020, such tax rate may be increased in two and one half percent (2.5%) increments, not to exceed the maximum tax rate of ten percent (10%) per calendar year on gross receipts. Incremental increases in the tax rate shall occur January 1 following an approval by the Board of Supervisors at a regularly scheduled meeting of the Board of Supervisors, and occur not more than once per calendar year.

D. Tax on all other commercial cannabis businesses.

1. Every person who is engaged in business as a distributor, delivery service manufacturer, processor, nursery, testing laboratory, and transporter in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through December 31, 2020, shall be set at a flat rate of two thousand five hundred dollars (\$2,500) per calendar year.

2. Beginning on July 1, 2020, and on July 1 of each succeeding year thereafter, the amount of the tax imposed the following January 1 by this paragraph D of this Section shall be adjusted up to the equivalent to the most recent change in the State Department of Industrial Relations (or successor agency) in the Consumer Price Index (CPI) for all

urban consumers (California). However, no CPI adjustment resulting in a decrease of any tax imposed by this paragraph D shall be made.

(Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 3, 7-10-2018)

**Sec. 6.32.060 Reporting and Remittance of Tax.**

The commercial cannabis business tax imposed by this Chapter shall be imposed on a calendar year basis and shall be due and payable in quarterly installments as follows:

A. Each person owing a commercial cannabis business tax shall, on or before the last day of the month following the close of each calendar year quarter, prepare and submit a tax statement on the form prescribed by the Treasurer-Tax Collector and remit to the Treasurer-Tax Collector by the tax due. Each business shall pay on or before the last day of the month following the close of each calendar quarter.

B. All tax statements shall be completed on forms prescribed by the Treasurer-Tax Collector.

C. Tax statements and payments for all outstanding taxes owed the County are immediately due to the Treasurer-Tax Collector upon cessation of business for any reason.

D. The Treasurer-Tax Collector may, at his or her discretion, establish shorter reporting and payment periods for any taxpayer as the Treasurer-Tax Collector deems necessary to insure collection of the tax.

E. The Treasurer-Tax Collector may, as part of administering the tax and in his or her discretion, modify the form of payment and take such other administrative actions as needed to facilitate collection of the tax.

(Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 4, 7-10-2018)

**Sec. 6.32.070 Payments and Communications — Timely Remittance.**

Whenever any payment, statement, report, request or other communication is due, it must be remitted to the Treasurer-Tax Collector on or before the final due date. A postmark will be ac-



cepted as timely received. If the due date falls on Saturday, Sunday or a holiday, the due date shall be the next regular business day on which the County is open to the public.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.080 Payment — When Taxes Deemed Delinquent.**

Unless otherwise specifically provided for under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not remitted to the Treasurer-Tax Collector on or before the due date as specified in Sections 6.32.060 and 6.32.070.

(Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 5, 7-10-2018)

**Sec. 6.32.090 Notice Not Required by the County.**

The Treasurer-Tax Collector is not required to send a delinquency or other notice or bill to any person subject to the provisions of this Chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.100 Penalties and Interest.**

A. Any person who fails or refuses to pay any commercial cannabis business tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one and one-half percent (1.5%) per month; and

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one and one-half percent (1.5%) per month on the unpaid tax.

3. Interest shall be applied at the rate of one and one-half percent (1.5%) per month on the first

day of the month for the full month, and will continue to accrue monthly on the unpaid tax until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a commercial cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest applicable as provided for in this Section, and any other amount allowed under state law.

(Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 6, 7-10-2018)

**Sec. 6.32.110 Refunds and Credits.**

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 6.32.120.

B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.120 Refunds and Procedures.**

A. Whenever the amount of any commercial cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the County under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Treasurer-Tax Collector within one (1) year of the date the tax was originally due and payable.

B. The Treasurer-Tax Collector, his or her deputies or any other County officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Treasurer-Tax Collector to do so.

C. In the event that the commercial cannabis business tax was erroneously paid and the error is attributable to the County, the County shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified. (Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.130 Exemptions from the Tax.**

The provisions of this Chapter shall not apply to personal cannabis cultivation. (Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 7, 7-10-2018)

**Sec. 6.32.140 Administration of the Tax.**

A. It shall be the duty of the Treasurer-Tax Collector to collect the taxes, penalties, fees, and perform the duties required by this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Treasurer-Tax Collector may from time to time promulgate such administrative rules and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Treasurer-Tax Collector may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all commercial cannabis business taxpayers forms for the reporting of the tax;
  2. Increase tax rates in accordance with this Chapter;
  3. Provide information to any taxpayer concerning the provisions of this Chapter;
  4. Receive and record all taxes remitted to the County as provided in this Chapter;
  5. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
  6. Assess penalties and interest to taxpayers pursuant to this Chapter; and
  7. Determine amounts owed and enforce collection pursuant to this Chapter.
- (Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.150 Appeal Procedure.**

Any taxpayer aggrieved by any decision of the Treasurer-Tax Collector with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors within fifteen (15) days of the serving or mailing of the determination of tax due. The Clerk shall fix a time and place for hearing such appeal, and the Clerk shall give notice in writing to such operator at the last known place of address. The finding of the Board of Supervisors shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice. (Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.160 Enforcement — Action to Collect.**

A. Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the County. Any person owing money to the County under the provisions of this Chapter shall be liable in an action brought in the name of the County for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the County to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

B. In addition to any other remedies available under federal, state, or local law, if any amount required to be paid to the County under this Chapter is not paid when due, the Treasurer-Tax Collector may, within three (3) years after the amount is due record a certificate of lien specifying the amount of taxes, fees and penalties due, and the name and address of the individual or business as it appears on the records of Treasurer-Tax Collector. The lien shall also specify that the Treasurer-Tax Collector has complied with all provisions of

this Chapter in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with penalties thereon, constitutes a lien upon all real property in the County owned by the individual or business, or subsequently acquired by the individual or business before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) years from the date of filing of the certificate unless sooner released or otherwise discharged.

C. At any time within three (3) years after any individual or business is delinquent in the payment of any amount herein required to be paid or within three (3) years after the last recording of a certificate of lien under Subsection B of this Section, the Treasurer-Tax Collector may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the County under this Chapter. The warrant shall be directed to the Sheriff and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The Treasurer-Tax Collector may pay or advance to the Sheriff, the same fees, commissions and expenses for service provided by law for similar services pursuant to a writ of execution. The Treasurer-Tax Collector shall approve the fees for publication in the newspaper of any required notice.

D. At any time within three (3) years after recording a lien against any individual or business, if the lien is not discharged and released in full, the Treasurer-Tax Collector may forthwith seize any asset or property, real or personal (including bank account), of the operator and sell at public auction the asset or property, or a sufficient part of it to pay the amount due together with any penalties and interest imposed for the delinquency and any cost incurred on account of the seizure and sale. Assets or property of the business subject to seizure and sale subject to this Chapter shall not

include any assets or property which is exempt from execution under the provisions of Code of Civil Procedure.

(Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 8, 7-10-2018)

**Sec. 6.32.170 Apportionment.**

If a business subject to the tax is operating both within and outside the unincorporated County, it is the intent of the County to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the County. For purposes of apportionment as may be required by law, the Treasurer-Tax Collector may promulgate administrative procedures for apportionment in accordance with state law.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.180 Constitutionality and Legality.**

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection and due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.190 Audit and Examination of Records and Equipment.**

A. The Treasurer-Tax Collector or his or her designee shall have the power to audit and examine all books and records of persons engaged in cannabis businesses, including both state and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of persons engaged in cannabis businesses, and, where necessary, all equipment, of any person engaged in cannabis businesses in the County, for the purpose of ascertaining the amount of commercial cannabis tax, if any, required to be

paid by the provisions hereof, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to this Chapter.

