

**MENDOCINO COUNTY CODE**

**Looseleaf Supplement**

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

**Ordinance No. 4378, passed January 24, 2017.**

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

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



Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316  
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www.municode.com



**MENDOCINO COUNTY CODE**

**Looseleaf Supplement**

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

**Ordinance No. 4366, adopted October 4, 2016;  
including Ordinance No. 4367, adopted June 7, 2016.**

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

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## PREFACE

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

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

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

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

**This supplement brings the Code up to date through Ordinance No. 4378, passed January 24, 2017.**

Municipal Code Corporation  
1700 Capital Circle SW  
Tallahassee, FL 32310  
800-262-2633



CURRENT OFFICIALS

of the

COUNTY OF MENDOCINO, CALIFORNIA

---

Carre Brown  
*1st District Supervisor*

John McCowen  
*2nd District Supervisor*

Vacant  
*3rd District Supervisor*

Dan Gjerde  
*4th District Supervisor*

Dan Hamburg  
*5th District Supervisor*

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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
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4277	6- 7-2011	Included	30
4283	9-13-2011	Included	30
4284	10- 4-2011	Included	30
4285	10- 4-2011	Included	30
4279	7-12-2011	Included	31
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
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4299	8-28-2012	Included	32
4300	9-25-2012	Included	33
4301	11- 6-2012	Included	33
4302	1-22-2013	Included	34
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4308	7-30-2013	Included	35
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<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
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4206	10-28-2008	Included	38
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<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/ Omitted</b>	<b>Supp. No.</b>
4376	1-10-2017	Included	47
4377	1-10-2017	Included	47
4378	1-24-2017	Included	47



**Title 1**

**GENERAL PROVISIONS**

**Chapter 1.04 In General**

**Chapter 1.08 Administrative Citations and Penalties**



## CHAPTER 1.08

### ADMINISTRATIVE CITATIONS AND PENALTIES

#### Sections:

**Sec. 1.08.010 Findings and Purpose.**

**Sec. 1.08.020 Citation.**

**Sec. 1.08.030 Definitions.**

**Sec. 1.08.040 Scope of Chapter.**

**Sec. 1.08.050 Nonexclusivity and Election  
of Proceedings.**

**Sec. 1.08.060 Administrative Penalty;  
Amounts.**

**Sec. 1.08.070 Citation for Violation of the  
Code.**

**Sec. 1.08.080 Service Procedures.**

**Sec. 1.08.090 Procedure to Appeal an  
Administrative Citation.**

**Sec. 1.08.100 Hardship Waiver.**

**Sec. 1.08.110 Hearing Officer.**

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**Sec. 1.08.130 Administrative order.**

**Sec. 1.08.140 Right to Judicial Review.**

**Sec. 1.08.150 Failure to Pay Fines.**

**Sec. 1.08.160 Notices.**

**Sec. 1.08.170 Severance.**

#### **Sec. 1.08.010 Findings and Purpose.**

The Board of Supervisors of the County of Mendocino finds and declares all of the following:

A. There is a need to establish various mechanisms for the remediation of violations of county ordinances.

B. Traditional methods of code enforcement through civil litigation and criminal prosecution can be time-consuming and ineffective.

C. Enforcing the Mendocino County Code through administrative citations enhances the county's ability to recover its costs and maintain the integrity of the code enforcement system. It also

improves the county's ability to impose and collect penalties from violators, which helps to deter future violations.

D. Pursuant to Section 53069.4 of the California Government Code, the Board of Supervisors elects to create a system of administrative citations and hearings to ensure prompt and responsive compliance with the Mendocino County Code and state law.  
(Ord. No. 4371, § 1, 1-10-2017)

#### **Sec. 1.08.020 Citation.**

This chapter shall be referred to as the "Mendocino County Administrative Citation Ordinance."  
(Ord. No. 4371, § 1, 1-10-2017)

#### **Sec. 1.08.030 Definitions.**

A. "Board" means the Mendocino County Board of Supervisors.

B. "Citation" or "Administrative Citation" means a civil citation issued pursuant to this chapter stating that there has been a violation of one (1) or more provisions of the code and setting the amount of the administrative penalty to be paid by the Responsible Party.

C. "Code" means the Mendocino County Code.

D. "County" means the county of Mendocino.

E. "Days" means calendar days.

F. "Department" means the County department that issued the Citation.

G. "Enforcement Officer" means any officer or employee authorized by ordinance or by resolution of the Board of Supervisors to enforce the Mendocino County Code, or such officer's or employee's designee.

H. "Responsible Party" means an individual or legal entity, or the agent or legal guardian of such individual or entity, whose action or failure to act caused or contributed to a violation of the Code.

(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.040 Scope of Chapter.**

A. This chapter may be used by any officer, agent or employee of the County of Mendocino who is authorized to enforce the Mendocino County Code. However, prior to any issuance of a Citation, the Department shall first coordinate with County Counsel to secure the availability of a Hearing Officer.

B. Use of this chapter for the enforcement of code provisions shall be at the sole discretion of the County, its officers, agents and employees.

C. This chapter may be utilized to the extent that the provisions herein do not conflict with due process or any other law.

D. This chapter shall not apply to the extent that other provisions of the Code, or other applicable state or federal law provide an exclusive remedy.

(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.050 Nonexclusivity and Election of Proceedings.**

This chapter provides for enforcement proceedings that are supplemental to all other enforcement proceedings provided elsewhere in the Code, or by state or federal law, whether administrative, civil or criminal in nature. As such, the provisions of this chapter may be utilized alone or in conjunction with other provisions of the Code to enforce all the provisions of the Code. This chapter shall not apply to the extent that other provisions of the Code state an exclusive remedy within a particular title or chapter. Election to employ one (1) or more proceedings provided in this chapter shall be at the sole discretion of the County, and shall be without prejudice to the County choosing to also proceed simultaneously or subsequently by pursuing different enforcement proceedings with respect to the same violation.

(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.060 Administrative Penalty; Amounts.**

A. Any Responsible Party violating any provision of the Code may be issued an Administrative Citation by an Enforcement Officer in accordance with the provisions of this chapter.

B. Each and every day a violation of the provisions of the Code exists constitutes a separate and distinct offense and shall be subject to Citation.

C. The Enforcement Officer may issue a Citation for a violation not committed in the official's presence, if the public official has determined through investigation that the Responsible Party did commit or is otherwise responsible for the violation.

D. A civil fine shall be assessed by means of an Administrative Citation issued by the Enforcement Officer and shall be payable directly to the Department which issued the Citation.

E. Unless otherwise provided for in this chapter or elsewhere in the Code, the amount of the fine for each violation shall be:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;

2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same Code provision within one (1) year from the date of the first violation;

3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same Code provision within one (1) year from the date of the second violation.

F. A violation of any local building or safety code, the amount of the fine for each violation shall be:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;

2. A fine not exceeding five hundred dollars (\$500.00) for a second violation of the same Code provision within one (1) year from the date of the first violation;

3. A fine not exceeding one thousand dollars (\$1,000.00) for each additional violation of the same Code provision within one (1) year from the date of the second violation.

G. If a Responsible Party fails to correct any violation after the Administrative Citation is served, the administrative penalty shall become effective and due immediately.



H. The administrative penalty, or any portion thereof, for a violation which has become effective may be waived by the Enforcement Officer if, in his or her sole discretion, the Responsible Party corrects the violation in accordance with conditions established by the Enforcement Officer.

(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.070 Citation for Violation of the Code.**

A. Pursuant to Government Code section 53069.4(a)(2), when a Code violation involves a continuing violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues, which also does not create an immediate danger to health or safety, the Enforcement Officer shall first provide the Responsible Party notice of the violation and a reasonable amount of time to correct or otherwise remedy the violation, which shall not be less than thirty (30) days. At minimum, the notice of a violation must provide sufficient notice to the Responsible Party of the violation and the time permitted to correct the violation. If the notice of violation takes the form of and is served in the same manner as an Administrative Citation, the proposed administrative penalty identified in such a form shall not become effective until the expiration of the time provided to correct the violation.

B. Unless otherwise specified, the Enforcement Officer may issue an Administrative Citation without providing notice and time to cure. However, the Enforcement Officer, in his or her sole discretion, has the option to give notice and time to cure, and may choose to delay the effect of the administrative penalty until after such time.

C. The Administrative Citation shall be issued on a form containing:

1. The name and address of the Responsible Party and, if applicable;
2. the date, approximate time, and address or definite description of the location where the violation was observed
3. The Code sections or provisions violated and a description of the violation;

4. Where applicable, the date the notice of violation was served on the Responsible Party and the time specified thereon to correct the violation;

5. When applicable, a statement that the violation has not been corrected within the period of time designated in a notice of violation within which a Responsible Party may correct or abate the violation;

6. The amount of the fine imposed by, or proposed to be imposed by the Citation;

7. A statement explaining how, where, to whom, and within what number of days the penalty shall be paid;

8. In the case of a continuing violation not subject to an immediate administrative penalty, or in any other case when the Enforcement Officer opts to delay the effect of the penalty until after a time to cure, the number of days provided to correct the violation, and a statement that if not corrected by that time then the proposed Administrative Citation and penalty shall become effective immediately with the understanding that any subsequent Administrative Citation would be considered a repeat violation subject to a higher penalty;

9. Identification of appeal rights, including the time within which the administrative Citation may be contested and how to contest the Citation;

10. The signature of the Enforcement Officer issuing the Citation along with the date of issuance of the Citation, and if possible; and

D. The Administrative Citation, and any required notice of violation in the form of an Administrative Citation or in any other form, shall be served upon the Responsible Party pursuant to Section 1.08.080.

E. Upon receipt of a Citation, the Responsible Party shall pay the amount of the fine to the issuing Department within thirty (30) days of the date of service of the Citation, or as otherwise indicated in the Citation. Alternatively, the Responsible Party may file a written request for appeal of the Citation pursuant to the provisions in this Chapter.

F. Payment of the fine shall not excuse or discharge the failure to correct the violation nor shall it bar further enforcement action by the County. If the Responsible Party fails to correct the violation, subsequent Administrative Citations may be issued for maintaining, continuing or repeating the same violation. The amount of the fine for subsequent violations shall increase at a rate specified in this chapter.  
(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.080 Service Procedures.**

An Administrative Citation shall be served on the Responsible Party by an Enforcement Officer in one of the following ways:

A. Personal service; or

B. Certified mail, postage prepaid with a return receipt requested. Simultaneously, the Citation may be sent by first class mail, postage prepaid with certificate of mailing requested. If the Citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the Citation sent by first class mail is not returned by the United States Postal Service undelivered. In the case of service by certified mail for which a signed receipt is returned, the date of service shall be the date of signing of the receipt. In the case of service by regular first class mail, the date of service shall be the date upon which such mail was deposited in the United States Mail with postage prepaid, plus five (5) days.

C. Posting the Administrative Citation on any real property within the County in which the County has knowledge that the Responsible Party has a legal interest. This method of service is only effective if service by mail fails, but posting may be done at any time. If service by mail fails, service by posting shall be deemed effective service as of the date of actual posting plus five (5) days.

(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.090 Procedure to Appeal an Administrative Citation.**

A. Within ten (10) days from the date of a properly served Citation, any recipient of the Ci-

tation may contest that he or she was responsible for causing or contributing to the cited Code violation.

B. To appeal the Citation, the recipient must give notice to the Department issuing the Citation within ten (10) days from the date of service of the Citation by either completing and returning a notice of appeal of Citation form, or by providing a document, in writing, bearing the title, "Appeal of Administrative Citation", containing:

1. the name, address and phone number of the appellant;
2. sufficient information to identify the Citation; and
3. the grounds on which the Citation is being contested.

C. The notice of appeal shall be accompanied by either an advance deposit in the amount of the total administrative penalty or a completed hardship waiver application as described in Section 1.08.100.

D. If the Board has established a hearing fee, either the hearing fee or a completed application for a hardship waiver as described in Section 1.08.100 shall also be provided along with the notice of Citation given to the Department.

E. Any notice of appeal filed without providing the advance deposit, and payment of the hearing fee if applicable, or submittal of the hardship waiver application, as described in Section 1.08.100, shall be deemed incomplete.

F. The Department receiving a timely and properly filed appeal, along with the hearing fee, if applicable, shall then cause the matter to be set for hearing by notifying the Hearing Officer directly or by requesting County Counsel to coordinate with the Hearing Officer.

G. A hearing before a Hearing Officer shall be set for a date that is not less than ten (10) and not more than thirty (30) days from the date that the notice of appeal is filed.

H. In accordance with the noticing provisions set forth in Section 1.08.080, either the Hearing Officer, or the County Counsel in cooperation with the Hearing Officer, shall notify the parties in

writing, at least ten (10) days prior to the hearing date, of the date and location of the hearing. It shall be sufficient to provide notice to the appellant by using the address listed in the request for appeal.

(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.100 Hardship Waiver.**

A. Any Responsible Party who intends to request a hearing to contest an Administrative Citation and who is financially unable to provide the advance deposit, or pay the hearing fee if applicable, as provided in Section 1.08.090, may file a request for a hardship waiver along with the notice of appeal.

B. The requirement of depositing the full amount of the administrative penalty, or hearing fee if applicable, as described in Section 1.08.090 shall be stayed unless and until the director of the Department, or his or her authorized designee, makes a determination not to issue the hardship waiver.

C. The director of the Department, or his or her authorized designee, may waive the requirement of an advance deposit, or hearing fee if applicable, if the Responsible Party receiving the Administrative Citation submits a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the director of the Department, or his or her authorized designee, proof of the Responsible Party's actual financial inability to deposit with the County the full amount of the administrative penalty, or hearing fee if applicable.

D. Financial inability can be established by showing that the applicant has qualified, or would be qualified, for participation in a public or private assistance program available only to persons having low or very low income, such as the programs identified in California Government Code Section 68632(a), or by showing that the applicant's monthly income is one hundred twenty-five percent (125%) or less of the current poverty guidelines, as explained in California Government Code Section 68632(b).

E. If the director of the Department, or his her designee, determines not to issue a hardship waiver, the following shall apply:

1. The director, or his or her designee, shall issue a written determination listing the reasons for the determination not to issue the hardship waiver;

2. The written determination shall be mailed by first class mail, postage prepaid, with certificate of mailing requested, to the Responsible Party at the address identified on the Responsible Party's notice of appeal pursuant to Section 1.08.090, or at the Responsible Party's last known address;

3. The Responsible Party shall remit the advance deposit, or hearing fee if applicable, to the Department within ten (10) days of the date of mailing of the written determination; and

4. Failure by the Responsible Party to timely remit the advance deposit, or hearing fee if applicable, to the Department after mailing of the determination not to issue a hardship waiver shall be deemed a withdrawal of the request for appeal contesting the Administrative Citation pursuant to 1.08.090, and the provisions of the Citation shall be effective immediately, including any associated administrative penalty, which shall be due immediately.

(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.110 Hearing Officer.**

The Board of Supervisors authorizes the appointment and use of Hearing Officers pursuant to Mendocino County Code Chapter 2.76. The director of the Department shall coordinate with County Counsel, prior to any issuance of Citations, to ensure that a Hearing Officer is appointed for the purpose of presiding at the administrative hearings provided for by this Chapter.

(Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.120 Hearing Procedure.**

A. At the prescribed time and place, the Hearing Officer shall consider relevant evidence from all parties as to whether the violation of the Code

specified in the Citation occurred and whether the appellant caused or contributed to the violation of the Code on the date specified in the Citation.

B. The Administrative Citation and any additional documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.

C. Personal information about any reporting party related to the violation(s) shall not be disclosed.

D. Parties may choose to be represented by an attorney. However, formal rules of evidence or procedure in any proceeding subject to this Chapter shall not apply. Nonetheless, any failure to make a timely objection to offered evidence constitutes a waiver of the objection. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The hearing officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will cause undue consumption of time.

E. The failure of any appellant of an Administrative Citation to appear at the scheduled hearing shall constitute a failure to exhaust administrative remedies.

F. The Hearing Officer may continue the hearing and request additional information from the parties prior to issuing a written decision. (Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.130 Administrative order.**

A. At the conclusion of the hearing and based on the evidence before it, the Hearing Officer shall determine whether to uphold or deny the Administrative Citation, and shall state the reasons for that decision in a written order. The Hearing Officer's decision shall be final.

B. If the Hearing Officer determines that the Administrative Citation should be upheld, then the fine amount identified in the Citation, or as otherwise adjusted by the Hearing Officer, shall be immediately collectable by the Department.

C. If the Hearing Officer determines that the Administrative Citation should not be upheld, the Hearing Officer shall order the Citation dismissed, and the Department shall return the advance deposit, if such deposit was provided.

