

**MENDOCINO COUNTY CODE**

**Looseleaf Supplement**

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

**Ordinance No. 4285, adopted October 4, 2011.**

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

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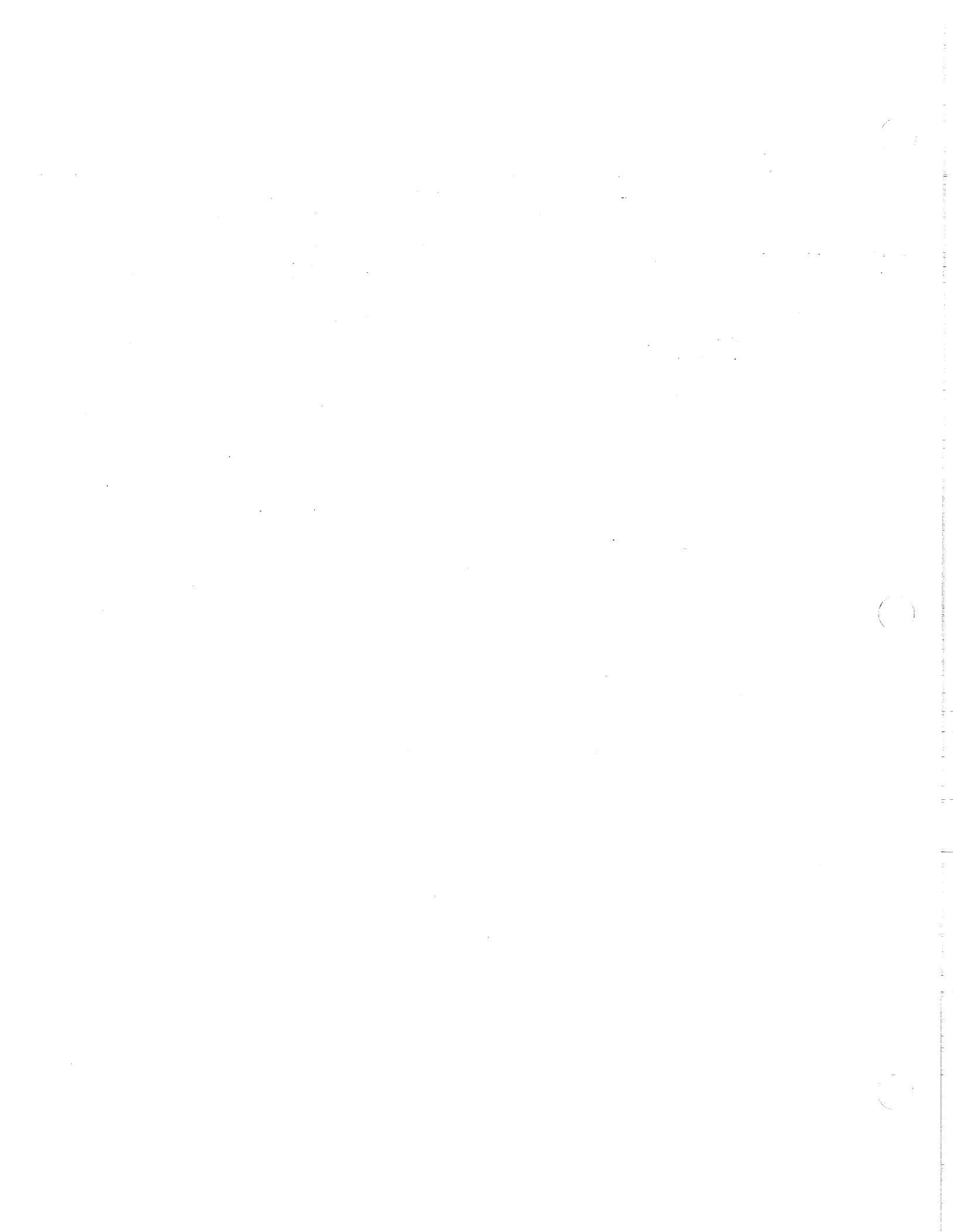
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101  
  
253  
258a—258-2  
343—344.13  
692.3  
693, 694  
715, 716  
731, 732

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iii  
SH:1  
11, 12  
101  
136.17—136.21  
253  
258.1—258.2.6  
343—344.7  
692.3  
693, 694  
715—716.1  
731, 732

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. 4285, passed October 4, 2011.**

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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.

<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/ Omitted</b>	<b>Supp. No.</b>
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
4283	9-13-11	Included	Supp. No. 30
4284	10- 4-11	Included	Supp. No. 30
4285	10- 4-11	Included	Supp. No. 30



(1) The candidate's statement shall be limited to two hundred (200) words; and

(2) The County Clerk shall accept from the candidate no other material for transmittal to the voters. (Ord. No. 3052, adopted 1978; Ord No. 4008 § 1, adopted 1998.)



**Sec. 2.04.070 Training and Supervisors-elect.**

(a) Upon approval by the Board of Supervisors, County general fund moneys may be used prior to the assumption of office by that Supervisor-elect for the training and orientation of that Supervisor-elect including the payment of course fees, travel and per diem expenses, course materials, and consultant fees.

(b) Such training and orientation programs, and expenses therefor, shall be those the Board deems proper and beneficial to the exercise of supervisorial duties by newly elected Supervisors.

(c) In order to receive training and orientation funds, the Supervisor-elect shall make a formal request to the Board of Supervisors by completing the forms provided by the County Administrator and returning them to the County Administrator for submission to the Board of Supervisors. The Board of Supervisors may, in its sole discretion, grant, deny or modify the request. (Ord. No. 3387, adopted 1982.)

(B) The Mendocino County Executive Office shall have the custody of the official seal of the County of Mendocino. The use of the official seal of the County of Mendocino shall be for purposes directly connected with official business of the County and for use only in those matters approved by the Mendocino County Executive Office or by resolution of the Board of Supervisors.

(C) Every person who maliciously or for commercial purposes, or without the prior approval of the County Executive Office or the Board of Supervisors, uses, or allows to be used, any reproduction or facsimile of the Seal of the County of Mendocino in any manner whatsoever is guilty of a misdemeanor, and shall be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the County jail for not more than six (6) months or both such fine and imprisonment. (Ord. No. 4166, adopted 2006.)

**Sec. 2.04.080 Use of County Seal.**

(A) The official seal of the County of Mendocino, adopted on July 13, 1982 by the Board of Supervisors in accordance with Section 25004 of the Government Code, is described as follows: "In the center of the seal is an agricultural scene with an ocean wave and redwood trees and around the margin are the words 'Mendocino County'." An impression of the Seal of the County of Mendocino is as follows:

## CHAPTER 2.08

### SUPERVISORIAL DISTRICTS

#### **Sec. 2.08.010 Principles of Boundary Adjustments.**

Elections Code Section 21500 requires the Board of Supervisors, following each decennial federal census, and after holding the public hearings required by Elections Code Section 21500.1, to adjust the boundaries of any or all of the supervisorial districts of the County to be as nearly equal in population as may be and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts, the Board of Supervisors may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interest of the districts. (Ord. No. 3344, adopted 1981; Ord. No. 3797 (part), adopted 1991; Ord. No. 4073, adopted 2001.)  
(Ord. No. 4284, § 1, 10-4-2011)

#### **Sec. 2.08.020 Boundary Designation.**

From and after the effective date of this amendment, utilizing the 2010 decennial federal census, the boundaries of each of the five (5) supervisorial districts of the County of Mendocino shall be deemed to be as set forth in the maps on file in the offices of the Clerk of the Board of Supervisors and the County Planning Department, which are attached hereto and made part of this Chapter, and designated as Exhibit "A" and "B." (Ord. No. 3344, adopted 1981; Ord. No. 3797 (part), adopted 1991; Ord. No. 4073, adopted 2001.)  
(Ord. No. 4284, § 1, 10-4-2011)