B. It shall be the duty of every person liable for the collection and payment to the County of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the County, which records the Treasurer-Tax Collector or his/her designee shall have the right to inspect at all reasonable times.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.200 Other Licenses, Permits, Taxes, Fees or Charges.**

Nothing contained in Chapter 6.32 shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or chapter of this code or any other ordinance or resolution of the county, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or chapter of this code or any other ordinance or resolution of the county. Any references made or contained in any other title or chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other titles or chapters of this code. (Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.210 Payment of Tax Does Not Authorize Unlawful Business.**

A. The payment of a commercial cannabis business tax required by this Chapter, and its acceptance by the County, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.220 Deficiency Determinations.**

If the Treasurer-Tax Collector is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One (1) or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 6.32.240.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.230 Failure to Report—Nonpayment, Fraud.**

A. Under any of the following circumstances, the Treasurer-Tax Collector may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this Chapter;
2. If the person has not paid the tax due under the provisions of this Chapter;



3. If the person has not, after demand by the Treasurer-Tax Collector, filed a corrected statement, or furnished to the Treasurer-Tax Collector adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or

4. If the Treasurer-Tax Collector determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Treasurer-Tax Collector to be due or estimated by the Treasurer-Tax Collector, after consideration of all information within the Treasurer-Tax Collector's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.240 Tax Assessment — Notice Requirements.**

The notice of assessment shall be served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Treasurer-Tax Collector for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Treasurer-Tax Collector for such purpose, then to such person's last known address. For the purposes of this Section, a service by mail is complete at the time of deposit in the United States mail.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.250 Tax Assessment — Hearing, Application and Determination.**

Within thirty days (30) days after the date of service the person may apply in writing to the Treasurer-Tax Collector for a hearing on the assessment. If application for a hearing before the County is not made within the time herein prescribed, the tax assessed by the Treasurer-Tax Collector shall become final and conclusive. Within thirty (30) days of the receipt of any such application for hearing, the Treasurer-Tax Collector shall cause the matter to be set for hearing before him or her no later than thirty-five (35) days after the receipt of the application, unless a later date is agreed to by the Treasurer-Tax Collector and the person requesting the hearing. Notice of such hearing shall be given by the Treasurer-Tax Collector to the person requesting such hearing no later than five (5) days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Treasurer-Tax Collector should not be confirmed and fixed as the tax due. After such hearing the Treasurer-Tax Collector shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 6.32.240 for giving notice of assessment.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.260 Conviction for Chapter Violation — Taxes Not Waived.**

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.270 Violation Deemed Misdemeanor.**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and shall be punishable therefore as provided in Chapter 1.04.110 of this Code.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.280 Severability.**

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.290 Remedies Cumulative.**

All remedies and penalties prescribed by this Chapter or which are available under Chapter 1 of the County Code and any other provision of law or equity are cumulative. The use of one (1) or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.300 Amendment or Repeal.**

The Board of Supervisors of the County of Mendocino is authorized to repeal this Chapter 6.32 without a vote of the people to the extent allowed by law. The Board of Supervisors of the County of Mendocino is further authorized to amend this Chapter 6.32 in any manner that does not increase the tax rate above the maximum rate specified for each category of business or in a manner that otherwise constitutes a tax increase for which voter approval is required by Article XIII C of the California Constitution. The people of the County of Mendocino affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the Board of Supervisors has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as the interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter, even if the County had, for some period of time, failed to collect the tax.

(Ord. No. 4361, § 1, 8-2-2016; Ord. No. 4412, § 9, 7-10-2018)

tions without notice to the Agricultural Commissioner shall result in the Permittee being invoiced for the actual travel time and mileage incurred by the Agricultural Commissioner.

(I) All site inspections conducted prior to issuance of a Permit for any indoor or mixed-light cultivation Permit may include a representative from the Department of Planning and Building Services.

(J) Intentionally Omitted.

(K) Non-Transferability of Permits. All Permits are non-transferable to another person, except that the Permittee may transfer the Permit to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the permittee serves as a trustee, provided the trust existed on or before January 1, 2016, which transfer shall not be deemed a change in ownership for purposes of this Chapter.

(Ord. No. 4381, § 1, 4-4-2017; Ord. No. 4392, § 5, 8-29-2017; Ord. No. 4408, § 7, 4-28-2018)

**Sec. 10A.17.080 Permit Phases and Requirements Specific to each Phase.**

Unless specifically exempted, in addition to compliance with all other requirements of this Chapter, all Permits shall comply with the following requirements:

(A) Permits under the MCCO will be issued in the following three (3) phases:

(1) Phase One: Following the effective date of the MCCO, Permits will only be issued to applicants who provide to the Agricultural Commissioner pursuant to paragraph (B)(1) of this section proof of cultivation at a cultivation site prior to January 1, 2016 ("proof of prior cultivation"), and who comply with all other applicable conditions of this Chapter and Chapter 20.242. Applications for Permits during Phase One shall only be accepted until December 31, 2018. Applicants able to provide proof of prior cultivation may apply for a Permit on a relocation site pursuant to paragraph (B)(3) of this section.

(2) Phase Two: Starting January 1, 2018, the Agricultural Commissioner will begin accepting applications for Type 1A and Type 2A Permits for indoor cultivation in the following zoning districts, subject to compliance with all other applicable conditions of this Chapter and Chapter 20.242: Limited Industrial (I-1), General Industrial (I-2), and Pinoleville Industrial (P-I). Proof of cultivation prior to January 1, 2016, is not required.

(3) Phase Three: Starting January 1, 2020, the Agricultural Commissioner will begin accepting Permit applications from any applicant in conformance with the conditions of this Chapter and Chapter 20.242. Proof of cultivation prior to January 1, 2016, is not required.

(B) Requirements specific to Phase One Permits.

(1) Proof of Prior Cultivation. Persons applying for a Permit during Phase One shall be required to provide to the Agricultural Commissioner evidence that they were cultivating cannabis on the cultivation site prior to January 1, 2016, which cultivation site shall have been, or could have been, in compliance with the setback requirements of paragraph (A) of section 10A.17.040. Evidence shall include:

(a) Photographs of any cultivation activities that existed on the legal parcel prior to January 1, 2016, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.

(b) Photographs of any cultivation activities that currently exist on the legal parcel, including: (i) ground level views of the cultivation activities and (ii) aerial views from Google Earth, Bing Maps, Terraserver, or a comparable service showing: both the entire legal parcel and the cultivation site in more detail. The date these images were captured shall be noted.

(c) At least one (1) additional document demonstrating cultivation on the legal parcel prior to

January 1, 2016, which evidence may be used to substitute for evidence pursuant to clause (a). The Agricultural Commissioner shall prepare a list of the types of documentation that will be accepted to meet this requirement, and may accept other similarly reliable documentary evidence showing that cannabis was cultivated prior to January 1, 2016.

(d) Proof of prior cultivation shall be assigned to the applicant relative to their prior cultivation site.

(e) Persons who participated in a permit program pursuant to the County's Chapter 9.31 in previous years may present evidence of such participation and payment of all required fees in order to provide proof of prior cultivation.

(2) Zoning Districts; Exceptions. Existing cultivation sites not located in zoning districts where Chapter 20.242 specifically allows cultivation may be issued a Type C, Type C-A, or Type C-B Permit, subject to the following requirements, in addition to all other applicable requirements of this Chapter:

(a) The zoning district is one where a dwelling unit is a principally permitted use and a dwelling unit is present.

(b) Sunset Provision for Residential Districts. Cultivation sites on legal parcels located in the Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Suburban Residential (S-R), Rural Community (R-C), and Rural Residential (lot sizes one (1) acre, two (2) acres and five (5) acres [legal non-conforming parcels to minimum zoning size][R-R:L-1, R-R:L-2, and R-R:L-5 {legal non-conforming to minimum zoning size}]), as well as cultivation sites in any other zoning district where a dwelling unit is a principally permitted use and the legal parcel is less than two (2) acres in size, are subject to the following requirements:

(i) There is an occupied dwelling unit on the legal parcel with the cultivation site.

(ii) A Permit may be renewed and valid only until three (3) years following the effective date of

the ordinance adopting this Chapter and any permits issued shall be void not later than three (3) years following said effective date.

(c) Cultivation sites on legal parcels located in the Rural Residential zoning district, lot size five (5) acres (conforming parcels of five acres or more only)(R-R:L-5), are subject to the following additional requirement that there is an occupied dwelling unit on the legal parcel with the cultivation site.

(d) If a Permit is granted pursuant to this paragraph (B)(2) in these zoning districts, any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site.

(3) Relocation. Persons able to show proof of prior cultivation pursuant to paragraph (B)(1) above may apply for a Permit not on the site previously cultivated (the "origin site") but on a different legal parcel (the "destination site"), subject to the following requirements:

(a) Persons may apply to relocate their cultivation site pursuant to this paragraph (B)(3) until three (3) years after the effective date of the ordinance adopting this Chapter, or until May 4, 2020.