D. A copy of the written decision and administrative order shall be served personally or by first class United States mail, postage prepaid, upon each appellant and all other parties to the hearing. (Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.140 Right to Judicial Review.**

Any Responsible Party aggrieved by an administrative decision of a Hearing Officer or by the decision of the Hearing Officer may obtain further review by filing a petition for review with the Mendocino County Superior Court in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4. (Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.150 Failure to Pay Fines.**

The Enforcement Officer, issuing Department, or County may pursue any remedy authorized by law to collect the administrative penalties if such fines are not timely paid pursuant to the provisions of this chapter. (Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.160 Notices.**

A. The Administrative Citation and all notices to be given by this chapter shall be served on the Responsible Party in accordance with the provisions of this chapter.

B. If the Administrative Citations and all required notices are properly given or served pursuant to the provisions of this chapter, the failure to receive the Administrative Citation or any other notice shall not affect the validity of proceedings conducted herein. (Ord. No. 4371, § 1, 1-10-2017)

**Sec. 1.08.170 Severance.**

The provisions of this Ordinance are separate and severable. If any provision of this Ordinance

is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this Ordinance irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Ordinance, or the validity of its application to other persons or circumstances.  
(Ord. No. 4371, § 1, 1-10-2017)



## **Title 2**

### **ADMINISTRATION**

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- Chapter 2.16 County Offices Consolidated**
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- Chapter 2.44 Department of Public Health**
- Chapter 2.48 The Planning Commission**
- Chapter 2.50 Mendocino County Fish and Game Commission**
- Chapter 2.52 Planning and Building Services Department**
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- Chapter 2.70 Probation Officer**
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## CHAPTER 2.76

### COUNTY HEARING OFFICER

#### Sections:

**Sec. 2.76.010 Purpose and Authority.**

**Sec. 2.76.020 Establishment of Office.**

**Sec. 2.76.030 Appointment and Use of Hearing Officers.**

**Sec. 2.76.040 Qualifications of a Hearing Officer.**

**Sec. 2.76.050 Powers and Responsibilities of a Hearing Officer.**

**Sec. 2.76.010 Purpose and Authority.**

The purpose of this chapter is to provide an efficient and alternate means of providing due process by utilizing the services of a Hearing Officer when a Mendocino County ordinance otherwise provides for a hearing be held, or findings of fact or conclusions of law be made, by the County or any board, agency, commission, or committee of the County. The authority for this Chapter is provided in Government Code Section 27720 et seq.

(Ord. No. 4372, § 1, 1-10-2017)

**Sec. 2.76.020 Establishment of Office.**

(A) The Board of Supervisors hereby establishes the office of County Hearing Officer.

(B) The Board of Supervisors may authorize the use of a Hearing Officer pursuant to this chapter by referencing this chapter in an ordinance or resolution.

(Ord. No. 4372, § 1, 1-10-2017)

**Sec. 2.76.030 Appointment and Use of Hearing Officers.**

(A) One (1) or more Hearing Officers may be appointed either by County Counsel or by resolution of the Board of Supervisors.

(B) No appointment of any Hearing Officer shall be final until formalized by contract or employment between the Hearing Officer and the County.

(C) No Hearing Officer may be appointed on an ad hoc basis, but rather, the tenure of a Hearing Officer shall be based on a factor or factors such as time or budget, and shall not be dependent on the decisions rendered by the Hearing Officer.

(D) Hearing Officer(s) may be appointed for one (1) or more purposes, or to hear one (1) or more types of issues.

(E) Unless otherwise provided by ordinance or resolution, if the use of a Hearing Officer is authorized, but a Hearing Officer is unavailable to hear a matter as needed, the matter shall be decided by the county board, agency, commission, or committee that would otherwise have had the responsibility and duty to conduct the hearing or make the finding of fact or law.

(Ord. No. 4372, § 1, 1-10-2017)

**Sec. 2.76.040 Qualifications of a Hearing Officer.**

Each Hearing Officer shall be an attorney at law and must have been admitted to practice before the courts of California for at least five (5) years prior to his or her appointment.

(Ord. No. 4372, § 1, 1-10-2017)

**Sec. 2.76.050 Powers and Responsibilities of a Hearing Officer.**

Each Hearing Officer shall have the powers and responsibilities set forth in, but not limited by Government Code Section 27721 and 27722. Such powers include, but are not limited to the power to conduct a hearing, to decide the matters under this section upon which a hearing has been held and to make findings of fact and conclusions of law required for the decision.

(Ord. No. 4372, § 1, 1-10-2017)



(B) In the case of the demotion of any employee in the County service to a class with a lower pay range, the following shall apply:

(1) Probationary. An employee who, during his probationary period, is demoted to a class which he formerly occupied in good standing during his current period of continuous employment shall have his salary reduced to the salary (including merit increases) he would have received if he had remained in the lower class throughout his period in the higher class.

(2) Involuntary. An employee who, after his probationary period, is demoted involuntarily to a position in a class which is allocated to a lower salary range than the class from which he is demoted, shall have his salary reduced to the salary in the range for the new class which is next lower than the salary he was receiving before demotion; the anniversary date of such employee after demotion shall remain the same as before demotion.

(3) Voluntary. An employee who, after his probationary period requests and is demoted on a voluntary basis to a position in a class which is allocated to a lower salary range than the class from which he is demoted shall have his salary reduced to the salary in the range for the new class which is next lower than the salary he was receiving before the voluntary demotion; the anniversary date of such employee, after the voluntary demotion, shall remain the same as before the demotion.

(C) In the case of the transfer of any employee from one position to another in the same class, or to another class to which the same pay range is applicable, the employee shall remain at the same pay step and shall retain his original anniversary date.

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

### **Sec. 3.04.150 Vacation Leave with Pay.**

#### **(A) Full-Time Employees.**

(1) Every permanent full-time employee of the County of Mendocino so employed, shall be credited with forty (40) hours of accrued vacation upon the completion of thirteen (13) bi-weekly

pay periods of service. Thereafter, vacation shall accrue at the rate of 3.079 hours per pay period of service until the employee has completed (3) years of service; thereafter, vacation shall accrue at the rate of 4.616 hours every pay period until the employee has completed eight (8) years of service; thereafter, vacation shall accrue at the rate of 6.157 hours per pay period until the employee has completed fifteen (15) years of service; thereafter, vacation shall accrue at the rate of 7.694 hours per pay period.

(B) **Part-Time Employees.** Every part-time employee holding a budgeted position which is compensated at a bi-weekly rate and who is employed a minimum of twenty (20) hours per week, shall receive a portion of the vacation benefits as set forth in subsections (A)(1) and (D)(1) of this Section in direct relation to the fixed percentage of full-time work to which the position is budgeted and allocated.

(C) **Years of Service.** Each year of service shall consist of twenty-six (26) bi-weekly pay periods as calculated from the first day of the pay period following the day on which the employee commenced County service, unless said service commenced on the first working day of the pay period, in which case, years of service shall be calculated from the day that the employee commenced County service. Paid sick leave, paid military leave, or other forms of leave with pay shall be counted in years of service. Any employee absent from his duties without pay for more than two (2) working days in a pay period shall neither accrue vacation leave for that pay period nor have that pay period counted toward a year of service.

#### **(D) Vacation Accrual.**

(1) An employee who has worked three (3) years, or less, may accrue up to two hundred forty (240) hours of vacation; an employee who has worked fifteen (15) years, or less, may accrue up to three hundred twenty (320) hours of vacation; thereafter, an employee may accrue up to four hundred (400) hours.

(2) When an employee who is receiving paid sick leave reaches the maximum number of ac-

crued vacation hours set forth in subsection (D)(1) and this subsection, supra, during the period of such paid sick leave, the accrual limits shall be waived and the employee shall continue to accrue vacation at the normal rate. The waiver of the normal accrual limits, shall not become effective until the employee has filed with the Human Resources Department a valid statement from his or her physician stated that he or she cannot return to work. The waiver of the stated vacation accrual limits shall continue for thirteen (13) periods, if necessary, after the pay period in which the employee returns to work. During the waiver period the employee will use enough vacation so that the balance of accrued vacation will not exceed the limits stated in subsection (D)(1) and this subsection, supra. Any such excess vacation accrual not used shall be forfeit, and removed from the employee's record, with no compensation being made for the employee. After the stated period of thirteen (13) pay periods, the vacation accrual limits will again be effective for that employee.

(3) When an employee terminates, the accrual of vacation shall cease as of the last day of work except when an employee is on paid sick leave. If an employee should be on paid sick leave, the accrual of paid vacation shall continue until paid sick leave has been exhausted.

(4) All former County employees who are re-employed by the County within ninety (90) days of having voluntarily terminated County employment shall be entitled to accrue vacation benefits at the same rate that he or she accrued benefits prior to their voluntary termination.

(5) An employee who has been laid off from County service because a position is abolished, or because of a lack of work or lack of funds, and who is re-employed within the period provided for restoration or re-employment, shall accrue vacation benefits at the same rate that he or she accrued benefits prior to the date of lay-off. Continuous County service immediately prior to the date of lay-off shall be added to future service after re-employment for purposes of calculating years of service, pursuant to this Section.

(E) **Compensation In Lieu of Unused Vacation Leave for Extreme Emergencies.** Except as hereafter provided, every effort shall be made to arrange vacation schedules so that each employee will take as much vacation in each year as accrued to him in that year. In exceptional circumstances, such as cases of extreme emergency, compensation in lieu of unused vacation leave, not to exceed the equivalent of eighty (80) hours, may be paid to an employee upon approval of the Chief Executive Officer provided that the employee consents and the department head submits a request to said Chief Executive Officer. "Extreme Emergency" is defined as severe financial hardship to the employee resulting from a sudden and unexpected illness or accident of the employee or of his or her dependent; loss of the employee's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of the events beyond the control of the employee. The amount of compensation paid to an employee shall be calculated at his current rate.

(F) **Vacation Scheduling.** The scheduling of vacations for employees shall be the responsibility of each department head who shall see that applications for vacation are made far enough in advance so as to achieve the most efficient functioning of his department and of the County service. Vacations may be allowed to a minimum of one (1) hour and to a maximum of the employee's accrual. The taking of split vacations, however, shall be discouraged except in cases where public service may be seriously impaired. Vacation leave accruing during the period of vacation may be taken in that time. No employee shall work for compensation for the County in any capacity during the period of his paid vacation from the County service.

(G) **Vacation Termination Pay.** Any employee after thirteen (13) pay periods of part-time service of twenty (20) hours or more per week in a regular allocated position or after thirteen (13) bi-weekly pay periods of full-time regular service shall be paid upon termination an amount of money equal to his or her accrued vacation. When an employ-

ee's effective date of termination occurs after the completion of one (1) full week in a given pay period, he or she shall be deemed to have accrued vacation leave for that pay period. A terminating employee may not be re-employed by the County for compensation except in an extra-help capacity until the total number of working days of accrued vacation have elapsed. This Section shall not prevent a department head from filling a vacated position immediately following the effective date of the employee's separation from his or her department, provided funds are available.

(Ord. No. 4342, 8-18-2015; Ord. No. 4377, 1-10-2017)

**Sec. 3.04.153 Vacation Leave with Pay in the Event of a Reduced Work Week.**

If the Board of Supervisors, by resolution, designates a standard work week of less than forty (40) hours per week, vacation credits granted pursuant to Section 3.04.150 of the Mendocino County Code shall be computed by reducing the number of vacation leave hours granted according to the percentage of reduction in the work week. (For example, should the standard work week be reduced to thirty (30) hours, then vacation leave granted will be computed seventy-five percent (75%) of those hours set forth in Mendocino County Code Section 3.04.150).

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

**Sec. 3.04.160 Sick Leave with Pay.**

(A) Each regular full-time employee of the County of Mendocino shall be entitled to have accrued to his or her credit for future use 4.616 hours of paid sick leave per pay period, and every part-time employee holding a budgeted position who is paid at a bi-weekly rate of pay and who is employed a minimum of twenty (20) hours a week shall have accrued to his or her credit a portion of the sick leave benefits in direct relation to the fixed percentage of full-time work to which the position is budgeted and allocated. Such accrual of paid sick leave may be accumulated without limit. Benefits provided for in this Section are conferred as a

privilege and not as a right of the employee. In no case shall cash settlement be made in lieu of accumulated sick leave nor shall any such leave be granted except during the applicant's employment with the County. Effective July 1, 2015, part-time employees who are employed less than twenty (20) hours per week, and extra-help employees, if otherwise eligible, shall receive paid sick leave in accordance with applicable state or federal regulations.

(B) Each pay period of service shall be calculated from the first day of the pay period following the day on which the employee commenced County service unless such service commenced on the first working day of the pay period, in which case bi-weekly pay period of service shall be calculated from the day that the employee commenced County service. Paid vacation leave, paid military leave, and other forms of leave with pay shall be counted in pay periods of service. A permanent full-time employee who is granted a leave without pay, who is absent without leave, or who is suspended without pay more than sixteen (16) hours in a pay period shall accrue paid vacation, sick leave, service credits, and other benefits during any pay period of such leave, absence, or suspension only for those hours in pay status. This provision shall be applied pro rata for permanent part-time employees.

(C) **Conditions for Allowance.** Sick leave with pay may be granted only for bona fide illness or injury, exposure to contagious disease, or dental, eye or other physical, psychiatric or medical examination or treatment by a licensed practitioner. Leave provided for in this Section is not to be used as a substitute for, or supplement to, vacations, holidays and days off. Such use by an employee shall be a ground for his discharge from County employment. Claims for sick leave shall be allowed only subject to the following conditions:

(1) The applicant must notify his direct superior at the first reasonable opportunity of his illness.

(2) If more than three (3) consecutive days of sick leave are claimed, the applicant must submit a statement from his physician to support his claim.

(3) If claim is made for sick leave for any day of the week, the applicant may be required by his department head to submit a statement from his physician to support his claim. Said requirement must be communicated to said employee within three (3) days after said employee's return to work. If a physician's statement is required and the employee does not submit it to the department head within one (1) week after requested to do so, the department head shall notify the County Auditor and the Human Resources Director for the purpose of having said employee's pay withheld for said day or days. The County Auditor shall withhold said pay accordingly.

(4) Absences from work due to medical, vision, or dental appointments may be charged to sick leave or CTO, at the employee's option. Such usage shall require the prior approval of the department head.

**(D) Denial of Application.** If an application for sick leave is denied, the subject absence shall be deemed to be leave without pay.

**(E) On-the-Job Injury.** An employee who is entitled to any temporary disability indemnity due to an injury or illness arising out of and in the course of his employment, and such injury is covered under the Workmen's Compensation provisions of the Labor Code, shall use as much of his accumulated sick leave as, when added to his disability indemnity, will result in a payment to him of his full salary.

**(F) Sick Leave upon Layoff.** An employee who is laid off because a position is abolished, or because of a lack of work or lack of funds, shall not accrue sick leave during the period of layoff. All accumulated sick leave shall be held for the employee's credit should he or she return to work during the period provided for restoration or layoff re-employment.

**(G) Salary Continuance During Long Term Disability.** Employees working in a classification that is assigned to the Management unit and Department Head unit who are absent from work due to illness or injury and who have exhausted all of their sick leave and vacation benefits shall be

eligible to receive one hundred percent (100%) salary for the first two (2) months after the paid leave has been exhausted; if still unable to work, the employee shall then receive seventy-five percent (75%) of full salary for a two (2) month period; and then if still disabled, shall receive fifty percent (50%) of salary for another two (2) month period. The County shall as a condition for receiving this benefit, require a doctor's certificate that the employee can reasonably be expected to recover sufficiently to return to work.

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

**Sec. 3.04.163 Reduction in Sick Leave with Pay.**

Should the Mendocino County Board of Supervisors establish a standard work week of less than forty (40) hours, the sick leave granted pursuant to Mendocino County Code Section 3.04.160 shall be reduced according to the ratio of the reduced work week to forty (40) hours. (For example, should the standard work week be reduced to thirty (30) hours, then employees would receive sick leave of seventy-five percent (75%) of the number of hours provided for in Mendocino County Code Section 3.04.160).

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

**Sec. 3.04.170 Court Leave.**

**(A) Jury Duty.** Any employee summoned for jury duty shall be entitled to leave of absence with full pay for such period of time as he or she may be required to attend the court in response to such summons. The employee may retain only such payment as may be allowed him for travel, lodging, and meal expenses, but, only where jurors who are not County employees are allowed such expenses. As a condition for entitlement to court leave, he or she shall waive the receipt of any and all fees which he or she may have been entitled to receive as payment for his or her services as a juror other than travel, lodging, and meal expenses as above described.

