

SUPPLEMENT NO. 26
April 2010

MENDOCINO COUNTY CODE

Looseleaf Supplement

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

Ordinance No. 4234, enacted February 23, 2010.

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

Remove old pages

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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. 4234, passed February 23, 2010.

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or community college district. (Ord. No. 3794 (part), adopted 1991; Ord. No. 3849 (part), adopted 1993.)

Sec. 5.120.080 Superseding Agreement.

As an exception to the maximum fee set by resolution, the Board of Supervisors may also impose a lesser amount by resolution. This Section also serves as ratification of any agreement regarding said fee between the County of Mendocino and any city, special district or community college district adopted after passage of Ordinance No. 3765 and prior to the date the ordinance (3849) codified in this Chapter was adopted. (Ord. No. 3794 (part), adopted 1991; Ord. No. 3849 (part), adopted 1993.)

Sec. 5.120.090 Severability.

It is the intent of the Board of Supervisors by adopting the ordinance codified in this Chapter to exercise its statutory authority to impose a fee as permitted by law. If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application and to this end the provisions of this Chapter are severable. (Ord. No. 3794 (part), adopted 1991; Ord. No. 3849 (part), adopted 1993.)

CHAPTER 5.130

DELEGATING AUTHORITY TO INVEST TO TREASURER-TAX COLLECTOR

Sec. 5.130.010 Delegation of Authority to Invest for Calendar Year 2010.

Pursuant to authority contained in Government Code Section 27000.1 and 53607 the Board of Supervisors hereby delegates to the Treasurer - Tax Collector 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 2010 calendar year. Nothing in this section shall limit the Treasurer-Tax Collector's authority pursuant to Government Code Sections 53635 or 53684. (Ord. No. 3924, adopted 1996; Ord. No. 4009, adopted 1998; Ord. No. 4034, adopted 1999; Ord. No. 4055, adopted 2000; Ord. No. 4069, adopted 2001; Ord. No. 4085, adopted 2002; Ord. No. 4107, adopted 2003; Ord. No. 4122, adopted 2004; Ord. No. 4142, adopted 2005; Ord. No. 4167, adopted 2006; Ord. No. 4180, adopted 2007; Ord. No. 4198, adopted 2008.) (Ord. No. 4216, 1-27-2009; Ord. No. 4232, 1-26-2010)

Chapter 7.10

EMERGENCY WATER CONSERVATION

Sec. 7.10.010 Purpose.

The declared purpose of this Chapter is to adopt the necessary rules and regulations on matters related to the local drought emergency adopted by the Board of Supervisors on March 24, 2009, and continuing to date. Such rules are designed to protect life and property affected by the emergency. Cooperation of all Lake Mendocino water users is necessary to achieve the State Water Resources Control Board's fifty percent (50%) water conservation goal for the Mendocino County portion of the Russian River drainage. Immediate action is necessary to avoid depleting Lake Mendocino storage and to, in turn, avoid significant health and safety risks, and catastrophic economic losses to Mendocino County's residents. Based on the findings set forth below, this ordinance is passed as an urgency ordinance for the immediate preservation of the public peace, health, and safety.

(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010)

Sec. 7.10.020 Findings.

1. Mendocino County is now in its third consecutive year of drought.

2. Lake Mendocino storage remains at unprecedentedly low levels and water delivery limitations have become worse in this third year of drought, creating emergency conditions in Mendocino County.

3. On March 24, 2009, the Mendocino County Board of Supervisors adopted Resolution Number 09-069 declaring a local emergency in Mendocino County due to drought conditions. The Declaration will continue until such time as the Board of Supervisors declares otherwise.

4. Pursuant to Government Code § 8630 et seq., and Mendocino County Code Chapter 7.04, the Director of Emergency Services and the Board

of Supervisors may promulgate orders and regulations necessary to preserve the public order and safety.

5. On April 6, 2009, the State Water Resources Control Board issued Order WR 2009-0027-DWR reducing minimum in stream flow requirements downstream of Lake Mendocino and implementing twenty-five percent (25%) and fifty percent (50%) Russian River water conservation goals in Sonoma and Mendocino counties, respectively. The order was effective as of April 1, 2009.