(b) The location and operation of the proposed cultivation site on the destination parcel complies with all requirements and development standards that apply to a new cultivation site as of January 1, 2020, pursuant to this Chapter and Chapter 20.242; provided, however:

(i) An existing cultivation site shall not be transferred to a legal parcel located within the Forestland or Timber Production Zone zoning districts.

(ii) An origin site may relocate to a destination site in the Rangeland zoning district, so long as the destination site has an existing cultivation site and no new cultivation sites would be established.

(c) The origin site shall be restored. The application for a Permit on a destination site shall be accompanied by a restoration plan that is consistent with the standard conditions and best management practices listed in the North Coast Re-

gional Water Quality Control Board Order No. 2015-0023, and which shall include the following:

(i) Remove or repurpose buildings, greenhouses, fences, irrigation equipment, water intakes, pumps, storage tanks and other materials brought to the origin site for the purpose of cannabis cultivation;

(ii) Remove illegal dams, ponds or other in-stream water storage to restore natural stream flows, unless such features will continue in use;

(iii) Remove or compost agricultural wastes;

(iv) Remove trash and other debris; and

(v) Revegetate cleared areas with native plants typical of nearby natural areas, including groundcover, shrubs and trees.

(d) Unless the destination site is within the Agricultural zoning district, the application shall include either a water availability analysis pursuant to paragraph (C)(1)(b) below or a will serve letter pursuant to paragraph (C)(1)(c) below.

(e) Prior to the issuance of the Permit to cultivate cannabis at the destination parcel, the applicant shall provide the Agricultural Commissioner with an agreement, on a form approved by the Agricultural Commissioner and County Counsel, providing that the applicant releases any right to continue or resume cultivation of cannabis on the origin parcel.

(f) If a person is granted a Permit for a destination site, any claims of proof of prior cultivation on the origin site shall be effectively transferred to the destination site, and the ability to claim proof of prior cultivation at the origin site shall be extinguished.

(g) There shall be a two (2) acre minimum parcel size for all Type C, Type C-A or Type C-B Permits.

(4) Multiple Permits may be applied for and granted on a single legal parcel that is owned by multiple persons residing in separate habitable dwelling units on that legal parcel. Each owner may individually apply for a Permit to cultivate cannabis, provided that each owner must provide proof of prior cultivation pursuant to paragraph (B)(1) above. Each owner shall be limited to a

Type C, Type C-A or Type C-B Permit, unless that owner was previously enrolled in a permit program pursuant to the County's Chapter 9.31, or unless the cumulative total square footage of plant canopy applied for by all owners does not exceed the maximum square footage permitted on a parcel for the relevant zoning district.

(5) Persons eligible to apply for a Permit during Phase One may apply for a different and/or larger Permit type in subsequent years, subject to all requirements of this Chapter.

(6) If a Permit is granted pursuant to this paragraph (B), any future revocation or lapse in renewal of such Permit shall extinguish the ability of any person to obtain a Permit for such cultivation site, unless otherwise allowed by this Chapter 10A.17; provided, however, for Permits granted in the Rangeland (RL), Forestland (FL) or Timberland Protection (TPZ) zoning districts, not more than once in a five-year period, a Permittee may file with the Department of Agriculture, on a form prescribed by the Department, a Notice of Non-Cultivation instead of an application to renew the Permit, and the Permittee's ability to obtain a Permit for such cultivation site will not be extinguished.

(C) Requirements specific to Phase Three Permits.

(1) Watershed Assessment. All Permit applications, except for legal parcels located in the Agricultural (A-G) zoning district, shall demonstrate there is adequate water to serve the cultivation site.

(a) If surface water (or groundwater influenced by surface water) will be used, applicants may demonstrate that there is adequate water by providing (i) a watershed assessment that establishes there is sufficient watershed supply to serve the proposed cultivation site and existing uses within the watershed, and (ii) a water right exists to serve the cultivation site. A watershed assessment shall consist of an established "In Stream Flow Policy" as prepared by the State Water Resources Control Board Division of Water Rights or an equivalent document approved by that agency.



(b) If groundwater not influenced by surface water will be used, the applicant may demonstrate that there is adequate water by providing a water availability analysis which will address the adequacy of the proposed water supply, the direct effects on adjacent and surrounding water users, and possible cumulative adverse impacts of the development on the water supply within the watershed and show there is a sustained yield to support the proposed level of use.

(c) If water will be provided by a mutual water company, municipal or private utility or similar community provider, the applicant may demonstrate that there is adequate water by providing a will serve letter from the proposed provider.

(Ord. No. 4381, § 1, 4-4-2017; Ord. No. 4392, § 6, 8-29-2017; Ord. No. 4408, § 8, 4-28-2018; Ord. No. 4411, § 1, 6-5-2018)

**Sec. 10A.17.090 Cultivation Permit Application and Zoning Review.**

Any person or entity that wishes to engage in the cultivation of cannabis shall submit an application for a Permit to the Agricultural Commissioner's Office. Applications for Permits shall be made upon such forms and accompanied by such plans and documents as may be prescribed by the Agricultural Commissioner's Office. The application shall be reviewed by the Agricultural Commissioner's office and other agencies as described herein and renewed annually. Any referral to or consultation with an agency other than the County of Mendocino shall state that a response must be returned within thirty (30) days of the date of the referral.

Following the submission of an application for a Phase One Permit, an applicant may file with the Agricultural Commissioner's Office, on a form prescribed by the Agricultural Commissioner's Office, a Notice of Application Stay for the purpose of preventing the denial of an application for a Phase One Permit based on inactivity by the applicant for up to a one-year period. An applicant may only file a Notice of Application Stay one

time. Nothing in this paragraph is intended to prevent the County or the applicant the ability to continue processing or perfecting the application. During the time period of this Application Stay, the applicant shall be prohibited from cultivating cannabis in excess of the limitations of paragraph (B) or (C) of section 10A.17.030 and shall allow the County to make and shall pay the reasonable costs for an inspection of the applicant's cultivation site (and origin site if the application involves a relocation) to confirm compliance with this paragraph; violation of this prohibition shall be a violation of County Code, subject to administrative penalties, and shall be cause for immediate denial of the permit application. Any denial of an application may be followed by nuisance abatement procedures. During the time period of the Application Stay, the applicant shall remain subject to all code enforcement provisions as identified in section 10A.17.100.

The Agricultural Commissioner's Office shall refer each application to the Department of Planning and Building Services for a determination pursuant to Chapter 20.242 as to what type of clearance or permit is required. No application for a Permit shall be approved without clearance or final permit approval as required by Chapter 20.242.

The Agricultural Commissioner's Office shall consult with the Mendocino County Air Quality Management District (MCAQMD) prior to the issuance of the Permit to determine if a permit or other approval by the MCAQMD is necessary. The applicant shall obtain all approvals and permits required by the MCAQMD pursuant to state and federal laws, MCAQMD regulations, adopted air quality plans, MCAQMD policies and other applicable statutes prior to the issuance of a Permit. The required consultation with MCAQMD may be eliminated if MCAQMD authorizes County to determine when a permit or other approval by the District is necessary based on an objective set of criteria developed by MCAQMD for such purposes.

Applicants for a Permit shall provide the following information on, or as an attachment to, the application:

(A) The name, business and residential address, and phone number(s) of the applicant.

(B) If the applicant is not the record title owner of the legal parcel, written consent from the owner allowing the cultivation of cannabis on their property by the applicant with original signature of the record title owner.

(C) Written evidence that each person applying for the permit and any other person who will be engaged in the cultivation of cannabis is at least twenty-one (21) years of age.

(D) Site plan showing the entire legal parcel configuration with Assessor's Parcel Number(s), acreage, site address, including the location of:

(1) Easements (access and utility and all roadways public and private);

(2) Streams, springs, ponds and other surface water features, including the location of any flood plain or floodways;

(3) The location and area of the cultivation site on the legal parcel, with dimensions of the area for cultivation of cannabis and showing that all setbacks required by section 10A.17.040 are being met;

(4) All areas of ground disturbance or surface water disturbance associated with cultivation of cannabis activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features;

(5) All structures, which shall be clearly labeled; and

(6) All septic systems, leach fields and water wells.

(E) Applications submitted for any Permit during Phase One shall include proof of prior cultivation pursuant to section 10A.17.080

(F) A cultivation and operations plan which includes elements that meet or exceed the minimum legal standards for the following: water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides and

other regulated products to be used on the legal parcel. Any fuel, fertilizer, pesticides, or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device. The plan will also provide a description of cultivation activities including, but not limited to, permit type, cultivation area, soil/media importation and management, the approximate date(s) of all cannabis cultivation activities that have been conducted on the legal parcel prior to the effective date of this ordinance, and schedule of activities during each month of the growing and harvesting season.