**(B) Appearance Regarding County Duties.** Whenever a regular employee is subpoenaed to appear in court for any reason pertaining to his or

**Sec. 3.16.130 Dismissal, Suspension or Reduction.**

Any officer or employee in the classified civil service may be dismissed, suspended or reduced in rank or compensation by the appointing authority of the County after employment or promotion is complete by a written order, executed by such appointing authority, stating specifically the reasons for this action. The order shall be filed with the Director of Human Resources and a copy thereof shall be furnished to the person afflicted thereby. Such dismissal, suspension or reduction in rank or compensation shall be final unless such officer or employee files a reply in writing to such order with the Director of Human Resources and requests an appeal to the Civil Service Commission within ten (10) days after the receipt of the original order; appointing authority in a dismissal, demotion, or suspension may take the action effectively immediately.  
(Ord. No. 4342, 8-18-2015)

**Sec. 3.16.140 Appeals.**

If the employee affected by the order referred to in Section 3.16.130 hereof files a reply and request for appeal to the Civil Service Commission within the specified time, the Director of Human Resources shall transmit the order, reply and request for appeal to the Civil Service Commission for hearing. Within thirty (30) business days from the filing of such appeal, the Commission or its referee shall hold a hearing which may be continued from time to time, and at the conclusion thereof either affirm, modify or revoke the order. The appellant may appear personally, produce evidence, be represented by counsel, and have a public hearing if it is desired. If the Commission appoints a referee, a complete transcript shall be made and presented to the Commission.  
(Ord. No. 4342, 8-18-2015; Ord. No. 4376, 1-10-2017)

**Sec. 3.16.150 Hearing.**

At any hearing or investigation conducted by the Mendocino County Civil Service Commission

or its referee, the Commission or its referee shall have the power of subpoena and may require the attendance of witnesses and the production thereby of books, records and other documents pertinent to the hearing and/or investigation. Each commissioner or referee shall have the power to administer oaths to witnesses. The Commission may employ a hearing officer or referee to act as the presiding officer at hearings and specify the rules of evidence in force. Any decision by the Commission shall specify a finding as to each ground and the finding and decision shall be certified to the appointing authority whose action was the subject of the hearing and be forthwith enforced and followed by him. If an order of suspension, dismissal or reduction in rank or compensation served upon an employee is reversed or modified by the Commission, such employee shall be restored to his previous position with all rights and privileges pertaining thereto except as the decision may affect the employee's status. The employee who is restored to his position shall be entitled to back salary less what he earned.  
(Ord. No. 4342, 8-18-2015)

**Sec. 3.16.160 Status of Current Employees.**

Every person employed by the County of Mendocino at the time of the operative date of the ordinance codified in this Chapter who was or has held an office of employment continuously for a period of six (6) months prior to such operative date shall be deemed to be appointed to such office and confirmed in such position until demoted, suspended, or dismissed in accordance with the terms of the ordinance codified in this Chapter. All persons under the scope and benefit of this Section shall finish out any probationary period previously commenced, subject to the provisions hereof. The provisions of this Section shall not be applicable to those persons designated in Section 3.16.100(A) through (D).  
(Ord. No. 4342, 8-18-2015)

**Sec. 3.16.170 Political Activity.**

(A) County officers and employees may not actively engage in political campaign activity during paid work hours.

(B) County officers and employees may not actively engage in political campaign activity on the premises of County offices.

(C) For purposes of this Section only, working hours mean the following:

(1) For employees, the hours during which the employee is supposed to be at work and not on leave of absence, paid time off or vacation.

(2) For elected officers other than County Supervisors, from 8:00 a.m. to 5:00 p.m. Monday through Friday except if the officer takes time off to engage in political activity.

(3) For County Supervisors, the time during which a Board of Supervisors' meeting is in session.

(D) For purposes of this Section, political campaign activities shall be defined as the following:

(1) Soliciting, receiving, collecting, handling, dispensing, or accounting for assessments, contributions;

(2) Soliciting voters in support of or in opposition to a particular candidate for public office or political party office; or

(3) Addressing, gathering in support of or in opposition to a particular candidate for public office or political party office.

(E) No County employee, elected or appointed, may use, directly or indirectly, any County funds or property in participating in any political campaign.

(F) An employee who seeks election to a County elective office in the County department in which the employee is employed, shall be granted, upon that employee's written request, an unpaid leave of absence for all or any portion of the sixty (60) day period immediately preceding each election in which the employee is a candidate. The employee must submit a written request for unpaid leave pursuant to this Section sixty (60) days prior to the day that said leave is to commence.

(G) No County officer or employee shall participate in political activities while in uniform.

(H) Employees shall be protected from improper political influence or coercion and reprisal

for the lawful disclosure of information in whistleblower situations such as reporting illegal and/or wasteful activities.

(I) If any of the above provisions of this Section are held to be invalid, it shall not affect the remaining sections thereof.

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

**Sec. 3.16.180 Non-Discrimination.**

No person in the classified service of the County of Mendocino or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against because of race, color, religion, ancestry, national origin, age, sex, sexual orientation or identity, marital status, medical condition, disability, or any other consideration made unlawful by federal, State, or local law.

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

**Sec. 3.16.190 Severability.**

If any section, subsection, clause or phrase of this Chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this Chapter. It is hereby declared that each section, subsection, clause or phrase of this Chapter would have been passed irrespective of the fact that any other portion of said ordinance might be declared unconstitutional. It is further provided that any other law or ordinances which affect the employees of Mendocino County are specifically maintained as governing law, except insofar as such other law conflicts either directly or indirectly with the ordinance herein.

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

**Sec. 3.16.200 Amendment.**

This Chapter may be amended in either of the following ways, by:

(A) A vote of the people; or

(B) An ordinance initiated and adopted by the Board of Supervisors of Mendocino County by a favorable vote of not less than four-fifths (4/5) of the members of the Board.

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



**Sec. 3.16.210 Status of Incumbent Upon  
Reclassification of Position.**

(A) When a person is reclassified from one (1) class to another class, any incumbent in such position shall continue in the position in the new class with the same probationary status as held in the former classification. If the reclassification results in a monetary change, an incumbent shall be placed at the salary step nearest the incumbent's current salary without a monetary loss.

(B) When a position is reclassified from one (1) class to more than one (1) class an alternate position, any incumbent in such position shall continue in the position, in the same class if the position is so classified, or in the classification in which the incumbent is currently performing based on the classification study. If the incumbent is performing at the journey level and is no longer on probation, a new probationary period is not required.

(C) When a position is abolished and replaced with a new position in a different class, any incumbent in such position may qualify for reassignment to the new position in the manner provided by these rules.

(D) Each classification action of the Commission shall be submitted to the Board of Supervisors and shall become effective upon approval by said Board.

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

**Sec. 3.16.220 Validation.**

All resolutions amending this Chapter are hereby validated and confirmed and shall have the full legal effect of ordinances adopted by the Board of Supervisors in the manner required by the law and complying in every respect with laws relating to the adoption and approval of such ordinances, notwithstanding any defect, irregularity, omission or ministerial error in the adoption or approval thereof.

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

## **CHAPTER 3.20**

### **TRANSFER OF STATE MENTAL HEALTH EMPLOYEES**

#### **Sec. 3.20.010 Status of Employee Upon Transfer.**

All persons holding State of California civil service positions in Mental Health Social Services, Department of Mental Health (Ukiah office) preceding the effective date of the assumption of this function by the County of Mendocino shall, on the effective date, be considered permanent employees of the County with waiver of medical examination and probationary period, and shall be allocated to County job classifications comparable to those in State service. (Ord. No. 3354, adopted 1981.)

#### **Sec. 3.20.020 Classification and Compensation of Employees Upon Transfer.**

Employees being transferred from State service who are receiving a salary at the top step of the State salary range for their classification shall be assigned to the top step in the salary range established for the comparable classification in County service. If the transfer to a County classification results in reclassification and assignment to a lower pay range, the Board of Supervisors may direct that the employee be "Y-rated" on payroll and personnel records, and that he/she continue to receive a salary at or nearest the authorized State salary in effect at the time of assumption of the State function. Such employee shall be "Y-rated" until termination of employment in the position or until a higher rate of pay may be authorized for the County classification, whichever occurs first. (Ord. No. 3354, adopted 1981.)

#### **Sec. 3.20.030 Credit for Prior State Service.**

State Mental Health employees brought into County service shall enter with credit for length of service going back to their most recent date of hire with the State. Such employees shall carry into County service their full sick leave balance and,

although entering with no vacation balance, shall accrue vacation at the schedule provided in Section 3.04.150 of this Ordinance. These employees shall be eligible to use vacation upon accrual of a balance. (Ord. No. 3354, adopted 1981.)

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

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

## CHAPTER 5.140

### MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT\*

#### Sec. 5.140.020 Authority.

This Chapter is adopted pursuant to the "Parking and Business Improvement Area Law of 1989," being Section 36500 to 36551 of the California Streets and Highways Code and Resolution of Intention No. 06-062 adopted by the Board of Supervisors of the County of Mendocino on April 11, 2006, and entitled "A RESOLUTION OF THE COUNTY OF MENDOCINO DECLARING ITS INTENTION TO ESTABLISH A BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREA OF THE CITY OF FORT BRAGG, THE CITY OF POINT ARENA, THE CITY OF UKIAH, AND THE CITY OF WILLITS TO PROVIDE FOR THE LEVYING OF ASSESSMENTS ON SPECIFIED HOTEL BUSINESSES CONDUCTED WITHIN SUCH DISTRICT, CLASSIFYING HOTELS FOR SUCH PURPOSES, DESCRIBING THE BOUNDARIES OF THE PROPOSED AREA, THE AUTHORIZED USES TO WHICH THE PROPOSED REVENUES SHALL BE PUT, THE RATE OF SUCH ASSESSMENTS, FIXING THE DATE, TIME AND PLACE OF A HEARING TO BE HELD BY THE COUNTY BOARD OF SUPERVISORS TO CONSIDER THE ESTABLISHMENT OF SUCH DISTRICT, AND DIRECTING THE GIVING OF NOTICE OF SUCH HEARING." Such resolution was published and mailed as provided by law, and hearings thereon were held by the Board of Supervisors of the County of Mendocino at its regular meeting on May 9, 2006 at which time all persons desiring to be heard, and all objections made or filed, were fully heard. The

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

Board of Supervisors of the County of Mendocino duly concluded the hearing on May 9, 2006, and determined that protests objecting to the formation of the District had not been made by a majority of the operators of Hotels within the District and that such protests are overruled and denied. The Board of Supervisors of the County of Mendocino finds that the operators of hotels in the District, in the opinion of the Board of Supervisors of the County of Mendocino, will be benefited by the expenditure of funds raised by the assessments proposed to be levied.

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

#### Sec. 5.140.030 Definitions.

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

(a) **ADMINISTRATIVE FEE.** "Administrative fee" means a fee not to exceed three percent, which the County of Mendocino is entitled to retain from the assessments they collect within their respective boundaries to pay for the County's everyday administrative costs of the District.

(b) **ADVISORY BOARD.** "Advisory board" means the advisory board appointed by the Board of Supervisors of the County of Mendocino, and as recommended by the Board of Directors of the Mendocino County Lodging Association pursuant to this Chapter.

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

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

(e) **ASSESSMENT.** "Assessment" means the levy imposed by this Chapter for the purpose of

## **Title 6**

### **BUSINESS LICENSES AND REGULATIONS**

- Chapter 6.04 Business Licenses**
- Chapter 6.06 Film Permit**
- Chapter 6.12 Timber, Rough Lumber Mills,  
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- Chapter 6.16 Outdoor Festivals**
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of Drug Paraphernalia**
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**CHAPTER 6.32**

**CANNABIS BUSINESS TAX**

**Sections:**

- Sec. 6.32.010 Title.**
- Sec. 6.32.020 General Tax.**
- Sec. 6.32.030 Purpose of the Ordinance.**
- Sec. 6.32.040 Definitions.**
- Sec. 6.32.050 Tax Imposed.**
- Sec. 6.32.060 Reporting and Remittance of Tax.**
- Sec. 6.32.070 Payments and Communications — Timely Remittance.**
- Sec. 6.32.080 Payment — When Taxes Deemed Delinquent.**
- Sec. 6.32.090 Notice Not Required by the County.**
- Sec. 6.32.100 Penalties and Interest.**
- Sec. 6.32.110 Refunds and Credits.**
- Sec. 6.32.120 Refunds and Procedures.**
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- Sec. 6.32.180 Constitutionality and Legality.**
- Sec. 6.32.190 Audit and Examination of Records and Equipment.**
- Sec. 6.32.200 Other Licenses, Permits, Taxes, Fees or Charges.**
- Sec. 6.32.210 Payment of Tax Does Not Authorize Unlawful Business.**
- Sec. 6.32.220 Deficiency Determinations.**
- Sec. 6.32.230 Failure to Report— Nonpayment, Fraud.**
- Sec. 6.32.240 Tax Assessment — Notice Requirements.**

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

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

**Sec. 6.32.270 Violation Deemed Misdemeanor.**

**Sec. 6.32.280 Severability.**

**Sec. 6.32.290 Remedies Cumulative.**

**Sec. 6.32.300 Amendment or Repeal.**

**Sec. 6.32.010 Title.**

This ordinance shall be entitled as the "Cannabis Business Tax". This ordinance shall be applicable in the unincorporated territory of the County of Mendocino, which shall be referred to herein as "County."

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.020 General Tax.**

The Cannabis Business Tax is enacted solely for general governmental purposes for the County and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the County's general fund and used for purposes consistent with general fund expenditures of the County.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.030 Purpose of the Ordinance.**

This ordinance is adopted to achieve the following purposes, among others, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products by commercial cannabis businesses in the unincorporated area of the County, pursuant to the state Medical Marijuana Regulation and Safety Act, specifically California Business and Professions Code section 19348;

B. To impose a tax on the privilege of cultivating, manufacturing, producing, processing, pre-

paring, storing, providing, donating, selling, or distributing nonmedical marijuana and marijuana products and accessories by commercial cannabis businesses in the unincorporated area of the County if the "California Control, Regulate and Tax Adult Use of Marijuana Initiative" is approved by the voters in the November 2016 election, or if nonmedical marijuana activity otherwise becomes legal in the State of California, notwithstanding if state law uses the term "marijuana" or "cannabis";

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

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

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

(Ord. No. 4361, § 1, 8-2-2016)

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

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

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

B. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether

crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

C. "Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

D. "Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one (1) site. The plant canopy does not need to be continuous on any premise in determining the total square footage.

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

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

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

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



activity, and if nonmedical marijuana business becomes legal under state law, the term "County permit" includes such permit as the County may require to operate or engage in nonmedical commercial cannabis business.

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

J. "Delivery" means the commercial transfer of cannabis or cannabis products from a dispensary.

K. "Dispensary" means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.

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

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

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

1. Such person or person's employee maintains a fixed place of business within unincorporated area of the County for the benefit or partial benefit of such person;

2. Such person or person's employee owns or leases real property within the unincorporated area of County for business purposes;

3. Such person or person's employee regularly maintains a stock of tangible personal property in the unincorporated area of County for sale in the ordinary course of business;

4. Such person or person's employee regularly conducts solicitation of business within the unincorporated area of County;

5. Such person or person's employee performs work or renders services in the unincorporated area of County; and

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

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

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

P. "Fiscal year" means July 1 through June 30 of the following calendar year.

Q. "Gross Receipts," except as otherwise specifically provided, means the total amount actually received or receivable from all sales; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized from trading in stocks or bonds, however designated. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction there from on account of the cost of the

property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever, except that the following shall be excluded therefrom:

1. Cash discounts where allowed and taken on sales;

2. Credit allowed on property accepted as part of the purchase price and which property may later be sold, at which time the sales price shall be included as gross receipts;

3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

4. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

5. Receipts from investments where the holder of the investment receives only interest and/or dividends, royalties, annuities and gains from the sale or exchange of stock or securities solely for a person's own account, not derived in the ordinary course of a business;

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

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

8. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;

9. Transactions between a partnership and its partners;

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

a. The voting and non-voting stock of which is owned at least eighty percent (80%) by such other corporation with which such transaction is had; or

b. Which owns at least eighty percent (80%) of the voting and non-voting stock of such other corporation; or

c. At least eighty percent (80%) of the voting and non-voting stock of which is owned by a common parent corporation which also has such ownership of the corporation with which such transaction is had.

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

12. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar (\$1.00);

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

R. "Growing cycle" means the life of cannabis plant grown from seed, clone or start to maturity, at which point the plant is harvested for flower or byproducts to dry, cure grade, trim or package for retail or wholesale.

S. "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a

fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container, that holds a valid County permit.

