

SUPPLEMENT NO. 45  
June 2016

## MENDOCINO COUNTY CODE

### Looseleaf Supplement

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

**Ordinance No. 4356, passed May 17, 2016.**

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

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

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# MENDOCINO COUNTY CODE

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**A Codification of the General Ordinances of  
the County of Mendocino, California**

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**Published by Order of the Board of Supervisors**

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**Beginning with Supp. No. 22  
Supplemented by Municipal Code Corporation**

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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. 4356, passed May 17, 2016.**

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
4270	1- 4-2011	Included	29
4271	1-25-2011	Included	29
4272	1-25-2011	Included	29
4274	5- 3-2011	Included	29
4275	5-17-2011	Included	29
4276	5-17-2011	Included	29
4277	6- 7-2011	Included	30
4279	7-12-2011	Included	31
4283	9-13-2011	Included	30
4284	10- 4-2011	Included	30
4285	10- 4-2011	Included	30
4286	12- 6-2011	Included	31
4288	1-24-2012	Included	31
4289	1-31-2012	Included	31
4291	2-14-2012	Included	32
4292	4-10-2012	Included	32
4293	4-10-2012	Included	32
4294	4-10-2012	Included	32
4295	4-10-2012	Included	32
4296	4-10-2012	Omitted	32
4297	6-12-2012	Included	32
4298	7-10-2012	Included	32
4299	8-28-2012	Included	32
4300	9-25-2012	Included	33
4301	11- 6-2012	Included	33
4302	1-22-2013	Included	34
4303	1-22-2013	Included	34
4304	1-22-2013	Included	34
4305	2-12-2013	Included	34
4306	3-26-2013	Included	35
4307	5- 7-2013	Included	35
4308	7-30-2013	Included	35
4309	7-30-2013	Included	35

<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supp. No.</b>
4310	7-30-2013	Included	35
4312	8-13-2013	Included	36
4313	8-27-2013	Included	36
4316	12-10-2013	Included	37
4318	12-16-2013	Omitted	37
4319	1- 7-2014	Included	37
4320	1- 7-2014	Included	37
4206	10-28-2008	Included	38
4321	1-21-2014	Included	38
4323	1-21-2014	Included	38
4324	2-11-2014	Omitted	38
4325	2-25-2014	Included	38
4326	2-25-2014	Omitted	38
4329	7-22-2014	Included	39
4328	7-22-2014	Included	40
Ord. of	11- 4-2014(1)	Included	40
4330	1-20-2015	Included	41
4331	1-20-2015	Included	41
4333	3-17-2015	Included	41
4336	5-19-2015	Included	42
4337	6-16-2015	Omitted	42
4338	6-16-2015	Included	42
4339	6-16-2015	Included	42
4340	7- 7-2015	Included	42
4341	8- 4-2015	Included	42
4342	8-18-2015	Included	43
4344	10- 6-2015	Included	43
4345	10- 6-2015	Included	43
4348	12- 8-2015	Included	44
4349	2- 2-2016	Included	44
4350	2- 2-2016	Included	44
4351	3- 1-2016	Included	45
4352	3- 1-2016	Included	45
4353	4- 5-2016	Included	45
4356	5-17-2016	Included	45



## CHAPTER 3.04

### PERSONNEL AND SALARY\*

#### Sec. 3.04.010 Definitions.

The words and terms defined in this Section shall have the following meanings in the Title and in any other Title classifying and fixing the salaries and compensation or authorizing the employment of personnel in any department or office of Mendocino County:

(A) "Allocation" means the official determination of the class in which a position shall be deemed to exist and the assignment of an individual position to an appropriate class.

(B) "Class" or "Class of positions" means a definitely recognized kind of employment in the County service designed to embrace all positions having duties and responsibilities sufficiently similar that the same title may be used, the same requirements for education, experience, knowledge and ability may be demanded of incumbents and the same schedule of compensation may be applied with equity.

(C) "Classified service" means all positions in the County service except those specifically exempted by Mendocino County Code Section 3.16.100.

(D) "Compensation" means the salary, wage, allowance and all other forms of valuable considerations, earned by or paid to any employee by reason of service in any position.

(E) "County service" or "service of the County" means all positions in all departments as herein defined that are subject to control and regulation by the Board of Supervisors of Mendocino County.

(F) "Employee" means those persons legally occupying positions in the County service.

(G) "Exempt service" refers to positions in the County service, as determined and maintained by the Human Resources Director, that meet the

\***Editor's note**—Ord. No. 4342, adopted August 18, 2015, repealed and replaced ch. 3.04, §§ 3.04.010—3.04.220, in its entirety. Former ch. 3.04 pertained to similar subject matter and was derived from Ord. No. 4340, adopted July 7, 2015.

Executive, Administrative and/or Professional standards under the provisions of the Fair Labor Standards Act for exemption from overtime pay including, but not limited to: elective officials; incumbents of classifications represented by the Department Head collective bargaining unit; incumbents of classifications represented by the Management collective bargaining unit; incumbents of classifications represented by the Mendocino County Law Enforcement Management Association collective bargaining unit; incumbents of classifications designated as unrepresented for the purpose of collective bargaining.

(H) The determination as to which positions are allocated to the exempt service in this Section shall be made by the Human Resources Director in accordance with the Fair Labor Standards Act, except that no position that receives time and one-half (½) overtime pay pursuant to Section 3.04.200 or pursuant to any labor agreement shall be designated as part of the exempt service. Exempt service employees shall be paid on a salary basis. Such employees shall regularly receive a predetermined salary each pay period constituting all or part of the employees' compensation, which amount is not subject to work performed. Exempt service employees shall account for a minimum of forty (40) hours per week.

(I) "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full- or part-time services of one (1) or more persons.

(J) "Title," "Class Title" or "Title of class" means the designation given to or name applied to a class or to each position allocated to the class and to the legally appointed incumbent of each position allocated to the class. Its meaning is set forth in the corresponding class specification.

(Ord. No. 4342, 8-18-2015)

#### Sec. 3.04.020 Applicability.

The provisions of this Chapter shall apply to all County employees except those in the exempt service.

(Ord. No. 4342, 8-18-2015)

**Sec. 3.04.030 Classification of Positions.**

(A) The classification of positions for the purpose of this Chapter shall be as contained in the official list of class specifications.

(B) The classification of positions may hereafter be amended by the addition, division, consolidation or abolishment of classes on adoption by the Board of Supervisors.  
(Ord. No. 4342, 8-18-2015)

**Sec. 3.04.040 Allocation of Positions.**

Each position shall be allocated to its appropriate class on the basis of duties and responsibilities.  
(Ord. No. 4342, 8-18-2015)

**Sec. 3.04.050 Use of Class Titles.**

The title of the class to which any position is allocated shall be used in all official personnel records and in all official personnel transactions in Mendocino County.  
(Ord. No. 4342, 8-18-2015)

**Sec. 3.04.060 Qualifications of Employees.**

(A) Officers and employees holding positions upon the taking effect of this Chapter (September 1956) are deemed to be qualified for the position to which they are assigned, subject to the right of the department head or the Board of Supervisors to dismiss any employee in accordance with law.

(B) No person shall be hereafter employed in or appointed to any position requiring full-time or part-time service and which position is included in the classification plan and for which a class specification exists establishing desirable qualifications, unless said person possesses the desirable qualifications of education and experience prescribed for that class; provided, however, that if qualified persons cannot be recruited, the Board of Supervisors may authorize the appointment of persons having less than the desirable qualifications.

(C) In the event any individual offered employment with the County is found to possess extraordinary qualifications for a position through

former training or experience, the appointing authority may request, and the Chief Executive Officer may authorize the employment of such employee at Step "2," or if it is found that extraordinary circumstances exist and the public interest requires, a person possessing extraordinary qualifications may be employed at Step "3," "4," or "5" of the appropriate pay range on the recommendation of the appointing authority and when authorized by the Chief Executive Officer.

(D) No person shall be appointed to any law enforcement position unless at the time of the appointment he has passed his twenty-first birthday.  
(Ord. No. 4342, 8-18-2015)

**Sec. 3.04.061 Exemption from Age Restrictions.**

The maximum age provisions of Section 3.04.060(D), shall not apply to persons appointed in the classifications of corrections deputy, corrections corporal, bailiff, or undersheriff.  
(Ord. No. 4342, 8-18-2015)

**Sec. 3.04.062 Outside Employment County Attorneys.**

**County Attorney Outside Employment**

This section applies to County Attorneys. For purposes of this section, a County Attorney is a County employee in any of the following positions: District Attorney, Assistant District Attorney, Deputy District Attorney, Public Defender, Assistant Public Defender, Chief Public Defender, Alternate Defender, Deputy Public Defender, County Counsel, Chief Deputy County Counsel, Deputy County Counsel, Chief Child Support Attorney, and Child Support Attorney.