If a generator is proposed to support any aspect of the cultivation site or related operations, the cultivation and operations plan shall identify any containment structure and dimensions necessary to contain any leak or spill that may develop or occur as a result of relying on any generator for backup power generation. The plan shall also include a maintenance plan for the generator, detailing how spent oil, used oil filters, expired batteries and other hazardous wastes generated from the operation of the generator will be handled, including fuel storage and delivery systems.

(G) Copy of the statement of water diversion, or other permit, license or registration filed with California Water Resources Control Board, Division of Water Rights, if applicable.

(H) An irrigation plan and projected water usage for the proposed cultivation activities, as well as a description of legal water source, if not covered by item (G).

(I) Copy of Notice of Intent and Monitoring Self-Certification and any other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in and compliance with (or proof of exemption from) Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Mendocino or other responsible agency.

(J) If any on-site or off-site component of the cultivation facility, including access roads, water

supply, grading or terracing impacts the bed or bank of any stream or other watercourse, show proof they have notified the California Department of Fish and Wildlife (CDFW) pursuant to section 1602 of the Fish and Game Code and provide a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife.

(K) If the source of water is a well, a copy of the County well permit, if available; applicant shall provide documentation showing the approximate date of installation.

(L) A unique identifying number from a State of California Driver's License or Identification Card for each person applying for the permit and any other person who will be engaged in cultivation of cannabis.

(M) Evidence that the applicant or any individual engaged in the management of, or employed by, the cultivator has not been convicted of a violent felony as defined in Penal Code section 667.5(c) within the State of California, or a crime that would have constituted a violent felony as defined in Penal Code section 667.5(c) if committed in the State of California and is not currently on parole or felony probation. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(N) A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of members and employees and protect the premises from theft.

(O) If the applicant is organized as a non-profit corporation, the applicant shall set forth the name of the corporation exactly as shown in its Articles of Incorporation, and the names and residence addresses of each of the officers and/or directors. If the applicant is organized as a partnership, the application shall set forth the name and residence address of each of the partners, including the general partner and any limited partners. Copies of the Articles of Incorporation or a statement listing the members of the partnership shall be attached to the application.

(P) Intentionally Omitted.

(Q) A copy of a Board of Equalization Seller's Permit if applicant intends to sell directly to qualified patients or primary caregivers.

(R) Written consent for an onsite pre-permit inspection of the legal parcel pursuant to section 10A.17.070 by County officials or other appropriate agency representatives at a prearranged date and time in consultation with the applicant prior to the approval of a permit to cultivate cannabis, and at least once annually thereafter.

(S) For all indoor cultivation facilities, identify the source of electrical power and plan for compliance with applicable Building Codes. Also, provide documentation that addresses the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, un-used containers and other associated hardware, supplies, and garbage.

(T) No application shall be approved which identifies or would require the removal of tree species listed in paragraph (I) of Section 10A.17.040 after May 4, 2017, for the purpose of developing a cultivation site. For applications where trees were removed prior to May 4, 2017, applicants shall provide evidence to the Department of Agriculture that no trees were unlawfully removed to develop a cultivation site; such evidence may include, but is not limited to, a less-than-3-acre conversion exemption or timberland conversion permit issued by the California Department of Forestry and Fire Protection ("CalFire") and trees were removed prior to May 4, 2017. If during review of an application County staff determine that trees were unlawfully removed to develop a cultivation site, the County shall deny the application. Notwithstanding the foregoing, for cultivation sites created prior to May 4, 2017, through prior unauthorized conversion of timberland as defined in Public Resources Code section 4526, a Permit may be approved if the applicant provides evidence that environmental impacts of the tree removal have been mitigated to the extent feasible or otherwise resolved, as required by the resource protection agencies including CalFire, the NCRWQCB



and the CDFW. County staff shall defer to the resource protection agencies referenced herein for determinations as to the unlawful removal of trees or unauthorized conversion of timberland or the sufficiency of any required remediation to address the environmental impacts. Nothing herein shall be construed to limit or condition in any way the regulatory or enforcement authority of the resource agencies listed herein.

(U) If applicable, clearance from CalFire related to compliance with the requirements of Public Resources Code Section 4290 and any implementing regulations.

(V) For activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, including streams and wetlands, the application shall include a copy of a federal Clean Water Act (CWA) Section 404 permit obtained from the Army Corps of Engineers and a CWA Section 401 water quality certification from the NCRWQCB.

(W) Projects that disturb one (1) or more acres of soil or projects that disturb less than one acre but that are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009- 0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

(X) The results of a "Cortese List" database search for sites known to be contaminated with hazardous materials. If the site is listed on the "Cortese List", the application shall include sufficient information to demonstrate that the cultivation is in compliance with any cleanup and/or abatement order that is established for the site.

(Y) If water or sewer services to the cultivation site will be provided by a community pro-

vider, a will-serve letter from the provider indicating adequate capacity to serve the cultivation site. The Agricultural Commissioner is authorized to require in the permit application any other information reasonably related to the application including, but not limited to, any information necessary to discover the truth of the matters set forth in the application.

(Ord. No. 4381, § 1, 4-4-2017; Ord. No. 4392, § 7, 8-29-2017; Ord. No. 4408, § 9, 4-28-2018; Ord. No. 4413, § 1, 7-10-2018)

**Sec. 10A.17.100 Permit Review and Issuance.**

(A) The Agricultural Commissioner's Office shall issue a Permit pursuant to this Chapter only:

(1) Following the referral to and clearance or permit approval pursuant to Chapter 20.242; and

(2) Following review by qualified County staff to review proposed permit locations and identify where habitat suitable for sensitive species may exist. The County shall consult with the California Department of Fish and Wildlife ("CDFW") to evaluate if there is a possibility for presence or habitat suitable for sensitive species on the parcel with a proposed Permit location. Upon consultation, CDFW may recommend approval of the proposed development, ask to conduct a site inspection or request additional studies in order to make the determination that no impacts to sensitive species will occur. A cultivator that cannot demonstrate that there will be a less than significant impact to sensitive species will not be issued a Permit. The County shall develop a policy in consultation with CDFW to define an objective set of criteria that applications can be checked against and when during Phases 1 and 2 a formal referral to CDFW is required to avoid impacts to sensitive species and natural communities. Following the development of the policy referred to in the previous sentence, consultation with CDFW shall not be required but be performed pursuant to the policy. During Phase 3 all applications will be referred to CDFW; and

(3) After the Agricultural Commissioner's Office, and other County and State agency staff, as

appropriate, have reviewed the application and performed a pre-permit site inspection to confirm adherence to the requirements established in the MCCO; and

(4) Following receipt of evidence of payment of the required permit fee, pursuant to Section 10A.17.070.

(B) As a condition of approval for any cultivation permit, the owner or permittee shall indemnify and hold harmless the County of Mendocino and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation of cannabis and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation of cannabis.

(C) Discovery of any violation(s) of the Mendocino County Code during the Permit application process will be treated in a similar manner to violation(s) that are self-reported during an active amnesty program. That is, the discovered violation(s) will still need to be corrected, but any investigative and/or penalty fees associated with an after-the-fact County permit will be waived.

(1) If the discovered violation(s) are directly related to a Phase One Permit application, and/or if it is discovered that the Permit would authorize a particular use for which a separate County permit is required but has not yet been obtained, the applicant shall be required to agree in writing to a compliance plan prior to issuance of the Permit. Failure by applicant to agree in writing to a required compliance plan shall be grounds for denial of the Permit.

(a) The compliance plan will identify the violation(s) and may suggest corresponding remedial action(s) that may be taken to correct the violation(s), will identify the required permit(s) based on the uses identified in the Permit application, and will include timelines for achieving code compliance for all violations and/or for submitting completed applications for each required permit.

(b) In no event will more time be given to correct all violations, and/or submit a complete application for each required permit, than one (1) year after the date of issuance of the Permit.

(c) After the applicant has signed the compliance plan, as presented by the Agricultural Department in coordination with the appropriate County department(s), the Agricultural Department may issue a Permit restricted as indicated in the compliance plan, so long as no other barrier(s) to such issuance exists. Failure to abide by the compliance plan shall be grounds for Permit termination, or non-renewal, pursuant to section 10A.17.140.

