

MENDOCINO COUNTY CODE

Looseleaf Supplement

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

Ordinance No. 4289, adopted January 31, 2012.

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

Remove old pages

iii
SH:1
71, 72
101
136-3—136.6

692.3
697, 698
705, 706
715—716.1
723, 724

Insert new pages

iii
SH:1
71, 72
101
136.3—136.5
136.16.1
692.3
697, 698
705, 706
715—716.i
723, 724

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. 4289, passed January 31, 2012.

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SUPPLEMENT HISTORY TABLE

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

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

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
4270	1- 4-11	Included	Supp. No. 29
4271	1-25-11	Included	Supp. No. 29
4272	1-25-11	Included	Supp. No. 29
4274	5- 3-11	Included	Supp. No. 29
4275	5-17-11	Included	Supp. No. 29
4276	5-17-11	Included	Supp. No. 29
4277	6- 7-11	Included	Supp. No. 30
4279	7-12-11	Included	Supp. No. 31
4283	9-13-11	Included	Supp. No. 30
4284	10- 4-11	Included	Supp. No. 30
4285	10- 4-11	Included	Supp. No. 30
4286	12- 6-11	Included	Supp. No. 31
4288	1-24-12	Included	Supp. No. 31
4289	1-31-12	Included	Supp. No. 31

No. 501, adopted 1956; Ord. No. 421, adopted 1961; Ord. No. 502, adopted 1966; Ord. No. 803, adopted 1971; Ord. No. 1510, adopted 1975; Ord. No. 3145, adopted 1978; Ord. No. 3392, adopted 1982; Ord. No. 3827 Sec. 1, adopted 1992; Ord. No. 3899, adopted 1994; Ord. No. 3940, adopted 1996; Ord. No. 3984, adopted 1997; Ord. No. 4007, adopted 1998; Ord. No. 4068, adopted 2001; Ord. No. 4191 (part), adopted 2007; Ord. No. 4185 (part), adopted 2007; Ord. No. 4193 (part), adopted 2007.)

Sec. 3.04.071 Board Compensation.

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

(B) At the first regularly scheduled meeting in April of every odd-numbered year, the Board of Supervisors shall review their compensation and adjust as determined to be appropriate. (Ord. No. 4191 (part), adopted 2007; Ord. No. 4193 (part), adopted 2007.)
(Ord. No. 4289, 1-31-2012)

Sec. 3.04.075 Expense Reimbursement for Supervisors.

Members of the Board of Supervisors shall be reimbursed for expenses, made necessary in the performance of their duties as Board members, provided that reimbursement for such expenses, is claimed within ninety (90) days of the incurring of the expense. Any claim not submitted within ninety (90) days shall require specific approval of the Board of Supervisors.

Official business of the Board of Supervisors includes, but is not limited to, attendance at regular Board meetings, special Board meetings, Board Workshops, Board committee meetings, Board of Equalization meetings, fulfillment of Board special committee assignments, serving as the official Board representative at ceremonial and official

functions, Board of Supervisors training and orientation, including for supervisors-elect, and conduct of other County business.

In January of each year the Board of Supervisors shall adopt by resolution, a policy containing an itemized list of reimbursable expenses and said rate of reimbursement. (Ord. No. 3269, adopted 1979; Ord. No. 4185 (part), adopted 2007; Ord. No. 4193 (part), adopted 2007.)
(Ord. No. 4222, 6-2-09)

Sec. 3.04.080 Application of Compensation Plan to Positions.

The respective classes of positions and the salary schedules therefor shall be adopted from time to time by the Board of Supervisors by resolution and when so adopted shall have the force and effect and shall be interpreted and applied as follows:

(A) The salaries or rates of compensation prescribed are fixed on the basis of full-time service in full-time positions unless otherwise designated.

(B) The rate of pay prescribed shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incident to employment, or except as herein provided.

(C) Upon progress and productivity, employees may be considered for increase from one (1) step in the salary range to the next step in the salary range according to the following plan:

(1) The Numbers 1, 2, 3, 4 and 5, respectively, denote the various steps in the pay range.

(2) Step "1" shall be paid upon initial employment except when a higher step in a salary range is authorized under Section 3.04.060(C), of this Chapter.