## **Title 5**

### **REVENUE AND FINANCE**

- Chapter 5.04 Presentation of Claims**
- Chapter 5.08 County Warrants**
- Chapter 5.12 Calamity Reassessment**
- Chapter 5.14 Damage Reassessment**
- Chapter 5.15 Possessory Interest Reassessment**
- Chapter 5.16 Sales and Use Taxes**
- Chapter 5.20 Tax Imposed on Transients**
- Chapter 5.24 Real Property Transfer Tax**
- Chapter 5.28 Sewer Charges in Meadowbrook Manor**
- Chapter 5.32 Taxes for Capital Outlays**
- Chapter 5.36 Fire Protection Mitigation Fee**
- Chapter 5.52 Workers' Compensation Trust Fund**
- Chapter 5.62 General Liability Trust Fund**
- Chapter 5.63 Outer Continental Shelf Impact  
Mitigation and Emergency Response  
Trust Fund**
- Chapter 5.72 Unemployment Compensation Trust Fund**
- Chapter 5.82 Ordinance Approving and Authorizing the  
Execution of a Facility Lease of Property  
Located at 747 South State Street,  
Ukiah, California**
- Chapter 5.92 Costs of Incarceration**
- Chapter 5.96 Board of Equalization Fees**
- Chapter 5.100 Williamson Act Assessments**
- Chapter 5.110 Property Tax Administration Fees on  
Local Public Agencies**
- Chapter 5.120 Jail Booking Fees on Local Public  
Agencies**
- Chapter 5.130 Delegating Authority to Invest to  
Treasurer-Tax Collector**
- Chapter 5.140 Mendocino County Lodging Business  
Improvement District**
- Chapter 5.170 Library Special Transactions And Use  
Tax**



## CHAPTER 5.170

LIBRARY SPECIAL TRANSACTIONS AND  
USE TAX\***Sec. 5.170.000. Title.**

This ordinance shall be known as the County of Mendocino Library Special Transactions (Sales) and Use Tax Ordinance. The County of Mendocino shall hereinafter be called "County." This ordinance shall be applicable in the incorporated and unincorporated territory of the County. (Ord. No. 4277, 6-7-2011)

**Sec. 5.170.010. Operative Date.**

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below. (Ord. No. 4277, 6-7-2011)

**Sec. 5.170.020. Purpose.**

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

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7286.59 that authorize the County to adopt this tax ordinance which shall be operative if a two-thirds majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To enact a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

\*Editor's note—Approved by the voters at an election held on Nov. 8, 2011.

C. To enact a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To enact a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance. (Ord. No. 4277, 6-7-2011)

**Sec. 5.170.030. Restricted Use of the Tax.**

A. Proceeds from this tax shall be deposited into the County Treasury in a special fund entitled "Library Special Tax Fund" (hereinafter the "fund").

B. Monies deposited into the fund, together with any interest that accrues thereon, shall be used exclusively for preserving the existing libraries; reversing the deterioration in services at the existing libraries, upgrading of facilities, services, and collections; and extending branch library services to the unserved and underserved areas of the County. The specific projects for which the revenues from the transactions and use tax may be expended are as follows:

1. Maintaining local public libraries;
2. Restoring Open Hours at existing branches throughout the County to the level of 2006-07;
3. Expanding library programs for children and young adults;
4. Expanding outreach programs for individuals who cannot easily come to a library;
5. Acquiring and replacing library equipment and library materials.

C. The revenues collected from this tax shall be used only to supplement existing expenditures for public libraries and shall not be used to supplant existing funding for the support of public libraries.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.040. Contract With State.**

Prior to the operative date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.050. Transactions Tax Rate.**

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-eighth cent (0.125%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.060. Place of Sale.**

A. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made.

B. In the event a retailer has no permanent place of business in the State or has more than one

place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.070. Use Tax Rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one-eighth cent (0.125%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.080. Adoption of Provisions of State Law.**

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.090. Limitations on Adoption of State Law and Collection of Use Taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

(a) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

(b) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.  
(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.100. Permit Not Required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.  
(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.110. Exemptions and Exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county

pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

(a) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

(b) With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any pe-

riod of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be

deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

(Ord. No. 4277, 6-7-2011)

#### **Sec. 5.170.120. Amendments.**

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales

and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.130. Enjoining Collection Forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.140. Severability.**

If any provision 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 to other persons or circumstances shall not be affected thereby.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.150. Sunset.**

The Tax imposed by this Chapter shall be imposed for sixteen (16) years from the Operative Date of the tax as set forth in this ordinance and, thereafter, shall no longer be imposed.

(Ord. No. 4277, 6-7-2011)

**Sec. 5.170.160. Effective Date.**

This ordinance shall take effect upon adoption by a two-thirds vote of the electorate.

(Ord. No. 4277, 6-7-2011)





**Title 11**

**HOUSING**

**Chapter 11.04 Community Development Commission**

**Chapter 11.08 Redevelopment Agency**

**Chapter 11.10 Participation in the Alternative Voluntary  
Redevelopment Program**

**Chapter 11.12 Adoption of Redevelopment Plan**



property in the Project Area). This time limit for commencement of eminent domain proceedings may be extended only by amendment of the Redevelopment Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the **Redevelopment Plan**.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method. (Ord. No. 4187 (part), adopted 2007.)

**Sec. 11.08.090 CEQA Exemption.**

This Section is exempt from CEQA and Notice of Exemption and directs the Chief Executive Officer and Agency Executive to file the Notice of Exemption with the County Clerk of the County of Mendocino. (Ord. No. 4187 (part), adopted 2007.)

**Sec. 11.08.100 Filing with the Redevelopment Agency.**

The Clerk of the Board of Supervisors is hereby directed to file a copy of this Section, the CEQA Notice of Exemption, with the minutes of this meeting, with the Agency. (Ord. No. 4187 (part), adopted 2007.)

**Sec. 11.08.110 Severability.**

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Section is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the ordinance codified in this Section. (Ord. No. 4187 (part), adopted 2007.)

**Sec. 11.08.120 Effective Date.**

This Section shall take effect and be in full force from and after thirty (30) days from the date of its final passage. (Ord. No. 4187 (part), adopted 2007.)

## CHAPTER 11.10

### PARTICIPATION IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM

#### Sec. 11.10.010. Participation.

Pursuant to Health and Safety Code Section 34193, the Board of Supervisors of the County of Mendocino elects and implements participation by the County of Mendocino and the Redevelopment Agency of the County of Mendocino in the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of the California Community Redevelopment Law.

(Ord. No. 4283, 9-13-2011)

#### Sec. 11.10.020. Findings.

A. Pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the Board of Supervisors ("Board of Supervisors") of the County of Mendocino ("County") adopted Ordinance No. 4029 (adopted 1999), declaring the need for the Redevelopment Agency of the County of Mendocino ("Agency") to function in the County.

B. In accordance with the Redevelopment Law, the Board of Supervisors adopted Ordinance No. 4111 (adopted 2003), adopting the Redevelopment Plan (the "Plan") for the Mendocino County Redevelopment Project Area (the "Project Area"), and the Agency is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law.

C. ABx1 26 (the "Dissolution Act") and ABx1 27 (the "Voluntary Program Act"; and together with the Dissolution Act, the "Redevelopment Restructuring Acts") have been enacted to significantly modify the Redevelopment Law generally as follows:

1. The Dissolution Act first immediately suspends all new redevelopment activities and incurrance of indebtedness, and dissolves redevelopment agencies effective October 1, 2011.

2. The Voluntary Program Act, through the addition of Part 1.9 to the Redevelopment Law (the "Alternative Voluntary Redevelopment Program"), then allows a redevelopment agency to avoid dissolution under the Dissolution Act by opting into an alternative voluntary redevelopment program requiring specified annual contributions to local school and special districts.

D. Section 34193(a) of the Redevelopment Law (as added to the Redevelopment Law by the Voluntary Program Act) authorizes the Board of Supervisors to enact an ordinance to comply with Part 1.9 of the Redevelopment Law, thereby exempting the Agency from the provisions of the Dissolution Act, and enabling the Agency to continue to exist and function under the Redevelopment Law, so long as the County and the Agency comply with the Alternative Voluntary Redevelopment Program set forth in Part 1.9 of the Redevelopment Law.

