

MENDOCINO COUNTY CODE

Looseleaf Supplement

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

Ordinance No. 4301, adopted November 6, 2012.

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

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



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PREFACE

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

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

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

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

This supplement brings the Code up to date through Ordinance No. 4301, passed November 6, 2012.

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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- 4-11	Included	Supp. No. 29
4271	1-25-11	Included	Supp. No. 29
4272	1-25-11	Included	Supp. No. 29
4274	5- 3-11	Included	Supp. No. 29
4275	5-17-11	Included	Supp. No. 29
4276	5-17-11	Included	Supp. No. 29
4277	6- 7-11	Included	Supp. No. 30
4279	7-12-11	Included	Supp. No. 31
4283	9-13-11	Included	Supp. No. 30
4284	10- 4-11	Included	Supp. No. 30
4285	10- 4-11	Included	Supp. No. 30
4286	12- 6-11	Included	Supp. No. 31
4288	1-24-12	Included	Supp. No. 31
4289	1-31-12	Included	Supp. No. 31
4291	2-14-12	Included	Supp. No. 32
4292	4-10-12	Included	Supp. No. 32
4293	4-10-12	Included	Supp. No. 32
4294	4-10-12	Included	Supp. No. 32
4295	4-10-12	Included	Supp. No. 32
4296	4-10-12	Omitted	Supp. No. 32
4297	6-12-12	Included	Supp. No. 32
4298	7-10-12	Included	Supp. No. 32
4299	8-28-12	Included	Supp. No. 32
4300	9-25-12	Included	Supp. No. 33
4301	11- 6-12	Included	Supp. No. 33

CHAPTER 8.52

BINGO GAMES

Sec. 8.52.010 Purpose.

This ordinance is adopted pursuant to Section 19 of Article IV of the California Constitution in order to make the game of bingo lawful under the terms and conditions of this article. (Ord. No. 1784, adopted 1976.)

Sec. 8.52.020 Definitions.

Whenever in this Chapter the following terms are used they shall have the meanings respectively ascribed to them in this section.

(A) Bingo is a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

(B) Nonprofit, charitable organization is an organization exempted from the payment of the bank and corporation tax by sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), and 23701(l) of the Revenue and Taxation Code and includes mobile home park associations and senior citizens organizations. (Ord. No. 1784, adopted 1976, as amended by Ord. No. 3582, Sec. 1, adopted 1985.)

(C) Minor is any person under the age of eighteen (18) years. (Ord. No. 1784, adopted 1976, as amended by Ord. No. 3582, Sec. 1, adopted 1985.)

Sec. 8.52.030 Licensing Provisions.

(A) LICENSE. It shall be unlawful for any person to conduct any bingo games in the unincorporated area of Mendocino County unless such person is a member of a nonprofit, charitable organization acting on behalf of such nonprofit, charitable organization and has been issued a license as provided by this Chapter. (Ord. No. 1784, adopted 1976.)

(B) TERM OF LICENSE AND FEES. A bingo license shall be issued for a period of twelve (12) months and may be renewed for additional

periods of twelve (12) months provided that such renewal is made prior to the expiration of the original twelve-month period or any subsequent twelve-month renewal period. Upon any license renewal, the applicant shall update all information required under Section 8.52.040 (A). The fees for a bingo license and any renewal thereof shall be determined by a resolution by the Board of Supervisors. The appropriate fee shall accompany the submission of each application, is non-refundable and shall be used to defray the cost of the issuance of said license or renewal. (Ord. No. 1784, adopted 1976, as amended by Ord. No. 1851, adopted 1977.)

(C) NONTRANSFERABILITY. Each license issued hereunder shall be issued to a specific person on behalf of a specific nonprofit charitable organization to conduct a bingo game at a specific location and shall in no event be transferable from one person to another nor from one location to another. (Ord. No. 1784, adopted 1976.)

Sec. 8.52.040 Application for License.

(A) PROCEDURE. Application for license shall be made to the Treasurer-Tax Collector on the prescribed forms, and shall be filed not less than twenty (20) days prior to the proposed date of the bingo game or games. Such application form shall require from the applicant at least the following:

(1) A list of all members who will operate the bingo game, including full names of each member and residence address. (Ord. No. 1784, adopted 1976.)

(2) The date (s) and place (s) of the proposed bingo game or games. (Ord. No. 1784, adopted 1976.)

(3) Proof that the organization is a nonprofit charitable organization as defined by this Chapter. (Ord. No. 1784, adopted 1976.)