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

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

V. "Personal medical cannabis cultivation" means cultivation by a qualified patient who cultivates one hundred (100) square feet total canopy area or less of cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person. "Personal medical cannabis cultivation" also includes cultivation by a primary caregiver who cultivates one hundred (100) square feet total canopy area or less of cannabis exclusively for the personal medical purposes of no more than five (5) specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with Section 11362.765(c) of the California Health and Safety Code, as it may be amended.

W. "Personal use" shall be defined as provided by state law if the "California Control, Regulate and Tax Adult Use of Marijuana Initiative" is approved by the voters in the November 2016 election, or if nonmedical cannabis use otherwise becomes legal in the State of California. This definition is applicable only if the "California Control, Regulate and Tax Adult Use of Marijuana Initiative" is approved by the voters in the November 2016 election, or if nonmedical cannabis use otherwise becomes legal in the State of California.

X. "Sale" means and includes any sale, exchange, or barter.

Y. "Square foot" or "square footage" means the maximum amount of canopy space for commercial cannabis cultivation authorized by a County permit issued to a person engaging in commercial cannabis business, or by a state license in the absence of a County permit or license, not deducting for unutilized square footage unless duly authorized in writing by the County.

Z. "State" means the State of California.

AA. "State license," "license," or "registration" means a state license issued pursuant to California Business & Professions Code Sections 19300, et seq. or other applicable state law.

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

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

BB. "Transport" means the transfer of cannabis or cannabis products from the permitted business location of one (1) permittee or licensee to the permitted business location of another permittee or licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to state law.

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

DD. "Treasurer-Tax Collector" means the Treasurer-Tax Collector of the County of Mendocino, his or her deputies or any other County officer charged with the administration of the provisions of this Chapter.

(Ord. No. 4361, § 1, 8-2-2016)

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

A. There is established and imposed a cannabis business tax at the rates set forth in this Chapter. Every person who is engaged in commercial

cannabis cultivation in the unincorporated area of the County shall pay an annual cannabis business tax.

B. Tax on commercial cannabis cultivation excluding nurseries.

1. Every person who cultivates commercial cannabis in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through June 30, 2020, shall be set at two and one-half percent (2.5%) of the gross receipts per fiscal year; provided, however, that cultivators shall pay not less than the following amounts:

a. Persons cultivating less than or equal to two thousand five hundred (2,500) square feet of cannabis shall pay a tax of no less than one thousand two hundred fifty dollars (\$1,250.00) per growing cycle.

b. Persons cultivating two thousand five hundred one (2,500) square feet and up to five thousand square feet of cannabis shall pay a tax of no less than two thousand five hundred dollars (\$2,500.00) per growing cycle.

c. Persons cultivating more than five thousand one (5,001) square feet of cannabis shall pay a tax of no less than five thousand dollars (\$5,000.00) per growing cycle.

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

C. Tax on commercial cannabis dispensaries.

1. Every person who is engaged in business as a dispensary in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through June 30, 2020 shall be set at five percent (5%) of the gross receipts per fiscal year.

2. As of July 1, 2020, such tax rate may be increased in two and one-half percent (2.5%) in-

crements, not to exceed the maximum tax rate of ten percent (10%) per fiscal year on gross receipts. Incremental increases in the tax rate shall occur following an approval by the Board of Supervisors at a regularly scheduled meeting of the Board of Supervisors, and occur not more than once per fiscal year.

D. Tax on all other commercial cannabis businesses.

1. Every person who is engaged in business as a distributor, delivery service manufacturer, nursery, testing laboratory, and transporter in the unincorporated area of the County shall pay an annual commercial cannabis business tax. The initial tax rate effective January 1, 2017 through June 30, 2020 shall be set at a flat rate of two thousand five hundred dollars (\$2,500.00) per fiscal year.

2. Beginning on July 1, 2020, and on July 1 of each succeeding year thereafter, the amount of the tax imposed by this paragraph D of this Section shall be adjusted up to the equivalent to the most recent change in the State Department of Industrial Relations (or successor agency) in the Consumer Price Index (CPI) for all urban consumers (California). However, no CPI adjustment resulting in a decrease of any tax imposed by this paragraph D shall be made.

(Ord. No. 4361, § 1, 8-2-2016)

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

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

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

B. If the cultivation begins in the middle of a fiscal year, the Treasurer-Tax Collector shall prorate, in monthly increments, the amount due for the fiscal year.

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

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

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

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

(Ord. No. 4361, § 1, 8-2-2016)

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

Whenever any payment, statement, report, request or other communication is due, it must be remitted to the Treasurer-Tax Collector on or before the final due date. A postmark will be accepted as timely received. If the due date falls on Saturday, Sunday or a holiday, the due date shall be the next regular business day on which the County is open to the public.

(Ord. No. 4361, § 1, 8-2-2016)

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

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

(Ord. No. 4361, § 1, 8-2-2016)

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

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

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.100 Penalties and Interest.**

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

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

2. If the tax remains unpaid for a period exceeding one (1) calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one and one-half percent (1.5%) per month on the unpaid tax.

3. Interest shall be applied at the rate of one and one-half percent (1.5%) per month on the first day of the month for the full month, and will continue to accrue monthly on the unpaid tax until the balance is paid in full.

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

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.110 Refunds and Credits.**

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

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

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.120 Refunds and Procedures.**

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

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

C. In the event that the commercial cannabis business tax was erroneously paid and the error is attributable to the County, the County shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

(Ord. No. 4361, § 1, 8-2-2016)

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

A. The provisions of this Chapter shall not apply to personal medical cannabis cultivation.

B. If the "California Control, Regulate and Tax Adult Use of Marijuana Initiative" is approved by the voters in the November 2016 election, or if nonmedical cannabis use otherwise becomes legal in the State of California, the provisions of this Chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under

state law, and for which the individual receives no compensation whatsoever related to that personal use. If a state law is adopted that legalizes nonmedical use of cannabis, the Treasurer-Tax Collector may implement this exemption to conform to such exemption for personal use as may be included in state law.

(Ord. No. 4361, § 1, 8-2-2016)

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

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

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

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

1. Provide to all commercial cannabis business taxpayers forms for the reporting of the tax;
2. Increase tax rates in accordance with this Chapter;
3. Provide information to any taxpayer concerning the provisions of this Chapter;
4. Receive and record all taxes remitted to the County as provided in this Chapter;
5. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
6. Assess penalties and interest to taxpayers pursuant to this Chapter; and
7. Determine amounts owed and enforce collection pursuant to this Chapter.

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.150 Appeal Procedure.**

Any taxpayer aggrieved by any decision of the Treasurer-Tax Collector with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the Board of

Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors within fifteen (15) days of the serving or mailing of the determination of tax due. The Clerk shall fix a time and place for hearing such appeal, and the Clerk shall give notice in writing to such operator at the last known place of address. The finding of the Board of Supervisors shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

(Ord. No. 4361, § 1, 8-2-2016)

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

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

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

ual or business, or subsequently acquired by the individual or business before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) years from of filing of the certificate unless sooner released or otherwise discharged.

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

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

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.170 Apportionment.**

If a business subject to the tax is operating both within and outside the unincorporated

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

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.180 Constitutionality and Legality.**

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

(Ord. No. 4361, § 1, 8-2-2016)

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

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

B. It shall be the duty of every person liable for the collection and payment to the County of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been

liable for the collection of and payment to the County, which records the Treasurer-Tax Collector or his/her designee shall have the right to inspect at all reasonable times.

(Ord. No. 4361, § 1, 8-2-2016)

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

Nothing contained in Chapter 6.32 shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or chapter of this code or any other ordinance or resolution of the county, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or chapter of this code or any other ordinance or resolution of the county. Any references made or contained in any other title or chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other titles or chapters of this code.

(Ord. No. 4361, § 1, 8-2-2016)

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

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

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

(Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.220 Deficiency Determinations.**

If the Treasurer-Tax Collector is not satisfied that any statement filed as required under the



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

(Ord. No. 4361, § 1, 8-2-2016)

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

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

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

2. If the person has not paid the tax due under the provisions of this Chapter;

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

4. If the Treasurer-Tax Collector determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the

tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

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

(Ord. No. 4361, § 1, 8-2-2016)

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

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

(Ord. No. 4361, § 1, 8-2-2016)

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

Within thirty days (30) days after the date of service the person may apply in writing to the Treasurer-Tax Collector for a hearing on the assessment. If application for a hearing before the County is not made within the time herein prescribed, the tax assessed by the Treasurer-Tax Collector shall become final and conclusive. Within thirty (30) days of the receipt of any such application for hearing, the Treasurer-Tax Collector shall cause the matter to be set for hearing before him or

her no later than thirty-five (35) days after the receipt of the application, unless a later date is agreed to by the Treasurer-Tax Collector and the person requesting the hearing. Notice of such hearing shall be given by the Treasurer-Tax Collector to the person requesting such hearing no later than five (5) days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Treasurer-Tax Collector should not be confirmed and fixed as the tax due. After such hearing the Treasurer-Tax Collector shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 6.32.240 for giving notice of assessment. (Ord. No. 4361, § 1, 8-2-2016)

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

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes. (Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.270 Violation Deemed Misdemeanor.**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and shall be punishable therefore as provided in Chapter 1.04.110 of this Code. (Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.280 Severability.**

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable. (Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.290 Remedies Cumulative.**

All remedies and penalties prescribed by this Chapter or which are available under Chapter 1 of the County Code and any other provision of law or equity are cumulative. The use of one (1) or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter. (Ord. No. 4361, § 1, 8-2-2016)

**Sec. 6.32.300 Amendment or Repeal.**

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

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

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

C. The collection of the tax imposed by this Chapter, even if the County had, for some period of time, failed to collect the tax. (Ord. No. 4361, § 1, 8-2-2016)

**CHAPTER 6.35**  
**RIGHT TO INDUSTRY**

**Sec. 6.35.010 Title.**

This Chapter shall be known as and may be referred to in all proceedings as the "Mendocino County Right to Industry Ordinance".  
(Ord. No. 4319, 1-7-2014)

**Sec. 6.35.020 Purpose.**

The purpose of this ordinance is to enhance the prospects of growth and stability for Mendocino County's businesses that are located within the County's established industrial zones: I-1 (Limited Industrial), I-2 (General Industrial), I (Coast Industrial), and P-1 (Pinoleville Industrial). The County recognizes that industrial interests operating within the County may be endangered by residents or other businesses located nearby and who seek to abate what they deem a nuisance arising from operations by said industrial interests.

This ordinance seeks to reduce nuisance complaints by disclosing to existing and potential property owners of land zoned "Industrial Land", or which may be located within three hundred (300) feet of land zoned "Industrial Land", that they are affected by this ordinance. Furthermore, this ordinance seeks to clarify the circumstances in which an industrial operation may ultimately be declared a nuisance and ordered to change operations, after an initial investigation, declaration of a potential violation, and review of the evidence by a County Enforcement Officer or a Hearing Officer.

(Ord. No. 4319, 1-7-2014)

**Sec. 6.35.030 Policy.**

Pursuant to the Planning Principles of the Mendocino County General Plan, it is the declared policy of this County to encourage sustainable economic growth. This objective directly correlates with the success of Mendocino County's industrial operations located within its industrially zoned districts. Where non-industrial land uses extend into industrial areas or exist side by

side, industrial operations may become the subject of nuisance complaints. As a result, industrial operations could be forced to cease or curtail operation, and others could be discouraged from making investments and improvements.

It is the purpose and intent of this ordinance to reduce the loss to the County of its employment base by limiting the circumstances under which industrial operations may be considered a nuisance. This section is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or Government Code, relative to nuisances, but rather is only to be utilized in the interpretation and enforcement of the provisions of this code and County regulations.

No existing or future industrial business or any of its appurtenances, consistent with the industrial operation provisions of the Mendocino County Zoning Code, conducted or maintained for commercial purposes, and in a manner consistent with applicable land use and environmental laws and regulations, shall become or be a nuisance, private or public, for adjacent land uses in or about the locality thereof after the same has been in operation for more than three (3) years, when such action was not a nuisance at the time it began; provided that the provisions of this subsection shall not apply whenever a nuisance results from a negligent or improper operation of any such industrial operation or its appurtenances.

(Ord. No. 4319, 1-7-2014)

**Sec. 6.35.040 Definitions.**

Unless the context otherwise requires, the following current definitions and provisions of the Title 20 Zoning Ordinance of the Mendocino County Code, or as amended in the future, shall govern the construction of this Ordinance for more effective interpretation and enforcement.

**INDUSTRIAL LAND.** Shall mean those land areas of the County specifically classified and zoned as Limited Industrial (I-1), Industrial and also

known as "Coastal Industrial" (I), General Industrial (I-2), and Pinoleville Industrial (P-1), within which industrial and business activities are to be encouraged and protected. This zoning may include future Mendocino County General Plan and Zoning Code amendments to accommodate new types of industrial zoning, such as Light Industrial.

**INDUSTRIAL OPERATION.** Shall mean and include those Industrial Use Types described within Division I of the Mendocino County Zoning Code, Chapter 20.028 "Industrial Use Types," Coastal Industrial Use Types described within Division II of the Mendocino County Zoning Code, Chapter 20.328 "Coastal Industrial Use Types", whose definitions shall incorporate any future Mendocino County General Plan and Zoning Code amendments, and which includes the following:

Mendocino County Zoning Code, Chapter 20.028 "Industrial Use Types"

A. Section 20.028.005 — General Description of Industrial Use Types.

a. Industrial use types include on-site production of goods by methods not agricultural or extractive in nature. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

B. Section 20.028.010 — Custom Manufacturing.

a. "Custom manufacturing" means the on-site production of individually crafted goods using hand tools or mechanical equipment typical of the type or specifications found in a home shop or not creating noise, dust, fumes, visual impacts or electrical or water use in excess of home shop or hobby equipment and may include incidental on-site sales of those goods to retail consumers. Typical uses include ceramic studios, candle-making shops, custom jewelry manufacturing and wood working shops, or light assembly of components manufactured off-premises.

C. Section 20.028.015 — General Industrial.

a. "General industrial" means industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment

or fabrication of materials and products. Included are aggregate processing plants such as crushing, screening, washing and mixing plants.

D. Section 20.028.020 — Heavy Industrial.

a. "Heavy industrial" means all other industrial plants or other uses involving the compounding of radioactive materials, petroleum refining or manufacturing of explosives.

E. Section 20.028.025 — Explosive Storage.

a. "Explosives storage" means storage of any quantity of explosives as defined by Section 1200 of the California Health and Safety Code. Typical uses include storage in the course of manufacturing, selling or transporting explosives or in the course of blasting operations.

Mendocino County Zoning Code, Chapter 20.328 "Coastal Industrial Use Types"

A. Section 20.328.005 - General Description of Industrial Use Types.

On-site production or processing of goods by methods not agricultural or extractive in nature. They also include certain uses accessory to the above, as specified in Chapter 20.456 (Accessory Use Regulations)

B. Section 20.328.010 — Coastal-Related Industrial.

a. The coastal-related industrial use type includes coastal-related industrial uses, including but not limited to fish waste processing and fish processing of products for other than human consumption.

C. Section 20.328.015 — Coastal-Dependent Industrial.

a. Coastal-dependent industrial uses require a maintained navigable channel to function, including, for example: public or private docks, waterborne commercial carrier import and export operations, ship/boat building and repair, commercial fishing facilities, including berthing and fish receiving, off-boat sales and fish processing when product is for human consumption (fish waste processing and fish processing of products for other than human consumption are permitted under the coastal-related use type), and aquaculture support fa-

cilities. Offshore mining, dredging, mineral or petroleum extraction processes, or the stockpiling or transfer of relative material for, are not included.

D. Section 20.328.020 — Custom Manufacturing: Light Industrial.

a. Establishments primarily engaged in the on-site production of individually crafted goods using hand tools or mechanical equipment typical of the types or specifications found in a home shop, or using equipment or processes which do not create noise, dust, fumes, visual impacts, or electrical or water use in excess of home shop or hobby equipment, and which may include incidental on-site sales of those goods to retail consumers. Typical uses include ceramic studios, candle-making shops, custom jewelry manufacturing, woodworking shops, printing shops, custom textile manufacturing or light assembly of components manufactured off-premises.

E. Section 20.328.025 — General Industrial.

a. Industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment, fabrication or recycling of materials and products. Included are white metal and appliance recycling and processing and aggregate processing plants such as crushing, screening, washing and mixing plants.

F. Section 20.328.030 — Heavy Industrial.

a. All other industrial plants or other uses not included within the General Industrial Use Type involving the compounding of radioactive materials or manufacturing of explosives.

This section is not limited to the aforementioned use types, and shall additionally include the permitted uses, uses subject to a minor use permit, and uses subject to a major use permit as described in the I, I-1, I-2 and P-1 Zoning Ordinances within the Title 20 — Zoning Ordinance, Divisions I and II of the Mendocino County Zoning Code.