E. Through the adoption and enactment of this Ordinance, it is the intent of the Board of Supervisors to enact the ordinance described in Section 34193(a) of the Redevelopment Law and to participate for itself and on behalf of the Agency in the Alternative Voluntary Redevelopment Program set forth in Part 1.9 of the Redevelopment Law.

F. Pursuant to Section 34193.2(b) of the Redevelopment Law, the Board of Supervisors understands that participation in the Alternative Voluntary Redevelopment Program requires remittance of certain payments as set forth in the Voluntary Program Act (as further described below), and also constitutes an agreement on the part of the County, in the event the County fails to make such remittance payments, to assign its rights to any payments owed by the Agency, including, but not limited to, payments from loan agreements, to the State of California.

G. The Board of Supervisors does not intend, by enactment of this Ordinance, to waive any rights of appeal regarding the amount of any remittance payments established by the California Department of Finance, as provided in the Voluntary Program Act.

H. On August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of the Redevelopment Restructuring Acts and issued an order granting a partial stay on specified portions of the Redevelopment Restructuring Acts (the "Stay"), including a stay of the provisions of the Voluntary Program Act.

I. Accordingly, the Board of Supervisors intends to adopt this Ordinance understanding that it will be effective only upon the lifting of the Stay and the Court's determination that the Voluntary Program Act is constitutional.  
(Ord. No. 4283, 9-13-2011)

**Sec. 11.10.030. Enactment of Ordinance Pursuant to Redevelopment Law Section 34193(a).**

To the extent required by law to maintain the existence and powers of the Agency under the Redevelopment Law (including the Redevelopment Restructuring Acts), the Board of Supervisors hereby enacts the ordinance authorized by Section 34193(a) of the Redevelopment Law, whereby the County, on behalf of itself and the Agency, elects to and will comply with the provisions of Part 1.9 of the Redevelopment Law, including the making of the community remittance payments called for in Section 34194 of the Redevelopment Law (the "Remittance Payments"), and whereby the Agency will no longer be subject to dissolution or the other prohibitions and limitations of Parts 1.8 and 1.85 of the Redevelopment Law as added by the Dissolution Act.  
(Ord. No. 4283, 9-13-2011)

**Sec. 11.10.040. Additional Understandings and Intent.**

It is the understanding and intent of the Board of Supervisors that the County will enter into an agreement with the Agency as authorized pursuant to Section 34194.2 of the Redevelopment Law, whereby the Agency will transfer annual portions of its tax increment to the County in amounts not

to exceed the annual Remittance Payments (the "Agency Transfer Payments") to enable the County, directly or indirectly, to make the annual Remittance Payments. Unless otherwise specified by resolution of the Board of Supervisors, it is the Board of Supervisors' intent that the County's annual Remittance Payments shall be made exclusively from the Agency Transfer Payments or from other funds that become available as a result of the County's receipt of the Agency Transfer Payments. The Board of Supervisors does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or other assets to make the Remittance Payments, it being understood by the Board of Supervisors that any Remittance Payments will be funded solely from the Agency Transfer Payments and/or other assets transferred to the County in accordance with the Voluntary Program Act.  
(Ord. No. 4283, 9-13-2011)

**Sec. 11.10.050. Authorization of Implementing Actions.**

The County Chief Executive Officer or his/her designee is hereby authorized, on behalf of the County, to take any actions necessary to implement this Ordinance and comply with the Voluntary Program Act, including, without limitation, providing required notices to the County Auditor-Controller, the State Controller, and the Department of Finance, entering into any agreements with the Agency to obtain the Agency Transfer Payments, and making the Remittance Payments.  
(Ord. No. 4283, 9-13-2011)

**Sec. 11.10.060. California Environmental Quality Act.**

The Board of Supervisors finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project, but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not

commit funds to any specific project or program. The appropriate environmental review shall be completed in accordance with CEQA prior to the commencement of any future Agency-supported project or program. The Board of Supervisors therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Mendocino in accordance with the CEQA guidelines.

(Ord. No. 4283, 9-13-2011)

**Sec. 11.10.070. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional or invalid.

(Ord. No. 4283, 9-13-2011)

**Sec. 11.10.080. Enactment and Effective Dates.**

This Ordinance is deemed enacted as of August 16, 2011 for purposes of Section 34193(a) of the Redevelopment Law, and shall take effect and will be enforced thirty (30) days after its adoption, conditioned upon the lifting of the Stay and the Court's determination that the Voluntary Program Act is constitutional.

(Ord. No. 4283, 9-13-2011)

**Sec. 11.10.090. Publication and Posting.**

The Clerk of the Board of Supervisors is directed to post and/or publish this Ordinance (or summary thereof) as required by law.

(Ord. No. 4283, 9-13-2011)

## CHAPTER 11.12

### ADOPTION OF REDEVELOPMENT PLAN

#### Sec. 11.12.010 Recitals and Background Information.

(A) Pursuant to the California Community Redevelopment Law (Health & Safety Code Section 33000 et seq. (the "Redevelopment Law"), the Redevelopment Agency of the County of Mendocino (the "Agency") has prepared and submitted to the Mendocino County Board of Supervisors (the "Board of Supervisors") for review and adoption the Redevelopment Plan (the "Plan") for the Mendocino County Redevelopment Project Area (the "Project Area"). The Plan consists of twenty-five (25) pages and four (4) exhibits. A copy of the Plan is on file with the Clerk of the Board and is incorporated in this Ordinance by this reference.

(B) The purpose and scope of the Plan are to authorize and implement a program of actions and accompanying legal authority to enable the Agency to promote the alleviation of adverse physical and economic conditions and encourage development and redevelopment of the Project Area consistent with the Mendocino County General Plan. The redevelopment program under the Plan is intended to facilitate both public and private development within the Project Area. Redevelopment activities for accomplishing the objectives of the Plan may include but are not limited to blight removal, building rehabilitation, public infrastructure improvement, economic development and revitalization, new affordable housing, housing rehabilitation and other new development.

(C) The Project Area is situated in the County of Mendocino, State of California, and is shown on Exhibit A and more particularly described in Exhibit B of the Redevelopment Plan.

(D) The Agency has made studies of the impact of the Plan on the physical condition of structures, environmental influences, land use and social, economic and cultural conditions in the Project Area, and has determined that the pro-

gram of redevelopment to be undertaken pursuant to the Plan will promote the proper redevelopment of the Project Area in accordance with the goals, objectives and policies of the County of Mendocino General Plan (the "General Plan"), any applicable specific plans, the Plan and the Redevelopment Law.

(E) The Mendocino County Planning Commission, which is the duly designated and acting official planning body of the County of Mendocino, has submitted to the Board of Supervisors its report and recommendation for approval and adoption of the Plan and has certified that the Plan conforms to the General Plan.

(F) The Plan incorporates the land uses for the Project Area which are determined by the County's General Plan. Implementation of the Plan may require, among other things, the vacating and removal of streets of record and other public rights of way, and the establishment of new street patterns, the location of sewers, water mains, lighting and utility lines and other public facilities.

(G) The Agency has prepared and submitted and the Board of Supervisors has reviewed and considered the Report on the Redevelopment Plan (the "Report") pursuant to Health and Safety Code Section 33352, a copy of which is on file with the Clerk of the Board. The Report is hereby incorporated in this Ordinance by this reference.

(H) As a part of the Report, the Agency has prepared and submitted to the Board of Supervisors a program for the relocation of individuals and families that may be displaced as a result of implementing the Plan, and a program for implementation of the projects contemplated to be undertaken pursuant to the Plan.

(I) The Board of Supervisors is cognizant of the conditions that are imposed in the undertaking and implementation of redevelopment projects under State law, including those prohibiting discrimination because of race, color, creed, religion, sex, sexual orientation, marital status, national origin or ancestry.

(J) On June 10, 2003, the Board of Supervisors and the Agency conducted a joint public

hearing which was duly noticed in accordance with the requirements of the Redevelopment Law.