The purpose of this section is to implement the provisions of Government Code section 1126 relating to inconsistent, incompatible, and conflicting employment by County Attorneys. It is not the intent or purpose of this section to unnecessarily restrict, limit, or interfere with employees' outside employment. This section is adopted in order to comply with applicable statutes, and to assure the public of the commitment and service it deserves

from its officers and employees by preventing outside employment that is inconsistent and incompatible with County employment.

A. General. Prior written approval is required for any County Attorney to engage in outside employment. Outside employment must not be inconsistent, incompatible, in conflict with, or harmful or unfavorable to his or her duties as a County employee, or reduce the efficiency of the employee in County employment.

B. Process.

a. Any County Attorney who intends to engage in any outside employment for compensation must notify the Human Resources Director or designee and request a determination on incompatibility. The request should include sufficient description of the proposed duties and work schedule at the desired outside employment to permit the Human Resources Director or designee to reach an informed decision.

b. Outside employment, activity, or enterprise may be considered incompatible and be prohibited for the following non-exclusive list of reasons:

i. If it involves the use, for private gain or advantage, of County time, facilities, equipment or supplies, or the County badge, uniform, prestige or influence of his or her County office or position;

ii. If it involves receipt or acceptance by the employee of any money or other consideration from anyone other than the County for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of his or her employment with the County or as a part of his or her duties as an employee of the County;

iii. If it involves the performance of an act in other than his or her capacity as an employee of this County, which act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement of any officer or other employee of the County;

iv. If it involves the performance of work during the employee's regular County work schedule.

v. If it involves work on a project under contract with the County; or

vi. If it involves time demands as would render performance of his or her duties as an employee of the County less efficient.

c. The Human Resources Director or designee shall determine the consistency or inconsistency of outside employment, activities, or enterprises with County employment, and notify the County Attorney in writing of his or her determination.

C. Appeal.

a. A County Attorney may appeal from a determination that the proposed employment, activity, or enterprise is incompatible by filing a written appeal with the Chief Executive Officer within fifteen (15) calendar days of issuance of the written determination. The employee's written appeal should include a copy of the initial request for determination, the Human Resources Director's or designee's response, and any other information the employee believes is relevant.

b. The Chief Executive Officer shall issue a written determination and shall be conclusive, final and binding on both the employee and the Human Resources Director.

D. Revocation. Approval may be rescinded at any time if, in the judgment of the Human Resources Director or Chief Executive Officer, the outside employment is inconsistent with, incompatible with, in conflict with, or harmful or unfavorable to the County Attorney's duties as a County employee.

E. No Outside Employment When on Sick Leave or Workers' Compensation. A County Attorney will not engage in outside employment while on sick leave or workers' compensation leave status with County.

F. Use of County Equipment Prohibited. No County-owned equipment, computer, automobile, truck, instrument, tools, supply, machine, or any other item which is the property of County

will be used by the County Attorney while said employee is engaged in any outside employment. No employee will allow any unauthorized person to rent, borrow, or use any of the items mentioned above.

G. Violation of this policy may result in disciplinary action up to and including termination of employment.

(Ord. No. 4352, 3-1-2016)

**Sec. 3.04.070 Compensation plan.**

(A) A five (5) step schedule of pay ranges as adopted by resolution of the Board of Supervisors shall constitute the compensation plan applicable to all classes of positions included in the classified service.

(B) All salaries are based on hourly rates.

(C) The compensation of officers and employees of the County shall be as set forth in the list of class titles and pay ranges with steps within each range as established by the Board of Supervisors in the Salary Resolution.

(Ord. No. 4342, 8-18-2015)

**Sec. 3.04.071 Board Compensation.**

(A) For terms of office commencing January 2013 and following, each member of the Board of Supervisors shall receive as compensation for services the yearly base salary of Sixty-One Thousand Two Hundred Dollars (\$61,200), payable bi-weekly.

(B) At the first regularly scheduled meeting in April of every odd-numbered year, the Board of Supervisors shall review their compensation and adjust as determined to be appropriate.

(Ord. No. 4342, 8-18-2015)

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

## CHAPTER 9.31

### MEDICAL MARIJUANA CULTIVATION REGULATION\*

#### Sec. 9.31.010 Purpose and intent.

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

(Ord. No. 4356, 5-17-2016)

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

Pursuant to the California Compassionate Use Act of 1996, enacted by the voters of the State of California on November 5, 1996 and implementation statutes such as California Health & Safety Code section 11362.71, the County of Mendocino Board of Supervisors hereby finds and declares that all use information received by and/or generated by the operation of Chapter 9.31 is and al-

\*Editor's note—Ord. No. 4356, adopted May 17, 2016, replaced ch. 9.31, §§ 9.31.010—9.31.150, in its entirety by enacting a new ch. 9.31, §§ 9.31.010—9.31.190, to read as set out herein. Former ch. 9.31 pertained to similar subject matter and was derived from Ord. No. 4291, adopted February 14, 2012 and Ord. No. 4302, adopted January 22, 2013.

ways has been intended to be treated and held by the County of Mendocino as confidential information to the fullest extent authorized by California and Federal law from 2008 to the present as well as prospectively. This is a declaration of past, current and prospective legislative intent for all versions of Chapter 9.31 dating back to 2008.

(Ord. No. 4356, 5-17-2016)

#### Sec. 9.31.030 Findings.

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

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

(C) The State enacted SB 420 in 2004, known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act, and enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420.

(D) The Medical Marijuana Program Act defines "primary caregiver" as an individual who is

designated by a qualified patient or person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person.

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

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

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

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

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

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

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

(L) In 2010, in response to complaints that the twenty-five (25) plant per parcel limit was too restrictive and that the overall impact on negative impacts was less than optimal, the County amended this ordinance to allow for an exemption to the

twenty-five (25) plant per parcel limitation provided that those seeking the exemption apply for, obtain, and abide by the conditions of a permit issued by the Sheriff. The exemption required inspection by the Sheriff's Office and compliance with numerous conditions designed to protect the public peace, health and safety, including numerous conditions that required enhanced environmental protection.

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

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

(O) With the elimination of the exemption from the twenty-five (25) plant per parcel limit, the County also revised the definition of legal parcel from defining an unlimited number of contiguous parcels under common ownership or control as one parcel eligible for a single exemption, to defining any portion of a parcel with a separate Assessor's Parcel number as a parcel, resulting in an individual owner of multiple contiguous parcels being able to cultivate twenty-five (25) marijuana plants times the number of Assessor's Parcel numbers, instead of being limited to no more than ninety-nine (99) plants with an exemption.

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

(Q) The State Water Resources Control Board, the North Coast Regional Water Quality Control Board, and the State Department of Fish and

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

(R) In response to increased competition from other areas, and an overall downward trend in prices; otherwise law abiding marijuana cultivators have increasingly raised their plant count above the twenty-five (25) plants legally permitted per parcel, but the civil remedies available to enforce violations of this ordinance have proven to be time consuming, expensive, cumbersome, and of limited effectiveness.

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

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

(U) On September 11, 2015, the State enacted the Medical Marijuana Regulation and Safety Act (MMRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, distribution, transportation,

testing, and dispensing of medical marijuana on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018.

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

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

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

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

(Ord. No. 4356, 5-17-2016)

#### **Sec. 9.31.040 Definitions.**

As used herein the following definitions shall apply:

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



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

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

"Collective" means "Medical Marijuana Collective" and also means collectives, individual members thereof, or individual patients, in any combination, who apply for and obtain an exemption as set forth in section 9.31.110.

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

"Equivalent square footage" means a one hundred (100) square foot area within any structure using the mixed light or light deprivation method of cultivation, that contains live plants and for which one (1) zip-tie shall be purchased.

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

"Indoors" means cultivation using one hundred percent (100%) artificial lighting within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Mendocino, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one (1) or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two inches (2") x four inches (4") or thicker studs overlain with three-eighths inches ( $\frac{3}{8}$ ") or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Legal parcel" means a parcel of land for which one (1) legal title exists. Where contiguous legal

parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this Chapter.

"Light deprivation" means a method of cultivation commonly using a greenhouse or hoop house that relies on supplementing and/or manipulating natural light to induce earlier flowering.

"Medical Marijuana Collective" means qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients who associate by written agreement, or form a cooperative in accordance with section 12300 of the Corporations Code within the unincorporated area of the County in order to collectively or cooperatively cultivate, store, and/or dispense marijuana for medical purposes, as provided in Health and Safety Code section 11362.775. The term collective shall include "cooperative" unless the context clearly indicates otherwise.