(d) The compliance plan will be the primary mechanism to obtain code compliance from Permit applicants with respect to violations directly related to Phase One Permits applications. However, nothing in this section is intended to limit the use of any other applicable code enforcement provision or the ability of any County department with the appropriate authority from enforcing the Mendocino County Code.

(2) If the discovered violation(s) are not directly related to a Phase One Permit application, such violation(s) will not affect the processing of the Phase One Permit application. However, any County department with appropriate enforcement authority with respect to such violation(s) may make use of any applicable code enforcement mechanism as if the violation(s) were discovered as a result of self-reporting during an active amnesty program.

(D) Track & Trace unique identifiers will only be made available following the issuance of a Permit by the Agricultural Commissioner's Office. The Permittee will have seventy-two (72) hours to register with the County Track & Trace system. Upon Track & Trace system registration, the system will provide unique identifiers. The unique identifiers shall be affixed to the individual plants within seventy-two (72) hours of being provided to the Permittee.

(E) Permits shall remain valid for one (1) year from the date of issuance, subject to any enforcement action or other action that may result in earlier suspension or revocation.

(Ord. No. 4381, § 1, 4-4-2017; Ord. No. 4392, § 8, 8-29-2017; Ord. No. 4408, § 10, 4-28-2018)

**Sec. 10A.17.110 Performance Standards.**

All Cultivation Permits issued by the Agricultural Commissioner's Office shall obligate the permittee to comply with the following performance standards:

(A) Cultivation shall be located as shown on the approved application site plan and in compliance with all provisions of this Chapter and any permit issued pursuant to Chapter 20.242.

(B) Once they become available, possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder covering a similar cannabis activity.

(C) A unique identifier for compliance with the County's Track & Trace system shall be affixed to each permitted cannabis plant cultivated in Mendocino County. It shall be the responsibility of the permittee to ensure complete and accurate entry of information into the Track & Trace system within seventy-two (72) hours of the reportable activity occurring.

(D) Compliance with all statutes, regulations and requirements of the California State Water



**CHAPTER 15.04**  
**TRAFFIC REGULATIONS**

**Sec. 15.04.010 Definitions.**

(A) Whenever any words or phrases used in this Chapter are not defined herein but are defined in the Vehicle Code of this State, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used in this Chapter as though set forth herein in full.

(B) For the purpose of this Chapter the following words and phrases are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that they have a different meaning.

(1) "California Maintenance Manual" shall mean that book of traffic engineering standards and instructions formulated and published by the Division of Highways of the Department of Public Works of the State of California, entitled "Manual of Instructions." Copies of said manual shall be kept available to the public in the Office of the Road Department.

(2) "Commissioner" shall mean the Road Commissioner of Mendocino County.

(3) "Local Authority" shall mean the Board of Supervisors of Mendocino County.

(4) "Traffic Article" shall mean Ordinance No. 512 of the County of Mendocino, as adopted November 29, 1966, and as amended from time to time by ordinance, article or resolution. (Ord. No. 512, Secs. 1—6, adopted 1966.)

**Sec. 15.04.020 Traffic Control Devices.**

(A) **Authorized Installations.** Whenever by any provision of this Chapter the Local Authority is authorized to install any traffic control devices and such authority is made dependent upon their determination of the need therefor, it shall be their duty to make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such stan-

dards, limitations and rules as are hereinafter in this Chapter laid down with reference to the particular kind of installation under consideration.

(B) **Directed Installations.** It shall be the duty of the Commissioner to install traffic control devices whenever directed by the Local Authority or by any provision of this Chapter and to do so at any particular location specified.

(C) **Installations Essential to Effectiveness of Traffic Laws.** Whenever any traffic law of this State or any traffic regulation set forth in this Chapter requires for its effectiveness that traffic control devices be installed to give notice to the public of the operations or application of such law or regulation, the Commissioner is hereby authorized to install the necessary devices, subject to any limitations or restrictions set forth in the law or regulation involved.

(D) **Additional Installations.** Subject to the requirements of subsection (A) of this Section, the Local Authority is hereby authorized to install by resolution such additional traffic control devices not expressly provided for in this Chapter as it determines are necessary to regulate, warn or guide traffic and to remove such devices by resolution when it determines they are no longer necessary to regulate, warn or guide traffic.

(E) **Authority of Local Authority Exclusive.** No other officer, board or department of this County, and no private agency or person shall install, place, maintain or remove any traffic control devices within the purview of this Chapter except as provided in this Chapter.

(F) **Road Markings.** The Commissioner shall mark center lines, lane lines, symbols and words and install raised devices or other devices to indicate upon the surface of the pavement the course to be traveled by vehicles at any place where the Commissioner determines that such markings or devices are necessary for the orderly and safe movement of traffic. Said markings and installations shall be made consistent with State law and in accordance with those standards and methods set forth in the California Maintenance Manual.

(G) **Removal of Unauthorized Signs, Signals and Lights.** The Commissioner may, without notice, remove any unofficial sign, signal or device, placed, maintained or displayed upon any County road, contrary to the provisions of the Vehicle Code.

(H) **Off-center Lane Movement—Establishment.** The Commissioner is hereby authorized to install signs or markers, temporarily designating lanes to be used by traffic moving in a particular direction on any County road, regardless of the center line of that road or markings thereon, whenever the Commissioner determines that such designation will promote the orderly movement of traffic or reduce congestion.

(I) **Temporary Traffic Controls.** Upon those streets or at those locations where the Commissioner determines that an unusual hazard exists to life or property, or that unusual congestion or impedence to traffic movement exists or is likely to occur, the Commissioner shall install such official traffic control devices as are required by his findings to control such hazard, congestion, or impedence to traffic movement. Such devices shall be effective for a period not to exceed thirty (30) days and shall be appropriately marked "temporary." (Ord. No. 512, Secs. 20—24, 30—33, adopted 1966.)

#### **Sec. 15.04.030 Speed Zoning on County Roads.**

(A) **Authority to Change Prima Facie Limits.** Pursuant to Sections 22348, 22357, and 22358 of the Vehicle Code, the Local Authority hereby determines, upon the basis of an engineering and traffic investigation, that a speed greater than twenty-five (25) miles per hour would be reasonable and safe upon the streets designated which are otherwise subject to a prima facie speed limit of twenty-five (25) miles per hour under the said Vehicle Code, and that the maximum limit as designated by the Vehicle Code is more than is reasonable and safe upon the streets designated which are otherwise subject to a maximum speed limit of fifty-five (55) miles per hour under the said Vehicle Code. The Commissioner is hereby authorized

and directed to establish appropriate signs giving notice of the prima facie speed limits established. When signs are erected giving notice thereof, the prima facie speed limits set forth shall be in effect.

(B) **Speed Zone Schedules/Twenty-Five (25) Miles Per Hour Prima Facie Speed Limit.** Upon the streets designated in this subsection, a prima facie speed limit of twenty-five (25) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On Mill Creek Drive (CR 425), full length.

(2) On Ward Avenue (CR 425B), from 0.70 miles northwest of State Route 1 to terminus.

(3) On Lovers Lane (CR 222), full length.

(4) On Petaluma Avenue (CR 422), from Pudding Creek Road (CR 421), to Johnson Lane (CR 442A).

(5) On Marina Drive (CR 226), from milepost 1.05 to milepost 2.05 (State Route 20).

(6) On Sanford Ranch Road (CR 200), from milepost 0.00 to mile post 0.70 (Knob Hill Road (CR 204)).

(7) On Knob Hill Road (CR 204), full length.

(8) On Vichy Hills Drive (CR 204I), full length.

(9) On Watson Road (CR 204A), full length.

(10) On Gibney Lane (CR 412E), from milepost 0.00 to milepost 0.4.

(11) On Deerwood Drive (CR 215B), full length.

(12) On Deerwood Drive Extension (CR 215BX), from mile post 0.00 to Wildwood Road (CR 215J).

(13) On North Harbor Drive (CR 415A), from State Route 1 to Fort Bragg City limits.

(14) On Redemeyer Road (CR 215A), from milepost 2.40 to terminus.

(15) On East Cedar Street (CR 420), from the Fort Bragg City limits to Monsen Way (CR 420C).

(16) On Monsen Way (CR 420C), full length.

(17) On Sunnycrest Drive (CR 239A), full length.