(3) Step "2" may be authorized upon satisfactory completion of twenty-six (26) pay periods (2,080 hours) of employment at Step "1."

(4) At the satisfactory completion of twenty-six (26) pay periods (2,080 hours) in Step "2," employees may be considered for increase to Step "3."

(5) At the satisfactory completion of twenty-six (26) pay periods (2,080 hours) of service in Step "3," employees may be considered for increase to Step "4."

(6) At the satisfactory completion of twenty-six (26) pay periods (2,080 hours) of service at Step "4," employees may be considered for increase to Step "5."

(7) An employee who has been laid off from County service because a position is abolished, or because of a lack of work or lack of funds, and who is re-employed in the same classification within the period provided for restoration or re-employment, shall return at the same salary step (1, 2, 3, 4 or 5) held as of the date of lay-off. Upon returning from lay-off, the employee shall receive credit for pay periods of service rendered prior to the lay-off in accumulating the total number of pay periods of employment required for advancement to the next step in the salary range. An employee who returns from lay-off to a classification with a salary range lower or higher than the range for the classification from which laid off shall receive a rate of pay as provided in Section 3.04.140.

(8) No advance in pay shall be automatic upon completion of the periods of service outlined hereinabove, and all increases shall be made only upon the written approval of the appointing authority which approval must be submitted to the Human Resources Department not later than ten (10) days after the proposed effective date. If the increase does not become effective on the proposed effective date due to a clerical error in processing the approval, or if the appointing authority due to an oversight, fails to initiate a request for an advance in pay for which an employee may be otherwise eligible, these facts shall be reported to the Human Resources Department within forty-five (45) days thereafter, and the proposed increase shall be made effective as of the proposed effective date upon concurrence of the department head and the General Government Committee of the Board of Supervisors. Increase in pay shall be withheld in cases of inferior work, lack of application, or indifferent attitude, and the employee

shall be notified within ten (10) days of the day on which the employee was eligible for a merit increase. The pay of any employee may be reduced to a lower step within the pay range established upon the recommendation of the department head and approval of the Board of Supervisors in cases where the quality and manner of performance of services do not justify the pay being received.

(D) In special cases of extraordinary merit, an appointing authority may recommend for an employee a special increase of one (1) or two (2) steps in the salary range assigned to the classification. To be eligible for a special increase, such employee must have been employed at least sixty (60) days in his or her current classification and in a department that has an on-going performance evaluation program in effect. Such recommendation by the appointing authority shall be expressed in a memorandum addressed to the Board of Supervisors detailing the justification for the recommended increase and the memorandum shall be accompanied by the standard County "Employee Performance Report" and a "Request to Board of Supervisors" form. Effective July 1, 1981, to be eligible, departmental employees must have had at least two (2) evaluations completed on the standard "Employee Performance Report." The General Government Committee of the Board of Supervisors shall make a recommendation to the Board of Supervisors in regard to each recommended increase. A special increase approved by the Board of Supervisors shall become effective on the first of the pay period following the date on which the Board grants approval.

(E) Where a pay range for a given class or for several classes is revised upward or downward, the incumbents of positions in classes affected shall have their existing pay adjusted to the same relative step in the new pay range.

(F) For purposes of calculating anniversary dates to determine eligibility for pay step increases, all persons employed by the County upon the effective date

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 Reserved
- Chapter 5.130 Delegating Authority to Invest to
Treasurer-Tax Collector
- Chapter 5.140 Mendocino County Lodging Business
Improvement District
- Chapter 5.150 Assessment Appeals Board
- Chapter 5.170 Library Special Transactions And Use
Tax

not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable. (Ord. No. 3764 (part), adopted 1991.)

CHAPTER 5.120

RESERVED*

***Editor's note**—Ord. No. 4279, adopted July 12, 2011, repealed former Ch. 5.120, §§ 5.120.010 - 5.120.090, in its entirety which pertained to jail booking fees on local public agencies and derived from Ord. No. 3794, adopted in 1991; Ord. No. 3849, adopted in 1993.

CHAPTER 5.130**DELEGATING AUTHORITY TO INVEST TO
TREASURER-TAX COLLECTOR****Sec. 5.130.010 Delegation of Authority to Invest
for Calendar Year 2012.**

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

CHAPTER 5.150

ASSESSMENT APPEALS BOARD

Sec. 5.150.010. Establishment of Board.