(K) - The County and Agency staff have prepared and submitted to the Board of Supervisors for review the Notice of Preparation (the "Notice of Preparation"), and the Environmental Impact Report regarding the Plan (the "EIR"), which have been prepared pursuant to the California Environmental Quality Act of 1970, as amended ("CEQA"), the Official State Guidelines as amended for the implementation of CEQA (the "State EIR Guidelines") and the County of Mendocino and Agency local guidelines for administering CEQA. The EIR consists of the Draft EIR dated January 2003, and the Final Environmental Impact Report dated May 2003. The EIR was certified by the Board of Supervisors on July 8, 2003. Copies of the EIR and the Notice of Preparation are on file with the Clerk of the Board.

(L) By resolution adopted on July 8, 2003, the Board of Supervisors and the Agency have adopted mitigation measures and made certain findings and statements in compliance with Sections 15091, 15093 and 15168 of the State EIR Guidelines (the "CEQA Findings").

(M) At or prior to the joint public hearing on the Plan, the Board of Supervisors and Agency received certain written comments on the Plan. Prior to the introduction of this Ordinance, by Board of Supervisors resolution dated July 8, 2003, and pursuant to Health and Safety Code Section 33363, the Board of Supervisors prepared and adopted its responses and findings (the "Written Responses") in writing to all written comments it received in connection with consideration of adoption of the Plan. (Ord. No. 4111, adopted 2003.)

#### **Sec. 11.12.020 Findings and Determinations.**

In accordance with California Health and Safety Code Sections 33367, and based upon the evidence contained in the Report, the EIR, the Notice of Preparation, the CEQA Findings, the Written Responses and other documents prepared

in the Plan adoption process and on evidence presented at the public hearing, it is hereby found and determined that:

(A) The above recitals and background information are true and correct.

(B) The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in, and it qualifies as an eligible area under, the Redevelopment Law (see particularly Sections II, IV and XVII of the Report regarding evidence with respect to this finding).

(C) The time limitations that are contained in the Plan are reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight within the Project Area (see particularly Sections I, II, VI, VIII and XVII of the Report regarding evidence with respect to this finding). As indicated in Sections VI and VIII of the Report and accompanying tax increment projections, it will require a lengthy period to generate sufficient funds to pay for the identified programs and activities to alleviate blight in the Project Area, so that it will be necessary for the Agency to have twenty (20) years from the date of Plan adoption to incur debt to pay for the necessary programs and activities, thirty (30) years for the Plan to be effective and forty-five (45) years to receive tax increment revenue in order to repay the debt incurred for the necessary programs and activities.

(D) The Plan would redevelop the Project Area in conformity with the Redevelopment Law and would be in the interest of the public peace, health, safety and welfare; and the implementation of the Plan would promote the public peace, health, safety and welfare of the County of Mendocino and would effectuate the purposes and policy of the Redevelopment Law (see particularly Sections I, II, IV, V, VI, VIII and XIV of the Report regarding evidence with respect to this finding).

(E) The Plan conforms to the County of Mendocino General Plan including, but not limited to, the Housing Element of the General Plan,



which Housing Element substantially complies with the requirements of Article 10.6 (commencing with Section 65580 of Chapter 3 of Division 1 of Title 7 of the Government Code) (see particularly Sections I, II, IV, V, VI, VIII and XI of the Report and Section 14.1 of the Draft EIR regarding evidence with respect to this finding).

(F) The adoption and implementation of the Plan is economically sound and feasible (see particularly Section VII of the Report regarding evidence with respect to this finding).

(G) The Plan will afford maximum opportunity, consistent with the sound needs of the County of Mendocino, as a whole, for the redevelopment of the Project Area by private enterprise (see particularly Sections V, VI and VII of the Report and the Agency's adopted Rules for Owner Participation and Business Tenant Preference regarding evidence with respect to this finding).

(H) The Agency has a feasible method or plan for the relocation of families and persons which may be displaced from the Project Area if the Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area (see particularly Section IX the Report and the Agency's adopted Relocation Guidelines regarding evidence with respect to this finding).

(I) There are, or shall be provided, in the Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of, and available to, such displaced families and persons and reasonably accessible to their places of employment. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Redevelopment Law. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5,

33413 and 33413.5 of the Redevelopment Law (see particularly Sections IX and XIV of the Report regarding evidence with respect to this finding).

(J) Pursuant to Health and Safety Code Section 33367(e), the Board of Supervisors is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the Project Area, if any, are displaced and that pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement (see particularly Section IX of the Report regarding evidence with respect to this finding).

(K) The Project Area contains approximately seven hundred seventy-two (772) acres. All noncontiguous areas of the Project Area are either blighted or necessary for effective redevelopment, and are not included in the Project Area for the purpose of obtaining tax increment revenues from the area pursuant to Health and Safety Section 33670 without substantial justification for their inclusion (see particularly Sections II, IV, V, VI, VII and XVII of the Report regarding evidence with respect to this finding).

(L) The inclusion of any lands, buildings or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the Project Area of which they are a part; and these lands, buildings or improvements are not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Health and Safety Code Section 33670 without other substantial justification for their inclusion (see particularly Sections II, IV, V, VI, VII and XVII of the Report regarding evidence with respect to this finding).

(M) In order to implement and facilitate the effectuation of the Plan hereby approved and adopted, certain official action must be taken by this Board of Supervisors with reference to, among other things, the establishment of new street patterns, the location of sewer and water mains, light-

ing and utility lines and other public facilities and other public action, and accordingly, this Council hereby (i) pledges its cooperation in helping to implement the Plan; (ii) requests the various officials, departments, boards and agencies of the County having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Plan; (iii) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan and (iv) intends to undertake and complete any proceedings necessary to be implemented by the community under the provisions of the Plan.

**CHAPTER 16.24**  
**WATER CONSERVATION**

**Sec. 16.24.010 Purpose and Findings.**

(A) The County of Mendocino is located in a part of California which receives an average of thirty (30) inches of rainfall per year. Nevertheless, there are fluctuations in the amount of rainfall in any given year, the storage capacity of lakes and reservoirs in the area is relatively limited, and the County is obligated to share part of the water stored in Mendocino County with surrounding political entities.

(B) Water is a finite resource, incapable of sustaining an infinite increase in demand. If the water resources of the County are to support increased population and economic growth, then demand must be managed and water conserved. The development and delivery of potable water supplies require capital investment. Eliminating excessive or unnecessary use extends the life of existing systems. The same is also true of sewage treatment and disposal.

(C) The Board of Supervisors finds that there are certain water-saving devices which can be incorporated into all new construction, and in remodeling existing bathrooms. The Board further finds that the use of such devices will help to conserve water and to preserve the capacity of sewage treatment systems in the County. (Ord. No. 3721, adopted 1989.)

**Sec. 16.24.020 Scope/Effective Date.**

The provisions of this chapter shall apply to all new construction, and to the remodeling of bathrooms, for which any building, plumbing, or mechanical permit is applied for after March 1, 1990, the effective date of the ordinance codified in this chapter. (Ord. No. 3721, adopted 1989.)

**Sec. 16.24.030 Conservation Devices.**

No building permit within the scope of Section 16.24.020 shall be issued where the plumbing fixtures to be installed do not meet the following standards:

(A) All tank-type water closets shall use not in excess of one and six-tenths (1.6) gallons per flush and shall be of an "ultra low flush" type.

(B) Potable hot water piping in accessible unconditioned areas leading from water heaters shall be insulated for the first five (5) feet from water heater to provide an installed conductance of 0.33 or less. (Ord. No. 3721, adopted 1989.)

**Sec. 16.24.040 Government Buildings.**

The provisions of Section 16.24.030 shall also apply to all new construction of buildings owned or leased by a public agency which is otherwise subject to the Uniform Codes pursuant to Government Code Section 53091. In addition, lavatories in such buildings shall be equipped with self-closing faucets. (Ord. No. 3721, adopted 1989.)

**Sec. 16.24.050 Exemptions.**

In order to prevent or lessen unnecessary hardship or practical difficulties in exceptional cases, aggrieved persons or agencies may file a written application for exemption with the Building Department. If the Director of Planning and Building or the Chief Building Inspector denies the application, the aggrieved person or agency may seek review by the Board of Building and Housing Appeals pursuant to Section 2.24.030, subdivision (G)(2), of this code. (Ord. No. 3721, adopted 1989.)