(Ord. No. 4319, 1-7-2014)

#### **Sec. 6.35.050 Findings.**

The Board of Supervisors of Mendocino County finds that it is in the public's interest to

preserve and protect industrial land and operations within the County of Mendocino and to specifically protect these lands for exclusive industrial use. The purposes of this Chapter, therefore, are to promote the general health, safety and welfare of the County, to preserve and protect for exclusive commercial use those lands zoned for industrial use, to support and encourage continued industrial operation in the County, and to disclose to prospective purchasers and residents of property adjacent to or near to industrial operation of the inherent potential ramifications associated with such purchase of residence including, but not limited to, the sounds, odors, dust, and chemicals that may accompany industrial operations.

(Ord. No. 4319, 1-7-2014)

#### **Sec. 6.35.060 Disclosure.**

(A) CONSUMER DISCLOSURE BY SELLER. A person who is acting as an agent for the seller of real property which as long as it is zoned "Industrial Land", or which may be located within three hundred (300) feet of land zoned "Industrial Land", or the seller of real property if he or she is acting without an agent for as long as it is zoned "Industrial Land", or may be located within three hundred (300) feet of land zoned "Industrial Land" shall disclose to the prospective purchaser that:

The property described herein may be zoned as "Industrial Land", or may be located within three hundred (300) feet of such land, and residents of the property may be subject to inconvenience or discomfort arising from use of machinery, and from the pursuit of industrial operations including, but not limited to, assembly, manufacturing, cutting, drilling, machining, metalworking, milling, punching, "tapping", soldering, transportation of materials and goods, and welding. All of these activities, and others not mentioned in the non-exclusive preceding list, may generate light, glare, dust, smoke, noise and odor, all of which may occur twenty-four (24) hours a day, seven (7) days a week. Mendocino County has established

zoning for industrial land which sets as a priority the industrial use of the lands included therein, and residents of such property, or within three hundred (300) feet of the border of zoned areas, should be prepared to accept such inconvenience or discomfort as normal and necessary to industrial operation.

**(B) DISCLOSURE IN DOCUMENTS.** The disclosure statement set forth in Section 6.35.060(A) shall be included in a document that a purchaser, lessee or transferee signs evidencing the sale, purchase, transfer, or lease of real property zoned "Industrial Land" or may be located within three hundred (300) feet of such land. The disclosure by an agent or seller as specified in Section 6.35.060 may also be delivered to the prospective transferee as part of the Mendocino County Real Estate Disclosure Advisory form as commonly provided by real estate brokers, or by delivery to the prospective transferee of a local option disclosure statement pursuant to Article 1.5, Section 1102.6a of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code of the State of California.

**(C) DISCLOSURE IN DISCRETIONARY ACTIONS.** Where a building designed for residential occupancy is to be located on property which, as long as it is zoned "Industrial Land", or on property which may be located within three hundred (300) feet of land zoned "Industrial Land", the owners of the property shall, prior to a discretionary action, be required to sign a statement of acknowledgement on forms approved by Planning and Building Services containing the following statement:

The property described herein may be zoned as "Industrial Land", or may be located within three hundred (300) feet of such land, and residents of the property may be subject to inconvenience or discomfort arising from use of machinery, and from the pursuit of industrial operations including, but not limited to, assembly, manufacturing, cutting, drilling, machining, metalworking, milling, punching, "tapping", soldering, transportation of materials and goods, and welding. All of these activities, and others not mentioned in

the non-exclusive preceding list, may generate light, glare, dust, smoke, noise and odor, all of which may occur twenty-four (24) hours a day, seven (7) days a week. Mendocino County has established zoning for industrial land which sets as a priority the industrial use of the lands included therein, and residents of such property, or within three hundred (300) feet of the border of zoned areas, should be prepared to accept such inconvenience or discomfort as normal and necessary to industrial operation.

In lieu of signing the statement required above, the owner may submit evidence that the statement set forth in Section 6.35.060(A) has been made part of a document evidencing the sale, purchase, transfer, or lease of the property on which the building is to be constructed.

(Ord. No. 4319, 1-7-2014)

**Sec. 6.35.070 Installation of Signs.**

The County may install or permit the installation of signs at the entry or within established industrial areas zoned as "Industrial Land" to notify and explain to purchasers that some of the land in this area is being used for industrial purposes and the operator's interests are protected by law. The prospective purchaser of such land or a residence is advised to check with local County agencies as to any regulation or requirements which may affect industrial property and of inherent potential problems associated with a purchase of such property or a residence in areas zoned as an "Industrial Land" and of the likely effect of such industrial operations.

(Ord. No. 4319, 1-7-2014)

**Sec. 6.35.080 Precedence Clause.**

It is the finding of the Board of Supervisors that this Ordinance is to take precedence over all ordinances or parts of ordinance or resolutions or parts of resolutions regarding nuisance abatement complaints in conflict herewith and same are hereby repealed to the extent of such conflict and no further.

(Ord. No. 4319, 1-7-2014)

## Title 8

### PUBLIC HEALTH, SAFETY AND WELFARE

- Chapter 8.04 Firearms—Shooting
- Division I Dumps and Fires
- Division II Specific Geographical Areas
- Division III Proximity to Occupied Buildings
- Chapter 8.05 Community Bill of Rights (Measure S)
- Chapter 8.08 Curfew—Minors
- Chapter 8.16 Juvenile Detention Home
- Chapter 8.20 Juvenile Justice and Delinquency  
Prevention Commission
- Chapter 8.24 Lost and Unclaimed Property
- Chapter 8.28 County Library System
- Chapter 8.32 Law Library
- Chapter 8.40 Fireworks
- Chapter 8.44 Trespass
- Chapter 8.48 Work/Education Furlough Program
- Chapter 8.52 Bingo Games
- Chapter 8.56 Reward
- Chapter 8.60 Response Alarm Systems
- Chapter 8.64 Airport Rules and Regulations
- Chapter 8.68 Commission on the Status of Women
- Chapter 8.69 County Commission on Medical Care
- Chapter 8.70 Hazardous Materials Releases
- Chapter 8.72 Unlawful Panhandling
- Chapter 8.75 Uniform Nuisance Abatement Procedure
- Chapter 8.76 Abatement Procedure For Nuisances  
Caused By Cannabis Cultivation
- Chapter 8.80 Emergency Response Services
- Chapter 8.85 Service of Alcohol to Minors at Events on  
Private Property
- Chapter 8.86 Consumption of Alcohol in Public Areas  
Within the Town of Mendocino
- Chapter 8.95 Coroner's Fees
- Chapter 8.200 Graffiti Suppression
- Chapter 8.300 Smartmeter Moratorium
- Chapter 8.400 Declare Intentionally Killed and Left  
Standing Trees a Public Nuisance





tional or invalid, the Board declares that it would have passed this Chapter irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Chapter, or the validity of its application to other persons or circumstances. (Ord. No. 4172 (part), adopted 2006.)

**CHAPTER 8.75**

**UNIFORM NUISANCE ABATEMENT  
PROCEDURE\***

**Sections:**

- Sec. 8.75.010 Title.**
- Sec. 8.75.020 Findings and Purpose.**
- Sec. 8.75.030 Definitions.**
- Sec. 8.75.040 Public Nuisance Defined.**
- Sec. 8.75.050 Public Nuisance Declared.**
- Sec. 8.75.060 Scope of Chapter.**
- Sec. 8.75.070 Summary Abatement.**
- Sec. 8.75.080 Administrative Abatement.**
- Sec. 8.75.090 Service of Notice and Order to Abate.**
- Sec. 8.75.100 Hearing Officer.**
- Sec. 8.75.110 Procedure to Appeal Notice and Order to Abate.**
- Sec. 8.75.120 Hearing Procedures.**
- Sec. 8.75.130 Determination by Hearing Officer.**
- Sec. 8.75.140 Abatement after Determination by Hearing Officer.**
- Sec. 8.75.150 Recovery of Costs of Abatement and Accounting.**
- Sec. 8.75.160 Hearing on Accounting.**
- Sec. 8.75.170 Determination after Hearing on Accounting.**
- Sec. 8.75.180 Special Assessment and Abatement Lien.**
- Sec. 8.75.190 Notice of Lien and Lien.**
- Sec. 8.75.200 Collection by Special Assessment.**
- Sec. 8.75.210 Attorneys' Fees.**

**Sec. 8.75.220 Use of Money Collected under this Chapter.**

**Sec. 8.75.230 Violations.**

**Sec. 8.75.240 Severability Clause.**

**Sec. 8.75.010 Title.**

This Chapter shall be known and cited as the "Uniform Nuisance Abatement Procedure." (Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.020 Findings and Purpose.**

The Board of Supervisors of Mendocino County determines that the establishment of an Ordinance to establish procedures for the abatement of a nuisance is derived from and consistent with the provisions of Government Code Section 25845 and is necessary for the public health and welfare. This procedure is intended to be an alternate procedure for abatement of any violation of the Mendocino County Code or any other Ordinance that is declared to be a public nuisance. (Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.030 Definitions.**

For the purposes of this chapter:

(A) "Board" shall refer to the Board of Supervisors of Mendocino;

(B) "Chapter" shall refer to chapter 8.75 of the Mendocino County Code;

(C) "County" shall refer to the County of Mendocino;

(D) "Enforcement Officer" shall mean a County employee with authority to enforce any provision of the Mendocino County Code;

(E) "Occupant" shall mean anyone reasonably known to the Enforcement Officer to be in possession, control, or having charge of the subject property other than the Owner;

(F) "Owner" shall mean the property owner or owners, or his, her or their agent or agents, as shown on the last equalized assessment roll or the supplemental roll, whichever is more current; (Ord. No. 4373, § 1, 1-10-2017)

\*Editor's note—Ord. No. 4373, § 1, adopted January 10, 2017, set out provision for use herein. At the editor's discretion those provisions have been treated as repealing ch. 8.75, §§ 8.75.010—8.75.100, in its entirety; and enacting a new ch. 8.75 to read as set out herein. Former ch. 8.75 pertained to similar subject matter, and was derived from Ord. No. 4227, adopted September 1, 2009.

**Sec. 8.75.040 Public Nuisance Defined.**

The provisions of this Chapter shall be applicable to any nuisance as defined herein or any Ordinance of the County, Section of the Mendocino County Code, Resolution of the Board, or Statutes of the State of California.

It is a public nuisance for any person owning, leasing, occupying, or having charge of any property within the County to maintain such property in such a manner, that any one (1) or more of the following conditions or activities are found to exist or for any person to contribute to the existence of the following conditions or activities:

(A) The presence of garbage, dead animals or other putrescible material that constitutes a nuisance as determined by a health officer;

(B) An excessive accumulation of solid waste, including but not limited to used tires, furniture, carpets, mattresses, or appliances, including but not limited to refrigerators, freezers, washing machines, or clothes dryers;

(C) The unlawful disposal or burying of solid waste, including but not limited to garbage, refuse, tires, construction or demolition debris, building materials, salvage materials, appliances or parts thereof, furniture, cabinets, or other household fixtures at any place other than a permitted solid waste facility;

(D) Causes, maintains, or permits solid waste to be deposited within the County in any manner that violates the provisions of this Chapter;

(E) Causes or permits the deposit of solid waste on the right-of-way of any public highway, street, easement or thoroughfare, or upon any camping place or public grounds, or on any premises, or in any container, without the permission of the owner thereof, or into any stream or dry watercourse, within the County of Mendocino, State of California, and outside of the incorporated cities;

(F) Any condition that provides or contributes to the breeding of mosquitoes;

(G) The improper storage or disposal of hazardous waste, including but not limited to waste products from the manufacturing of methamphetamine or other illegal drugs;

(H) Attractive nuisance dangerous to children whether in a building, on the premises of a building, or on an unoccupied lot in the form of abandoned wells, shafts, septic tanks, or other types of abandoned excavations;

(I) Any property maintained in such a condition as to be a threat to human health, safety, or environment as determined by a health officer;

(J) Any improvement or condition within, or adjacent to, a County road right-of-way which undermines the safe operation or integrity of the County roadway;

(K) Interference with County Road drainage;

(L) Any encroachment as described in California Streets and Highways Code section 1480.5;

(M) Any condition declared by a Statute of the State of California or by an Ordinance of Mendocino County to be a nuisance;

(N) Any public nuisance known at common law or equity;

(O) Any condition dangerous to human life, unsafe, or detrimental to the public health or safety; or

(P) Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this Chapter or Chapters 6, 9, 9A, 10, 10A, 15, 16, 18, 20 or 22 of the Mendocino County Code.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.050 Public Nuisance Declared.**

A public nuisance may be declared for any reason specified in any County Ordinance by an Enforcement Officer given the authority to enforce the Ordinance.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.060 Scope of Chapter.**

(A) After a public nuisance is declared, it may be abated by the Enforcement Officer and his or her County Department in accordance with the procedures provided in this Chapter, including but

not limited to summary abatement, when necessary to preserve or protect the public health or safety, or administrative abatement.

(B) The procedures set forth in this Chapter are not exclusive, but are cumulative to all other civil and criminal remedies provided by law. The seeking of other remedies shall not preclude the simultaneous commencement of proceedings pursuant to this Chapter.

(C) Nothing in this Chapter shall be construed as imposing on the Enforcement Officer or the County any duty to declare a nuisance, or to take any other action with regard to a nuisance, and neither the Enforcement Officer nor the County shall be held liable for failure to declare a public nuisance, or for failure to take any other action with regard to a public nuisance.

(D) Nothing in this section shall be construed to limit or restrict the ability of any other entity with enforcement authority, such as the police or fire departments, to enforce this Chapter or perform their duties.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.070 Summary Abatement.**

(A) After a public nuisance is declared, the nuisance may be summarily abated by any reasonable means and without notice or hearing when immediate action is necessary to preserve or protect the public health or safety. In addition, any public agency or public contractor, appointed by the Board, may use summary abatement to remove solid waste, which has been illegally deposited in violation of Sections 8.75.040(D) and (E).

(B) Summary abatement actions shall not be subject to the requirements of this Chapter, nor shall summary abatement actions be prohibited after initiation of proceedings pursuant to this Chapter, if immediate action at any time becomes necessary to preserve or protect the public health or safety.

(C) In the event a public nuisance is summarily abated, the County may recover its costs pursuant to the provisions of Sections 8.75.150 — 8.75.200. In cases of encroachments as defined by

Streets and Highways Code section 1480.5, the Department of Transportation may also collect the daily penalties designated in section 1483 of the Streets and Highways Code.

(D) When summary abatement has been carried out for illegally deposited trash and the person responsible for the illegal deposit has been identified by evidence in the trash, or through other means, and is not the owner of the property where the trash was deposited, the Enforcement Officer may impose costs of abatement on the responsible party. Imposition of costs on the responsible party shall not relieve the Owner of his or her obligation to pay the costs until the responsibility party actually pays the costs imposed. A Notice of Assessment of Costs of Summary Abatement shall be mailed or otherwise delivered in each such case.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.080 Administrative Abatement.**

(A) After a public nuisance is declared, the Enforcement Officer may issue a Notice and Order to Abate and serve such Notice pursuant to Section 8.75.090.

(B) The Notice and Order to Abate shall be in writing and shall:

1. Identify the Owner and any Occupant other than the Owner if known or reasonably identifiable by the Enforcement Officer;
2. Identify the Enforcement Officer and his or her County Department issuing the Notice;
3. Describe the subject property sufficient for identification;
4. State that a public nuisance has been declared along with a description of the nuisance;
5. Identify the remedial action required to abate the nuisance and provide a reasonable time for the Owner or Occupant to abate the nuisance;
6. State that the Owner or Occupant may, within ten (10) calendar days after the date that the Notice was served, make a request to the Department issuing the Notice and Order to Abate for a hearing to appeal the Notice and declaration

of public nuisance, or to show other cause why those conditions should not be abated in accordance with the provisions of this Chapter.

7. State the applicable hearing fee, if such a fee has been established;

8. Contain a statement that, unless the Owner or Occupant abates the nuisance within the time specified, or makes a timely request for appeal of the Notice, the County will abate the nuisance, charge all abatement costs incurred by the County to the Owner, and that such costs may be recovered by special assessment added to the county assessment roll, may become a lien on the real property that may be recorded, or may be placed on the unsecured tax roll.

(C) The owner or occupant may appeal the Notice and Order to Abate and the determination of the Enforcement Officer as specified in the Notice and Order to Abate. If the owner or occupant appeals the Notice and Order to Abate and declaration of public nuisance, then the provisions in Sections 8.75.100 through 8.75.140 shall apply.