Pursuant to the provisions of Section 16 of Article XIII of the California Constitution, an assessment appeals board is created and established for Mendocino County.
(Ord. No. 4286, 12-6-2011)

Sec. 5.150.020. Members and Alternate Members of the Assessment Appeals Board.

The assessment appeals board shall consist of three (3) members who shall be appointed and reappointed directly by the Board of Supervisors for terms as provided by law. The Board of Supervisors shall appoint and reappoint directly alternate members for terms as provided by law for regular members of the assessment appeals board. An alternate member shall serve whenever any regular member is temporarily unable to act as a member of the board.
(Ord. No. 4286, 12-6-2011)

Sec. 5.150.030. Qualifications for Membership.

A person shall not be eligible for nomination for membership on the assessment appeals board unless he or she has a minimum for five (5) years professional experience in this state of one of the following: certified public accountant or public accountant; licensed real estate broker; attorney; property appraisers accredited by a nationally recognized professional organization; or a person who the nominating member of the Board of Supervisors has reason to believe is possessed of competent knowledge of property appraisal and taxation.
(Ord. No. 4286, 12-6-2011)

Sec. 5.150.040. Jurisdiction and Duties of Assessment Appeals Board.

The assessment appeals board shall constitute the board of equalization for Mendocino County

and shall have the power to equalize the valuation of taxable property within the county for the purpose of taxation, as provided by applicable law.
(Ord. No. 4286, 12-6-2011)

Sec. 5.150.050. Compensation.

Compensation for members of the assessment appeals board shall be established by this board by resolution.
(Ord. No. 4286, 12-6-2011)

Sec. 5.150.060. Clerical Assistance.

The Clerk of the Board of Supervisors shall be the clerk of the assessment appeals board, keep a record of the proceedings, shall provide such clerical assistance as the assessment appeals board may require, and shall otherwise perform those duties prescribed by law for the clerk of the assessment appeals board.
(Ord. No. 4286, 12-6-2011)

Sec. 5.150.070. Legal Advisor.

The County Counsel shall, upon request, provide such legal assistance to the assessment appeals board as such counsel determines is appropriate and necessary.
(Ord. No. 4286, 12-6-2011)

Sec. 5.150.080. Rules of Procedure.

All proceedings before the assessment appeals board shall be conducted in accordance with the rules relating to local equalization as set forth in Title 18 of the Code of California Regulations, as well as such local rules as the Board of Supervisors may prescribe.
(Ord. No. 4286, 12-6-2011)

Ordinance Number	Date	Description	Section	Section this Code
4263	7-13-10	Disease prevention project		9.04.010 9.04.070
4264	7-13-10	Garden's Gate Dev. Agreement		21.04.020
4265	7-13-10	Speed limits		15.04.030
4270	1- 4-11	Stormwater runoff		16.30.010 16.30.430
4271	1-25-11	2011 investment authority		5.130.010
4272	1-25-11	SmartMeter moratorium		8.300.010 8.30.080
4274	5- 3-11	Commission on medical care		8.69.000 8.69.080
4275	5-17-11	Medical marijuana	Rpld Added	9.31.010—9.31.340 9.31.010—9.31.350
4276	5-17-11	Speed limit		15.40.030
4277	6- 7-11	Library sales tax		5.170.000
4279	6-12-11	Jail booking fees	Rpld	5.120.010—5.120.090
4283	9-13-11	Alternative redevelopment program		11.10.010—11.10.090
4284	10- 4-11	Supervisory districts	1	2.08.010, 2.08.020
4285	10- 4-11	Stormwater runoff	Rpld Added	16.30.010—16.30.430 16.30.010—16.30.170
4286	12- 6-11	Assessment appeals board		5.150.010—5.150.080
4288	1-24-2012	Investment authority		5.130.010
4289	1-31-2012	Board of Supervisors compensation		3.04.071

ASSESSMENT APPEALS BOARD

- Clerical assistance 5.150.060
- Compensation 5.150.050
- Establishment 5.150.010
- Jurisdiction and duties 5.150.040
- Legal advisor 5.150.070
- Members and alternate members 5.150.020
- Qualifications for membership 5.150.030
- Rules of procedure 5.150.080