(18) On Mill Creek Road (CR 203), from milepost 0.10 to milepost 1.20.

(19) On Della Avenue (CR 312), full length.



(20) On Little Lake Road (CR 408), from milepost 0.00 to milepost 1.18 (one mile easterly of State Route 1).

(21) On Holquist Lane (CR 412), from milepost 0.00 to milepost 0.15.

(22) Repealed.

(23) On East Side Calpella Road (CR 227), from milepost 0.00 to milepost 1.50 and from milepost 2.75 to milepost 3.30.

(24) On Lake Mendocino Drive (CR 227B), from 0.75 miles easterly of North State Street, (CR 104), to terminus.

(25) On Pinoleville Drive (CR 225), full length.

(26) On Black Bart Drive (CR 370), from milepost 1.51 to terminus.

(27) On Blackhawk Drive (CR 371), full length.

(28) On Ridgeview Road (CR 372), full length.

(29) On Baywood Way (CR 373), full length.

(30) On Bluejay Lane (CR 604A), full length.

(31) On Comptche-Ukiah Road (CR 223), from milepost 14.13 to milepost 14.64.

(32) On Branscomb Road (CR 429), from milepost 25.00 to milepost 25.31.

(33) On the entire length of Brooktrails Drive (CR 311B).

(34) On Birch Street (CR 601), between Brooktrails Drive (CR 311B) milepost 0.00 and Clover Road (CR 603), milepost 0.13.

(35) On North State Street (CR 104), from milepost 4.57 to milepost 5.11.

(36) On Moore Street (CR 229B), from milepost 0.10 to milepost 0.42.

(37) On Pomo Lake Drive (CR 551), full length.

(38) On Sea Cypress Drive (CR 568), full length.

(39) On Laytonville Dos Rios Road (CR 322), from milepost 11.22 to milepost 12.00.

(40) On Ruddick Cunningham Road (CR 205), from mile post 0.00 to mile post 0.50.

(C) Speed Zone Schedule/Thirty (30) Miles Per Hour Prima Facie Speed Limit. Upon the streets designated in this subsection a prima facie

speed limit of thirty (30) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On Fort Bragg-Sherwood Road (CR 419), from the Fort Bragg City limits easterly approximately, 0.50 miles to California Way.

(2) On Airport Road (CR 424), from the Fort Bragg City limits milepost 0.00 to milepost 0.64.

(3) Repealed.

(4) On Little Valley Road (CR 426), full length.

(5) On Burris Lane (CR 243), from milepost 0.00 to milepost 0.80.

(6) On Simpson Lane (CR 414), from milepost 0.00 to milepost 1.50.

(7) On Albion Ridge Road (CR 402), from milepost 0.00 to milepost 2.00.

(8) On Black Bart Drive (CR 370), from milepost 0.00 to milepost 1.51.

(9) On East Side Calpella Road (CR 227), from milepost 1.50 to milepost 2.75.

(10) On Birch Street (CR 601), from Clover Road (CR 603), milepost 0.13 to Sherwood Road (CR 311), milepost 0.76.

(11) On Primrose Drive (CR 604), from Sherwood Road (CR 311), milepost 0.00 to Clover Road (CR 603), milepost 1.04.

(12) On Center Valley Road (CR 303), from the Willits City limit milepost 0.00 to Bray Road (CR 305), milepost 0.52.

(D) Speed Zone Schedule/Thirty-Five (35) Miles Per Hour Prima Facie Speed Limit. Upon the streets designated in this subsection, a prima facie speed limit of thirty-five (35) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On East Road (CR 230), from milepost 1.34 to milepost 1.79.

(2) On Heeser Drive (CR 407FF), full length.

(3) On Simpson Lane (CR 414), from milepost 1.50 to milepost 3.60.

(4) On Vichy Springs Road (CR 215), from the Ukiah City limits milepost 0.00 to milepost 1.35.

(5) On Ward Avenue (CR 425B), from milepost 0.00 to milepost 0.7.

(6) Repealed.

(7) On Airport Road (CR 424), from milepost 0.64 to terminus.

(8) On North Road (CR 319E), full length.

(9) On Lakeside Drive (CR 319B), full length.

(10) Repealed.

(11) Repealed

(12) On Little Lake Road (CR 408), from milepost 1.18 (State Highway 1) to milepost 4.0.

(13) On Lansing Street (CR 500), from Heeser Drive (CR 407FF), northerly to State Route 1.

(14) On East Side Calpella Road (CR 227), from milepost 3.30 to milepost 3.88 (terminus).

(15) On Tomki Road (CR 237D), from milepost 0.00 to milepost 3.90.

(16) On Lake Mendocino Drive (CR 227B), from North State Street (CR 104), to 0.75 miles easterly thereof.

(17) Repealed.

(18) On Caspar-Little Lake Road (CR 409), from milepost 1.80 to milepost 3.32.

(19) On Hensley Creek Road (CR 225A), from milepost 0.00 to milepost 0.17.

(20) On Orr Springs Road (CR 223), from North State Street (CR 104), to 0.84 miles westerly thereof.

(21) On Central Avenue (CR 229), full length.

(22) On South State Street (CR 104A), from milepost 0.63 to milepost 1.41.

(23) On Ocean Drive (CR 436), from milepost 0.25 (Mitchell Creek) northerly to terminus.

(24) On Uva Drive (CR 239), from milepost 0.00 (the end of Central Avenue CR 229), to milepost 2.05.

(25) On Branscomb Road (CR 429), from milepost 23.00 to milepost 25.00.

(26) On Powerhouse Road (CR 248A), from milepost 0.00 (Main Street, CR 245) to milepost 1.23 (Gibson Lane, CR 246).

(27) On Road N (CR 238A), full length.

(28) Repealed.

(29) On Gielow Lane (CR 206), full length.

(30) On Crispin Road (CR 511), full length.

(31) On Little River Airport Road (CR 404), from the intersection of State Highway 1, milepost 0.00, to milepost 1.85 and from milepost 3.45 to the end of the road at its intersection with Comptche Ukiah Road (CR 223).

(32) On Navarro Ridge Road (CR 518), from the intersection of State Highway 1, milepost 0.00, to milepost 3.37.

(33) On Pudding Creek Road (CR 421), from the intersection of State Highway 1, milepost 0.00, to milepost 0.55.

(34) On Clover Road (CR 603), from Birch Street (CR 601), milepost 0.00 to Primrose Drive (CR 604), milepost 0.38.

(35) On Daphne Way (CR 608), from Sherwood Road (CR 311), milepost 0.0 to Poppy Drive (CR 623) milepost 0.85.

(36) On Airport Road (CR 126), from Estate Drive (CR 126A), milepost 0.23 to the end of Airport Road (CR 126), milepost 0.63.

(37) On North State Street (CR 104), from milepost 0.00 to milepost 0.44.

(E) Speed Zone Schedule/Forty (40) Miles Per Hour Prima Facie Speed Limit. Upon the streets designated in this subsection, a prima facie speed limit of forty (40) miles per hour is hereby declared reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On Hearst-Willits Road (CR 306), from Valley Road (CR 309), to 2.7 miles northeasterly thereof.

(2) On Pudding Creek Road (CR 421), from the Fort Bragg City limits to 1.55 miles east of State Route 1.

(3) On West Road (CR 237), from School Way (CR 236), northerly to terminus.

(4) On Redemeyer Road (CR 215A), from milepost 0.39 (Vichy Springs Road, CR 215) to milepost 1.68.

(5) On East Hill Road (CR 301), from the Willits City limits to 0.25 miles east of Center Valley Road (CR 303).

(6) On Caspar-Little Lake Road (CR 409), from milepost 0.00 to milepost 1.80.

(7) Repealed.