(B) INVESTIGATION. Upon receipt of an application for a license the Treasurer-Tax Collector may send copies of such application to any office or department which the Treasurer-Tax Collector deems essential in order to carry out a proper

investigation of the applicant. The Sheriff and every officer and/or department to which an application is referred shall investigate the truth of the matters set forth in the application and may examine the premises to be used for the bingo game. Upon approval of any application for a bingo license, the Treasurer-Tax Collector shall issue the license. (Ord. No. 1784, adopted 1976.)

Sec. 8.52.050 Limitations.

A nonprofit, charitable organization shall conduct a bingo game only on property both owned or leased by it, and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized. (Ord. No. 1784, adopted 1976.)

(A) No minors shall be allowed to participate in any bingo game. (Ord. No. 1784, adopted 1976.)

(B) All bingo games shall be open to the public, not just to the members of the nonprofit, charitable organization. (Ord. No. 1784, adopted 1976.)

(C) A bingo game shall be operated and staffed only by members of the nonprofit, charitable organization which organized it. Such members shall not receive a profit, wage or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game or participate in the promotion, supervision or any other phase of such game. (Ord. No. 1784, adopted 1976.)

(D) No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a game shall hold a financial interest in the conduct of such bingo game. (Ord. No. 1784, adopted 1976.)

(E) All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account; licensee shall retain for one (1) year a full and complete financial statement of all monies collected, disbursed and the amount remaining for charitable purposes, which record shall be made available to Treasurer-Tax Collector upon written request. (Ord. No. 1784, adopted 1976.)

(F) No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted. (Ord. No. 1784, adopted 1976.)

(G) The total value of prizes awarded during the conduct of any bingo games shall not exceed five hundred dollars (\$500.00) in cash or kind, or both, for each separate game which is held. (Ord. No. 1784, adopted 1976; Ord. No. 4300, 9-25-2012)

(H) No bingo game shall be conducted between the hours of midnight and 8:00 a.m. (Ord. No. 1784, adopted 1976.)

(I) Any peace officer of the county shall have free access to any bingo game licensed under this Chapter. The licensee shall have the bingo license and lists of approved staff available for inspection at all times during any bingo game. (Ord. No. 1784, adopted 1976.)

Sec. 8.52.060 License Denial, Suspension or Revocation.

(A) PROCEDURE. The Treasurer-Tax Collector may deny an application for a bingo license, or suspend or revoke a license if she finds the applicant or licensee or any agent or representative thereof has:

(1) Knowingly made any false, misleading or fraudulent statement of a material fact in the application or in any record or report required to be filed under this ordinance; or

(2) Violated any of the provisions of this Chapter. (Ord. No. 1784, adopted 1976.)

If after investigation, the Treasurer-Tax Collector determines that a bingo license should be suspended or revoked or an application for such license denied, she shall prepare a notice of suspension, revocation or denial of application setting forth the reasons for such suspension, revocation or denial of application. Such notice shall be sent by certified mail to the applicant's last address provided in the application or be personally delivered. Any person who has had an application for a bingo license denied or a license suspended or

revoked by the Treasurer-Tax Collector may appeal that decision in the manner provided in his chapter. (Ord. No. 1784, adopted 1976.)

(B) APPEAL. Whenever an appeal is provided for in this chapter, such appeal shall be filed and conducted as prescribed in this section:

(1) Within fifteen (15) calendar days after the date of any denial, suspension, revocation or other decision of the Treasurer-Tax Collector, an aggrieved party may appeal such action by filing with the Clerk of the Board of Supervisors a written appeal briefly setting forth the reasons why such denial, suspension, revocation or other decision is not proper. (Ord. No. 1784, adopted 1976.)

(C) Within ten (10) days of such written appeal the Board of Supervisors shall conduct a public hearing to determine if grounds for license denial, suspension or revocation exist and may sustain, modify or reverse the decision of the Treasurer-Tax Collector. The decision of the Board shall be final. (Ord. No. 1784, adopted 1976.)

Sec. 8.52.070 Violations and Penalties.

(A) It is unlawful for any person to receive a profit, wage or salary from any bingo game authorized by this chapter. (Ord. No. 1784, adopted 1976.)

(B) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. No. 1784, adopted 1976, as amended by Ord. No. 3582, Sec. 2, 1985.)

CHAPTER 8.56

REWARD

Sec. 8.56.010 Reward for Information Leading to Conviction of Persons Destroying County Property or Injuring County Officers or Employees.

(A) There is established a reward for information leading to the identification, apprehension and conviction of any person causing injury or death to any County officer or employee, or who willfully damages or destroys any County property. The reward shall be in the amount of five hundred dollars (\$500.00). (Ord. No. 3278, adopted 1979, as amended by Ord. No. 3353, adopted 1981.)