"Mixed light" means "light deprivation".

"Outdoors" or "outdoor cultivation" means cultivation in any location or by any means that is not "indoors" within a fully enclosed and secure structure as defined herein.

"Parcel" means a legal parcel as defined herein.

"Primary caregiver" means a "primary caregiver" as defined in Health and Safety Code section 11362.7(d).

"Proof of prior cultivation" shall mean evidence satisfactory to the Sheriff that, no later than May 17, 2016, the registrant or applicant has taken demonstrable steps toward the development of a commercial medical cannabis cultivation site on the parcel as demonstrated by the criteria described in either (a) or (b) below and by at least one (1) of the criteria described in (c) through (k):

(a) Date-stamped photographic evidence of grading and/or earthmoving commensurate with the area proposed to be cultivated.

(b) Date-stamped photographic evidence of cultivation commensurate with the area proposed to be cultivated.

(c) Date-stamped receipts for equipment and supplies in types and quantities commensurate with commercial cannabis cultivation in the area proposed to be cultivated.

(d) A signed contract with a medical cannabis dispensary, distributor, or other medical cannabis business located in California which contains evidence that it was fully executed no later than May 17, 2016, and which contains notification information or other evidence linking the registrant to the address of the parcel for which registration is sought. The contract must include the name, address, and phone number of each individual or entity that executed the contract.

(e) Receipt of a valid, unexpired business license pursuant to Chapter 6.04 of the Mendocino County Code in conjunction with additional evidence linking the registrant's business to a medical cannabis cultivation site on the parcel for which cultivation is sought.

(f) Documents of incorporation and/or registration with the California State Board of Equalization containing evidence that an established medical cannabis cultivation operation existed on the parcel to be registered no later than May 17, 2016.

(g) Receipt of a State seller's permit pursuant to California Revenue and Taxation Code §6001 et seq. no later than May 17, 2016 in conjunction with additional evidence such as printed business cards, checks, or stationery demonstrating that the business is related to medical cannabis.

(h) Dated and fully executed documentation of current compliance or intent to comply with Water Quality Control Board regulations related to medical cannabis.

(i) Insurance documents demonstrating that an established medical cannabis cultivation operation existed on the parcel to be registered prior to May 17, 2016.

(j) Documentation of taxes paid to the State Board of Equalization no later than May 17, 2016 for the cultivation operation on the site at issue.

(k) Any similarly reliable documentary evidence satisfactory to the Sheriff that establishes that medical cannabis was planted and grown on the parcel to be registered prior to May 17, 2016.

"Qualified patient" means a "qualified patient" as defined in Health and Safety Code section 11362.7(f).

"Residential Treatment Facility" means a facility providing for treatment of drug and alcohol dependency.

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

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

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

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

"Zip-ties" means plastic ties with individualized numbers stamped on them, issued by the Mendocino County Sheriff's Office for the purpose of identifying a legal marijuana plant. (Ord. No. 4356, 5-17-2016)

#### **Sec. 9.31.050 Registration Requirement.**

Within sixty (60) days of adoption of this ordinance any qualified patient, primary caregiver, collective or other entity cultivating mari-

juana within the unincorporated area of Mendocino County may register with the Mendocino County Agricultural Commissioner's Office. Registrants shall be entitled to priority processing for future permit applications. Applicants for a permit for an exemption as set forth in section 9.31.110 shall be deemed to have registered and shall be entitled to the highest priority processing for future permit applications.

Registration shall be on a form provided by the Agricultural Commissioner's Office and at a minimum shall require the name and mailing address of the registrant; the location address and Assessor's Parcel Number of the cultivation location; and a statement that the registrant began cultivating medical marijuana at the location address on or before January 1, 2016. Proof of prior cultivation will need to be submitted at the time of registration or permit application.

(Ord. No. 4356, 5-17-2016)

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

(A) The cultivation of more than twenty-five (25) marijuana plants on any legal parcel, either indoors or outdoors, within the unincorporated area of the County, regardless of whether the person(s) growing the marijuana is/are a "qualified patient", "primary caregiver", or "collective", is hereby prohibited unless cultivated by individuals, collectives, or members thereof who apply for, obtain, and are in compliance with a permit for an exemption as set forth in section 9.31.110.

(B) Wherever medical marijuana is grown, a copy of a current and valid, State-issued medical marijuana identification card or physician recommendation must be displayed in such a manner as to allow law enforcement officers to easily see the card without having to enter any building of any type except as set forth in section 9.31.110.

(Ord. No. 4356, 5-17-2016)

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

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

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

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

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

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

(5) Outdoors within fifty (50) feet of a parcel under separate ownership.

(B) The distance between the above-listed uses in section (A) (1) and marijuana that is being cultivated shall be measured in a straight line from the nearest point of the fence required in section 9.31.080, or if the marijuana is cultivated indoors, from the nearest exterior wall of the building in which the marijuana is cultivated to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located. The distance in sections (A) (2) and (A) (3) to any residential structure shall be measured from the fence required in section 9.31.080 to the nearest exterior wall of the residential structure.

(Ord. No. 4356, 5-17-2016)

**Sec. 9.31.080 Cultivation of marijuana.**

(A) It is declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel of land within any unincorporated area of the County to cause or allow such parcel of land to be used for the out-

door or indoor cultivation of marijuana plants for medicinal purposes in excess of the limitations imposed within section 9.31.060 or in violation of the limitations on location imposed within section 9.31.070 or in violation of any of the following conditions contained in this section.

(B) The indoor cultivation of marijuana plants shall be limited to no more than one hundred (100) contiguous square feet per parcel and shall not rely on diesel generators for a source of power.

(C) The indoor or outdoor cultivation of marijuana shall not subject residents of neighboring parcels who are of normal sensitivity to objectionable odors.

(D) The use of light assistance for the outdoor cultivation of marijuana shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.

(E) All lights used for the cultivation of marijuana shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.

(F) The indoor or outdoor cultivation of marijuana shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.

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

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

(I) All marijuana grown outdoors must be contained within wildlife exclusionary fencing that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient or caregiver is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and

shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

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

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

(L) Any person who is not the legal owner of a parcel and who is cultivating marijuana on such parcel shall give written notice to the legal owner of the parcel prior to commencing cultivation of marijuana on such parcel.

(M) Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building. (Ord. No. 4356, 5-17-2016)

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

(A) For the convenience of the property owner and to assist in the enforcement of this Ordinance, and to avoid unnecessary confiscation and destruction of medicinal marijuana plants, marijuana grown for medicinal purposes in the unincorporated areas of Mendocino County may have "zip-ties" issued by the Mendocino County Sheriff's Department. For proper identification, such "zip-ties" should be securely attached to the base of individual flowering marijuana plants or to the interior of any structure containing equivalent square footage as specified in section 9.31.110 (E) (12).

(B) "Zip-Ties" can be obtained through the Mendocino County Sheriff's Department. All applicants for "zip-ties" must present a State-issued medical marijuana identification card or a valid medical recommendation. The fee for the "zip-ties" shall be set by the Mendocino County Board of Supervisors in accordance with all applicable laws and regulations and the Master Fee Policy.

Any zip-tie fees, except as required by section 9.31.110 (E) (12), may be discounted by fifty percent (50%) for Medi-Cal, SSI, and CMSP recipients, and equivalent income-qualified veterans. (Ord. No. 4356, 5-17-2016)

**Sec. 9.31.100 Medical Marijuana Collectives.**

Medical marijuana collectives engaged in cultivation in the unincorporated areas of Mendocino County shall comply with all of the following:

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

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

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

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

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

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

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

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

(Ord. No. 4356, 5-17-2016)

**Sec. 9.31.110 Requirements for Exemption from the Twenty-five (25) Plants per Parcel Limitation.**

(A) Medical marijuana growing collectives, individual members thereof, or individual patients who were cultivating marijuana in Mendocino County on or before January 1, 2016, and who possess a valid doctor's recommendation may be granted an exemption from the limitations set forth in section 9.31.080 provided they apply for and obtain a permit from the Mendocino County Sheriff's Office. Any legal parcel for which an exemption is sought shall be a minimum of five (5) acres in size provided the permitted amount does not exceed fifty (50) plants or the equivalent square footage, and ten (10) acres in size provided the permitted amount does not exceed ninety-nine (99) plants or the equivalent square footage. Under no circumstances shall the permitted amount exceed ninety-nine (99) plants or the equivalent square footage per legal parcel. An applicant may seek an exemption for plants only, equivalent square footage only, or a combination thereof provided the number of plants and total equivalent square footage is disclosed as provided in section (B) (7) below. Tenants in common who reside in separate residences on a legal parcel may apply for and obtain individual permits provided all other conditions are met and the cumulative number of plants or equivalent square footage cultivated thereto does not exceed the amount that would be allowed to a single applicant applying for a permit on the same parcel. A separate permit application shall be required for each parcel for which permission to exceed the twenty-five (25) plants per parcel limitation is sought. All permits shall be site specific and once issued shall not be transferred or sold. All permits are subject to annual renewal.