- (8) Repealed.
  - (9) On Little River Airport Road (CR 404), from milepost 1.85 to milepost 3.45.
  - (10) On Pudding Creek Road (CR 421), from milepost 0.55 to the end of the road.
  - (11) On Sherwood Road (CR 311), from Primrose Drive (CR 604), milepost 2.17 to Crow Place (CR 699), milepost 3.89.
  - (12) On North State Street (CR 104), from milepost 5.11 to milepost 5.25.
  - (13) On Old Stage Road (CR 502), from Old State Highway (CR 501A), milepost 0.00 to the northerly intersection of Gualala Court (CR 502A), milepost 1.06.
  - (14) On Pacific Woods Road (CR 524), full length.
  - (15) On Comptche-Ukiah Road (CR 223), one-half mile southerly of intersection of Little River Airport Road (CR 404), milepost 5.77.
  - (16) On Mountain House Road (CR 111), from milepost 7.99 to milepost 8.89.
- (F) Speed Zone Schedule/Forty-Five (45) Miles Per Hour Prima Facie Speed Limit. Upon the streets designated in this subsection, a prima facie speed limit of forty-five (45) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.
- (1) On East Side Potter Valley Road (CR 240), from State Route 1 to 3.85 miles north of Burris Road.
  - (2) Repealed.
  - (3) On the Eel River Road (CR 240B), from milepost 0.00 to milepost 2.57.
  - (4) On Vichy Springs Road (CR 215), from milepost 1.35 and milepost 2.58.
  - (5) On South State Street (CR 104A), from milepost 0.00 to milepost 0.63.
  - (6) On Ruddick Cunningham Road (CR 205), from mile post 0.50 to the intersection of State Highway 222 (Talmage Road).
  - (7) On Sherwood Road (CR 311), from the Willits City limits milepost 0.00 to Primrose Drive (CR 604), milepost 2.17.

- (8) On Center Valley Road (CR 303), from milepost 1.45 to the end of the road at East Hill Road (CR 301), milepost 2.07.
  - (9) On North State Street (CR 104), from milepost 0.44 to milepost 2.45.
  - (10) On Old Stage Road (CR 502), from the northerly intersection of Gualala Court (CR 502A), milepost 1.06 to milepost 2.35.
  - (11) On Point Cabrillo Drive (CR 564), from milepost 0.00 to milepost 0.75.
- (G) Speed Zone Schedule/Fifty (50) Miles Per Hour Prima Facie Speed Limit. Upon the streets designated in this subsection, a prima facie speed limit of fifty (50) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.
- (1) On East Road (CR 230), from milepost 0.08 to milepost 1.34.
  - (2) On East Road (CR 230), from milepost 1.79 to milepost 5.39.
  - (3) On Center Valley Road (CR 303), from Bray Road (CR 305), milepost 0.52 to milepost 1.45.
  - (4) On North State Street (CR 104), from milepost 2.45 to milepost t 4.57.
  - (5) On Old Stage Road (CR 502), milepost 2.35 to milepost 3.20. (Ord. No. 512, adopted 1966; Ord. No. 515, adopted 1967; Ord. No. 522, adopted 1967; Ord. No. 533, adopted 1968; Ord. No. 560, adopted 1969; Ord. No. 565, adopted 1969; Ord. No. 591, adopted 1969; Ord. No. 669, adopted 1970; Ord. No. 756, adopted 1971; Ord. No. 805, adopted 1971; Ord. No. 889, adopted 1972; Ord. No. 919, adopted 1972; Ord. No. 961, adopted 1972; Ord. No. 998, adopted 1972; Ord. No. 1469, adopted 1975; Ord. No. 1601, adopted 1975; Ord. No. 1900, adopted 1977; Ord. No. 1901, adopted 1977; Ord. No. 1922, adopted 1977; Ord. No. 2004, adopted 1977; Ord. No. 2031, adopted 1977; Ord. No. 3239, adopted 1978; Ord. No. 3256, adopted 1979; Ord. No. 3261, adopted 1979; Ord. No. 3262, adopted 1979; Ord. No. 3289, adopted 1980; Ord. No. 3333, adopted 1981; Ord. No. 3390, adopted 1982; Ord. No. 3402, adopted 1982; Ord. No. 3411, adopted 1982; Ord.

No. 3492, adopted 1984; Ord. No. 3553, adopted 1985; Ord. No. 3564, adopted 1985; Ord. No. 3613, adopted 1986; Ord. No. 3660, adopted 1987; Ord. No. 3732, adopted 1990; Ord. No. 3748, adopted 1990; Ord. No. 3750, adopted 1990; Ord. No. 3824, adopted 1992; Ord. No. 3835, adopted 1992; Ord. No. 3894, adopted 1994; Ord. No. 3966, adopted 1997; Ord. No. 3976, adopted 1997; Ord. No. 4041, adopted 1999; Ord. No. 4042, adopted 1999; Ord. No. 4056, adopted 2000; Ord. No. 4081, adopted 2002; Ord. No. 4089, adopted 2002; Ord. No. 4109, adopted 2003; Ord. No. 4133, adopted 2004; Ord. No. 4173, adopted 2006; Ord. No. 4196, adopted 2008) (Ord. No. 4265, 7-13-2010; Ord. No. 4276, 5-17-2011; Ord. No. 4306, 3-26-2013; Ord. No. 4316, 12-10-2013; Ord. No. 4339, 6-16-2015; Ord. No. 4351, 3-1-2016; Ord. No. 4389, 8-1-2019; Ord. No. 4414, 7-24-2018)

**Sec. 15.04.031 is hereby repealed** (Ord. No. 3289, adopted 1980.)

**Sec. 15.04.032 is hereby repealed** (Ord. No. 3289, adopted 1980.)

**Sec. 15.04.033 is hereby repealed** (Ord. No. 3289, adopted 1980.)

**Sec. 15.04.034 is hereby repealed** (Ord. 3289, adopted 1980)

**Sec. 15.04.040 Speed Limit Changes.**

Any person who requests a change in a prima facie speed limit on any County road shall make application to the Commissioner, who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the appropriate amendment to this Chapter shall be presented to the Local Authority for their consideration and determination pursuant to Section 15.04.030 (A) of this Chapter. (Ord. No. 512, Section 102, adopted 1966.)

**Sec. 15.04.050 Speed Zoning on Bridges and Structures.**

**(A) Authority to Establish the Maximum Limits on Bridges and Structures.** Pursuant to Sections

22403 and 22404 of the Vehicle Code, the Local Authority is hereby authorized to determine, upon the basis of an engineering and traffic investigation and properly noticed public hearing, the maximum speed which can be maintained with safety on any bridge or structure under its jurisdiction. (Ord. No. 512, Sec. 120, adopted 1966.)

**(B) Posting of Speed Signs for Bridges and Structures.** When such determination has been made, the Local Authority by resolution shall designate the maximum speed limit on such bridge and structures. The Commissioner is hereby authorized and directed to establish appropriate signs giving notice of the maximum speed limits established. When signs are erected giving notice thereof, the maximum speed limits set forth shall be in effect. (Ord. No. 512, Sec. 121, adopted 1966.)

**(C) Speed Limit Changes on Bridges and Structures.** Any person who requests a change in a maximum speed limit on any County bridge or structure shall make application to the Commissioner, who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the appropriate maximum speed limit. Said engineering and traffic survey together with the recommendations of the Commissioner shall be presented to the Local Authority, who shall hold a public hearing. Notice of the time and place of the public hearing shall be posted upon the bridge or structure at least five (5) days prior to the date fixed for said hearing. Upon the conclusion of said hearing, a determination of the maximum speed limit shall be made pursuant to Section 15.04.050 (A) of this Chapter. (Ord. No. 512, Sec. 122, adopted 1966.)

**Sec. 15.04.060 Speed Zoning on Private Property.**

**(A) Authority to Establish Maximum Limits on Private Roads.** Any affected property owner who requests a change of an established maximum limit on a private road or the establishment of a maximum limit on a private road shall file with the Commissioner a petition signed by a majority of the affected property owners, setting

forth a description of the private road, the maximum limit desired and the reasons therefor. The Commissioner shall determine if the petition is in compliance with this section. If the petition is in compliance, the matter shall be set on the agenda of the Local Authority on the second Tuesday following the filing of the petition. The Clerk of the Board shall notify by mail all known affected property owners. When the matter is heard, the Local Authority may receive and consider testimony from the proponents and the opponents prior to the establishment of a maximum limit. (Ord. No. 512, Sec. 130, adopted 1966.)

**Sec. 15.04.070 Stop Signs.**

(A) **AUTHORITY TO ERECT STOP SIGNS.** Subject to the provisions of Sections 21353 and 21355 of the Vehicle Code, the local authority is hereby authorized to determine those County roads, intersections or railroad grade crossings at which there is a special hazard to life or property by reason of the volume of traffic upon such roads or at such intersections, or over such railroad grade crossings, or because of the lack of visibility to the drivers of the vehicles approaching such roads, intersections or railroad grade crossings, or because the number of reported accidents or the apparent probability thereof, or by reason of physical conditions which render any such roads, intersections or railroad grade crossings exceptionally dangerous or hazardous to life or property, and where the factors creating the special hazard are such that, according to the principles and experience of traffic engineering, the expectancy of accidents and that the use of warning signs would be inadequate. (Ord. No. 512, Sec. 140, adopted 1966.)