ASSESSOR, COUNTY

- Office consolidated 2.16.020
- Property reassessment
 - calamity reassessment
 - authority generally 5.12.050
 - duties generally 5.12.030
 - damage reassessment
 - authority generally 5.14.050
 - duties generally 5.14.030
 - possessory interest reassessment duties 5.15.030

ATTORNEY'S FEES

- Recovery by county 1.04.115

AUDITOR, COUNTY

- Business license forms provision duties 6.04.070
- General liability trust fund
 - establishment authority 5.62.010
 - report duties 5.62.040
- Property reassessment
 - calamity reassessment duties 5.12.040
 - damage reassessment duties 5.14.040
- Property tax administration invoicing public agency 5.10.040
- Qualifications
 - applicability 2.36.020
 - designated 2.36.010
- Transient occupancy tax audit duties 5.20.085
- Unemployment compensation trust fund
 - establishment authority 5.72.010
 - report duties 5.72.050
- Unemployment relief funds administration
 - authority 2.20.040
- Workers' compensation trust fund establishment
 - authority 5.52.010

— B —

BINGO GAMES

- Definitions 8.52.020

BINGO GAMES (Cont'd.)

- License
 - application, contents, procedure 8.52.040
 - denial, suspension, revocation grounds 8.52.060
 - required, requirements, eligibility 8.52.030
- Limitations generally 8.52.050
- Purpose, statutory authority of provisions 8.52.010
- Violation, penalty 8.52.070

BOARD OF BUILDING, HOUSING APPEALS

See BUILDING, HOUSING APPEALS BOARD

BOARD OF EQUALIZATION

See also BOARDS, COMMISSIONS

Fees

See BOARD OF EQUALIZATION FEES

Property reassessment

- calamity reassessment
 - appeals hearing duties 5.12.040
 - duties generally 5.12.050
- damage reassessment appeals hearing 5.14.040
- possessory interest reassessment appeals hearing 5.15.040

BOARD OF EQUALIZATION FEES

- Title of provisions 5.96.010
- Written findings of fact, conclusions
 - fee designated 5.96.040
 - payment prerequisite 5.96.030
 - request, preparation 5.96.020

BOARD OF SUPERVISORS

See also BOARDS, COMMISSIONS

Abandoned vehicle removal

- administrative costs establishment 15.28.110
- appeals hearing duties 15.28.070

Appointing authority

- animal control advisory committee 10.04.030
- archaeological commission 22.12.040
- building, housing appeals board 2.24.030
- children and families (FIRST 5 Mendocino)
 - commission 9.34.060
- civil service commission 3.16.020
- clerk of the board 2.30.020
- community development commission 11.04.060
- county administrator 2.28.010
- county veterinarian 10.16.020
- disaster council 7.04.070
- health officer 2.44.020
- human resources director 3.16.090

BOARD OF SUPERVISORS

BOARD OF SUPERVISORS (Cont'd.)

- Appointing authority (Cont'd.)
 - planning commission 2.48.010
 - public works director 2.56.020
 - social services director 2.40.020
- Bingo game license denial, suspension, revocation
 - appeals hearing 8.52.060
- Cable television
 - See CABLE TELEVISION SYSTEMS
- Children and families (FIRST 5 Mendocino)
 - commission
 - appointing authority, membership 9.34.060
 - members appointment 9.34.070
- Civil service commission
 - appointing authority 3.16.020
 - vacancy filling 3.16.030
- Civil service system funding duties 3.16.060
- Clerk
 - See CLERK OF THE BOARD
- Compensation
 - expenses, reimbursement 3.04.075
 - plan 3.04.070
- Emergency plan adoption 7.04.130
- Expenses, reimbursement 3.04.275
- General liability trust fund duties 5.62.040
- Incarceration costs determination 5.92.040
- Meetings, generally 2.04.010
- Oil, gas exploration facilities approval duties
 - 19.04.070
- Outdoor festival license
 - application hearing, issuance duties 6.16.060
 - revocation authority 6.16.090
- Personnel, state retirement act adoption 3.08.010
- Public health department
 - health services contracts with cities, negotiation authority 2.44.070
 - laboratory services contract negotiation
 - 2.44.060
 - personnel board, duties as 2.44.030
- Redevelopment agency, declaration as designated 11.08.010
 - findings in support 11.08.020
- Salary
 - See Compensation
- Solid waste
 - appeals determination 9A.24.120
 - collection service, providing, duty 9A.12.020
- Street, road names approval authority 18.16.080

BOARD OF SUPERVISORS (Cont'd.)