(B) The permit procedure shall include an application, which shall set forth, under penalty of perjury, all of the following:

(1) The name and address of each person applying for the permit and any other person who will be engaged in the management of the collective;

(2) 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 the management of the collective;

(3) Written evidence that each person applying for the permit and any other person who will be engaged in the management of the collective is at least twenty-one (21) years of age;

(4) That the applicant or any individual engaged in the management of, or employed by, the collective 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;

(5) A statement acknowledging that the permit applied for will be issued in conformance with the laws of the State of California and that such issuance does not confer upon the applicant, managers, employees and members of the collective immunity from prosecution under federal law;

(6) The applicant's waiver and release of the County from any and all legal liability related to or arising from the application for a permit or the enforcement of the conditions of the permit;

(7) The location of the parcel where the cultivation of medical marijuana will occur and proof of prior cultivation on the site on or before January 1, 2016;

(8) The number of plants and/or the equivalent square footage for which an exemption is sought and the measures that will be taken to minimize odor-related complaints, or a statement explaining why such measures are not necessary;

(9) Proof that the owner of the property, if other than the applicant, has been notified as set forth in section 9.31.080 (M);

(10) A statement that the requested use will not violate the limitation locations set forth in section 9.31.070;

(11) A statement that the requested use will not violate the fencing requirements set forth in section 9.31.080 (I);

(12) 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;

(13) A statement describing the proposed source of power for indoor and/or outdoor cultivation (electric utility company, solar, diesel generators), the size of the electrical service or system, and the total demand to be placed on the system by all proposed uses on site;

(14) If diesel generators are proposed to be used on site, a detailed description of the proposed methods of storage, delivery and containment of the diesel fuel must be included;

(15) 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 Partnership Agreement shall be attached to the application;

(16) The applicant shall provide proof of either, a physician recommendation that the amount to be cultivated is consistent with the applicant's medical needs, the needs of the patients for whom the applicant is a caregiver, or a written agreement or agreements, that the applicant is authorized by one (1) or more medical marijuana dispensing collectives to produce medical marijuana for the use of the members of said collective or collectives;

(17) A statement that the requested use will not utilize water that has been or is illegally diverted from any stream, creek, or river;

(18) A statement describing the measures that will be taken to prevent erosion or contaminated runoff into any stream, creek or river, or an explanation of why such measures are not necessary;

(19) Submission of payment of a permit fee sufficient to cover the cost to all County departments of investigating and processing the application in an amount that shall be set by the Board of Supervisors in accordance with all applicable laws and regulations;

(20) That upon receiving a completed permit application for an exemption from the twenty-five (25) plants per legal parcel limitation, the Sheriff may refer the application to the Department of Planning and Building to verify the zoning, parcel size, surrounding uses and other relevant information;

(21) That the Sheriff is hereby 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;

(22) Authorization for the Sheriff, Fire District, and/or other appropriate County employees or agents or their designees, including building and fire inspectors, to enter the property only during normal business hours for the purpose of examining the location to confirm compliance with this section.

(C) No permit shall be issued if the Sheriff finds:

(1) That the applicant has provided materially false documents or testimony; or

(2) That the applicant has not complied fully with the provisions of this Chapter; or

(3) That the operation as proposed by the applicant, if permitted, would not have complied with all applicable laws, including, but not limited to, the Building, Planning, Housing, Fire, and Health Codes of the County, including the provisions of this Chapter and regulations issued by the Sheriff pursuant to this Chapter.

(D) All permits shall be issued within ten (10) business days from completion of inspection by the Sheriff as set forth herein, or from receipt of report if inspected by a third party inspector as defined herein.

(E) Medical marijuana collectives and individual permittees granted an exemption as specified herein shall comply with all of the following:

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

(2) Apply for and obtain a County business license from the office of the Treasurer-Tax Collector;

(3) Apply for and obtain a Board of Equalization Seller's Permit and collect and remit sales tax to the Board of Equalization if they intend to sell directly to qualified patients or primary caregivers;

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

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

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

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

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

(9) Possess marijuana only in amounts consistent with the medical needs of the members of the collective; and only cultivate marijuana consistent with the limits of the exemption granted pursuant to a permit issued in conformance with this section, but in no case, more than ninety-nine (99) plants per parcel;

(10) Indoor marijuana cultivation shall be limited to a single indoor growing area that shall not exceed one hundred (100) contiguous square feet per legal parcel;

(11) Secure all buildings where marijuana is cultivated or stored, sufficient to prevent unauthorized entry;

(12) Purchase a zip-tie for each flowering marijuana plant or equivalent square footage that is grown in compliance with a permit that has been issued pursuant to a request for exemption. Zip ties purchased for individual flowering marijuana plants shall be securely attached to the plant. Zip-ties purchased for equivalent square footage shall be securely attached to the interior of the structure in which cultivation takes place, in a location and manner that is immediately visible upon entering. Zip-ties required pursuant to this section shall not be eligible for any of the discounts provided for in section 9.31.090 (B);

(13) In lieu of the requirements of section 9.31.040 (B), display copies of the permit issued pursuant to this section, in a conspicuous place at the entrance to each garden area and immediately inside the entrance to any building where medical marijuana is cultivated, processed, or stored;

(14) Cultivated marijuana plants shall not be visible from the public right of way, or from publicly traveled private roads;

(15) Exterior signage shall consist only of the site address;

(16) Traffic to the site shall be limited to employees and/or members who are essential to the cultivation of medical marijuana;

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

(18) All weighing and measuring devices shall be inspected by the Agricultural Commissioner in accordance with Mendocino County Code Chapter 10A.16.

(F) As an alternative to the on-site inspection by the Sheriff called for in section 9.31.110 (B) (22) of this Ordinance, the permittee may, at their ex-

pense, select a qualified third party inspector from a list that shall be established and maintained by the Sheriff and who shall be authorized to conduct said inspection. Nothing herein shall limit the ability of Fire District or County employees or agents from entering the property to conduct inspections otherwise authorized by law or limit the ability of the Sheriff to make independent compliance checks. The Sheriff shall determine the criteria for establishing the list of third party inspectors and may request any information specified in section 9.31.110 (B) of this Ordinance or any other information the Sheriff deems reasonably related to verification of the qualifications of the third party inspector. The third party inspector shall submit a detailed written report to the Sheriff regarding each of the items inspected/verified, including recommendations for improvements to the operation.

(G) The third party inspector, as authorized by the Sheriff, shall inspect and verify all of the following:

(1) The identity of the person(s) assisting in the inspection and their relationship to the applicant/collective.

(2) That the address and/or location of the parcel conforms to that specified in the application.

(3) That exterior signage is limited to the address of the location.

(4) The precise location(s) where the marijuana is to be cultivated, processed and/or stored.

(5) The location, if any, where marijuana is to be grown indoors, that it not exceed a single space of not more than one hundred (100) contiguous square feet, the source of power, the number and wattage of lights, and any indicia of substandard electrical conditions.

(6) That marijuana cultivated on the site will not violate the limitation locations set forth in section 9.31.070.

(7) That marijuana cultivated on the site will not violate the fencing requirements set forth in section 9.31.080 (I).



(8) That marijuana cultivated on site will not violate the prohibition on objectionable odors set forth in section 9.31.080 (C).

(9) That marijuana cultivated on site will not violate the lighting requirements and limitations set forth in sections 9.31.080 (D) and (E).

(10) That the security measures for the site are sufficient to ensure the safety of members and employees and protect the premises from theft.

(11) That all buildings where marijuana is cultivated or stored are secured sufficiently to prevent unauthorized entry.

(12) The source of power for indoor and/or outdoor cultivation (electric utility company, solar, diesel generators), the size of the electrical service or system, and the total demand to be placed on the system by all proposed uses on site;

(13) That the diesel generators, fuel and waste oil, if any, to be used on site are stored, delivered and contained as specified in the application.

(14) That the site does not utilize water that has been or is illegally diverted from any stream, creek or river.

(15) That appropriate measures have been taken to prevent erosion or contaminated runoff into any stream, creek or river.

(16) That upon any subsequent inspection copies of the permit are displayed in conformance with section 9.31.110 (E) (13).