6. In response to State Water Resources Control Board Order WR 2009-0027-DWR, the Mendocino County Russian River Flood Control and Water Conservation Improvement District (District) notified its customers in a letter dated April 15, 2009, that their 2009 water allocations from the District would be reduced by fifty percent (50%).

7. On May 28, 2009, the State Water Resources Control Board issued Order WR 2009-0034-EXEC reaffirming the water conservation objectives set forth in State Water Resources Control Board Order WR 2009-0027-DWR.

8. Despite the enactment of State Water Resources Control Board Order WR 2009-0034-EXEC, Lake Mendocino is projected to reach perilously low storage levels by the fall of 2009.

9. On December 11, 2007, the Redwood Valley County Water District Board of Directors declared a Water Shortage Emergency due to lack of adequate rainfall, and that lack of adequate rainfall has continued through the winter of 2008-2009.

10. On April 15, 2009, the City of Ukiah City Council declared a Local Emergency under the State Emergency Services Act and a Stage I Water Shortage Emergency under Section 3602 of the Ukiah City Code.

11. On April 16, 2009, the Redwood Valley County Water District Board of Directors declared that the December 11, 2007, emergency was still in effect, and that it would be necessary to increase the level of conservation to Tier 4 of

Redwood Valley County Water District's Ordinance number 1, with fifty percent (50%) mandatory conservation effective May 15, 2009.

12. On May 26, 2009, the Millview County Water District Board of Directors adopted Resolution 09-03 declaring a Water Supply Emergency within the boundaries of the Millview County Water District and advanced the water conservation level to stage two, limiting consumption to residential customers to 5,250 gallons per month and requiring a twenty-five percent (25%) reduction to all commercial/industrial users.

13. The drought conditions impacting Lake Mendocino water storage are exacerbated by the 2004 Potter Valley Federal Energy Regulatory Commission Decision restricting water diversions from the Eel River to the Russian River by an average of thirty-five percent (35%), as well as Water Right Decision 1610, which governs stream flow releases from Lake Mendocino and mandates unnecessarily high stream flow releases that the National Marine Fisheries Service has concluded greatly limit the quantity and quality of juvenile salmon and steelhead habitat in the Russian River.

14. The Mendocino County recently endured one of its worst fire seasons in history and the continuing drought conditions increase the risk of devastating fires and reduced water supplies for fire suppression.

15. The adverse environmental, economic, and social impacts of the drought pose an imminent threat of disaster and threaten to cause widespread harm to people, businesses, property, communities, wildlife, and recreation in Mendocino County.

16. The Mendocino County Board of Supervisors has requested assistance from the State of California, from all relevant State agencies, including but not limited to, the Office of Emergency Services, the Department of Water Resources, the State Water Resources Control Board, the Department of General Services, the Department of Public Health, and the Department of Food and Agriculture, with such assistance to include, but not

be limited to, the provision of technical and financial assistance, surplus equipment, and regulatory relief to assist in mitigating or averting the impacts of the drought emergency by increasing water supply and availability, reducing mandated water releases, facilitating water transfers and emergency intertie connections, and all other necessary and appropriate actions to mitigate or relieve the drought emergency.

17. The Mendocino County Board of Supervisors also requested that a Federal declaration of emergency be declared for Mendocino County and further requests that Federal assistance be made available from all relevant Federal agencies, including, but not limited to the Department of Agriculture, the Department of the Interior and the Federal Drought Action Team. (Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010)

Sec. 7.10.030 Conservation Requirement.

In the event the storage in Lake Mendocino falls below 35,000 acre-feet, all Mendocino County users of the Lake Mendocino water supply, which is defined as "water held in storage for eventual release or directly diverted from Lake Mendocino", shall reduce their water usage by fifty percent (50%) as compared to at least one of the following:

(a) The maximum allowable annual diversion amount set forth in a valid Appropriative Water Right Permit or License held by the water user and issued by the State Water Resources Control Board.

(b) The maximum annual water allocation set forth in a valid water supply contract between the water user and the Mendocino County Russian River Flood Control and Water Conservation Improvement District.