(B) Pursuant to Government Code Section 53069.5, any person whose willful misconduct has resulted in injury or death to any County officer or volunteer, or who has willfully damaged or destroyed property of the County shall be liable for the amount of any reward paid under this section and if he is an unemancipated minor the parent or guardian shall also be liable for the amount. (Ord. No. 3278, adopted 1979, as amended by Ord. No. 3353, adopted 1981.)

(C) For the purposes of this ordinance, County property is defined as property owned or leased by the County of Mendocino. (Ord. No. 3278, adopted 1979.)

serious affairs. 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 8.75.030(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 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 Chapter. 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 continuance allowed.

(Ord. No. 4227, 9-1-2009)

Sec. 8.75.110 Determination.

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

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

(B) If the Hearing Officer or Hearing Board 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.

(Ord. No. 4227, 9-1-2009)

Sec. 8.75.120 Abatement by Owner or County.

(A) 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. The order 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 or Hearing Board within the prescribed time period, the enforcement Officer authorized to enforce the Ordinance or other designated County employee may cause to be done whatever work is necessary to abate the public nuisance. An account of the cost of abatement shall be kept for each separate assessor's parcel involved in the abatement.

(C) When the County has completed the work of abatement, or has paid for such work, the actual cost thereof, together with an administrative cost, including reasonable attorneys' fees as set forth in Section 8.75.175 and all fines shall be charged to the owner of the property. The combined amounts shall be included in a bill and sent by mail to the owner, or his or her agent for payment, if not paid prior thereto. The bill shall apprise the owner that failure to pay the bill within fifteen (15) days from the date of mailing, may result in a lien upon the property.

(Ord. No. 4227, 9-1-2009)

Sec. 8.75.125 Failure of Owner to Abate or Appeal.

If, within ninety (90) days from the issuance of the Notice and Order to Abate, the property owner

has not filed a timely appeal in accordance with Section 8.75.090, or has failed to pay any outstanding fines or penalties, the amount of the penalties as established pursuant to Section 8.75.075 for the 90-day period shall be totaled and the same shall be considered due and owing. Notice of the amount of penalties shall be mailed to the property owner by certified mail, addressed to the owner, his or her agent, at the address shown on the last equalized assessment roll or as otherwise known. Any continuing violation after the aforesaid 90-day period shall be considered a subsequent offense and the penalty for such new violation shall be the basis for a second or third violation and the procedures set forth in this Chapter shall be followed as if the violation was a new violation. Nothing in this Section shall be interpreted to extend the time given to the property owner to abate the nuisance as set forth in the Notice and Order to Abate. Nothing in this Section shall be interpreted as limiting the Enforcement Officer's discretion to abate the nuisance at the County's expense and to seek reimbursement from the property owner or responsible party for all costs associated with the abatement.

(Ord. No. 4227, 9-1-2009)

Sec. 8.75.130 Report and Notice of Lien Hearing.

The Board of Supervisors delegates the responsibility to conduct a lien hearing in conformance with this Chapter to a Hearing Officer.

If the bill for the cost of the abatement, administrative costs, attorneys' fees, and all fines imposed pursuant to Section 8.75.075 or Section 8.75.125 are not paid within thirty (30) days of issuance of an Order pursuant to Section 8.75.110 or the date of mailing of the notice described in Section 8.75.125, the Enforcement Officer authorized to enforce the Ordinance shall render an itemized report in writing to the Clerk of the Board for submittal to the Hearing Officer listing the costs of abatement, administrative fee, attorney fees and all fines and/or fees. The Hearing Officer may then order for a lien hearing and

confirmation. Names and addresses of persons having any record interest in the property shall be attached to the report. At least ten (10) days prior to said hearing, the Hearing Officer through the Clerk of the Board shall give notice, by certified mail, of said hearing to the record owner of each assessor's parcel involved in the abatement, the holder of any mortgage or deed or trust of record, if known, and any other person known to have a legal interest in the property. Said notice shall describe the property by street number or some other description sufficient to enable identification of the property and contain a statement of the amount of the proposed lien.

(Ord. No. 4227, 9-1-2009)

Sec. 8.75.140 Hearing on Account and Proposed Lien.

At the time and place fixed in the notice, the Hearing Officer will hear and consider the account and proposed lien amount, together with objections and protests thereto. At the conclusion of the hearing, the Hearing Officer may make such modifications and revisions of the proposed account and lien amount as it deems just, and may order the account and proposed lien amount confirmed or denied, in whole or in part, or as modified and revised. The determination of the Hearing Officer as to all matters contained therein is final and conclusive.

(Ord. No. 4227, 9-1-2009)

Sec. 8.75.150 Notice of lien.