(17) That zip-ties are properly attached to any flowering marijuana plant or structure containing equivalent square footage of marijuana plants grown in compliance with the permit specified in this section.

(18) That a valid County business license has been obtained from the office of the Treasurer-Tax Collector.

(19) That a Board of Equalization Seller's Permit has been obtained if the permittee intends to sell directly to qualified patients or primary caregivers.

(20) That the applicant has sufficient collective membership, or is a member of and has an agreement with one (1) or more dispensing collectives sufficient to account for the total amount of

marijuana produced or estimated to be produced pursuant to a permit issued in conformance with this section.

(21) That the applicant has established procedures and systems sufficient to do all of the following:

(a) comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or deductions for unemployment insurance, state workers' compensation and liability laws;

(b) comply with the membership and verification guidelines as set forth in section B.3. of the Attorney General's Guidelines;

(c) maintain records of the signed membership applications of all members;

(d) maintain records of the total amount of marijuana produced;

(e) track and report all sales subject to sales tax;

(f) prevent sales or diversion to non-members as set forth in section B.5. of the Attorney General's Guidelines;

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

(Ord. No. 4356, 5-17-2016)

#### **Sec. 9.31.120 Appeal from Denial of Permit or Renewal.**

The Sheriff's Office shall review all permit and renewal applications, and all other relevant information, and determine, based on current information, if the permit should be granted or renewed. If the Sheriff's Office determines that the permit should not be granted or renewed, the reasons for such denial shall be in writing. The applicant shall then have fourteen (14) business days to correct the reasons for denial and request a re-inspection of the property. The cost of any re-inspection shall be borne by the applicant. The applicant may appeal such decision by filing a written notice with the Clerk of the Board of Supervisors within ten (10) days stating the grounds for the appeal. Such notice of appeal shall be accompanied by the pay-

ment of an appeal fee which shall be set by resolution of the Board of Supervisors in accordance with all applicable laws, regulations and the Master Fee Policy. If a notice of appeal is not filed and the required fee paid within the ten (10) day appeal period, the decision of the Sheriff's Office shall be final.

(Ord. No. 4356, 5-17-2016)

**Sec. 9.31.130 Public Nuisance.**

A violation of any provision of this Ordinance shall be deemed to be a public nuisance and subject to the enforcement process as set forth in section 9.31.140.

(Ord. No. 4356, 5-17-2016)

**Sec. 9.31.140 Enforcement.**

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

(B) The County may also abate the violation of this Chapter through the abatement process established by Government Code section 25845.

(Ord. No. 4356, 5-17-2016)

**Sec. 9.31.150 Attorneys' Fees.**

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

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

(Ord. No. 4356, 5-17-2016)

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

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

(Ord. No. 4356, 5-17-2016)

**Sec. 9.31.170 Compliance with CEQA.**

The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

(Ord. No. 4356, 5-17-2016)

**Sec. 9.31.180 Severability.**

If any provision, word, phrase, section or subsection of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision, word, phrase, section or subsection to other persons or circumstances shall not be affected thereby. To this end, provisions of this ordinance are severable.

(Ord. No. 4356, 5-17-2016)

**Sec. 9.31.190 Effectiveness.**

The amendments to this Chapter 9.31 enacted by Urgency Ordinance on May 17, 2016 shall sunset when replaced or superseded by alternate medical marijuana cultivation provisions, but not later than June 30, 2017, whichever comes first.  
(Ord. No. 4356, 5-17-2016)

## CHAPTER 9.32

### SMOKING POLLUTION CONTROL AND HEALTH PROTECTION ORDINANCE

#### Sec. 9.32.010 Title.

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

#### Sec. 9.32.020 Findings and Purpose.

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

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

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

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

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

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

#### Sec. 9.32.030 Definitions.

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

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

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

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

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

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

solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

(6) "Place of employment" means any enclosed area under the control of an employer frequented by employees during the course of employment or providing volunteer services, including, but not limited to, work areas, employee lounges and restrooms, conference and class rooms, employee cafeteria and hallways. A private residence is not a "place of employment unless it is used as a child care or health care facility or institution as those terms are defined by State law.

(7) "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a "public place."

(8) "Restaurant" means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a "bar" as defined above.

(9) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(10) "Service line" means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

(11) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed or plant in any manner or in any form.

(12) "Sports arena" means sports pavilions, gymnasiums, health clubs and spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

(13) "Tobacco vending machine" means any electronic or mechanical device or appliance the operation of which depends upon the insertion of money, whether in coin or paper currency, or other things representative of value, which dispenses or release a tobacco product.

(14) "Tobacco product" means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.

(15) "Self-service merchandising" means open promotional displays of tobacco products and point-of-purchase tobacco promotional products that the public has access to without the intervention of an employee.

(16) "Vendor-assisted" means only a store employee has access to the tobacco product and assists the customer by supplying the product. The customer does not take possession of the product until it is purchased. (Ord. No. 3864 (part), adopted 1993.)

#### **Sec. 9.32.040 Application of Chapter.**

This Chapter shall apply to the unincorporated area of the County of Mendocino and to structures owned or leased by the County of Mendocino, wherever located. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.050 Prohibition of Smoking in Public Places.**

(A) Smoking shall be prohibited in all enclosed public places within the County or Mendocino, including but not limited to, the following places:

- (1) Elevators;
- (2) Buses, taxicabs and other means of public transit and in the ticket, boarding and waiting areas of public transit depots, provided the County is not interfering with the regulatory authority of another local, State or Federal agency;
- (3) Public restrooms;
- (4) Service lines;
- (5) Retail stores;
- (6) All areas available to and customarily used by the general public in all businesses and non-profit entities or organizations patronized by the public;
- (7) Restaurants;
- (8) Public areas of galleries, libraries and museums;
- (9) Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except when smoking is part of a stage production;
- (10) Sports arenas and convention halls;
- (11) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the County or any political agency or subdivision of the State during such time as a public meeting is in progress;
- (12) Waiting rooms, hallways, wards and rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices;
- (13) Lobbies, hallways and other common areas in buildings, condominiums, retirement facilities, nursing homes, apartment and other multiple-unit residential facilities;
- (14) Lobbies, hallways and other common areas in multiple-unit commercial facilities;

(15) Polling places.

(B) Notwithstanding any other provision of this Section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.060 Regulation of Smoking in Places of Employment.**

(A) It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications except for signs required to be posted by this Chapter.

(B) Within ninety (90) days of the effective date of this Chapter, each employer having an enclosed place of employment located within the County shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, and cafeterias, employee lounges, stairs, restrooms, and in company owned or leased vehicles.

(C) The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.

(D) All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employees. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.070 Regulating the Sale of Tobacco Products.**

(A) Any person, business, tobacco retailer or other establishment subject to this Chapter shall post plainly visible signs at the point of purchase

of tobacco products which state "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW. PHOTO ID IS REQUIRED." The letters of said signs should be at least one-quarter ( $\frac{1}{4}$ ) inch high.

(B) No person, business, tobacco retailer or owner, manager or operator of any establishment subject to this Chapter shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser's age as eighteen (18) years or greater unless the seller has some reasonable basis for determining the buyer's age.

(C) It shall be unlawful for any person, business or tobacco retailer to sell, permit to be sold, offer for sale or display for sale tobacco products by means of self-service merchandising or any means other than vendor-assisted sales. Cartons of cigarettes, multicontainer packages of smokeless tobacco, cigars and pipe tobacco are exempt from this regulation.

(D) No person, business or tobacco retailer shall locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance or use on his, her or its premises any vending machine for the purpose of selling or distributing any tobacco product. Cigarette vending machines located in areas from which children under eighteen (18) years of age are prohibited shall be exempt from this restriction. Any cigarette vending machine located in such an area must be placed thirty (30) feet or greater from the entrance to such an establishment. Any tobacco vending machine in use on the effective date of this Chapter shall be removed within thirty (30) days after the effective date of this Chapter. (Ord. No. 3864 (part), adopted 1993.)

#### **Sec. 9.32.080 Where Smoking Not Regulated.**

(A) Notwithstanding any other provision of this Chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this Chapter:

(1) Bars. Bars attached to restaurants shall not be subject to smoking restrictions, provided the following:

(a) The bar area is not the principal waiting area for the restaurant, and

(b) Restaurant patrons do not have to walk through the bar to gain access into the restaurant, and

(c) The bar and the restaurant have separate ventilation systems, and

(d) Persons under twenty-one (21) years of age are prohibited from this bar area;

(2) Private residences, except during those hours of operation when used as a child care or health care facility. Sole proprietor businesses conducted from private residences shall not be subject to smoking restrictions;

(3) Retail tobacco stores;

(4) Restaurants, hotel and motel conference or meeting rooms and public and private assembly rooms while these places are being used for private functions and closed to the general public.