(c) The corresponding average water usage for the time period beginning on January 12, 2004, and extending through October 2, 2004, or in instances where no applicable water usage data are available for 2004, the corresponding five-year average water usage for the time period beginning on January 12 and extending through October 2.

(d) Any alternative measure approved by the Mendocino County Water Agency.

In the event storage falls below 50,000 acre-feet, but exceeds 35,000 acre-feet, all Mendocino County users of the Lake Mendocino water supply, which is defined as "water held in storage for eventual release or directly diverted from Lake Mendocino", shall voluntarily reduce their water usage by twenty percent (20%) as compared to at least one of the following:

(a) The maximum allowable annual diversion amount set forth in a valid Appropriative Water Right Permit or License held by the water user and issued by the State Water Resources Control Board.

(b) The maximum annual water allocation set forth in a valid water supply contract between the water user and the Mendocino County Russian River Flood Control and Water Conservation Improvement District.

(c) The corresponding average water usage for the time period beginning on January 12, 2004, and extending through October 2, 2004, or in instances where no applicable water usage data are available for 2004, the corresponding five-year average water usage for the time period beginning on January 12 and extending through October 2.

(d) Any alternative measure approved by the Mendocino County Water Agency.

All users shall also be required to comply with all rules and regulations regarding water usage that have been adopted by each agency, city, or district.

(Ord. No. 4224, 7-14-2009; Ord. No. 4230, 11-10-2009)

Sec. 7.10.040 Reporting Requirements.

All water agencies, cities, districts, and other persons or entities who are not serviced by an agency, city, or district who divert water subject to this chapter shall, on a monthly basis, provide written documentation to the Mendocino County Water Agency that the above requirement is being met. This does not apply to those individual water customers who are serviced by an agency, city, or district.

(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010)

Sec. 7.10.050 Penalty.

The violation of any provisions of any section of this Ordinance, including, but not limited to, the reporting requirements set forth in Section 7.10.040, shall be treated as a misdemeanor.

(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010)

Sec. 7.10.060 Review.

This Ordinance shall be reviewed for modification or repealed at the time the Declaration of Emergency has been discontinued by the Board of Supervisors.

(Ord. No. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010)

Sec. 7.10.070 Severability.

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. 4224, 7-14-2009; Ord. No. 4231, 1-12-2010)

CHAPTER 15.12
PARKING REGULATIONS

Sec. 15.12.010 Angle Parking in Covelo.

In accordance with the provisions of Motor Vehicle Code Section 22503 of the State of California, angle parking is hereby permitted on the County roadways known as follows:

The Covelo Road (County Road No. 317) between the northerly line of Grange Street (County Road No. 334B) and the southerly line of Fairbanks Road (County Road No. 327) on Howard Street between Dingman Street (County Road No. 335E) and Perry Street; and on Main Street (County Road No. 335D) from Grange Street (County Road No. 334B) northerly to the north end at Main Street.

(Ord. No. 3680 § 2 (part), adopted 1988.)

Sec. 15.12.020 "No Parking Zone" in Front of the Post Office.

It shall be unlawful for the operator of a vehicle to stop or park such vehicle on the U.S. Highway 101 (commonly known as the Redwood Highway) adjacent, near, parallel or diagonally to the curb of said highway located west of the building known as the Hopland Post Office; said curb is officially designated as being that portion of the curb extending along the said highway from Station 16+38.67 northerly to Station 16+50.17. (Ord. No. 3680 § 2 (part), adopted 1988.)

Sec. 15.12.030 Duty of Sheriff.

The Sheriff of the County of Mendocino shall mark such curbing and the space reserved therefor by red paint upon the entire curb surface extending between the stations hereinabove referred to. (Ord. No. 3680 § 2 (part), adopted 1988.)

Sec. 15.12.040 Parking.

(A) **Prohibited Parking on County Roads.** The Road Commissioner of the County of Mendocino shall implement provisions prohibiting the park-

ing or stopping of vehicles under this Chapter by placing appropriate signs or markings at the following locations:

(1) Any place where the stopping or parking of vehicles is determined by the Road Commissioner to constitute a hazard to traffic, life or property, or any obstruction to vehicular or pedestrian traffic.