## CHAPTER 16.30

### STORMWATER RUNOFF POLLUTION PREVENTION PROCEDURE\*

This Chapter shall be known and cited as the "Stormwater Runoff Pollution Prevention Procedure" (hereinafter SRPPP).

#### Sec. 16.30.010. Purpose.

The purpose and intent of this Chapter is to protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the storm drainage system.

(Ord. No. 4285, 10-4-2011)

#### Sec. 16.30.020. Acronyms, Abbreviations and Definitions.

(a) **AUTHORIZED NON-STORM WATER DISCHARGES:** Categories of discharges that are not composed entirely of storm water but are not found to pose a threat to water quality as defined in the Storm Water Management Program.

(b) **BEST MANAGEMENT PRACTICES (BMPs):** Schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the direct and indirect discharge of pollutant to the County storm drainage system and to waters of the U.S. BMPS shall also be defined to include, but not limited to, structural controls, source controls, treatment controls, train-

\*Editor's note—Ord. No. 4285, adopted Oct. 4, 2011, amended former Ch. 16.30 in its entirety which pertained to similar subject matter and derived from Ord. No. 4270, adopted Jan. 4, 2011.

ing requirements, operating and maintenance procedures, practices to control plant site runoff, erosion and sediment control reduction practices, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

(c) **BENEFICIAL USES:** Existing or potential uses of receiving waters as defined in a State of California Water Quality Control Plan.

(d) **BIOREMEDIATION:** The treatment of pollutants or waste by the use of microorganisms (such as bacteria) that break down undesirable substances.

(e) **CLEAN WATER ACT (CWA):** The Federal Water Pollution Control Act (33 U.S.C.125 et seq.) and any subsequent amendments thereto.

(f) **CODE ENFORCEMENT OFFICER:** The Planning and Building Services Director or his/her designee.

(g) **CORRECTIVE ACTION PLAN:** A required plan of action, which may include BMPs, to address non-storm water discharges and pollutants of concern to the maximum extent practicable (MEP).

(h) **COUNTY:** The County of Mendocino.

(i) **COUNTY WATER AGENCY:** The Mendocino County Water Agency.

(j) **COUNTY STORM DRAINAGE SYSTEM:** Those public facilities which are owned, operated, maintained or controlled by the County by which storm water may be collected and/or conveyed to waters of the U.S., including, but not limited to, any county roads, catch basins, water quality basins, detention basins, constructed wetlands, drainage channels, curbs, gutters, ditches, sumps, pumping stations, storm drain inlets, storm drains and other drainage structures which are not part of a publicly owned treatment works.

(k) **CONSTRUCTION ACTIVITY:** Activities subject to the NPDES Construction General Permits or successor permit issued by the State of California or any instrument of the County that established pollutant control provisions for construction activities. These include construction projects typically resulting in land disturbance of one

(l) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

(l) **DISCHARGE:** Any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the County storm water drainage system or waters of the U.S.

(m) **DISCHARGER:** Any person who discharges or causes to discharge, either directly or indirectly, storm water or any other material into the County storm drainage system or waters of the U.S.

(n) **ILLEGAL DISCHARGE:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 16.30.040 of this Ordinance.

(o) **ILLICIT CONNECTION** means one of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drainage system, including but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, backwash water, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

2. Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by County.

(p) **INFILTRATION:** The process of water entry into a soil from rainfall, snowmelt, or irrigation.

(q) **INDUSTRIAL ACTIVITY:** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

(r) **MAXIMUM EXTENT PRACTICABLE (MEP):** Refers to the technology based standard established by Congress in the Clean Water Act U.S.C. S 1342 (p) (3) (B) (iii) that municipal dis-

chargers of storm water must meet. To achieve the maximum extent practicable standard, jurisdictions must employ whatever Best Management Practices (BMPs) are technically feasible (i.e., are likely to be effective) and are not cost prohibitive. The major emphasis is on technical feasibility. MEP emphasizes pollutant reduction and source control BMPs to prevent pollutants from entering storm water runoff. MEP may require treatment of the storm water runoff if it contains pollutants. The MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility.

(s) **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** A national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA.

(t) **NON-STORM WATER DISCHARGE:** Any discharge to the County storm drainage system or to waters of the U.S. that is not composed entirely of storm water.

(u) **POLLUTANT:** Anything that causes or contributes to pollution. Pollutants may include but are not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive material, dredged soil, rock and sand, industrial waste, feces, volatile organic carbon, surfactants, oil and grease, petroleum, hydrocarbon, organic solvents, metals, phenols, pesticides, nutrients, suspended or settleable solids, materials causing an increase in biochemical or chemical oxygen or total organic carbon, substances which alter pH, and those pollutants defined in Section 501(6) of the Federal Clean Water Act.

(v) **POLLUTION:** Human made or human induced alteration of the quality of waters by waste or pollutants to a degree which unreasonably affects, or has potential to unreasonably affect, either waters for beneficial uses or the facilities which serve these beneficial uses.

(w) **PORTER COLOGNE ACT:** The Porter-Cologne Water Quality Control Act and as amended (California Water Code Sec. 13000 et seq.). A California state law that establishes enforceable water quality standards.

(x) **RWQCB:** The California Regional Water Quality Control Board, North Coast Region.

(y) **SOURCE CONTROL:** Means a site planning approach, a constructed component of a development project, or an operational activity that is included as part of a development project for the purpose of either 1) preventing pollutants from contacting storm water, or 2) reducing the quantity of runoff that drains from a developed site to the storm drainage system. Examples of source controls include site designs that promote infiltration by reducing impervious surfaces, trash storage enclosures, disconnecting roofs from the storm drainage system, street sweeping, and the regular inspection and cleaning of storm drain inlets.

(z) **STATE CONSTRUCTION GENERAL PERMIT:** The State Water Resources Control Board's Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 Waste Discharge Requirements (WDRS) for Discharges of Storm water Runoff Associated with Construction Activity, and any successor documents.

(aa) **STORMWATER:** Surface runoff and drainage resulting from storm events and snowmelt.

(bb) **STORM WATER MANAGEMENT PROGRAM:** The County's documented strategy for reducing storm water pollution to the maximum extent practicable through the implementation of Best Management Practices (BMP's).

(cc) **SUSMP:** Standard Urban Storm water Mitigation Plan. A set of guidelines intended to assist the engineer, architect, or builder with detailed stormwater management practices or standards for designing new development and redevelopment.

(dd) **SWPPP:** Storm water Pollution Prevention Plan. A plan that identifies specific Best Management Practices (BMP's) and describes the man-

ner in which specific BMP's are to be implemented in order to protect storm water runoff from contamination from construction or on-going industrial activities. The required elements of a SWPPP are detailed in Section A of the Construction General Permit as administered by the RWQCB.

(ee) **WATERCOURSE:** A natural or artificial channel through which water flows.

(ff) **WATER QUALITY CONTROL PLAN:** A basin plan required by the California Water Code (Section 13240) that consists of a designation or establishment of beneficial uses to be protected in waters within a specific area (i.e., basin), water quality objectives to protect those uses, and a program of implementation needed for achieving the objectives.

(gg) **WATERS OF THE UNITED STATES:** Surface watercourses and water bodies as defined at Code of Federal Regulations, Title 40, Section 122, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.030. Applicability.**

This chapter shall apply to all water entering the County storm drainage system or waters of the U.S., generated on any developed and undeveloped lands lying within the unincorporated urban boundary areas of Mendocino County as identified in the Storm water Management Program (SWMP). The maps of the unincorporated urban boundary areas of Mendocino County are available and on file in Department of Planning and Building Services.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.031. Responsibility for Administration.**

The Director of Planning and Building Services of the County or his/her designee shall administer, implement, and enforce the provisions of

this Ordinance. Any powers granted or duties imposed upon the County may be delegated to persons or entities acting in the beneficial interest of or in the employ of the County.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.032. Regulatory Consistency.**

This Ordinance shall be construed to ensure consistency with the requirements of the Clean Water Act, State Porter-Cologne Act, State NPDES permits, and statutes and regulations that amend or supplement those Acts or permits.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.033. Ultimate Responsibility of Discharger.**

The requirements of this Section are minimum standards; therefore this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the United States caused by that person. This Section shall not create liability on the part of Mendocino County, or any agent or employee of the County, for any damages that result from any discharger's reliance on this Chapter or any administrative decision in compliance with this Chapter.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.040. Prohibition of Illicit Discharges.**

A. No person shall discharge or cause to be discharged into the County storm drainage system or watercourses any materials, including pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water, to the maximum extent practicable. The commencement, conduct or continuance of any other discharge to the storm drainage system and watercourses is prohibited, except for the following.