(B) Notwithstanding any other provision of this Section, any owner, operator, manager or other person who controls any establishment described in this Section may declare that entire establishment as a nonsmoking establishment. (Ord. No. 3864 (part), adopted 1993.)

#### **Sec. 9.32.090 Posting of Signs.**

(A) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is regulated by this Chapter, by the owner, operator, manager or other person having control of such building or place.

(B) Every restaurant shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.100 Enforcement.**

(A) Enforcement of this Chapter shall be implemented by the Mendocino County Department of Public Health, through its Director and designees as noted below.

(B) Any citizen who desires to register a complaint under this Chapter may initiate enforcement with the Mendocino County Department of Public Health.

(C) The Public Health Department shall require, while a facility, establishment, business or employer is undergoing otherwise mandated inspections, a "self-certification" from the owner, manager, operator or other person having control of such establishment that all requirements of this Chapter have been complied with.

(D) Any owner, manager, operator or employee of any facility, establishment, business or employer regulated by this Chapter may inform persons violating this Chapter of the appropriate provisions thereof.

(E) Notwithstanding any other provision of this Chapter, and if not otherwise prohibited by law, a private citizen may bring a legal action to enforce this Chapter.

(F) Pursuant to Ordinance No. 1415 adopted in 1975, any person holding a position in the Mendocino County Department of Public Health, who is also an environmental health specialist, is authorized to issue citations in the name of the County for violations of this Chapter. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.110 Violations and Penalties.**

(A) It shall be unlawful for any person who owns, managers, operates or otherwise controls the use of any premises or establishments subject to regulation under this Chapter to fail to comply with any of its provisions.

(B) It shall be unlawful for any person to smoke in any area where smoking is prohibited by this Chapter.

(C) Any person who violates any provision of this Chapter shall be guilty of an infraction, punishable by:

(1) A fine not exceeding one hundred dollars (\$100) for a first violation;

(2) A fine not exceeding two hundred dollars (\$200) for a second violation of this chapter within one (1) year,

(3) A fine not exceeding five hundred dollars (\$500) for each additional violation of this chapter within one (1) year.

(D) This section shall be self amending as Government Code Section 25132 is amended. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.120 Nonretaliation.**

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any right to a smoke-free environment afforded by this Chapter. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.130 Public Education.**

The Mendocino County Department of Public Health shall engage in a continuing program to explain and clarify the purposes and requirements of this Chapter to citizens affected by it, and to guide owners, operators and managers in their compliance with it. Such programs may include publication of a brochure for businesses and individuals explaining the provisions of this Chapter. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.140 Other Applicable Laws.**

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.150 Severability.**

If any provision, clause, sentence or paragraph of this Chapter or the application thereof to



any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this Chapter are declared to be severable. (Ord. No. 3864 (part), adopted 1993.)

**Sec. 9.32.160 Effective Date.**

This Chapter shall be effective thirty (30) days from and after the date of its adoption, and shall be reviewed within one (1) year of its effective date by the Board of Supervisors. (Ord. No. 3864 (part), adopted 1993.)



(L) Ride or keep a horse except within an area expressly designated or such purpose by the Park Authority.

(M) Disturb, injure, or destroy any property owned, leased, or maintained by the County of Mendocino.

(N) No person under the age of eighteen (18) shall camp within a County park unless accompanied by an adult or with the written consent of a parent or legal guardian. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

#### **Sec. 14.28.040 Vehicles and Traffic.**

All vehicles and pedestrian traffic in any park shall be subject to the provisions of the California Vehicle Code, which may be enforced by the California Highway Patrol and by the Mendocino County Sheriff. It is prohibited, unlawful, and a misdemeanor for any person to do any of the following acts in or on any portion of a County park:

(A) Operate any vehicle except upon such roads or rights-of-way as are expressly designated and posted by the Park Authority for such operation.

(B) Operate any vehicle except in a safe and prudent manner and at a speed not exceeding twenty-five (25) miles per hour unless otherwise posted by the Park Authority.

(C) Park any vehicle in any manner or at any location other than the manner and location designated for vehicle parking by the Park Authority;

(D) Operate or park any vehicle between the hours of 12:00 midnight and sunrise without permission of the Park Authority. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

#### **Sec. 14.28.050 Camping.**

The following regulations and prohibitions shall apply to camping and the use of trailers in County parks, and on public and private property.

(A) It is prohibited and unlawful for any person to camp, build any structure, dwell in, inhabit any campsite area or engage in camping, or store any camp paraphernalia and related personal prop-

erty, in any County park or on public property for any period of time unless expressly authorized by this Section or Chapter 6.16 of this Code. The description of any park referred to in this Chapter shall be more particularly described by resolution of the Board of Supervisors and shall be available for public inspection at the office of the Clerk of the Board of Supervisors, Administration Center, 501 Low Gap Road, Rm. 1090, Ukiah, California.

(B) It is further unlawful to camp in, build any structure, dwell in, inhabit any campsite area, or store any camp paraphernalia and related personal property on private property other than with the implied or express consent of the owner or person in lawful possession thereof; however, nothing herein shall authorize a private property owner to operate an unauthorized campground, trailer park or recreational vehicle park or grant permission to anyone to camp on their property when such conduct would violate this Chapter, Chapter 6.16 of this Code or any other provision of law.

(C) Except as provided in subsections (E) and (F), it is prohibited and unlawful for any person or persons to park a vehicle, or trailer for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it for more than one (1) day on any public property other than a licensed campground, recreational vehicle park, mobile home park or in a governmentally controlled campground or County park for which camping is specifically an authorized public use.

(D) It is prohibited and unlawful for any person or persons to park a vehicle, or trailer for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it on any private property without the implied or express consent of the owner or person in lawful possession thereof. Nothing herein shall authorize a private property owner to operate an unauthorized campground, trailer park or recreational vehicle park or grant permission to anyone to park vehicles on their property when such conduct would violate this Chapter, Chapter 6.16 of this Code or any other provision of law.

(E) Camping or parking of a vehicle or trailer for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it, is specifically prohibited and unlawful between the hours of 10:00 p.m. and 6:00 a.m. in:

(1) South Kibesillah Gulch, in the vicinity of Ten Mile River and Westport;

(2) Seaside Beach, in the vicinity of Ten Mile River and Fort Bragg;

(3) McKee County Park, in the vicinity of Potter Valley;

(4) Mill Creek County Park, in the vicinity of Talmage Dam;

(5) Bower Park, in the vicinity of Gualala;

(6) Any public property between US 101 and the Russian River from the Mendocino County line north, to the Russian River Bridge;

(7) Any public property located within a radius of six hundred (600) feet from the center of span of the Russian River Bridge on Talmage Road (State Route 222);

(8) Any public property located within a radius of two hundred fifty (250) feet from the center of span of the Ackerman Creek Bridge on North State Street (County Route 104);

(9) Any public property located within a radius of four hundred (400) feet from the center of span of the West Fork of the Russian River Bridge on Lake Mendocino Drive (County Route 227B);

(10) All that portion of the unincorporated area of Mendocino County designated as the Mendocino Historical Preservation District, as described in section 20.760.010, subdivision (A) of the Mendocino County Code;

(11) In the public right-of-way along Heeser Drive in the Town of Mendocino, to the extent not covered by the preceding paragraph;

(12) North of the City of Ukiah in the public right-of-way along both sides of Lover's Lane, from its intersection with KUKI Road to its terminus near the western foothills.

(F) Camping, or parking of a trailer, is permitted in the following parks in such areas therein

as are expressly posted by the Park Authority for such purpose but only for a maximum of fourteen (14) nights:

(1) Indian Creek, in the vicinity of Philo. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

(Ord. No. 4353, § II, 4-5-2016)

#### **Sec. 14.28.051 Added Regulations—Mill Creek Park.**

In addition to the regulations set forth in this Chapter, Mill Creek County Park, including the picnic area, dams and ponds shall be closed one (1) hour after sunset and shall reopen at sunrise. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

#### **Sec. 14.28.055 Fees.**

Every person using any County park shall pay such fee as is required by resolution of the Board of Supervisors; provided, however, that such resolution be adopted pursuant to public hearing which has been noticed in a newspaper of general circulation for one time at least ten (10) days in advance of the hearing. In order for a fee to be validly collected at any park, the aforesaid resolution shall be posted at the entrance of such park. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

#### **Sec. 14.28.060 Sanitary Facilities.**

Sanitary facilities shall be provided and maintained by the Park Authority within all County parks and sanitary stops maintained by it. Such maintenance shall include the pumping of chemical toilets. The Park Authority shall determine the particular location of such chemical toilets, buildings and all matters relating to their maintenance. To the extent authorized by resolution of the Board of Supervisors, the Park Authority may provide sanitary facilities on a loan basis to other governmental agencies, which may need such facilities and may maintain such facilities depending upon the agreement negotiated with the respective governmental agency. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

**Sec. 14.28.070 Abatement of Nuisances.**

(A) Any structure found to be involved in or which constitutes a violation of this Chapter shall be considered a dangerous building and shall be dealt with in accordance with the nuisance abatement sections of this Code, or other applicable law.