(2) On the east side of South State Street (CR 104-A) between mile post 0.82 and mile post 0.86 and on the west side of CR 104-A between mile post 0.83 and mile post 0.86.

(3) On the south side of Simpson Lane (CR 414) between mile post 0.443 and mile post 0.546.

(4) On both sides of North State Street (CR 104) between Orr Springs Road and Ackerman Creek Bridge, a distance of 0.19 miles.

(5) On both sides of Low Gap Road (CR 212), between the Ukiah City Limits on the east and a point 0.15 miles westerly thereof.

(6) On the east side of Basin Street (CR 417) between mile post 0.07 and mile post 0.32.

(7) On the west side of Basin Street between mile post 0.09 and mile post 0.32, between the hours of 10:00 p.m. and 4:00 a.m., for periods longer than two (2) hours.

(8) On the west side of Ward Avenue (CR 425B) mile post 0.90 between the hours of 10:00 p.m. and 6:00 a.m.

(9) On that portion of Holquist Lane (CR 412) between the Gibney Lane intersection and a point 0.142 miles easterly thereof.

(10) On East Side Potter Valley Road (CR 240) between mile post 0.87 and mile post 0.98.

(11) On the south side of Main Street in the Town of Mendocino (CR 407E) between mile post 0.300 and mile post 0.311 (60 feet) for the purpose of a bus stop.

(12) On the south side of Main Street in the Town of Mendocino (CR 407E) between mile post 0.257 to mile post 0.254 (20 feet) for the purpose of emergency access and attended vehicle loading.

(B) Prohibited Parking on State Highway. The parking of vehicles on the State Highway is prohibited at any of the following locations, at any time:

(1) On State Highway 01-MEN-101 from mile post 69.49 to mile post 69.58 (a section of curbs and driveways on the west side of said highway commencing one hundred fifty (150) feet north of the centerline of Branscomb Road and extending for four hundred sixty (460) feet north from that point) in the community of Laytonville.

(2) On U.S. Highway 101 from the Sandelin Memorial Bridge to mile post 7.26 on both sides of said highway between the hours of 10:00 p.m. and 6:00 a.m.

(C) Parking on Private Property—Prohibited. No person shall park a vehicle in a private driveway or private property without the direct or implied consent of the owner or person in lawful possession of such driveway or property.

(D) Angle Parking. The Road Commissioner is hereby authorized to determine and, upon approval of the Board of Supervisors, designate those streets and portions of streets along which angle parking of vehicles will reduce parking congestion to the benefit of the public and where the surrounding conditions are such that the free movement of traffic will not be interfered with by that method of parking. The Road Commissioner is hereby directed to mark all places so designated by white lines upon the surface of the roadway, indicating the angle at which parking is permitted; provided, however, that angle parking shall not be permitted:

(1) At any place where passing traffic would thereby be caused or required to drive upon the left side of the highway.

(2) Upon any street where that method or parking is prohibited by the Vehicle Code.

(E) Prohibited Parking on County Operated Off-Street Parking Facilities. No person shall park, stop, or leave standing a vehicle on any County-

owned or County-operated off-street parking facility except upon compliance with each of the following conditions:

(1) Such person has been issued a valid vehicle parking permit by the County Executive Officer, said permit to bear the number of a particular parking space which has been properly marked.

(2) Such person has affixed to his vehicle parking permit so as to be clearly visible from the outside, preferably at the lower left-hand corner of the rear window.

(3) Said vehicle utilizes only the particular parking space or spaces whose number corresponds with the number on the permit.

(F) Numbering Spaces and Posting Notice. The County Executive 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 Executive Officer deems appropriate. The County Executive 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 unattended, 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)

CODE COMPARATIVE TABLE

This is a chronological listing of the ordinances of Mendocino County, California beginning with Supplement No. 22, included in this Code.

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| 4228 | 9- 1-09 | Registering commercial scales and meters | | 10A.16.010 10A.16.060 |
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| 4232 | 1-26-10 | Authority to invest for 2010 | | 5.130.010 |
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| 4234 | 2-23-10 | Am. with Disabilities Act parking | | 15.12.042 |

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