B. The following types of discharges will be considered authorized non-storm water discharges to the storm drainage system and watercourses when properly managed to ensure, to the maxi-

imum extent practicable, that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this Ordinance:

1. potable water line flushing;
2. uncontaminated pumped groundwater and other discharges from potable water sources;
3. diverted stream flows;
4. rising groundwater;
5. uncontaminated groundwater infiltration to the storm drain system as defined at Code of Federal Regulations, Title 40, Chapter Parts 122 and 123;
6. uncontaminated foundation and footing drains;
7. uncontaminated water from crawl space pumps;
8. air conditioning condensation;
9. uncontaminated non-industrial roof drains;
10. springs;
11. flows from riparian habitats and wetlands;
12. dechlorinated swimming pool discharges;
13. irrigation water;
14. landscape irrigation and lawn watering;
15. individual residential car washing and
16. flows from fire fighting.

C. This Ordinance shall not apply to non-urban Timber or Agricultural operations. Excepting therefrom illicit discharges from a timber or agricultural operation that enter the County's storm drainage system or watercourse shall be subject to this Chapter.

D. This prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

E. With written concurrence of the Regional Water Quality Control Board, the County of

Mendocino may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drainage system nor waters of the U.S.

F. Notwithstanding the requirements of Section 16.30.140 (Authority to Inspect), the County may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.  
(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.050. Prohibition of Illicit Connections.**

A. No person shall install, use or maintain a drain, conveyance, pipe, channel or other connection to the storm water drainage facilities, whether on the surface or subsurface, that may result in the discharge of a pollutant or pollutants into the County's storm drain system. For example, such illicit connections include but are not limited to those that could allow sewage, wastewater, and wash water to enter the storm water drainage system and connections from indoor drains and sinks, regardless of whether the connection had been previously allowed, permitted, or approved by the County.

B. No person shall install, use or maintain a drain or conveyance connected from a commercial or industrial premise to the County storm drainage systems where such connection or drain is not approved by the County and documented in County records.  
(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.060. Waste Disposal Prohibitions.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drainage system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, so

that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.  
(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.070. Requirements for Reducing Pollutants in Storm water.**

A. **RESPONSIBILITY TO IMPLEMENT BEST MANAGEMENT PRACTICES.** Notwithstanding the presence or absence of requirements promulgated in compliance with Section 16.30.090 (a) and Section 16.30.090(b), any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm drainage systems, or waters of the U.S. shall implement BMPs to the maximum extent practicable to prevent and reduce the pollutants.

1. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system or waters of the U.S.

2. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

3. Best Management Practices required by the County can be obtained at the Planning and Building Services Department, Department of Transportation, or the County Water Agency.

B. Any construction contractor performing construction and grading work in the identified urban areas of the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm water system. Best Management Practices shall include, but not be limited to the use of filter materials at drain inlets to retain debris, dirt or other pollutants generated by such work.

C. Any person subject to an industrial or construction activity NPDES storm water dis-



charge permit shall comply with all provisions of the permit. Proof of compliance with the permit may be required in a form acceptable to the County as a condition of a subdivision map, site plan, building permit, encroachment permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

D. Projects disturbing less than an acre but create 5,000 square feet or more of new impervious surfaces shall meet the requirements of the Standard Urban Storm water Mitigation Plan (SUSMP), by implementing appropriate source controls.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.080. Watercourse Protection.**

Every person owning property, through which a watercourse passes, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The owner or lessee shall obtain all necessary permits from outside agencies for any work done within the watercourse.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.090. Adoption of Best Management Practices.**

A. AUTHORIZATION TO ADOPT AND IMPOSE BEST MANAGEMENT PRACTICES. The County may adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility that may cause or contribute to pollution or contamination of storm water, the storm drainage system or waters of the

U.S. Where BMP requirements are promulgated by the County, any Federal, State, or regional agency for any activity, operation, or facility that would otherwise cause the discharge of pollutants to the storm drain system or water of the United States every person undertaking the activity or operation, or owning or operating the facility shall comply with these requirements.

B. NEW DEVELOPMENT AND REDEVELOPMENT. The County may adopt requirements identifying appropriate BMPs to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The County may incorporate these requirements into land use entitlements and construction or building-related permits to be issued for the new development or redevelopment.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.100. Requirement to Eliminate or Secure Approval for Illicit Connections.**

A. The County may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter.

B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request County approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.110. Requirement to Remediate.**

Whenever the County finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of

stormwater, the storm drainage system, or waters of the U.S., the County may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time as determined by a corrective action plan or in compliance with the Enforcement Section of this Ordinance.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.120. Requirement to Monitor and Analyze.**

The County may require by written notice that any person engaged in any activity and/or owning or operating any facility that may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drainage system or watercourses, to undertake at that person's expense any monitoring and analyses and furnish reports to the County as deemed necessary to determine compliance with this Section.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.130. Notification of Spills.**

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or watercourses from said facility, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of the release. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County Water Agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain

an on-site written record of the discharge and the actions taken to prevent its recurrence. These records shall be retained for at least three years.

(1) In the event of a release of a hazardous material the person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911).

(2) In the event of a release of non-hazardous materials, the person shall notify the County Planning and Building Services in person or by phone or facsimile no later than 5:00 p.m. of the next business day.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.140. Inspection and Monitoring.**

A. **AUTHORITY TO INSPECT.** Whenever necessary to make an inspection to enforce any provision of this Section, or whenever the County has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Section, the County may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the County is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

B. **AUTHORITY TO SAMPLE, ESTABLISH SAMPLING DEVICES, AND TEST.** During any inspection in compliance with this Section, the County may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.150. Implementation.**

The intent of this Ordinance is not to punish and fine citizens of Mendocino County, but to educate them of ways to prevent and reduce pollution from entering the County storm drainage system and waters of the U.S. As such, education shall be the primary means to implement the provisions of this Ordinance. Where violations are

discovered, initial contact with property owners and/or business operator shall be to gain compliance through education and a corrective action plan. If compliance is not gained through initial education and a corrective action plan, if necessary further enforcement actions shall be pursued in accordance with Chapter 8.75 "Uniform Nuisance and Abatement Procedure" of the Mendocino County Code.  
(Ord. No. 4285, 10-4-2011)

declares that it would have passed the ordinance codified in 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. 4285, 10-4-2011)

**Sec. 16.30.160. Enforcement—Violations.**

A. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Failure to comply with this Ordinance, including the failure to implement a corrective action plan shall be an infraction and shall be punishable by fines as specified in Government Code Section 25132 or any successor statute.

B. Any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare shall constitute a public nuisance and a misdemeanor and shall be subject to enforcement in accordance with Chapter 8.75 "Uniform Nuisance and Abatement Procedure" of the Mendocino County Code.