(B) Any abandoned vehicle involved in a violation of this Chapter shall be dealt with in accordance with the Vehicle Code, or other applicable law.

(C) Abatement of a vehicle or structure found to be in violation of this Chapter may be undertaken by County employees or agents twenty-four (24) hours after service of the citation. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

**Sec. 14.28.080 Enforcement.**

(A) Whenever any person commits any act that is declared by this Chapter to be a misdemeanor, he or she may be arrested by a peace officer legally empowered to enforce laws adopted by County ordinances pertaining to County parks. If such arrested person does not demand to be taken before a magistrate, such person may, instead of being taken before a magistrate, be released according to the procedure set forth in Sections 853.6 et seq., of the California Penal Code, which provide for the issuance and enforcement of citations for misdemeanors.

(B) If personal service on the individual found to be in violation of this Chapter is not possible, service of the citation will be valid and proper if the notice of citation is firmly affixed to a conspicuous object in the campsite, or to a vehicle or structure shall be considered proper service of the citation. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

**Sec. 14.28.090 Violation and Penalties.**

A first offense of any violation of this Chapter shall be deemed an infraction and punished as prescribed in Government Code Section 25132. Any second or subsequent violations of this Chapter shall be a misdemeanor punishable by a fine of

not more than Five Hundred Dollars (\$500) or by imprisonment in the County jail for not more than six (6) months or both. Every day any violation of this Chapter shall continue shall constitute a separate offense. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

**Sec. 14.28.100 Annual Review.**

This Board will review the implementation and enforcement of this Chapter six (6) months from the date of adoption and annually thereafter. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)

**Sec. 14.28.110 Severability.**

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this Chapter or the application thereof to any person, establishment or circumstances shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Chapter. (Ord. No. 4171, Sec. 2 (part), adopted 2006.)



## **Title 15**

### **VEHICLES AND TRAFFIC**

- Chapter 15.04 Traffic Regulations**
- Chapter 15.08 Traffic Regulation Over Certain Bridges**
- Chapter 15.12 Parking Regulations**
- Chapter 15.14 Reserved**
- Chapter 15.16 Protection of County Roads**
- Chapter 15.20 Encroachment Upon County Highways**
- Chapter 15.24 Advertising Adjacent to Landscaped  
Freeways**
- Chapter 15.28 Abandoned Vehicles**
- Chapter 15.32 Control of Vehicular Use on Public  
Beaches, Dunes and Sensitive Wildlife  
Habitat Areas**
- Chapter 15.36 Skateboards**





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

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

(22) Repealed.

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

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

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

(26) On Black Bart Drive (CR 370), from mile post 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 374), full length.

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

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

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

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

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

(36) On Moore Street, CR 229B from mile post 0.10 to mile post 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 mile post 11.22 to mile post 12.00.

**(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 mile post 0.00 to mile post 0.64.

(3) Repealed.

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

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

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

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

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

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

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

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

(12) On Center Valley Road (CR 303), from the Willits City Limit mile post 0.00 to Bray Road (CR 305) mile post 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 mile post 1.34 to mile post 1.79.

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

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

(4) On Vichy Springs Road (CR 215), from the Ukiah City Limits mile post 0.00 to mile post 1.35.

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

(6) On Laytonville Reservation Road (CR 319F), full length.

(7) On Airport Road (CR 424), from mile post 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 mile post 1.18 (State Highway 1) to mile post 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 mile post 3.30 to mile post 3.88 (terminus).

(15) On Tomki Road (CR 237D), from mile post 0.00 to mile post 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 mile post 1.80 to mile post 3.32.

(19) On Hensley Creek Road (CR 225A), from mile post 0.00 to mile post 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 mile post 0.63 to mile post 1.41.

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

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

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

(26) On Powerhouse Road (CR 248A), from mile post 0.00 (Main Street, CR 245) to mile post 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, mile post 0.00, to mile post 1.85 and from mile post 3.45 to the end of the road at its intersection with Comptche Ukiah Road.

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

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

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

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

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

(37) On North State Street (CR 104), from mile post 0.00 to mile post 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 mile post 0.39 (Vichy Springs Road) to mile post 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 mile post 0.00 to mile post 1.80.

(7) Repealed.

(8) Repealed.

(9) On Little River Airport Road from mile post 1.85 to mile post 3.45.

(10) On Pudding Creek Road (CR 421), from mile post 0.55 to the end of the road.

(11) On Sherwood Road (CR 311), from Primrose Drive (CR 604) mile post 2.17 to Crow Place (CR 699) mile post 3.89.

(12) On North State Street, CR 104 from mile post 5.11 to mile post 5.25.

(13) On Old Stage Road (CR 502), from Old State Highway, (CR 501A) mile post 0.00 to the northerly intersection of Gualala Court (CR 502A) mile post 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 mile post 5.77.

(16) On Mountain House Road (CR 111), from mile post 7.99 to mile post 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 mile post 0.00 to mile post 2.57.

(4) On Vichy Springs Road (CR 215), from mile post 1.35 and mile post 2.58.

(5) On South State Street (CR 104A), from mile post 0.00 to mile post 0.63.

(6) On Ruddick Cunningham Road (CR 205), full length.

(7) On Sherwood Road (CR 311), from the Willits City Limits mile post 0.00 to Primrose Drive (CR 604) mile post 2.17.

(8) On Center Valley Road (CR 303), from mile post 1.45 to the end of the road at East Hill Road (CR 301) mile post 2.07.

(9) On North State Street (CR 104), from mile post 0.44 to mile post 2.45.

(10) On Old Stage Road (CR 502), from the northerly intersection of Gualala Court (CR 502A) mile post 1.06 to mile post 2.35.

**(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 mile post 0.08 to mile post 1.34.

(2) On East Road (CR 230), from mile post 1.79 to mile post 5.39.

(3) On Center Valley Road (CR 303), from Bray Road (CR 305) mile post 0.52 to mile post 1.45.

(4) On North State Street (CR 104), from mile post 2.45 to mile post 4.57.

(5) On Old Stage Road (CR 502), mile post 2.35 to mile post 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)

**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 maxi-

imum 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 traf-

fic 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.)

## CHAPTER 15.14

### RESERVED\*

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\***Editor's note**—Ord. No. 4353, § I, adopted April 5, 2016, repealed ch. 15.14, §§ 15.14.010—15.14.030, in its entirety. Former ch. 15.14 pertained to "Parking of Vehicles, House Cars, Campers and Trailer Coaches for Human Habitation," and was derived from Ord. No. 2003, adopted 1977; Ord. No. 3598, §§ 1—3, adopted 1986 and Ord. No. 4002, § 3, adopted 1998.

## CHAPTER 15.16

### PROTECTION OF COUNTY ROADS

#### **Sec. 15.16.010 Non-Rubber-Tired Tractors; Permit Required on Unimproved County Highways and Roads.**

No tractor of any kind or description, excepting rubber-tired tractors, shall be operated or driven over or along any unimproved County highway or road in the County of Mendocino, except upon permit issued by the County Road Commissioner, except that the foregoing provisions shall not apply to the performance of any road maintenance work of and by the County of Mendocino. (Ord. No. 249, Sec. 2, adopted 1936, Ord. No. 343, adopted 1953; Ord. No. 3859, adopted 1993.)

#### **Sec. 15.16.020 Definition.**

For the purposes of Sections 15.16.010 to 15.16.050, inclusive, an unimproved highway is hereby defined to be any road or highway which is not paved with cement, concrete or asphaltic concrete, or a highway not having a hard surface and distinct roadway of at least four (4) inches thick, made up of a mixture of rock, sand or gravel, bound together by an artificial binder other than natural soil; and an unimproved County highway is hereby defined as being an unimproved highway which is under the jurisdiction of Mendocino County and is being maintained thereby. (Ord. No. 249, Sec. 3, adopted 1936.)

#### **Sec. 15.16.030 Highways Closed to Commercial Vehicles.**

Pursuant to Section 35712 of the California Vehicle Code, the use of all highways hereinafter designated by any commercial vehicle exceeding a gross weight of fourteen thousand (14,000) pounds is hereby prohibited.