Upon confirmation of a lien by the Hearing Officer, the Enforcement Officer shall notify the owners by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Hearing Officer and advise them that they may pay the account in full within thirty (30) days to the Enforcement Officer in order to avoid the lien being recorded against the property. If the lien amount is not paid by the date stated in the letter, the Enforcement Officer 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 legal description, address and/or other description sufficient to identify the premises;

(B) A description of the proceeding under which the lien was made, including the order of the Hearing Officer confirming the lien;

(C) The amount of the lien;

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

(Ord. No. 4227, 9-1-2009)

Sec. 8.75.160 Lien.

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. 4227, 9-1-2009)

Sec. 8.75.170 Collection with Ordinary Taxes.

After recordation, the Notice of Lien shall be delivered to the County Auditor, who will enter the amount of the lien on the assessment roll as a lien. Thereafter, the amount set forth shall be collected at the same time and in the same manner as ordinary County taxes, and is subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as are provided for ordinary County taxes; all laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such lien.

(Ord. No. 4227, 9-1-2009)

Sec. 8.75.175 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. 4227, 9-1-2009)

Sec. 8.75.180 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. 4227, 9-1-2009)

Sec. 8.75.185 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. 4227, 9-1-2009)

Sec. 8.75.190 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 in-

§ 8.75.190

validity shall therefore not affect the remaining provisions of this Ordinance, or the validity of its application to other persons or circumstances.
(Ord. No. 4227, 9-1-2009)

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

(J) The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to create or maintain a public nuisance. By permitting no more than twenty-five (25) marijuana plants on any one (1) parcel, the County anticipates a significant reduction in the complaints of odor and the risks of fire, crime and pollution described herein.

(K) The County finds that the indoor or outdoor cultivation of more than twenty-five (25) marijuana plants on any one (1) parcel within the unincorporated area of the County for medicinal purposes will likely result in an unreasonable risk of crime and will likely create odors offensive to persons living nearby notwithstanding the limitations on cultivation that are imposed within this Chapter. The County further finds that the indoor cultivation of more than twenty-five (25) marijuana plants on any one (1) parcel may create an unreasonable risk of fire and/or pollution. (Ord. No. 4291, 2-14-2012)

Sec. 9.31.030 Definitions.

As used herein the following definitions shall apply:

"Attorney General's Guidelines" means guidelines for the security and non-diversion of marijuana grown for medical use issued by the Attorney General in August 2008.

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

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

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

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

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

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

"Parcel" means a parcel as determined by the Assessor for assessment purposes only.

"Primary Caregiver" means a "Primary Caregiver" as defined in Health and Safety Code Section 11362.7(d).

"Qualified Patient" means a "Qualified Patient" as defined in Health and Safety Code Section 11362.7(f).

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

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

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

"Youth-Oriented Facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a day care or preschool facility.

"Zip-Ties" means plastic ties with individualized numbers stamped on them, issued by the County Sheriff's Office for the purpose of identifying a legal marijuana plant.
(Ord. No. 4291, 2-14-2012)

Sec. 9.31.040 Limitation on Number of Plants.

The cultivation of more than twenty-five (25) marijuana plants on one (1) parcel, either indoors or outdoors, within the unincorporated area of the County, regardless of whether the person(s) growing the marijuana is/are a "qualified patient", "primary caregiver", or "collective", is hereby prohibited. Any qualified patient, person with an identification card, or primary caregiver may not cultivate marijuana in excess of the amount reasonably related to the current medical needs of the patients or persons with identification cards for whom the marijuana is being cultivated, either individually or collectively, but in no case more than twenty-five (25) total plants on one (1) parcel.
(Ord. No. 4291, 2-14-2012)

Sec. 9.31.050 Limitation on Location to Cultivate Marijuana.

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

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

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

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

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

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

(B) The distance between the above-listed uses in Subsection (A)(1) and marijuana that is being cultivated shall be measured in a straight line from the nearest point of the fence required in Section 9.31.060, or if the marijuana is cultivated indoors, from the nearest exterior wall of the building in which the marijuana is cultivated to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located. The distance in Subsections (A)(2) and (A)(3) to any residential structure shall be measured from the fence required in Section 9.31.060 to the nearest exterior wall of the residential structure.

(Ord. No. 4291, 2-14-2012)

Sec. 9.31.060 Cultivation of Marijuana.

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

Chapter 10A.16

**DEVICE REGISTRATION AND
INSPECTION FEES.**

**DIVISION A. INSPECTION AND TESTING
OF WEIGHING AND MEASURING
DEVICES**

Sec. 10A.16.010 Purpose and Authority.