- Subdivision
 - appeals hearing duties 17-91
 - final map duties 17-43
 - improvements inspection duties 17-78
 - parcel subdivision
 - parcel map duties 17-46
 - tentative map duties 17-45
 - private road request duties 17-54
 - tentative map duties generally 17-41
- Supervisors-elect training, orientation, funding 2.04.070
- Surface mining, reclamation
 - enforcement decisions appeals hearing duties 22.16.200
 - reclamation standards adoption 22.16.090
- Traffic
 - speed limits determination, bridges, structures 15.04.050
 - stop sign posting authority 15.04.070
 - traffic control devices, authority generally 15.04.020
- Transient occupancy tax appeals hearing 5.20.100
- Underground utility district, designation by resolution 22.04.050
- Unemployment compensation trust fund duties 5.72.050
- Water well appeals hearing duties 16.04.210
- Women's commission appointment 8.68.030
- Worker's compensation trust fund duties 5.52.050
- Zoning duties
 - See ZONING
 - ZONING, AGRICULTURAL PRESERVES

BOARDS, COMMISSIONS

- See also Specific Board, Commission
- Meetings, absence from, office vacancy declaration when 2.04.050

BOAT

- See also WATERCRAFT
- Excursion
 - See PARTY BOAT EXCURSION

CONSTRUCTION AND DEMOLITION

RECYCLING AND REUSE

- Appeal 18.35.090
- Definitions 18.35.020
- Demolition 18.35.040
- Deposit required 18.35.060
- Enforcement, collection of administrative penalties 18.35.170
- Evidence of compliance 18.35.100
- Exemption from diversion requirement 18.35.110
- Fees 18.35.120
- Notice of violation, administrative penalty 18.35.140
- Plan
 - approval 18.35.080
 - exemption from 18.35.070
 - submission, required contents 18.35.050
- Purpose of provisions 18.35.010
- Requirements 18.35.030
- Review
 - administrative 18.35.150
 - judicial 18.35.160
- Severability of provisions 18.35.190
- Standards, guidelines, criteria 18.35.180
- Violation of public nuisance 18.35.130

CONSTRUCTION PERMIT

See BUILDING

CONTRACTOR

- Business License
 - See also BUSINESS LICENSE
 - fee 6.04.050

CONTROLLED SUBSTANCES

See DRUG PARAPHERNALIA

CORONER, COUNTY

- See also SHERIFF-CORONER
- Office consolidated 2.16.030

CORRECTIONS OFFICERS, PROBATION OFFICERS

- See also LAW ENFORCEMENT OFFICERS
- PROBATION OFFICER
 - Recruitment, training standards, designated, desire to qualify for aid 2.04.041

COUNSEL, COUNTY

- Public administrator attorney, duties as, when 2.40.120

COUNTY ADMINISTRATOR

See ADMINISTRATIVE OFFICER, COUNTY

COUNTY BOARD OF SUPERVISORS

See BOARD OF SUPERVISORS

COUNTY BUILDINGS, GROUNDS

- Dog
 - See also ANIMALS
 - prohibited, exceptions 14.20.010
 - violation, penalty 14.20.020
- Handrail, parapet wall use 14.16.040
- Noise 14.16.020
- Trespassing 14.16.010
- Violation, penalty 14.16.050

COUNTY OFFICES

See OFFICES, COUNTY

COUNTY VEHICLE POLICY

- Applicability of provision 3.12.020
- Authorization 3.12.060
- Driver responsibilities 3.12.040
- Limitations on use 3.12.030
- Night, weekend storage 3.12.090
- Penalties 3.12.100
- Purpose, intent 3.12.010
- State of emergency 3.12.080
- Use outside regular hours 3.12.050
- Vehicle collisions, incidents, damage 3.12.070