(A) The foregoing prohibition shall apply to each of the following designated highways, which have been officially accepted into the Mendocino

County road system, each of which is deemed located in an unincorporated residential or subdivision area:

(1) Each highway located within the Brooktrails Vacation Village Subdivision, which is located near Willits, as said subdivision is defined in and described by those certain Tract Maps identified as follows and located in the following case and drawer numbers of the Official Records of the County of Mendocino.

- a. Tract No. 55, located in Case 2, Drawer 2.
- b. Tract No. 86, located in Case 2, Drawer 7.
- c. Tract No. 126, located in Case 2, Drawer 13.

(B) "Highway" is a way or place of whatever nature, publicly maintained, and open to the use of the public for purposes of vehicular travel. Highway includes street. (Ord. No. 1100, adopted 1973.)

(C) A "commercial vehicle" is a vehicle of a type required to be registered under the California Vehicle Code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. Passenger vehicles which are not used for the transportation of persons for hire, compensation, or profit and house cars are not commercial vehicles. (Ord. No. 1100, adopted 1973.)

(D) The foregoing prohibition shall not apply to any commercial vehicle coming from an unrestricted highway having ingress and egress by direct route to and from the restricted highway when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted highway; nor shall the foregoing prohibition apply to any of the other vehicles or uses specifically exempted by Section 35714 of the California Vehicle Code. (Ord. No. 1100, adopted 1973.)

#### **Sec. 15.16.040 Penalties.**

Any person violating any of the provisions of Sections 15.16.010 to 15.16.040, inclusive, shall be



guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the County jail not to exceed the term of six (6) months, or by both such fine and imprisonment. (Ord. No. 249, Sec. 4, adopted 1936.)

**Sec. 15.16.050 Certain Tires Prohibited.**

No vehicle shall be driven or moved upon any public highway or County road, except the California State Highway, in the County of Mendocino, which has a tire thereon, the periphery of which has any block, stud, flange, cleat, ridge, bead or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire, as a part thereof or attached thereto; but this section shall not be construed as to prohibit the use of tire chains of reasonable proportions on vehicles when required for safety because of snow or ice or other conditions tending to cause such vehicle to slip or skid. The provisions of this section shall not apply to vehicles actually engaged in the construction or repair of such public highways and County roads, and this section shall not apply to traction engines or tractors, or any other vehicles when such traction engines or tractors or other vehicles are moved or operated under the conditions of a permit first obtained from the Board of Supervisors of Mendocino County. (Ord. No. 228, Sec. 1, adopted 1930.)

**Sec. 15.16.060 Penalties.**

Any person, firm, company, association or corporation who violates any of the provisions of Section 15.16.050 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by confinement in the County jail of Mendocino County for a period not to exceed six (6) months, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. (Ord. No. 228, Sec. 1, adopted 1930.)

**CHAPTER 15.20**  
**ENCROACHMENT UPON COUNTY**  
**HIGHWAYS**

**Sec. 15.20.010 Title.**

This Chapter shall be known as the "Mendocino County Encroachment Chapter." (Ord. No. 319, Sec. 1, adopted 1950, as amended by Ord. No. 423, adopted 1961.)

**Sec. 15.20.020 Declaration.**

The purpose of this Chapter shall be deemed to supplement Sections 1480 to 1496, inclusive, of Chapter 6, Division 2 of the Streets and Highways Code. (Ord. No. 319, Sec. 2, adopted 1950, as amended by Ord. No. 423, adopted 1961.)

**Sec. 15.20.030 Permit Required for Certain Construction.**

(A) No person shall construct new road or driveway approaches to any County highway or install any culvert or pipe within the right of way of any County highway, without first securing a permit for that purpose, from the Road Department of the County of Mendocino. Where the construction of any road or driveway approach will obstruct the normal drainage of any County highway, culverts or drain pipes shall be installed under the approach. (Ord. No. 319, Sec. 3, adopted 1950, as amended by Ord. No. 423, adopted 1961.)

(B) The cost of the culvert or drain pipe and the installation thereof shall be borne by the person or persons making the application, but the installation will be done under the supervision of the Road Department. (Ord. No. 319, Sec. 3, adopted 1950, as amended by Ord. No. 423, adopted 1961.)

(C) The size and location of any culvert or drain pipe shall be determined by the County Road Department. (Ord. No. 319, Sec. 3, adopted 1950, as amended by Ord. No. 423, adopted 1961.)

(D) The penalties for violation of this Chapter are the same as provided in Chapter 6, Division

2 of the Streets and Highways Code. (Ord. No. 319, Sec. 3, adopted 1950, as amended by Ord. No. 423, adopted 1961.)

**Sec. 15.20.040 Inspection.**

All work projects conducted under the provisions of this Chapter shall be subject to inspection by the County Road Commissioner and the County Surveyor, or any other person duly authorized by the Board of Supervisors. The cost for said inspection shall be chargeable to the district and/or contractor who is authorized in accordance with this Chapter to encroach upon County highways. Said district and/or contractor shall post a bond in an amount recommended by the County Road Commissioner and County Surveyor as approved by the Board of Supervisors, which shall be effective from the time of the issuance of the permit of encroachment, until one (1) calendar year after the date of the filing of the Notice of Completion for said work project. (Ord. No. 319, Sec. 4, adopted 1950, as amended by Ord. No. 423, adopted 1961.)

CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section		Section this Code
4329	7-22-2014	MU-2 general mixed use district		Added	Ch. 20.085, §§ 20.085.005—20.085.060
Ord. of	11- 4-2014(1)	Community Bill of Rights (Measure S)	1—9	Added	Ch. 8.05, §§ 8.05.010—8.05.090
4330	1-20-2015	Fees for probation reports			2.65.010
4331	1-20-2015	Delegating authority to invest to county treasure for calendar year 2015			5.130.010
4333	3-17-2015	Building regulations	1	Rpld	Ch. 18.04, §§ 18.04.010—18.04.095
				Added	Ch. 18.04, §§ 18.04.005—18.04.085
			2		18.08.010
			3		10.08.030
			4	Added	Ch. 18.14, §§ 18.14.010—18.14.090
			5	Added	Ch. 18.70, §§ 18.70.010—18.70.150
4336	5-19-2015	Mendocino County lodging business improvements district			Ch. 5.140, §§ 5.140.010—5.140.270
4338	6-16-2015	Purchasing agent			Ch. 2.32, §§ 2.32.010—2.32.120
4339	6-16-2015	Speed zoning on county roads		Added	15.04.030(B)(37), (38)
4340	7- 7-2015	Personnel and salary			Ch. 3.04, §§ 3.04.010—3.04.220
		Civil service			Ch. 3.16, §§ 3.16.010—3.16.220
4341	8- 4-2015	Wireless communications	1	Added	20.008.020(O)—(R)
			2	Added	20.008.024(N)
			3	Added	20.008.060(B)
			4		20.236.015
			5		20.236.020
			6	Rnbd	20.236.025
				as	20.236.040
			7	Added	20.236.025
			8	Added	20.236.030
			9	Added	20.236.035
4342	8-18-2015	Personnel and salary		Rpld	Ch. 3.04, §§ 3.04.010—3.04.220
				Added	Ch. 3.04, §§ 3.04.010—3.04.220
				Rpld	Ch. 3.16, §§ 3.16.010—3.16.220

CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section		Section this Code
				Added	Ch. 3.16, §§ 3.16.010—3.16.220
4344	10- 6-2015	Small residential rooftop solar energy system review process	3	Added	Ch. 18.40, §§ 18.40.010—18.40.035
4345	10- 6-2015	Resource preserves	1	Rpld	Ch. 22.08, §§ 22.08.010—22.08.132
		Agricultural preserves and Williamson Act contracts		Added	Ch. 22.08, § 22.08.010
4348	12- 8-2015	County commission on medical care			8.69.030, 8.69.040
4349	2- 2-2016	County vehicle policy			3.12.010—3.12.100
4350	2- 2-2016	Delegation of authority to invest for calendar year 2016			5.130.010
4351	3- 1-2016	Speed zoning on county roads		Added	15.04.030(B)(39)
4352	3- 1-2016	Personnel and salary		Added	3.04.062
4353	4- 5-2016	Parking of vehicles, house cars, campers and trailer coaches for human habitation	I	Rpld	Ch. 15.14, §§ 15.14.010—15.14.030
		Use of county parks and camping prohibition on public and private property	II		14.28.050
4356	5-17-2016	Medical marijuana cultivation regulation		Rpld	Ch. 9.31, §§ 9.31.010—9.31.150
				Added	Ch. 9.31, §§ 9.31.010—9.31.190

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