The purpose of this Chapter is to establish a system for registering commercial weighing and measuring devices and to recover the costs of inspecting and testing such devices by the County Sealer pursuant to California Business and Professions Code Division 5, Section 12210 and to recover the cost of carrying out Section 12211. (Ord. No. 4228, 9-1-2009)

Sec. 10A.16.020 Definitions.

(a) "Weighing and Measuring Devices" means all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurements, and tools, appliances and accessories connected with any or all such instruments or measures, sold or used by any proprietor, agent, lessee or employee for commercial purposes.

(b) "Business Location" means, (1) Each vehicle containing one or more commercial devices. (2) Each business location that uses different categories or types of commercial devices that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.

(c) "Certified Producer" shall have the meaning assigned to it by Title 3 CCR Section 1392.2(e).

(d) "Certified Farmers Market" shall have the meaning assigned to it by Health and Safety Code Section 113740.

(e) "County Sealer" means the Mendocino County Agricultural Commissioner-Sealer and his or her duly authorized agents.

(f) "Commercial Purpose" includes any sale of a commodity or thing by a person to a con-

sumer. "Commercial Purpose" in this division does not include the sale of any item by a government entity.

(Ord. No. 4228, 9-1-2009)

Sec. 10A.16.030 Device Registration.

No person shall use any commercial weighing or measuring device without first registering the device with the County Sealer. The registration shall be in addition to any other certificate, license, or permit which may be required by the County or any other public entity.

(Ord. No. 4228, 9-1-2009)

Sec. 10A.16.040 Fees.

(a) The annual fee for registering weighing and measuring devices to be used for a fixed location throughout the term of the registration shall be set by the Board from time to time by ordinance.

(b) The annual fee for registering weighing and measuring devices set by the Board pursuant to Section 10A.16.040(a) shall be consistent with the provisions of Section 12240, Division 5, California Business and Professions Code, and its successor provisions.

(c) Should Section 12240 not be effective after January 1, 2011, the Sealer shall submit and the Board of Supervisors shall adopt by ordinance a schedule of registration fees for weighing and measures devices consistent with the provisions of applicable law and sufficient to cover the costs of carrying out Division 5, California Business and Professions Code.

(d) Annual Fee: An annual registration fee shall be charged for the calendar year (January 1 through December 31), or any part thereof, for all commercial weighing or measuring devices. For purposes of this Section, the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a business location fee, and a device fee, as specified below, provided however that in no event shall the annual registration fee exceed one thousand dollars (\$1,000.00) for each business location. Pursu-

ant to the California Business and Professions Code, Section 12240, the annual registration fees are established as follows:

(e) Exemptions: 1) Business location fees will be waived for a County certified producer who uses weighing and measuring devices solely in conjunction with sales at a County certified farmers market. The annual device fees for such devices shall be fifty percent (50%) of the amount shown below. 2) All fees will be waived for devices used by non-profit youth clubs.

DEVICE REGISTRATION FEES	
Business Location Fee	\$90.00
Device Fee	
METERS	
Electric Sub-meter	\$2.00
Vapor Sub-meter	\$2.00
Water Sub-meter	\$2.00
Fabric/Cord/Wire Meter	\$20.00
Miscellaneous Meters	\$20.00
Retail Motor Fuel Meter	\$20.00
Retail Water Meter	\$20.00
Taxi Meter	\$20.00
Vehicle Meter	\$25.00
Wholesale Meter	\$25.00
Liquefied Petroleum Gas Meter	\$150.00
SCALES	
Computing Scale	\$20.00
Counter Scale	\$20.00
Hanging Scale	\$20.00
Platform Scale (< 2,000 lbs.)	\$20.00
Platform Scale (> 2,000 lbs.)	\$115.00
Animal Scale (< 2,000 lbs.)	\$20.00
Livestock Scale (> 2,000 lbs.)	\$100.00
Crane Scale (> 2,000 lbs)	\$75.00

DEVICE REGISTRATION FEES	
Vehicle Scale	\$170.00

(f) Billing. The County Sealer shall on or before January 1 of each year send a billing statement to each owner of a commercial weighing and measuring device requesting payment of the applicable fee set forth in Section 10A.16.040 above.

(g) Transfer. A device registration is transferable from one person to another, and is valid only for the specific devices and, if the devices are to be used at a fixed location for the specific location for which it is issued. Replacement of specific devices shall be allowed without a new registration fee being required.

(h) Delinquency. Any person failing to renew a device registration on or before February 15 of each year shall be required to pay an additional sum equal to fifty percent (50%) of the registration fee as a penalty for each year of delinquency. (Ord. No. 4228, 9-1-2009)

DIVISION B. PENALTIES FOR VIOLATIONS OF REGISTRATION PROVISIONS

Sec. 10A.16.050 Penalties for Violations.