COURT, COUNTY

- Probation, presentence report, defendant ability to pay determination 2.65.01

COW MOUNTAIN

- Animals
 - See also ANIMALS
 - running at large, herded
 - exceptions 14.04.070
 - prohibited, designated 14.04.060

Camping

- See also Permitted activities
- duties of persons camping 14.04.040
- Description, legal 14.04.020
- Jurisdiction of county, declaration 14.04.010
- Permitted activities
 - See also Camping
 - designated 14.04.030
 - privilege not exclusive 14.04.050
 - Violation, penalty 14.04.080

CURFEW

CURFEW

Minors

under age of eighteen 8.08.010

under age of sixteen 8.08.020

violation

apprehension, detention, proceedings
8.08.040

penalty 8.08.030

— D —

DAMAGE REASSESSMENT

See PROPERTY REASSESSMENT

DANGEROUS BUILDINGS ABATEMENT CODE

See also BUILDING CODE

Adoption 18.04.040

DELINQUENCY PREVENTION COMMISSION

See JUVENILE JUSTICE, DELINQUENCY
PREVENTION COMMISSION

DEVELOPMENT AGREEMENT

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

Vichy Springs Investors Group 21.04.010

DEVICE REGISTRATION AND INSPECTION FEES

Inspection and testing of weighing and measuring
devices

definitions 10A.16.020

device registration 10A.16.030

fees 10A.16.040

purpose and authority 10A.16.010

Penalties for violations of registration provisions

penalties for Violations 10A.16.050

severability 10A.16.060

DIOXIN

See AGRICULTURE

DISASTER

See EMERGENCY ORGANIZATION

DISASTER COUNCIL

See also EMERGENCY ORGANIZATION

Established, membership 7.04.070

Powers, duties generally 7.04.080

DISEASE PREVENTION DEMONSTRATION PROJECT

Effective Date 9.40.060

Enforcement and Penalties 9.40.050

Findings 9.40.020

Limitation of Liability 9.40.040

Local 9.40.030

Severability 9.40.070

Statement of Intent 9.40.010

DISTRICT ATTORNEY

Business license collection action authority
6.04.070

Consolidated office, public administrator,
separation, effective date 2.16.050

DISTRICT ATTORNEY INVESTIGATORS

Recruitment, training standards, designated, desire
to qualify for aid 2.04.043

DISTRICT ATTORNEY-PUBLIC ADMINISTRATOR

Consolidated office, separation, effective date
2.16.050

DOG

See ANIMALS

COUNTY BUILDINGS

COURTHOUSE BUILDING, GROUNDS

PARKS, COUNTY

DOMESTIC ANIMAL

See ANIMALS

DRUG PARAPHERNALIA

Definitions 6.24.020

Display unlawful when 6.24.030

Distribution unlawful when 6.24.040

Purpose of provisions 6.24.010

Violation, penalty 6.24.050

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
- 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

JUVENILE DETENTION HOME (Cont'd.)

- Schools (Cont'd.)
 - 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

- See GENERAL LIABILITY TRUST FUND

LIBRARY SPECIAL TRANSACTIONS, USE TAX

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
- Construction inspection
 - See Inspections
- Defined 18.23.250

LIMITED DENSITY RURAL DWELLINGS

- (Cont'd.)
- 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
 - requirements generally, alternative systems permitted 18.23.420
- Sound structural condition defined 18.23.270

LIMITED DENSITY RURAL DWELLINGS

(Cont'd.)

Statutory authority 18.23.010

PLANNING COMMISSION (Cont'd.)

- Surface mining, reclamation
 - financial assurance approval appeals hearing duties 22.16.120
 - permit issuance authority 22.16.060
 - reclamation plan
 - approval authority 22.16.060
 - modification decision appeals hearing duties 22.16.170

PLANNING DEPARTMENT

- Subdivision, merger of certain parcels, duties when 17-108

PLANNING DIRECTOR

- See also PLANNING, BUILDING SERVICES DIRECTOR
- Subdivisions
 - minor, parcel map waiver authority 17-49
 - private road request duties 17-54
 - responsibilities generally 17-06
 - tentative map duties generally 17-41