(B) **POSTING OF STOP SIGNS.** When such determination has been made, the Local Authority by resolution shall designate any such road as a through road between specified limits, or designate any such intersection as a stop intersection, or designate any such railroad grade crossing as a stop railroad grade crossing, subject to the approval of the Public Utilities Commission of this

State, pursuant to the provisions of Section 21110 of the Vehicle Code; and it shall post such stop signs as are necessary to give effect to such designation. Stop signs at any intersection may be so posted as to stop either or any or all of the streams of traffic entering such intersection as the needs of the particular location may require. (Ord. No. 512, Sec. 141, adopted 1966.)

(C) **ADDITION OR REMOVAL OF STOP SIGNS.** Any person who requests the addition or removal of stop signs authorized by this Chapter shall make application to the Commissioner who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the need for any such addition or removal. Said engineering and traffic survey together with the recommendations of the Commissioner and an appropriate resolution shall be presented to the Local Authority for their consideration and determination, pursuant to Section 15.04.070 (A) of this Chapter. (Ord. No. 512, Sec. 142 adopted 1966, as amended by Ord. No. 592, adopted 1969.)

**Sec. 15.04.071 Simpson Lane a Through Street.**

Simpson Lane C.R. 414 between M.P. 0.00 to M.P. 3.60 is hereby designated as a through street and such stop signs may be posted as are necessary to establish this roadway as a through street. (Ord. No. 3262, adopted 1979.)

**Sec. 15.04.080 Yield Right of Way Signs.**

(A) **AUTHORITY TO ERECT YIELD RIGHT OF WAY SIGNS.** The Commissioner is hereby authorized to determine those approaches to intersections of streets and highways which are not through streets and which there is special hazard to life and property by reason of the volume of traffic at such intersections, or because of the lack of visibility to the drivers of the vehicles approaching such intersections, or because of the number or reported accidents or an apparent probability thereof, or by reason of physical conditions which render such intersections exceptionally dangerous or hazardous to life and property, and where the factors creating the special hazard are such that,

according to the principles and experience of traffic engineering, the installation of "yield right of way" signs is reasonably calculated to reduce the expectancy of accidents, and that the use of warning signs would be inadequate. (Ord. No. 512, Sec. 150, adopted 1966.)

(B) **POSTING YIELD RIGHT OF WAY SIGNS.** When such determination has been made, the Commissioner is directed to designate any such approaches as "yield right of way" approaches and shall post such "yield right of way" signs as are necessary to give effect to such designation. (Ord. No. 512, Sec. 151, adopted 1966.)

**Sec. 15.04.090 Repealed by Ord. No. 3680, adopted 1988.**

**Sec. 15.04.100 Penalties.**

(A) It is unlawful for any person to do any act forbidden or fail to perform any act required in this Chapter.

(B) Any person violating any of the provisions of this Chapter shall be guilty of an infraction. (Ord. No. 512 Sec. 170, adopted 1966; Ord. No. 3550, adopted 1985.)

**Sec. 15.04.110 Existing Signs Ratified.**

All speed restriction signs, stop signs, yield right of way signs, and traffic control devices in place on the effective day of this Chapter (December, 1966) are hereby ratified and confirmed and shall constitute the applicable law until changed pursuant to this Chapter. (Ord. No. 512 Sec. 182, adopted 1966.)

CODE COMPARATIVE TABLE

| Ordinance Number | Date      | Description          | Section | Section this Code         |
|------------------|-----------|----------------------|---------|---------------------------|
|                  |           |                      |         | 20.732.005,<br>20.732.010 |
|                  |           |                      |         | 20.732.020                |
|                  |           |                      |         | 20.736.015                |
|                  |           |                      |         | 20.736.030                |
|                  |           |                      |         | 20.740.005—20.740.015     |
|                  |           |                      |         | 20.744.005—20.744.025     |
|                  |           |                      |         | 20.748.005—20.748.020     |
|                  |           |                      | Rpld    | 20.748.025                |
|                  |           |                      |         | 20.760.010,<br>20.760.015 |
|                  |           |                      |         | 20.760.025,<br>20.760.030 |
|                  |           |                      |         | 20.760.040                |
|                  |           |                      |         | 20.760.050—20.760.060     |
|                  |           |                      |         | 20.760.075                |
| 4399             | 1- 2-2018 | Water and sewage     | 1       | 16.08.015                 |
| 4400             | 1- 9-2018 | Personnel            |         | 3.04.071                  |
| 4401             | 1- 9-2018 | Revenue and finance  |         | 5.130.010                 |
| 4404             | 3-13-2018 | Building regulations | 1       | 18.23.140                 |
|                  |           |                      | 2       | 18.23.150                 |
|                  |           |                      | 3       | 18.23.160                 |
|                  |           |                      | 4       | 18.23.200                 |
|                  |           |                      | 5       | 18.23.250                 |
|                  |           |                      | 6       | 18.23.260                 |
|                  |           |                      | 7       | 18.23.280                 |
|                  |           |                      | 8       | 18.23.310                 |
|                  |           |                      | 9       | 18.23.320                 |
|                  |           |                      | 10      | Added 18.23.345           |
|                  |           |                      | 11      | 18.23.350                 |
|                  |           |                      | 12      | 18.23.380                 |
|                  |           |                      | 13      | 18.23.410                 |
|                  |           |                      | 14      | 18.23.440                 |
|                  |           |                      | 15      | Added 18.23.442           |
| 4405             | 3-13-2018 | Zoning               | 1       | 20.242.040                |
| 4406             | 3-27-2018 | Zoning               | 1       | 20.243.070                |
| 4408             | 4-28-2018 | Agriculture          | 1       | Ch. 10A.17 (Tit.)         |
|                  |           |                      | 2       | 10A.17.010                |
|                  |           |                      | 3       | 10A.17.020                |

CODE COMPARATIVE TABLE

| Ordinance Number | Date      | Description                       | Section | Section this Code                      |
|------------------|-----------|-----------------------------------|---------|--|
|                  |           |                                   |         | 10A.17.030                             |
|                  |           |                                   | 4       | 10A.17.040                             |
|                  |           |                                   | 5       | 10A.17.050                             |
|                  |           |                                   | 6       | 10A.17.060                             |
|                  |           |                                   | 7       | 10A.17.070                             |
|                  |           |                                   | 8       | 10A.17.080                             |
|                  |           |                                   | 9       | 10A.17.090                             |
|                  |           |                                   | 10      | 10A.17.100                             |
|                  |           |                                   | 11      | 10A.17.110                             |
|                  |           |                                   | 12      | 10A.17.150                             |
|                  |           |                                   | 13      | 10A.17.160                             |
|                  |           |                                   | 14      | 10A.17.180(Tit.)                       |
|                  |           |                                   | 15      | Ch. 20.242 (Tit.)                      |
|                  |           | Zoning                            | 16      | 20.242.010                             |
|                  |           |                                   | 17      | 20.242.020                             |
|                  |           |                                   | 18      | 20.242.040                             |
|                  |           |                                   | 19      | 20.242.050                             |
|                  |           |                                   | 20      | 20.242.060                             |
|                  |           |                                   | 21      | 20.242.070                             |
|                  |           | Health and sanitation             | 22      | Rpld Ch. 9.30,<br>§§ 9.30.010—9.30.100 |
| 4411             | 6- 5-2018 | Agriculture                       | 1       | 10A.17.080                             |
| 4412             | 7-10-2018 | Business Licenses and Regulations | 1       | 6.32.030                               |
|                  |           |                                   | 2       | 6.32.040                               |
|                  |           |                                   | 3       | 6.32.050                               |
|                  |           |                                   | 4       | 6.32.060                               |
|                  |           |                                   | 5       | 6.32.080                               |
|                  |           |                                   | 6       | 6.32.100                               |
|                  |           |                                   | 7       | 6.32.130                               |
|                  |           |                                   | 8       | 6.32.160                               |
|                  |           |                                   | 9       | 6.32.300                               |
| 4413             | 7-10-2018 | Agriculture                       | 1       | 10A.17.080                             |
| 4414             | 7-24-2018 | Vehicles and Traffic              |         | 15.04.030                              |