C. Any person who violates any provision of this Ordinance or any provision of any requirement issued in compliance with this Ordinance may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Section shall also include written notice to the violator of this potential liability.  
(Ord. No. 4285, 10-4-2011)

**Sec. 16.30.170. Severability Clause.**

The provisions of this Ordinance are separate and severable. If any provision of the ordinance codified in this Chapter is for any reason held by a court to be unconstitutional or invalid, the Board



<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
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
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



## INDEX

— A —

### ABANDONED VEHICLES

Administration, enforcement, authority designated  
15.28.030

Definitions 15.28.120 Investigation, scope,  
authority 15.28.040

#### Removal

administrative costs, liability, collection  
15.28.110

hearing, procedure, decision 15.28.070

interference prohibited, penalty 15.28.130

notice of abatement

contents 15.28.060

service when, procedure 15.28.050

notice to motor vehicle department 15.28.100

nuisance declaration, required when 15.28.020

procedure generally 15.28.090

right of entry when 15.28.080

Unlawful acts designated 15.28.010

Violation, penalty 15.28.140

### ACCUMULATIVE CAPITAL OUTLAY FUND

Created, funding 5.32.010

Establishment, statutory authority 5.32.020

### ADMINISTRATIVE CODE

See also BUILDING CODE

Adopted 18.04.040

### ADVERTISING

See ADVERTISING, LANDSCAPED

FREEWAYS

POLITICAL ADVERTISING

### ADVERTISING, LANDSCAPED FREEWAYS

Advertising display

prohibited

designated 15.24.030

exempt displays 15.24.040

removal 15.24.050

Definitions 15.24.010

Landscaped freeway

designated 15.24.020

Sign

See also SIGN CODE

### AGRICULTURAL BUILDING

See BUILDING

### AGRICULTURAL COMMISSIONER, COUNTY

Land division violation committee membership,  
duties

See LAND DIVISION VIOLATION  
COMMITTEE

Office consolidated 2.16.010

Plant pests

abatement authority, duties 10A.08.060

action, authority generally 10A.08.030

### AGRICULTURAL NUISANCES

Definitions 10A.13.010

Policy declaration, effect 10A.13.020

### AGRICULTURAL PEST CONTROL ADVISORS

Agricultural land, operations preservation findings  
10A.13.030

precedence of provisions 10A.13.060

seller disclosure requirements 10A.13.040

sign posting, purpose 10A.13.050

Definitions 10A.12.010

Registration required, fee 10A.12.020

### AGRICULTURAL PRESERVES

See AGRICULTURAL PEST CONTROL  
ADVISORS

ZONING, AGRICULTURAL PRESERVES

### AGRICULTURE

See also AGRICULTURAL PEST CONTROL  
ADVISORS

ZONING, AGRICULTURAL

PRESERVES

ZONING, COASTAL

ZONING, COASTAL,

UNINCORPORATED AREAS

Dioxin

See Phenoxy herbicides, aerial application

Phenoxy herbicides, aerial application

findings 10A.04.010

prohibited 10A.04.020

violation, penalty 10A.04.030

Plant pests

abandoned, neglected fruit trees, shrubs,  
nuisance 10A.08.050

abatement procedure, notice 10A.08.060

action, authority generally 10A.08.030

applicability, construction of provisions  
10A.08.010

designated, nuisance 10A.08.020

effective date of provisions 10A.08.090

## AGRICULTURE

### AGRICULTURE (Cont'd.)

#### Plant pests (Cont'd.)

- owner, occupant duties 10A.08.040
- severability of provisions 10A.08.080
- violation, penalty 10A.08.070

### AGRICULTURE DEPARTMENT

- See also ANIMAL CONTROL DEPARTMENT
- Established, supervision 2.16.010

### AIRPORT MANAGER

- Airports, county, enforcement authority 8.64.010

### AIRPORTS, COUNTY

- See also ZONING

#### ZONING, COASTAL

#### Aircraft

- See also Use regulations generally
- ZONING
- ZONING, COASTAL

- operation regulations generally 8.64.040

#### Airport

- See also ZONING

#### ZONING, COASTAL

#### Airport manager

- See also AIRPORT MANAGER

#### Applicability of provisions 8.64.010

#### Definitions 8.64.020

#### Enforcement

- See Applicability of provisions
- Violation, penalty

#### Fire safety regulations 8.64.060

#### Firearms

- See FIREARMS

#### Prohibitions generally

#### Liability designated, assumption 8.64.070

#### Maintenance, operation, responsibility designated 2.56.050

#### Prohibitions generally 8.64.050

#### Use regulations generally 8.64.030

#### Violation, penalty 8.64.080

#### Zoning regulations

- See ZONING

#### ZONING, COASTAL

### ALARM SYSTEMS

- Alarm agency, registration required, requirements 8.60.080

#### Alarm business

- business license required, requirements 8.60.090
- registration required, requirements 8.60.100

### ALARM SYSTEMS (Cont'd.)

#### Audible alarm regulations generally 8.60.050

#### Automatic calling device prohibited 8.60.070

#### Definitions 8.60.020

#### False alarm response, fees, regulations generally 8.60.040

#### License

- See Alarm business

#### Purpose 8.60.010

#### Registration

- See also Alarm agency, registration required, requirements

#### Alarm business

- required, requirements generally 8.60.030

#### Sheriff

- See SHERIFF-CORONER

#### Termination at sheriff's office, fees 8.60.060

#### Violation, penalty 8.60.110

### ALCOHOLIC BEVERAGES

#### Consumption in public

#### definitions 8.86.020

#### exceptions to provisions 8.86.040

#### prohibited 8.86.030

#### purpose of provisions 8.86.010

#### violation, penalty 8.86.050

#### Minor, parties on private property

#### definitions 8.85.020

#### findings, purpose of provisions 8.85.010

#### law enforcement costs

#### appeal 8.85.060

#### liability 8.85.040, 8.85.050

#### restrictions 8.85.030

#### severability of provisions 8.85.070

### ALTERNATIVE VOLUNTARY

#### REDEVELOPMENT PROGRAM

#### Additional understandings and intent 11.10.040

#### Authorization of implementing actions 11.10.050

#### California Environmental Quality Act 11.10.060

#### Enactment and effective dates 11.10.080

#### Enactment of ordinance pursuant to

#### redevelopment law section 34193(a) 11.10.030

#### Findings 11.10.020

#### Participation 11.10.010

#### Publication and posting 11.10.090

#### Severability 11.10.070



## IN-HOME SUPPORT SERVICES (Cont'd.)

Staffing 9.35.100  
 Termination 9.35.160  
 Validity 9.35.160

## ITINERANT BUSINESS

Business license  
 See also BUSINESS LICENSE  
 fee 6.04.050  
 Permit  
 form, contents 6.08.100  
 posting, exhibiting  
 See BUSINESS LICENSE  
 required 6.04.080  
 revocation  
 See BUSINESS LICENSE  
 Violation, penalty  
 See BUSINESS LICENSE

## — J —

## JAIL, COUNTY

See also PROBATION, PRESENTENCE  
 REPORT  
 Administration fee  
 See CRIMINAL JUSTICE  
 ADMINISTRATIVE FEE  
 Work/education furlough program  
 administration 8.48.020  
 inmate exchange agreement, purpose 8.48.030  
 purpose of provisions 8.48.010

## JUNK BUSINESS

Business license  
 See also BUSINESS LICENSE  
 fee 6.04.050  
 Permit  
 posting, exhibiting  
 See BUSINESS LICENSE  
 required, application procedure, issuance  
 6.04.130  
 revocation  
 See BUSINESS LICENSE  
 Violation, penalty  
 See BUSINESS LICENSE

## JURORS, PETIT JURORS

Fees, mileage rates designated 2.14.010

## JUVENILE DETENTION HOME

Schools  
 administration, staffing 8.16.020  
 applicability of provisions 8.16.040  
 created, designated 8.16.010  
 curriculum, scope, purpose 8.16.030

JUVENILE JUSTICE, DELINQUENCY  
 PREVENTION COMMISSION

Compensation, expenses 8.20.050  
 Created 8.20.010  
 Effective date of provisions 8.20.080  
 Membership, appointment, term 8.20.030  
 Powers, duties generally 8.20.070  
 Purpose 8.20.020  
 Staff 8.20.060  
 Vacancy filling 8.20.040

## — L —

## LAND DIVISION

See SUBDIVISIONS

## LAND SURVEYOR, COUNTY

See also ENGINEER-SURVEYOR  
 SURVEYOR, COUNTY  
 Appointive position, designated, appointment  
 2.20.010

## LAND USE

See also Specific Subject  
 SUBDIVISIONS  
 ZONING  
 ZONING, AGRICULTURAL  
 PRESERVES  
 ZONING, COASTAL  
 ZONING, COASTAL,  
 UNINCORPORATED AREAS  
 ZONING, TIMBERLAND  
 PRODUCTION  
 Approval indemnification, hold-harmless  
 agreements required 1.04.120

## LAW ENFORCEMENT OFFICERS

See also CORRECTIONS OFFICERS,  
 PROBATION OFFICERS  
 Recruitment, training standards, designated, desire  
 to qualify for aid 2.04.040