(a) It shall be unlawful for any person, or any registrant, employee, or agent thereof to violate the provisions of this Chapter, and specifically it shall be unlawful to use unregistered weighing and measuring devices.

(b) Unless otherwise provided, any person failing to comply with the registration provisions of this Chapter shall be guilty of an infraction or misdemeanor as hereinafter specified:

(1) A first offense shall be charged as an infraction. If convicted, the offense shall be punishable by a fine not exceeding one hundred dollars (\$100.00). Notwithstanding the foregoing, if the violation appears to be unknowing and the offender corrects the violation promptly upon notification, the Sealer may, in lieu of recommending criminal prosecution, accept payment of the orig-

(F) **Numbering Spaces and Posting Notice.** The County Administrative Officer is hereby authorized and directed to post all County-owned or County-operated off-street parking facilities with the appropriate signs giving notice (1) that the facility is an official County parking lot, (2) that parking in the lot is by permit only, (3) vehicles parked in violation of this Chapter are subject to removal, (4) that the regulations governing parking in the lot are set forth in this Chapter and (5) other information the County Administrative Officer deems appropriate. The County Administrative Officer is hereby further authorized and directed to properly mark, delineate, and individually number all parking spaces in each such facility.

(G) **Removal of Illegally Parked Vehicles.** Any vehicle parked or left standing in violation of this Section 15.12.040 and where signs are posted giving notice of vehicle removal, may be removed upon order of any regularly employed and salaried deputy of the Mendocino County Sheriff or a member of the California Highway Patrol. Such removal may be in addition to whatever other penalties may result. The costs of removal and storing of such vehicle shall be a lien against such vehicle and a personal obligation against its owner. (Ord. No. 3680 § 2 (part), adopted 1988; Ord. No. 4114 § 1, adopted 2003; Ord. No. 4165 § 1, adopted 2006; Ord. No. 4201 § 1, adopted 2008.) (Ord. No. 4333, § 1, 2-23-2010)

Sec. 15.12.041 Limited Time Parking.

(A) The parking of vehicles shall be limited to the total time indicated at the following locations:

(1) On the south side of Ukiah Street (CR 407C) between Lansing Street (CR 500) and Howard Street (CR 407N), one parking space shall be designated and marked by the County Department of Transportation for short-term parking limited to twenty minutes between the hours of 8:00 a.m. and 6:00 p.m. except on Sundays. (Ord. No. 4138, adopted 2005.)

Sec. 15.12.042. Americans With Disabilities Act (ADA) Parking.

(A) One parallel on-street parking space shall be limited to ADA parking at the following location:

(1) On the east side of Highway 128, at mile post 28.78 adjacent to 14125 Highway 128, one parking space shall be designated and marked by the County Department of Transportation. (Ord. No. 4234, 2-23-2010)

Sec. 15.12.050 Repealed by Ord. No. 4002, adopted 1998.

Sec. 15.12.060 Repealed by Ord. No. 4002, adopted 1998.

Sec. 15.12.070 "No Parking" Zones in Front of Schools.

No person shall stop, park or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a peace officer in any of the following places at any of the following specified times:

(A) **River School.** On East Side Road (CR 201), between paddle markers 14.18 and 14.28 on the easterly side and paddle markers 14.23 and 14.28 on the westerly side, between the hours of 7:30 a.m. and 3:30 p.m. (Ord. No. 3680 § 2 (part), adopted 1988.)

Sec. 15.12.080 Markings.

The Road Commissioner shall place or erect and maintain such signs and pavement and curb markings on County maintained roads as he deems necessary to adequately designate the areas of parking restrictions. (Ord. No. 3680 § 2 (part), adopted 1988.)

Sec. 15.12.090 Prohibition of Parking of Commercial Vehicles.

No person shall stop, park or leave standing during the hours of 8:00 p.m. through 6:00 a.m. any commercial vehicle, whether attended or un-

attended, except when necessary to avoid conflict with other traffic, in a designated residential area if such commercial vehicle has or exceeds an unladen weight rating of ten thousand (10,000) pounds or more. Such prohibition shall not apply to any commercial vehicle making pickups or deliveries of goods, wares or merchandise from or to any building or structure located on the restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted streets for which a building permit has previously been obtained. Such parking described above shall be prohibited in the following residential areas:

(A) In the Hopland area, on County Road 114-B also known as MacMillan Drive, and on County Road 114-C, also known as St. Mary's Avenue;

(B) In the Meadowbrook area, south of Ukiah on County Road 252-E, also known as Meadowbrook Drive. (Ord. No. 3680 § 2 (part), adopted 1988.)