(D) Abatement by County: If the Owner or Occupant has not abated the violations pursuant to the Notice and Order to Abate and has not filed an appeal within the time prescribed, the Enforcement Officer, his or her Department, or other authorized designee may cause to be done whatever work is necessary to abate the public nuisance. If necessary, the Enforcement Officer, or authorized designee, may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of inspecting the property to determine if the nuisance remains and also for undertaking the work to abate the nuisance if the nuisance had not already been abated.

(E) All costs of abatement incurred by the County may be recovered pursuant to the procedures set forth in Sections 8.75.150 — 8.75.200. (Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.090 Service of Notice and Order to Abate.**

(A) The Notice and Order to Abate shall be served on each Owner and on each Occupant, if

known to the Enforcement Officer, of the subject property. Notice may be served in the following manner:

1. By personal service; or

2. By certified mail, postage prepaid, and return receipt requested, addressed to each Owner at the address shown on the last equalized assessment roll or last known address according to the County Assessor, and addressed to each Occupant known to the Enforcement Officer at the street address of the subject property; or

3. If the first two (2) options in this section fail, or if the Owner or Occupants cannot be located in the exercise of reasonable diligence, the notice may be served by United States first class mail, postage prepaid with certificate of mailing, and by posting a copy of the notice in a conspicuous place in front of or on the real property on which, or in front of which, the nuisance exists, or if the property has no frontage upon any street, highway, or road, then upon the portion of the property nearest to a street, highway, or road, or most likely to give actual notice to the owner and any person known by the Enforcement Officer to be in possession of the property.

(B) The date of service is deemed to be the date of personal service, or the date of signed delivery if by certified mail, or five (5) days after the date of posting and mailing. (Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.100 Hearing Officer.**

Pursuant to Government Code Sections 25845(i) and 27720 et seq., the director of the Department of the Enforcement Officer seeking to enforce this Chapter shall coordinate with County Counsel to appoint and contract with a Hearing Officer pursuant to Mendocino County Code chapter 2.76 for the purpose of presiding at the administrative hearings provided for by this chapter. (Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.110 Procedure to Appeal Notice and Order to Abate.**

Within ten (10) days from the date of a properly served Notice and Order to Abate, any Owner

or Occupant may appeal the Notice and Order to Abate and the Enforcement Officer's determination declaring the public nuisance to a person designated as a Hearing Officer, except in cases regarding Animal Control issues which shall be appealed to the Animal Care and Control Advisory Board. The appeal shall:

- (A) be submitted in writing,
- (B) specify the grounds upon which the appeal is taken,
- (C) contain the name, address and telephone number of the appellant,
- (D) be accompanied by the payment of an appeal fee in an amount established by Resolution by the Board, and
- (E) be filed with the Department specified on the Notice and Order to Abate.

The Department receiving the appeal shall then cause the matter to be set for hearing by notifying the Hearing Officer directly or by requesting County Counsel to coordinate with the Hearing Officer.

Timely appeal shall stay any further abatement action until the hearing is conducted. A hearing before a Hearing Officer shall be set for a date that is not less than ten (10) and not more than thirty (30) days from the date that the notice of appeal is filed. In accordance with the noticing provisions set forth in Section 8.75.090, the Hearing Officer, or the County Counsel in cooperation with the Hearing Officer, shall notify the parties in writing, at least ten (10) days prior to the hearing date, of the date and location of the hearing. It shall be sufficient to provide notice to the appellant by using the address listed in the request for appeal.

If summary abatement has been carried out for illegally deposited trash, the person alleged responsible for the illegal deposit and who has received a Notice of Assessment of Costs of Summary Abatement may appeal said Notice in the manner set forth above.  
(Ord. No. 4373, § 1, 1-10-2017)

#### **Sec. 8.75.120 Hearing Procedures.**

(A) Pursuant to Government Code Section 27721, the Hearing Officer may issue subpoenas as necessary to require the attendance at the hearing of persons or the production of books, papers or other things related to the subject matter of the hearing.

(B) The Enforcement Officer, or other officer within the Department with jurisdiction to cause the abatement of the alleged nuisance shall first describe the acts or conditions constituting a nuisance and shall respond specifically to the grounds set out in the demand for hearing. Thereafter, the objector shall present whatever evidence is relevant to refute the allegation.

(C) Parties may choose to be represented by an attorney at an administrative hearing provided by the Chapter. However, formal rules of evidence or procedure in any proceeding subject to this Chapter shall not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Nonetheless, any failure to make a timely objection to offered evidence constitutes a waiver of the objection.

(D) In a proceeding alleging a violation of Section 8.75.040(D) or (E), the presence of at least two (2) pieces of addressed mail or other identifying information in the dumped material shall be deemed to create a rebuttable presumption that the person so identified is responsible for the dumped material and is subject to the penalties and remedies provided for in this Chapter.

(E) The hearing shall be conducted in the English language. The proponent of any testimony by a witness who does not proficiently speak the English language shall provide an interpreter who has been certified as an interpreter by either the State of California or the County of Mendocino.

(F) Hearings shall take place at the earliest practical date following the Notice of Appeal. The failure of the appellant to appear shall not prevent the hearing from proceeding providing proper notice has been given in accordance with this Chap-

ter. The hearing may only be continued upon request of a party to the hearing and upon a showing of good cause but in no event shall there be more than one (1) continuance allowed.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.130 Determination by Hearing Officer.**

(A) At the conclusion of the hearing, and based on the evidence before it, the Hearing Officer shall determine:

1. Whether the acts or conditions specified in the Notice of Abatement exist;
2. Whether those acts or conditions constitute a public nuisance;
3. If a public nuisance is determined to exist, whether it should be abated by the County; and
4. The appropriateness of any penalties imposed.

(B) If the Hearing Officer finds that the alleged nuisance does exist and should be abated, abatement of the nuisance shall be ordered. An Order of Abatement is final immediately, unless the order or a provision of this Code expressly provides otherwise.

(C) A copy of the written decision and Order of Abatement shall be served personally or by mail upon each objector and all other persons upon whom the Notice and Order to Abate was served.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.140 Abatement after Determination by Hearing Officer.**

Pursuant to the determination as described in section 8.75.130, the following shall apply:

(A) The Order of Abatement issued by the Hearing Officer may direct that any occupancy, use or activity cease immediately if its existence or continuation is found to be an immediate threat to health or safety. Otherwise, abatement shall be commenced by the owner within five (5) calendar days of the service of the decision and Order, or any longer period provided in the Order, and shall

continue with reasonable diligence until complete. Reasonable diligence shall be determined by the Enforcement Officer.

(B) Upon the failure, neglect, or refusal to properly comply with the Order of Abatement issued by the Hearing Officer within the prescribed time period, the Enforcement Officer, his or her Department, or other authorized designee, may cause to be done whatever work is necessary to abate the public nuisance. If necessary, the Enforcement Officer, or authorized designee, may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of inspecting the property to determine if the nuisance remains and also for undertaking the work to abate the nuisance if the nuisance had not already been abated.

(C) All costs of abatement incurred by the County may be recovered pursuant to the procedures set forth in Sections 8.75.150 — 8.75.200.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.150 Recovery of Costs of Abatement and Accounting.**

All costs of abatement incurred by the County may be recovered pursuant to this section

(A) When the County causes the abatement of a nuisance pursuant to this Chapter, the Enforcement Officer, his or her Department, or the authorized designee shall keep an accounting of the cost of abatement for each separate assessor's parcel involved in the abatement.

(B) When the County has completed the work of abatement, or has paid for such work, the costs of abatement shall be charged and billed to the Owner by the Department that abated the nuisance. The bill shall be mailed to the address of the Owner as shown on last equalized assessment roll or the supplemental roll, whichever is more current.

(C) The bill shall apprise the Owner that failure to pay the bill or request a hearing on the accounting within thirty (30) days from the date of mailing, may result in an abatement lien upon the property.

1. The bill shall include a notice that the Owner may request the Department issuing the bill to

provide a hearing within thirty (30) days of the date of mailing for the purpose of contesting the accuracy and reasonableness of the accounting of the costs of abatement.

2. The bill shall further state that if hearing on accounting is not requested within thirty (30) days of the date of mailing that the amount stated in the bill shall be deemed accurate and reasonable.

3. The bill shall further state that any request for a hearing on the accounting shall:

- a. be in writing,
- b. be delivered to the Department that issued the bill within thirty (30) of the date of mailing of the bill,
- c. sufficiently identify the subject property and bill being contested,
- d. contain the name, address and telephone number of the person requesting the hearing,
- e. request a hearing on the accounting and state the grounds on which the requested is based, and
- f. be accompanied by the hearing fee, if such fee has been established by resolution of the Board, and if such fee has been established then the bill shall state the amount of the fee.

(D) If Owner timely and properly requests a hearing on the accounting, the director of the Department that issued the bill may adjust or waive the bill, as he or she deems appropriate, prior to the hearing on accounting. The hearing on accounting shall be heard pursuant to Section 875.160.

(E) If a timely appeal is not requested and if the bill is not paid within thirty (30) days of mailing, the amount stated in the bill shall be deemed accurate and reasonable and the Department may proceed to collect the stated amount in the bill pursuant to the provisions in Sections 8.75.180 — 8.75.200.

(Ord. No. 4373, § 1, 1-10-2017)

#### **Sec. 8.75.160 Hearing on Accounting.**

(A) If a timely request for hearing on accounting is received in accordance with Section 8.75.150

by the Department that issued the bill, the Department receiving the request shall then cause the matter to be set for hearing by notifying the Hearing Officer directly or by requesting County Counsel to coordinate with the Hearing Officer. The hearing shall be set for the earliest practicable date, but no sooner than ten (10) days from the date that the notice of appeal is filed.

(B) A timely request for hearing on accounting shall stay any further lien action, such as recording the lien, until the hearing procedures are finished.

(C) In accordance with the noticing provisions set forth in Section 8.75.090, either the Hearing Officer, or the County Counsel in cooperation with the Hearing Officer, shall notify the parties in writing, at least ten (10) days prior to the hearing date, of the date and location of the hearing.

(D) The hearing procedures set out in Section 8.75.120 shall apply to the hearing on accounting except as otherwise provided in this section.

1. At the time and location fixed for the hearing on accounting, the Enforcement Officer, or other authorized designee within the Department with jurisdiction to enforce the bill, shall first present evidence establishing the accuracy and reasonableness of the accounting of costs of abatement and shall respond specifically to the grounds set out in the request for hearing on accounting.

2. Thereafter the objector shall be heard on the issue of whether the accounting was accurate and reasonable and shall present whatever evidence is relevant to refute the accuracy or reasonableness of the accounting.

3. If the objector fails to appear at the hearing, a written accounting by the Enforcement Officer, or other authorized designee within his or her Department, that includes an itemized accounting by parcel shall be prima facie evidence of the reasonableness and accuracy of the accounting as stated within the bill.

(Ord. No. 4373, § 1, 1-10-2017)

#### **Sec. 8.75.170 Determination after Hearing on Accounting.**

(A) After hearing the evidence from the parties attending the hearing, the Hearing Officer



shall determine whether the accounting of costs of abatement, as stated in the bill, was accurate and reasonable, and either confirm, deny or otherwise modify the amount stated in the bill.

a. If the Hearing Officer decides that denial or modification to the accounting is just and appropriate, the Hearing Officer shall order such modification by stating the item to be modified or denied, and the amount of any modification.

b. If the Hearing Officer decides that the accounting as stated in the bill was accurate and reasonable, the Hearing Officer shall so state and confirm.

(B) The Hearing Officer shall issue a written decision, which shall be final and conclusive, and which shall be served personally or by mail upon each objector.

(C) The Owner shall have thirty (30) days, or as otherwise indicated in the Hearing Officer's decision, from the date of service of decision to pay the amount as specified in the Hearing Officer's decision, which was determined to be accurate and reasonable by the Hearing Officer. If the Owner fails to pay such determined amount within the time prescribed, the Department may proceed to collect the determined amount pursuant to the provisions in Section 8.75.180 — 8.75.200.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.180 Special Assessment and Abatement Lien.**

The Board, by resolution, may order that the costs of abating a nuisance pursuant to this Chapter be placed upon the County tax roll by the County Auditor as a special assessment against the respective parcels of land, or be placed on the unsecured roll, pursuant to Government Code section 25845. The Board may resolve that a notice of abatement lien be recorded against the respective parcels of real property pursuant to Government Code section 25845.

The Department that issued the bill for costs of abatement may request an the Board to make a resolution pursuant to this section either after the Owner fails to pay the bill or request a hearing of

accounting in the prescribed time, or after a Hearing Officer establishes the costs of abatement after a hearing on accounting.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.190 Notice of Lien and Lien.**

After the Board resolves that a notice of abatement lien be recorded against the respective parcels of real property pursuant to Section 8.75.180, the Enforcement Officer or Department that issued the bill of costs of abatement shall prepare and have recorded in the office of the County Recorder of Mendocino County a notice of lien. The notice shall contain:

(A) A description of the real property subject to the lien sufficient to identify the premises;

(B) The identity of the Record Owner or possessor of property subject to the lien;

(C) A description of the proceeding under which the lien was made, including the date upon which the abatement was ordered by the Enforcement Officer or Department with jurisdiction to abate, or by the Hearing Officer if the Owner requested an appeal of the notice and order to abate within the prescribed time, the date the abatement was complete, and any subsequent order or resolution by a Hearing Officer or by the Board;

(D) The amount of the lien;

(E) A claim of lien upon the described premises.

Upon the recordation of a Notice of Lien, the amount claimed shall constitute a lien upon the described premises, pursuant to Section 25845 of the California Government Code. Such lien shall be at parity with the liens of State and County taxes.

(Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.200 Collection by Special Assessment.**

After the Board resolves that the costs of abating a nuisance pursuant to this Chapter be placed upon the County tax roll by the County Auditor as a special assessment against the respective parcels of land, or be placed on the unsecured roll, pursuant to Government Code section 25845, the

resolution of the Board specially assess the abatement lien, along with any recorded notice of lien may be delivered to the County Auditor by the Department that issued the bill for costs of abatement. The County Auditor will then enter the amount of the lien on the assessment roll as a lien. Thereafter, the amount set forth shall be collected pursuant to Government Code section 25845. (Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.210 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. 4373, § 1, 1-10-2017)

**Sec. 8.75.220 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 Section shall be made available to the Department responsible for the enforcement action for training and further Code enforcement actions. (Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.230 Violations.**

It shall be unlawful for any person to refuse to allow any duly authorized officer, employee, agent, or contractor of the County to enter upon any premises for the purposes of abating the public nuisance as authorized herein or to interfere in any manner whatever with such officer, employee, agent,

or contractor. Any violation of this Section shall be deemed to be a misdemeanor except with respect to Mendocino County Code Chapter 9.31. The Board of Supervisors adopts and incorporates herein by reference provisions set forth in Government Code Section 25845.5. (Ord. No. 4373, § 1, 1-10-2017)

**Sec. 8.75.240 Severability Clause.**

The provisions of this Ordinance are separate and severable. If any provision of this Ordinance is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this Ordinance irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Ordinance, or the validity of its application to other persons or circumstances. (Ord. No. 4373, § 1, 1-10-2017)

**CHAPTER 8.76****ABATEMENT PROCEDURE FOR  
NUISANCES CAUSED BY CANNABIS  
CULTIVATION****Sections:****Sec. 8.76.010 Findings, Purpose and Authority.****Sec. 8.76.020 Definitions.****Sec. 8.76.030 Scope of Chapter.****Sec. 8.76.040 Summary Abatement.****Sec. 8.76.050 Standard Abatement.****Sec. 8.76.060 Administrative Order to Show Cause.****Sec. 8.76.070 Service of Notice and Order to Show Cause.****Sec. 8.76.080 Automatic Hearing Procedures.****Sec. 8.76.090 Enforcement.****Sec. 8.76.100 Liability for Costs.****Sec. 8.76.110 Administrative Penalties.****Sec. 8.76.120 Severance.****Sec. 8.76.010 Findings, Purpose and Authority.**

The Board of Supervisors of Mendocino County finds that effective abatement of nuisances caused by cultivation of cannabis requires a more expedient set of procedures than those otherwise appropriate for other types of nuisances as laid out in Mendocino County Code chapter 8.75. This chapter is enacted pursuant to Government Code Sections 25843 and 53069.4 to address the unique circumstances related to abatement of nuisances caused by cannabis cultivation.

(Ord. No. 4374, § 1, 1-10-2017)

**Sec. 8.76.020 Definitions.**

The definitions set forth in Chapter 8.75 of this Code shall also apply to this Chapter with the exception of the term "Chapter", which instead shall refer to Chapter 8.76 for the purposes of this Chapter.

(Ord. No. 4374, § 1, 1-10-2017)

**Sec. 8.76.030 Scope of Chapter.**

When a public nuisance is declared, which is caused by the cultivation of cannabis, such as a nuisance declaration made pursuant to Section 9.31.130 of this Code, the procedures in this Chapter may be applied.