## LAW LIBRARY

State laws, applicability 8.32.010

## LIABILITY TRUST FUND

### LIABILITY TRUST FUND

See GENERAL LIABILITY TRUST FUND

### LIBRARY SPECIAL TRANSACTIONS, USE TAX

Adoption of provisions of state law 5.170.080  
Amendments 5.170.120  
Contract with state 5.170.040  
Effective date 5.170.160  
Enjoining collection forbidden 5.170.130  
Exemptions and exclusions 5.170.110  
Limitations on adoption of state law and  
collection of use taxes 5.170.090  
Operative date 5.170.010  
Permit not required 5.170.100  
Place of sale 5.170.060  
Purpose 5.170.020  
Restricted use of the tax 5.170.030  
Severability 5.170.140  
Sunset 5.170.150  
Title 5.170.000  
Transactions tax rate 5.170.050  
Use tax rate 5.170.070

### LIBRARY SYSTEM

See also LAW LIBRARY

Amendment, repeal of provisions, authority  
8.28.020  
Established, statutory authority 8.28.010

### LICENSE

See also BUSINESS LICENSE

#### PERMIT

Alarm business  
See BUSINESS LICENSE  
Bingo game 8.52.030  
Business license, regulations  
See BUSINESS LICENSE  
Dog 10.12.010  
Kennel 10.12.020  
Outdoor festival 6.16.020  
Sewage, septage pumper 9.12.010

### LIMITED DENSITY RURAL DWELLINGS

#### Abatement

See Substandard building  
Violation

Adoption of regulations, findings designated  
18.23.440  
Applicability, intent of provisions 18.23.030  
Certificate of occupancy, issuance 18.23.200

### LIMITED DENSITY RURAL DWELLINGS

(Cont'd.)

#### Construction inspection

See Inspections

Defined 18.23.250

Detached bedroom defined 18.23.230

#### Electrical requirements

generally 18.23.370

installation, requirements when 18.23.380

Findings 18.23.440

Greywater defined 18.23.240

Heating requirements 18.23.360

#### Inspections

additional, required when 18.23.170

authority generally 18.23.150

fees 18.23.220

procedure generally 18.23.160

request, notification requirements 18.23.190

waiver permitted when 18.23.180

Intent of provisions 18.23.300

Materials permitted 18.23.340

Mechanical requirements, materials 18.23.350

Modifications permitted when 18.23.130

#### Owner-built

defined 18.23.033

sale, lease, rental, presumptive evidence  
18.23.033

#### Permit

application, contents 18.23.100

issuance

notice requirements 18.23.060

procedure generally 18.23.090

required 18.23.080

validity period 18.23.140

#### Plans

requirements generally 18.23.110

waiver when 18.23.120

#### Plumbing

See also Sanitation facilities

requirements generally 18.23.410

Purpose, intent of provisions 18.23.300

Purpose of provisions 18.23.020

Requirements generally 18.23.290

Rooms, emergency escape requirements 18.23.390

Rural defined 18.23.260

#### Sanitation facilities

See also Water, sewer systems, public,  
connection required when  
required 18.23.400

LIMITED DENSITY RURAL DWELLINGS

(Cont'd.)

Sanitation facilities (Cont'd.)

requirements generally, alternative systems  
permitted 18.23.420

Sound structural condition defined 18.23.270

Statutory authority 18.23.010



**SOLID WASTE (Cont'd.)**

**Containers (Cont'd.)**

- green waste 9A.16.030
- inspection 9A.16.080
- interfering with, prohibited 9A.24.070
- labeling 9A.16.050
- location 9A.16.040
- number, type 9A.16.020**
- recycling

See **RECYCLABLE MATERIAL**

- requirements generally 9A.16.010
- unauthorized use 9A.24.075, 9A.24.085

County control 9A.12.130

Definitions 9A.04.030

**Deposition**

- land reclamation 9A.08.030
- private property, prohibited 9A.08.020

**Fees**

- deposit to general fund 9A.20.070
- industrial refuse collection 9A.20.050
- miscellaneous activity 9A.20.060
- refuse collection 9A.20.040

Findings, intent 9A.04.020

Hard-to-handle waste 9A.08.060

Hazardous materials 9A.08.050

**Recycling**

See **RECYCLABLE MATERIAL**

**Regulations generally**

- establishment 9A.24.020
- exemptions 9A.24.040

**Removal**

See **Collection**

Severability of provisions 9A.24.120

Solid waste officials 9A.24.050

Standards, minimum 9A.08.010

**Tires**

See **Hard-to-handle waste**

Title of provisions 9A.04.010

Use 9A.08.070

Violations, penalties 9.04.070, Y9A.24.030

**Zoning regulations**

See **ZONING**

**ZONING, COASTAL**

**SPEED LIMITS**

See **TRAFFIC**

**WATERCRAFT**

**STATE STATUTES, ORDINANCES**

Enforcement, authority designated 2.38.010

**STORMWATER RUNOFF POLLUTION**

**PREVENTION PROCEDURE**

Acronyms, abbreviations and definitions 16.30.020

Applicability 16.30.030

Best management practices, adoption of 16.30.090

**Enforcement**

violations 16.30.160

**Illicit connections**

prohibition of 16.30.050

requirement to eliminate or secure approval for 16.30.100

Illicit discharges, prohibition of 16.30.040

Implementation 16.30.150

Inspection and monitoring 16.30.140

Monitor and analyze, requirement to 16.30.120

Pollutants in storm water, requirements for reducing 16.30.070

Purpose 16.30.010

Regulatory consistency 16.30.032

Requirement to remediate 16.30.110

Responsibility for administration 16.30.031

Severability clause 16.30.170

Spills, notification of 16.30.130

Ultimate responsibility of discharger 16.30.033

**Violations**

enforcement

See **Enforcement**

Waste disposal prohibitions 16.30.060

Watercourse protection 16.30.080

**STREET, ROAD ADDRESS NUMBERING SYSTEM**

Address coordinator, street, road names, duties generally 18.16.070

Administration, responsibilities designated 18.16.050

Adoption, designated precise plan 18.16.020

Base lines 18.16.030

Establishment, purpose 18.16.010

Legal description of property not affected 18.16.100

**Map**

establishment, contents 18.16.110

generally 18.16.040

Master grid numbering system

See **Adoption, designated precise plan**

**Establishment, purpose**

**Numbers**

assignment 18.16.060

## STREET, ROAD ADDRESS NUMBERING SYSTEM

### STREET, ROAD ADDRESS NUMBERING SYSTEM (Cont'd.)

#### Numbers (Cont'd.)

display requirements 18.16.090

Severability of provisions 18.16.130

#### Street, road names

official, approval requirements 18.16.080

regulations generally 18.16.070

Urgency measure, designated 18.16.140

Violation, penalty 18.16.120

### SUBDIVISION VIOLATION COMMITTEE

Subdivision advisory agency, duties as

See SUBDIVISIONS

### SUBDIVISIONS

See also ZONING

ZONING, AGRICULTURAL

PRESERVES

ZONING, COASTAL

Access requirements

See Street

Advisory agency designated, duties generally  
17-04

Alleys required when 17-61

#### Appeals

board 17-05

fees 17-89.1

hearing, decision 17-91

notice requirements 17-89

report requirements 17-90

Applicability of provisions 17-03, 17-50

Arterial defined 17-31

Block design requirements

See Lot

Boundary line adjustment 17-17.5

Committee 17-05.5

Compliance required, unlawful acts without 17-16

Cul-de-sac defined 17-31

Defined 17-17

#### Design

See also Specific Subject

defined 17-38.5

Drainage system

improvement standards

See Street

requirements 17-57

Easement defined 17-37

Engineer defined 17-33

### SUBDIVISIONS (Cont'd.)

#### Exceptions

application procedure 17-86

grant conditions 17-87

grant, effective date 17-88

Exclusions generally 17-17

#### Fees

See Appeals

Improvements

#### Final map

defined 17-28

required, filing 17-43

Fire officer, qualified, defined 17-36

#### Fire protection features

design, construction standards 17-69

required when, requirements generally 17-64