Sec. 15.12.091 Seventy-two (72) Hour Parking Limitation.

No person shall park or leave standing a vehicle upon a street or highway within the unincorporated territory of the County for seventy-two (72) or more consecutive hours. Exempted from this Section are passenger vehicles and pickup trucks which are not recreational vehicles parked upon a street or highway in front of the site location appearing on the registration of these vehicles.

Any member of the State Highway Patrol or any regularly employed and salaried deputy of the Sheriff's Office of the County is hereby authorized to remove to the nearest garage or other place of safety, or to a garage designated or maintained by this County, any vehicle which has been parked or left standing upon a street or highway within the unincorporated area in the County for seventy-two (72) or more consecutive hours. (Ord. No. 3779, adopted 1991.)

Sec. 15.12.100 Penalties.

Violation of any parking regulation contained in this Chapter is an infraction punishable pursuant to Vehicle Code Section 42001(a). (Ord. No. 3680 § 2 (part), adopted 1988; Ord. No. 4114 § 2, adopted 2003; Ord. No. 4165 § 2, adopted 2006; Ord. No. 4201 § 2, adopted 2008.) (Ord. No. 4333, § 2, 2-23-2010)

CHAPTER 18.35

CONSTRUCTION AND DEMOLITION RECYCLING AND REUSE*

Sec. 18.35.010 Purpose.

The California Waste Management Act (California Public Resources Code Sections 40000 et seq.) requires the County to prepare, adopt and implement source reduction and recycling elements to divert fifty percent (50%) of all solid waste from disposal within its jurisdiction. Debris and solid waste from demolition and construction of buildings represent a significant portion of the solid waste presently coming from unincorporated areas of the County of Mendocino. Much of such debris is particularly suitable for recycling. Mendocino County is committed to the reduction of waste, and to compliance with State law requiring the establishment of programs for recycling and salvaging construction and demolition materials. It is the intent of the Board of Supervisors of the County of Mendocino, in enacting this Chapter, to encourage and require recycling and responsible reductions in the amount of material that is disposed in landfills. (Ord. No. 4174 (part), adopted 2006.)

Sec. 18.35.020 Construction and Demolition Waste Diversion Requirements.

The construction and demolition waste diversion requirements in the 2010 California Green Building Code for a Construction Waste Management Plan and specified diversion of waste shall be applicable to all construction permits of two thousand (2,000) square feet or more and all demolition permits issued by the County. (Ord. No. 4301, § 1, 11-6-2012)

Sec. 18.35.030 Information on Opportunities to Divert Construction and Demolition Waste.

When providing applications for building permits, the Planning Department shall give appli-

*Editor's note—Ord. No. 4301, adopted November 6, 2012, repealed the former §§ 18.35.020—18.35.190 in their entirety and enacted a new §§ 18.35.020, 18.35.030. Former §§ 18.35.040—18.35.190 pertained to construction and demolition recycling and reuse and were derived from Ord. No. 4174 (part), adopted 2006.

cants comprehensive written information on opportunities to divert construction and demolition waste materials from disposal. The Solid Waste Director shall assist in preparing this information and shall respond to applicant requests for additional information.

(Ord. No. 4301, § 2, 11-6-2012)

Title 21

DEVELOPMENT AGREEMENTS*

Chapter 21.04 Development Agreements

*Editor's Note: Title 21 of the Mendocino County Code, entitled Environmental Impact Reports (consisting of Sections 21.04.010, 21.04.020, 21.08.010, 21.08.020, 21.08.030, 21.08.040, 21.08.050, 21.08.060, 21.08.070, 21.08.080, 21.08.090, 21.08.100, 21.08.110, 21.08.120, 21.08.130, 21.08.140, 21.08.150, 21.08.160, 21.08.170, 21.08.180, 21.08.190, 21.08.200, 21.08.210, 21.08.220, 21.08.230) is repealed.(Ord. No. 3259, adopted 1979.)

CHAPTER 21.04

DEVELOPMENT AGREEMENTS

Sec. 21.04.010 Development Agreements.

(A) The County of Mendocino and Vichy Springs Investors Group desire to take advantage of the procedures provided by the State Legislature in Government Code Sections 65864 through 65869.5 authorizing adoption of development agreements.

(B) The subject development agreement was originally approved by the Board of Supervisors on January 13, 1986, at the request of the Vichy Springs Investors Group. Vichy Springs Investors Group subsequently requested that the agreement be modified. Proper notices, hearings and other proceedings required by the Government Code for its approval of the modified development agreement have been duly completed.

(C) The Board has determined that the procedures completed in connection with the approval of this modified agreement meet the requirement provided in the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) appropriate to this agreement.