(Ord. No. 4374, § 1, 1-10-2017)

**Sec. 8.76.040 Summary Abatement.**

After a public nuisance is declared, the nuisance may be summarily abated by any reasonable means and without notice or hearing when immediate action is necessary to preserve or protect the public health or safety. Summary abatement shall be carried out in accordance with the provisions of Mendocino County Code section 8.75.070.

(Ord. No. 4374, § 1, 1-10-2017)

**Sec. 8.76.050 Standard Abatement.**

Whenever an Enforcement Officer declares or determines that a public nuisance has been declared pursuant to this Chapter and exists within the unincorporated area of Mendocino County, he or she may alternatively utilize the abatement procedures provided by Chapter 8.75 of this Code.

(Ord. No. 4374, § 1, 1-10-2017)

**Sec. 8.76.060 Administrative Order to Show Cause.**

As an alternative to the uniform abatement procedures provided in Chapter 8.75, the Enforcement Officer may instead utilize the provisions of this Chapter, starting with the issuance of a notice and administrative order to show cause. The notice and order to show cause shall:

A. Identify the owner(s) of the property upon which the nuisance exists, as named in the records of the county assessor, and identify the occupant(s), if other than the owner(s), and if known or reasonably identifiable.

B. Describe the location of such property by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property.

C. Identify such property by reference to the assessor's parcel number.

D. Contain a statement describing the unlawful conditions existing on the premises that caused the declaration of a public nuisance, and that also describes the actions required to abate it.

E. Contain a statement that the owner or occupant is required to abate the unlawful conditions caused by cannabis cultivation within five (5) calendar days after the date that said notice was served.

F. Notify the recipient(s) that, unless the owner or occupant abates the conditions, a hearing will be held before a hearing officer appointed in accordance with this Chapter to determine whether there is any good cause why these conditions should not be abated.

G. Specify the date, time, and location of the hearing to be held before a hearing officer, or state that the date, time and location of the hearing will be specified in a subsequent notice.

H. State that the owner or occupant will be given an opportunity at the hearing to present and elicit testimony and other evidence regarding whether the conditions existing on the property constitute a nuisance under this chapter, or whether there is any other good cause why those conditions should not be abated.

I. Contain a statement that, unless the owner or occupant abates the conditions, or shows good cause before the Hearing Officer why the conditions should not be abated, the enforcing officer, his or her Department, or other authorized designee will cause to be done whatever work is necessary to abate the nuisance.

J. State that the abatement costs, including administrative costs, may be made a special assessment added to the county assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.

(Ord. No. 4374, § 1, 1-10-2017)

#### **Sec. 8.76.070 Service of Notice and Order to Show Cause.**

The notice and order to show cause shall be served on each Owner and on each Occupant, if known to the Enforcement Officer, of the subject property, in the following manner:

A. By posting a copy of the notice in a conspicuous place in front of or on the real property on which, or in front of which, the nuisance exists, or if the property has no frontage upon any street, highway, or road, then upon the portion of the property nearest to a street, highway, or road, or most likely to give actual notice to the owner and any person known by the Enforcement Officer to be in possession of the property; and

B. By either personal service, or by United States mail, first class or overnight, or by overnight courier service. If by mail or courier service, then postage shall be prepaid with a certificate of mailing requested, and shall be addressed to each Owner at the address shown on the last equalized assessment roll or last known address according to the County Assessor, and addressed to each Occupant known to the Enforcement Officer at the street address of the subject property.

C. Date of service shall be deemed to be the date of personal service, or five (5) days after delivery by United States first class mail, or one (1) day after overnight delivery by either the United States mail or courier service.

D. If the notice and order are properly and timely served, the failure of any owner or occupant to receive such notice shall not affect the validity of the proceedings conducted herein.

(Ord. No. 4374, § 1, 1-10-2017)

#### **Sec. 8.76.080 Automatic Hearing Procedures.**

A. In order to hear cases brought by the Enforcement Officer under this Chapter, the Board of Supervisors authorizes the use of a Hearing Officer pursuant to Mendocino County Code section 2.76. The Enforcement Officer's department or agency shall coordinate with County Counsel, prior to the issuance of any notice and order to

abate, to ensure that a Hearing Officer is appointed for the purpose of presiding at the administrative hearings provided for by this Chapter.

B. The Hearing Officer shall hold an administrative hearing to determine whether the conditions existing on the property subject to the notice constitute a nuisance under this Chapter, or whether there is any other good cause why those conditions should not be abated. This hearing shall be held no less than five (5) calendar days after service of the notice and order to show cause.

C. Parties may choose to be represented by an attorney; however, formal rules of evidence or procedure shall not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Nonetheless, any failure to make a timely objection to offered evidence constitutes a waiver of the objection. The Hearing Officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

D. The hearing shall be conducted in the English language. The proponent of any testimony by a witness who does not proficiently speak the English language shall provide an interpreter who has been certified as an interpreter by either the State of California or the County of Mendocino.

E. The Enforcement Officer shall first describe the acts or conditions constituting a nuisance. Thereafter, the Owner or Occupant of the property shall be given an opportunity at the hearing to present and elicit testimony and other evidence regarding whether the conditions existing on the property constitute a nuisance under this Chapter, or whether there is any other good cause why those conditions should not be abated.

F. In the event that the Owner or Occupant does not appear and present evidence at the hearing, the Hearing Officer may base their decision solely upon the evidence submitted by the Enforcement Officer. Failure of the Owner or Occupant to

appear and present evidence at the hearing shall constitute a failure to exhaust administrative remedies.

G. The Hearing Officer shall consider the evidence presented by the parties, and shall issue a written decision and order that either affirms, reverses, or modifies the determination contained in the administrative order to show cause issued by the Enforcement Officer, and may include findings relating to the existence or non-existence the alleged nuisance caused by cannabis cultivation, as well as findings concerning the propriety and means of abatement of the conditions set forth in the notice and order to show cause. If the notice and order to show cause has been combined with the administrative citation and penalties procedures set forth in Mendocino County Code Chapter 1.08, then the decision shall also include the matters set forth in Section 1.08.120. Such decision shall be served on the parties upon whom the notice and order to show cause was served, and the Enforcement Officer, pursuant to Sections 8.76.070(B) and (C) or in the manner agreed upon by the parties. The decision shall be final when signed by the Hearing Officer and served as provided by this paragraph.

(Ord. No. 4374, § 1, 1-10-2017)

#### **Sec. 8.76.090 Enforcement.**

If the owner or occupant fails to abate any nuisance caused by the cultivation of cannabis within two (2) calendar days of the date of service of the decision of the Hearing Officer under this Chapter requiring such abatement, the Enforcement Officer, his or her Department, or other authorized designee may cause to be done whatever work is necessary to abate the nuisance. If necessary, the Enforcement Officer may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of inspecting the property to determine if the nuisance remains and also for undertaking the work to abate the nuisance if the nuisance had not already been abated.

(Ord. No. 4374, § 1, 1-10-2017)

**Sec. 8.76.100 Liability for Costs.**

A. In any enforcement action brought pursuant to this Chapter, each person who causes, permits, suffers, or maintains the nuisance caused by the cultivation of cannabis shall be liable for all costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this chapter.

B. The costs of abatement incurred as a result of enforcement pursuant to this Chapter may be recovered in accordance with Sections 8.75.150 — 8.75.200.

(Ord. No. 4374, § 1, 1-10-2017)

**Sec. 8.76.110 Administrative Penalties.**

A. The procedures and remedies set forth in Mendocino County Code Chapter 1.08 regarding administrative citations and penalties may be used in combination with the procedures set out in this Chapter.

B. When the Mendocino County Administrative Citation Ordinance is used in combination with the procedures and remedies set forth in this Chapter, the Mendocino County Administrative Citation Ordinance shall be modified as follows:

1. If a notice of violation is issued by an Enforcement Officer pursuant to Mendocino County Code Section 1.08.070(A), the Enforcement Officer may provide for a time to correct a violation pertaining to the cultivation of cannabis of less than thirty (30) days, but not less five (5) days;

2. The service procedures set out in this Chapter shall be sufficient to effect service of any required notice pursuant to the Mendocino County Administrative Citation Ordinance;

3. The provisions establishing an appeal of the Administrative Citation in the Mendocino County Administrative Citation Ordinance are no longer optional, but shall be provided as a matter

of course and be heard at the same time and location as the hearing regarding the notice and order to show cause provided in this Chapter.

4. Any hearing fee applicable to the Mendocino County Administrative Citation Ordinance as established by resolution of the Board, or any requirement to provide an advance deposit prior to a hearing contesting the Administrative Citation, shall not apply.

5. All other provisions of the Mendocino County Administrative Citation Ordinance shall apply, unless they are in direct conflict with this Chapter, in which case the provisions of this Chapter shall apply.

(Ord. No. 4374, § 1, 1-10-2017)

**Sec. 8.76.120 Severance.**

The provisions of this Ordinance are separate and severable. If any provision of this Ordinance is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this Ordinance irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Ordinance, or the validity of its application to other persons or circumstances.

(Ord. No. 4374, § 1, 1-10-2017)

## CHAPTER 8.80

### EMERGENCY RESPONSE SERVICES

#### Sec. 8.80.010 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

(A) "County" means the County of Mendocino for any emergency services, emergency response, medical rescue or fire rescue services rendered within the County of Mendocino, or search and rescue performed within or in the immediate vicinity of Mendocino County. "County" shall also refer to any other County or City and County for any emergency services, emergency response, medical rescue, or fire rescue rendered to a Mendocino County resident in any other County or City and County, or search and rescue performed for a Mendocino County resident within or in the immediate vicinity of another County or City and County.

(B) "Emergency Services" means any services performed by the County or any other agency that is under contract to the County to perform immediate life and property protection measures.

(C) "Emergency Response" means any County agency or any other agency that is under contract to the County to respond to immediate emergencies which cause a threat to life, public welfare, and property. "Emergency Response" also means any response by the Sheriff's Office, or any response by the Sheriff's Office to assist another law enforcement agency, to a driver operating a vehicle under the influence of alcohol or drugs, or the combined influence of alcohol and drugs. "Emergency Response" shall also mean an incident caused by that driver that requires the use of lights or sirens on an emergency vehicle, including but not limited to, a police car, fire truck, or ambulance.

(D) "Expense of an Emergency Response" means reasonable costs incurred by any County department in making an emergency response, including the salaries and associated overhead of Sheriff, rescue and/or emergency medical services during the response, a reasonable charge for the

cost of emergency vehicles used during the response, and the cost of any consumable supplies used during the response. The charge for Sheriff's salaries and overhead shall be computed using the calculations in Section 8.80.025.

(E) "Medical Rescue" means any immediate service performed by the County of Mendocino to limit or discontinue further threat or continued threat to a person(s) life by use of technical or specialized equipment and qualified trained personnel.

(F) "Fire Rescue" means any fire suppression or light rescue services performed by the County to limit or discontinue further threat or extension of continued threat to life and property by use of specialized fire suppression apparatus and qualified trained personnel.

(G) "Search and Rescue" means any services rendered by the County Sheriff to a person or persons lost or in danger of their lives within or in the immediate vicinity of this County.

(H) "Under the Influence of an Alcoholic Beverage or any Drug, or the Combined Influence of an Alcoholic Beverage and any Drug," means that a person is in that condition when, as a result of drinking an alcoholic beverage or using a drug, or both, his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances. For purposes of this Section, the presumptions described in Sections 23152 and 23155 of the Vehicle Code shall apply. (Ord. No. 3793 (part), adopted 1991; Ord. No. 3912 (part), adopted 1995; Ord. No. 3922 (part), adopted 1996.)

#### Sec. 8.80.020 County Emergency Response.

The County shall respond to emergencies in the unincorporated areas of the County that are not within a legal fire or rescue protection jurisdiction. (Ord. No. 3793 (part), adopted 1991; Ord. No. 3912, adopted 1995.)

**Sec. 8.80.025 Computation of Charge for Salaries and Overhead.**

The charge for salaries and overhead imposed for an emergency response shall be computed by multiplying the average hourly base salary rate of Sheriff's Deputy, Sheriff's Corporal, and Sheriff's Sergeant in the fourth lowest step in the County Pay Plan, as certified by the Auditor-Controller, by two hundred percent (200%) and by multiplying that product by the total time computed in one-tenth hour segments, rounded up to the nearest one-tenth hour, of each County law enforcement officer involved in an emergency response. In addition, Workers' Compensation expenditures paid by the County to and on behalf of County employees for any injuries sustained by a County employee, and the County's cost to repair or replace equipment damaged or destroyed during a chargeable emergency response, shall be added to the charge. (Ord. No. 3922 (part), adopted 1995.)

**Sec. 8.80.030 Reimbursement for County Services.**

(A) Any person requesting or receiving the emergency response services described in Section 8.80.010 in the unincorporated areas of the County shall reimburse the County of Mendocino for the expense of an emergency response. These costs shall be a debt of that person, and shall be collectable by the County of Mendocino in the same manner as in an obligation under a contract, express or implied. The charge shall be computed pursuant to the calculations in Section 8.80.025. Payment shall be due within thirty (30) days after submission of an invoice by the County.

(B) The County may set off the amount owed under this Chapter against any amounts the County may owe the debtor. The remedies provided herein shall not prevent the County from collecting interest on amounts assessed under this Chapter, if otherwise allowed by this Code or other provisions of state law. The County may also pursue any other remedies at law or in equity to recover the amount claimed under this Chapter and to collect that amount from the debtor.

(C) Any person who is a resident of Mendocino County requesting or receiving emergency response services in another County for which Mendocino County is required to pay pursuant to Government Code Section 26614.5 shall reimburse the County of Mendocino for any such payment made to a County or City and County which rendered emergency response services. These costs shall be a debt of that person, who shall be liable to the County of Mendocino in the same manner as in an obligation under a contract, express or implied. Payment shall be due within thirty (30) days after submission of an invoice by the County.

(D) Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, and as a result operates a motor vehicle negligently or in a willfully wrongful manner, shall be liable for the expense of an emergency response by the County caused by that person's operation of the vehicle. (Ord. No. 3793 (part), adopted 1991; Ord. No. 3912 (part), adopted 1995; Ord. No. 3922 (part), adopted 1996.)

**Sec. 8.80.040 Sheriff Search and Rescue Expenses.**

The County or City and County of residence of a person searched for or rescued by the Mendocino County Sheriff shall pay the County of Mendocino any expenses that exceed one hundred dollars (\$100) for such search or rescue services within thirty (30) days after the submission of a claim by Mendocino County (Government Code Section 26614.5.) (Ord. No. 3793 (part), adopted 1991; Ord. No. 3912 (part), adopted 1995.)

**Sec. 8.80.050 Attorneys' Fees.**

In the event that suit is instituted to collect any sum due the County of Mendocino pursuant to this Chapter, the County, if it prevails, shall be entitled in addition to any other damages to attorney's fees as provided in this Section.

(A) "Prevail," as used in this Section, means that the filing of the action contributed significantly to



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

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

(Ord. No. 4356, 5-17-2016; Ord. No. 4375, § 1, 1-10-2017)

**Sec. 9.31.150 Attorneys' Fees.**

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

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

(Ord. No. 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

(D) Any amounts paid by the County, except pursuant to subdivision (c) of California Health and Safety Code Section 17975.4, and any applicable penalties and actual costs will be placed as a lien against the property by the County by recording the lien in the County Recorder's Office of the County in which the real property is located.

(E) All money imposed herein, including amounts advanced to tenants for relocation expenses, penalties and interest, imposed pursuant to this Chapter shall be due and payable to the County Homeless Coordinator, and shall be maintained in an interest-bearing account for the use of the County Homeless Coordinator to respond to the public health, transportation, storage and other needs of evicted and homeless persons, in his/her sole discretion.

(F) The remedies and penalties provided for in this Section shall be in addition to any other available remedies and penalties provided for by the County Ordinance Code or other law. (Ord. No. 4333, § 4, 3-17-2015)

**Sec. 18.14.065 Appeals.**

If the owner or designated agent contends that none or not all of the benefits are chargeable to the owner or designated agent because the recipients were not displaced tenants, no benefits were payable pursuant to California Health and Safety Code Section 17975.4, or on other grounds, the owner or designated agent shall submit a written appeal to the Director of the Planning and Building Services within twenty (20) days after receipt by the owner or designated agent of the itemized accounting. The Director, or the Director's designee, shall hold an administrative hearing for the purpose of determining the amount of benefits paid that are chargeable to the owner or designated agent, and any penalties or costs the County may recover pursuant to subsection (F)(2) of this Section. The County shall provide an administrative appeal. Such appeal shall follow the process established in Mendocino County Code Sections 8.75.100 and 8.75.110. The final decision of the local appellate body shall be subject to Section

1094.5 of the Code of Civil Procedure. If the owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the owner or designated agent shall be liable to the County for the costs of the administrative hearing and appeal, not to exceed Five Thousand Dollars (\$5,000.00). The failure to receive the itemized accounting shall not relieve the owner of any obligation to the County.