(D) The Board has determined this agreement as modified is consistent with the General Plan for the County of Mendocino.

(E) The development agreement as modified is approved.

(F) The development agreement as modified on August 4, 1987, has been properly executed and acknowledged. It is ordered recorded by the Mendocino County Recorder within ten (10) days following the adoption of the Ordinance codified in this Chapter.

(G) This Chapter shall take effect thirty (30) days after its passage.

(H) This Chapter shall be published before the expiration of fifteen (15) days after the passage of the ordinance codified in this Chapter at least once in the Ukiah Daily Journal, a newspaper of general circulation printed and published in the County of Mendocino, together with the names of

the members voting for and against the same. (Ord. No. 3603, adopted 1986; Ord. No. 3659, adopted 1987.) (Ord. No. 4229, 10-20-09)

Sec. 21.04.020 Garden's Gate Development Agreement by and between the County of Mendocino and Ukiah Land, LLC.

(A) The County of Mendocino and (Garden's Gate) Ukiah Land, LLC desire to take advantage of the procedures provided by the State Legislature in Government Code Sections 65864 through 65869.5 authorizing adoption of development agreements.

(B) The subject development agreement was approved by the Board of Supervisors on October 6, 2009, at the request of (Garden's Gate) Ukiah Land, LLC. Proper notices, hearings and other proceedings required by the Government Code for its approval of the development agreement have been duly completed. The subject agreement was modified on April 27, 2010. Proper notices and other proceedings required by the Government Code for its approval of the modified development agreement have been duly completed.

(C) The Board has determined that the procedures completed in connection with the approval of this agreement meet the requirement provided in the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) appropriate to this agreement.

(D) The Board has determined this agreement is consistent with the General Plan for the County of Mendocino.

(E) The development agreement as amended is approved.

(F) The development agreement as approved on October 6, 2009, and amended on April 27, 2010, has been properly executed and acknowledged. It is ordered recorded by the Mendocino County Recorder within ten (10) days following the adoption of the Ordinance codified in this Chapter.

(G) This Chapter shall take effect thirty (30) days after its passage.

(H) This Chapter shall be published before the expiration of fifteen (15) days after the passage of the Ordinance codified in this Chapter at least once in the Ukiah Daily Journal, a newspaper of general circulation printed and published in the County of Mendocino, together with the names of the members voting for and against the same.

(Ord. No. 4229, 10-20-2009; Ord. No. 4264, 7-13-2010)

Ordinance Number	Date	Description	Section	Section this Code
4263	7-13-10	Disease prevention project		9.04.010—9.04.070
4264	7-13-10	Garden's Gate Dev. Agreement		21.04.020
4265	7-13-10	Speed limits		15.04.030
4270	1- 4-11	Stormwater runoff		16.30.010—16.30.430
4271	1-25-11	2011 investment authority		5.130.010
4272	1-25-11	SmartMeter moratorium		8.300.010—8.30.080
4274	5- 3-11	Commission on medical care		8.69.000—8.69.080
4275	5-17-11	Medical marijuana	Rpld	9.31.010—9.31.340
			Added	9.31.010—9.31.350
4276	5-17-11	Speed limit		15.40.030
4277	6- 7-11	Library sales tax		5.170.000
4279	6-12-11	Jail booking fees	Rpld	5.120.010—5.120.090
4283	9-13-11	Alternative redevelopment program		11.10.010—11.10.090
4284	10- 4-11	Supervisory districts	1	2.08.010, 2.08.020
4285	10- 4-11	Stormwater runoff	Rpld	16.30.010—16.30.430
			Added	16.30.010—16.30.170
4286	12- 6-11	Assessment appeals board		5.150.010—5.150.080
4288	1-24-12	Investment authority		5.130.010
4289	1-31-12	Board of Supervisors compensation		3.04.071
4291	2-14-12	Medical marijuana cultivation		9.31.160—9.31.350
4292	4-10-12	Combining districts		20.040.010
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4294	4-10-12	MP—Mineral processing districts	Added	20.134.005—20.134.015
4295	4-10-12	Height exceptions		20.152.025
4297	6-12-12	Single-use carryout bags	1	Added 9.41.010—9.41.080
4298	7-10-12	Graffiti suppression	1	8.200.010—8.200.100
			Added	8.200.110—8.200-130
4299	8-28-12	Angle parking on County roads	1	15.12.01
4300	9-25-12	Bingo games		8.52.050(G)
4301	11- 6-12	Construction and demolition recycling and reuse	1	Rpld 18.35.020
			Added	18.35.020

Ordinance Number	Date	Description	Section	Section this Code
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				Added 18.35.030
			3	Rpld 18.35.040—18.35.190

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