(Ord. No. 4333, § 4, 3-17-2015)

**Sec. 18.14.070 No Requirement for County to Pay Relocation Benefits.**

Nothing in this Section shall be construed to require the County to pay any relocation benefits to any tenant, or assume any obligation, requirement, or duty of the owner pursuant to this Section.

(Ord. No. 4333, § 4, 3-17-2015)

**Sec. 18.14.080 Enforcement by Tenant.**

Any tenant may file a civil legal action to enforce the provisions of this Section.

(Ord. No. 4333, § 4, 3-17-2015)

**Sec. 18.14.090 Severability Clause.**

The provisions of this Section are separate and severable. If any provision of this Section is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this Section irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Section, or the validity of its application to other persons or circumstances.

(Ord. No. 4333, § 4, 3-17-2015)

**CHAPTER 18.16**  
**MASTER GRID AND PROPERTY**  
**NUMBERING SYSTEM**

**Sec. 18.16.010 Purpose.**

The Board of Supervisors finds that the public interest, safety, welfare and convenience require the establishment of a numbering system of street and road addresses in a uniform plan for the County of Mendocino. For the accomplishment of this objective the Board hereby establishes a uniform numbering system of street and road addresses for the unincorporated areas of the County which shall be known as the Mendocino County Master Grid Numbering System (the "System"). (Ord. No. 772, adopted 1971.) (Ord. No. 4370, § 1, 12-6-2016)

**Sec. 18.16.020 Legal Description of Property Not Affected.**

The adoption of the System shall in no way affect the legal description of property by lot and block numbers, by metes and bounds or by U.S. Government Survey. (Ord. No. 4370, § 2, 12-6-2016)

*Editor's note*—Ord. No. 4370, § 2, adopted December 6, 2016, renumbered § 18.16.100 as § 18.16.020. Former § 18.16.020 pertained to "Precise Plan," and was derived from Ord. No. 772, adopted 1971.

**Sec. 18.16.030 Base Lines.**

The following meridians have been established as base lines within Mendocino County: For all roads determined to have an east/west orientation, the base line is US Highway 101. For inland roads determined to have a north/south orientation, the base line is the Mendocino County courthouse, located in Ukiah. For coastal roads determined to have a north/south orientation, the base line is the mouth of the Navarro River, near the junction of State Highway 1 and State Highway 128. Determination of orientation and the application of the coastal addressing base line shall be at the discretion of the Address Coordinator. (Ord. No. 772, adopted 1971.) (Ord. No. 4370, § 3, 12-6-2016)

**Sec. 18.16.040 System Maps.**

The System shall consist of a map or maps, upon which map(s) the base lines shall be shown or designated and by index lines indicating the principal locations at which major units of the numbering system shall commence, and upon which shall be designated the numbers and location of numbers assigned to particular buildings and lands under the system. All sub-index maps constituting any part of such system shall be referenced thereon indicating that the said map(s) constitute a portion of the System. The format of the System may be modified or adapted as technology develops to allow for the most accurate and efficient use of the System.

(A) Master Grid Index Map. The Master Grid Index Map shall show the general locations of areas now or hereafter gridded under this Chapter, and shall serve as an index to the Sub-Index Maps showing the detail of precisely numbered areas.

(B) Sub-Index Grid Maps. Sub-Index Grid Maps shall show detail of precisely numbered areas. (Ord. No. 772, adopted 1971.) (Ord. No. 4370, § 4, 12-6-2016)

**Sec. 18.16.050 Designation of Administrator.**

The Planning and Building Services Director shall designate an Address Coordinator for the County of Mendocino. The System shall be continued, enforced, operated and maintained within the unincorporated areas of the County of Mendocino by the Address Coordinator, and property numbers assigned within such area shall be done in accordance with the System. The County Surveyor shall provide such technical assistance as may be requested by the Address Coordinator in carrying out the provisions of this section. It shall be the duty of the Address Coordinator to notify all persons of the number assigned to each location; the requirements of this Chapter that numbers be installed and maintained in such manner as to be visible from the street in front of each location or from the roadway or driveway leading to buildings removed a substantial distance from the public street or road upon which the subject

site abuts. The Address Coordinator may issue to any parcel owner in an unincorporated area of Mendocino County with a developed parcel upon request and without charge, a number in accordance with this Chapter. The Address Coordinator is responsible for maintaining the numbering and road naming system and shall keep a record of all numbers and names assigned under this Chapter. Said records shall be open for inspection by the public during regular business hours. (Ord. No. 772, adopted 1971.)

(Ord. No. 4370, § 5, 12-6-2016)

#### **Sec. 18.16.060 Assignment of Numbers.**

(A) Assignment. For the purposes of determining the address range of a road or street, the total length of the road in feet shall be divided by 5.28 to indicate the total number of addresses available for said road or street. The approximate straight-line distance between the end of the road connected to the most major access route and the appropriate base line shall be used to determine the beginning of the range. For purposes of determining the proper number for a particular location, the number assigned shall be proportioned to the distances between the numbers next adjacent to the location on either side of the base or index line(s) if no numbers have been previously established on adjoining properties. For purposes of determining whether a number shall be odd or even, it is determined that odd numbers shall be on the southerly and easterly side of the street or road and even numbers on the westerly and northerly side of the street or road. Alphanumeric designations may be used for attached structures with multiple entrances, i.e. duplexes, apartment buildings or office suites. Detached structures should not be given alphanumeric designations, and the use of fractions is not acceptable for any address designation. When possible, the Address Coordinator will refrain from assigning a number that is immediately next in sequence to the next adjacent number. In the event of no numbers being available the Department may, at its discretion, choose to readdress the affected area to better space the

units or, if applicable, petition the Board of Supervisors to officially name an existing private access road allowing for the development and assignment of a new range of numbers. For the purposes of determining the appropriate road or street used for addressing, numbers may only be assigned to the last officially named road or street traveled to access the subject property. Unofficial, local or alternate names for roads or driveways may not be used in the assignment of addresses.

(B) Correction and Adjustment. The established range of a road or the existing addresses along said road may be revised or corrected at the discretion of the Department. Priority is given to the concerns of emergency service agencies when said concerns involve errors, inaccuracies or confusion in the addressing system. Said concerns will be deemed urgent by the Department and the Address Coordinator will take appropriate action to achieve a resolution. The County shall have the right to alter or change any existing address in the unincorporated areas of the County if said address is found to be in conflict with any of the guidelines herein or as laid out in the Mendocino County Code. (Ord. No. 887, adopted 1972.)  
(Ord. No. 4370, § 6, 12-6-2016)

#### **Sec. 18.16.070 Names of Roads.**

Any private road, street or way established, or any of the same offered in dedication for public use or any private street or roadway established shall be named in accordance with this Chapter. All streets, roads, and ways shall be known by the same name for the entire length.

(A) Private Road Name Petitions. A private road may be officially named or renamed via a petition that includes a map showing location, alignment, access, proposed road name and parcel numbers, as well as signatures of seventy-five percent (75%) of the property owners whose parcel is serviced by the private road proposed to be affected. There must be a minimum of four (4) dwellings and/or business establishments serviced by the proposed road. The Address Coordinator shall study a private road name to assure that the

recommended road name does not duplicate or sound like any existing road name within the various regions of the County. If the road name does not duplicate or sound like any existing road name, the Address Coordinator shall forward the completed petition and accompanying map to the Board of Supervisors.

(B) **Minimum Number of Developed Lots Served.** The County may require a street name of every access that serves at least four (4) dwellings and/or business establishments, except in mobile home parks, shopping centers and apartment type developments. In these cases, street names will not be permitted.

(C) **County-Initiated Road Naming or Renaming.** The County shall have the right to name or rename all county roads, private roads, accesses and easements within the unincorporated areas of Mendocino County.

(D) **Signs.** All officially named private roads shall be identified by a posted road sign. Signs shall conform to the location and design requirements as listed in the County of Mendocino Road and Development Standards document, standard numbers RS20 and RS21, or comply with the requirements of the California Department of Forestry and/or Local Fire Agency, where those standards are more restrictive. Creating, installing and maintaining said sign shall be solely the responsibility of the property owners served by the road. (Ord. No. 772, adopted 1971, as amended by Ord. No. 3376, adopted 1982.) (Ord. No. 4370, § 7, 12-6-2016)

**Sec. 18.16.080 Procedure for Approval of Name of Street.**

(A) No street or road shall be deemed officially named except upon approval of the Board of Supervisors by minute order or resolution.

(B) **Procedure for Private Road Name Petitions.** The Address Coordinator shall provide, to the owners of land adjoining a street or road that is subject to a road name petition, thirty (30) days notice of the meeting date of which the Board of Supervisors will consider the petition. Said notice

shall state that any person objecting to the name proposed may file an objection in writing with the Address Coordinator or the Board of Supervisors up to and including the date of the meeting of the Board of Supervisors. If any person objects to the name proposed to be assigned in advance of the scheduled meeting date, the Address Coordinator shall discuss the matter with the proponents and all who so object in writing and shall attempt to resolve the differences. If a resolution of differences is not forthcoming, the Address Coordinator shall present the matter to the Board of Supervisors, stating the various names proposed.

(C) **Procedure for County-Initiated Road Naming or Renaming.** The Address Coordinator shall provide notice to the owners of land adjoining a street or road which the County desires to name or rename. Such notice shall include the proposed name of the street or road and shall provide thirty (30) days to file an objection with the Address Coordinator. If any person so objects, the Address Coordinator shall discuss the matter with all who object in writing and shall attempt to resolve the differences. If a resolution of differences is not forthcoming, the Address Coordinator shall provide thirty (30) days notice to the owners that the County intends to present the matter to the Board of Supervisors at a meeting date certain. Persons may file an objection in writing to the Address Coordinator or the Board of Supervisors up to and including the date of the meeting of the Board of Supervisors. (Ord. No. 854, adopted 1971.) (Ord. No. 4370, § 8, 12-6-2016)

**Editor's note**—Ord. No. 4370, § 8, adopted December 6, 2016, amended § 18.16.080 to read as set out herein. Previously § 18.16.080 was titled "Official Approval of Name of Street."

**Sec. 18.16.090 Display of Numbers.**

The Address Coordinator shall give notice to the owners of land or buildings which are assigned or reassigned numbers under this system, which notice shall contain the new number or number reassigned to a particular building or parcel of land, and the date on which the new number shall become effective. Within thirty (30) days of such



effective date of notice of number assigned or reassigned, the occupant/s or owner/s of the property or buildings shall cause the number to be displayed upon the building or land in such manner as to be visible from the street or road upon which the land or building fronts, and shall remove or obscure from public view any old or previous number not in accordance with the System, provided that in areas where buildings are removed considerable distance from any public street or road or where rural free delivery of mail is provided, the number may be displayed upon receptacles designed for the delivery of mail. Provided further, however, that a proper number which shall be a minimum height of 2½", preferably 4", and contrasting color from basic background, shall be displayed in accordance with the System upon any roadway or driveway leading to buildings removed a substantial distance from the public road or street upon which the subject site abuts. (Ord. No. 772, adopted 1971.)

(Ord. No. 4370, § 9, 12-6-2016)

#### **Sec. 18.16.100 Penalty.**

Failing or refusing to display a proper number after notice of such has been given in accordance with Section 18.16.090 of this Chapter, or willfully displaying or permitting to be displayed any improper number after aforesaid notice, is an infraction and may be punishable by fines as specified in Government Code section 25132 or any successor statute, and may be declared a public nuisance. In addition, a violation may be redressed by civil action or through the provisions or any other applicable state or local law.

(Ord. No. 4370, § 10, 12-6-2016)

**Editor's note**—Ord. No. 4370, § 2, adopted December 6, 2016, renumbered § 18.16.100 as § 18.16.020; and § 10 renumbered § 18.16.120 as § 18.16.100. Former § 18.16.100 pertained to "Legal Description of Property Not Affected," and was derived from Ord. No. 772, adopted 1971.

#### **Sec. 18.16.110 Severability.**

If any Section, Subsection, Subdivision, Sentence, Clause or Phrase of this Chapter is for any reason held to be unconstitutional, such decision

shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have passed the ordinance adopting this Chapter and each Section, Subsection, Subdivision, Sentence, Clause and Phrase thereof, irrespective of the fact that any one (1) or more Sections, Subsections, Subdivisions, Sentences, Clauses or Phrases be declared unconstitutional.

(Ord. No. 4370, § 11, 12-6-2016)

**Editor's note**—Ord. No. 4370, § 11, adopted December 6, 2016, renumbered § 18.16.130 as § 18.16.110. Former § 18.16.110 pertained to "Map or Maps," and was derived from Ord. No. 772, adopted 1971.

#### **Sec. 18.16.120 Reserved.**

**Editor's note**—Ord. No. 4370, § 10, adopted December 6, 2016, renumbered § 18.16.120 as § 18.16.100. Former § 18.16.120 pertained to "Penalty," and was derived from Ord. No. 772, adopted 1971.

#### **Sec. 18.16.130 Reserved.**

**Editor's note**—Ord. No. 4370, § 11, adopted December 6, 2016, renumbered § 18.16.130 as § 18.16.110. Former § 18.16.130 pertained to "Severability," and was derived from Ord. No. 772, adopted 1971.

#### **Sec. 18.16.140 Reserved.**

**Editor's note**—Ord. No. 4370, § 12, adopted December 6, 2016, repealed § 18.16.140 in its entirety. Former § 18.16.140 pertained to "Urgency Measure," and was derived from Ord. No. 772, adopted 1971.

**CHAPTER 18.20**

**MOBILEHOMES AND MOBILEHOME  
PARKS**

**Sec. 18.20.010 Enforcement of Certain  
Provisions of the State Health and  
Safety Code**

Repealed by Ord. No. 3338, adopted 1981.

**Sec. 18.20.020 Building Inspector—  
Administration and Enforcement.**

Repealed by Ord. No. 3338, adopted 1981.

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

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Ordinance Number	Date	Description	Section		Section this Code
				Added	Ch. 3.04, §§ 3.04.010—3.04.220
				Rpld	Ch. 3.16, §§ 3.16.010—3.16.220
				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
4361	8- 2-2016	Cannabis business tax	1	Added	Ch. 6.32, §§ 6.32.010—6.32.300
4364	9-13-2016	Zoning	3		20.008.027(A) 20.008.028(A)
				Added	20.008.052(30)
				Rnbd	20.008.052(30), (31)
				as	20.008.052(31), (32)
					20.008.054(D)
					20.020.060
				Added	20.152.040
4365	9-13-2016	Zoning	3		20.308.040(C)—(G)
				Added	20.308.040(H)
					20.308.045(A)

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				Rnbd 20.308.110(37)
				as 20.308.110(38)
				Added 20.308.115(G)
				20.320.060
				Added 20.444.040
4366	10- 4-2016	Emergency organization and functions		Rpld Ch. 7.04, §§ 7.04.010—7.04.180
				Added Ch. 7.04, §§ 7.04.010—7.04.160
4367	6- 7-2016	Public health, safety and welfare		Added Ch. 8.400, §§ 8.400.010—8.400.030
4370	12- 6-2016	Master grid and property numbering systems	1	18.16.010
			2	Rnbd 18.16.100
				as 18.16.020
			3	18.16.030
			4	18.16.040
			5	18.16.050
			6	18.16.060
			7	18.16.070
			8	18.16.080
			9	18.16.090
			10	Rnbd 18.16.120
				as 18.16.100
			11	Rnbd 18.16.130
				as 18.16.110
			12	Rpld 18.16.140
4371	1-10-2017	Administrative citations and penalties	1	Added Ch. 1.08, §§ 1.08.010—1.08.170
4372	1-10-2017	Office of county hearing officer	1	Added Ch. 2.76, §§ 2.76.010—2.76.050
4373	1-10-2017	Uniform nuisance abatement procedure	1	Rpld Ch. 8.75, §§ 8.75.010—8.75.100
				Added Ch. 8.75, §§ 8.75.010—8.75.240
4374	1-10-2017	Procedures specific to cannabis cultivation	1	Added Ch. 8.76, §§ 8.76.010—8.76.120
4375	1-10-2017	Marijuana cultivation violation enforcement mechanisms	1	9.31.140
4376	1-10-2017	Civil service		3.16.140

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4378	1-24-2017	Revenue and finance		5.130.010

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