PLANT PESTS

- See AGRICULTURAL PEST CONTROL ADVISORS
- AGRICULTURE

PLUMBING CODE

- See also BUILDING CODE
- SEWAGE SYSTEMS, ON-SITE
 - Adoption 18.04.040
 - Amendments 18.04.064

POLITICAL ADVERTISING

- County property, unlawful 14.24.010

POSSESSORY INTEREST REASSESSMENT

- See PROPERTY REASSESSMENT

PRESENTATION OF CLAIMS

- Filing 5.04.010
- Procedures
 - general 5.04.005
 - special 5.04.020

PROBATION OFFICER

- See also CORRECTIONS OFFICERS, PROBATION OFFICERS
- Assistant, deputy officer created 2.70.010
- Work/education furlough program
 - administration, authority generally 8.48.020
 - inmate exchange agreement authority 8.48.030

PROBATION, PRESENTENCE REPORT

- Ability to pay
 - defined 2.65.010
 - determination, fees, disposition 2.65.010

PROPERTY, COUNTY

- See Specific Subject
- PURCHASING

PROPERTY, LOST, UNCLAIMED

- See LOST, UNCLAIMED PROPERTY

PROPERTY REASSESSMENT

- Assessment appeals
 - See ASSESSMENT APPEALS BOARD
- Calamity reassessment
 - appeals procedure 5.12.040
 - application right, procedure 5.12.020
 - procedure
 - generally 5.12.030
 - without application, permitted when 5.12.050
 - statutory authority 5.12.010
- Damage reassessment
 - appeals hearing 5.14.040
 - application procedure, right 5.14.020
 - procedure
 - generally 5.14.030
 - without application, permitted when 5.14.050
 - statutory authority 5.14.010
 - tax determination 5.14.060
- Possessory interest reassessment
 - appeals hearing 5.15.040
 - application procedure, right 5.15.020
 - procedure generally 5.15.030
 - statutory authority 5.15.010
 - tax determination 5.15.050

PROPERTY TAX

- See also REAL PROPERTY TRANSFER TAX
- Administration fees
 - allocation 5.110.030
 - authority to recover 5.110.010
 - finding 5.110.020
 - offset of delinquent amount 5.110.050
 - recovery, invoicing, allocation, retention 5.110.040
 - severability 5.110.060
- Assessment appeals
 - See ASSESSMENT APPEALS BOARD

PROPERTY TAX

PROPERTY TAX (Cont'd.)

- Calamity reassessment determination
 - See PROPERTY REASSESSMENT
- Damage reassessment determination
 - See PROPERTY REASSESSMENT
- Possessory interest reassessment determination
 - See PROPERTY REASSESSMENT

PSEUDOEPHEDRINE PRODUCTS, CONDITIONS ON DISPLAY

- Definitions 6.29.030
- Enforcement, fines 6.29.050
- Exceptions 6.29.040
- Findings, purpose 6.29.010
- Limitations 6.29.020

PUBLIC ADMINISTRATOR

- See also ADMINISTRATIVE OFFICER,
COUNTY
- Attorney, county counsel as, when, duties 2.40.120
- Consolidated office, district attorney, separation,
effective date 2.16.050
- Designated 2.40.100

PUBLIC GUARDIAN

- Designated 2.40.090

PUBLIC HEALTH DEPARTMENT

- See also HEALTH OFFICER, COUNTY
- PUBLIC HEALTH DEPARTMENT
PERSONNEL BOARD
- PUBLIC HEALTH DIRECTOR
- PUBLIC HEALTH NURSE
- PUBLIC HEALTH NURSING
DIRECTOR
- SANITARIAN
- SANITATION DIRECTOR
- Budgetary commitments, state, federal aid
2.44.090
- Contracts, laboratory services 2.44.060
- Director
 - See HEALTH OFFICER, COUNTY
- Establishment, organization generally 2.44.010
- Hazardous substances storage, underground
storage tank permit issuance 9.28.060
- Health services contracts with cities 2.44.070
- Office space, housing in Fort Bragg, Ukiah
2.44.080
- Personnel
 - See also PUBLIC HEALTH DEPARTMENT
PERSONNEL BOARD

PUBLIC HEALTH DEPARTMENT (Cont'd.)

- Personnel (Cont'd.)
 - designated, qualifications, powers, duties
generally 2.44.030
 - full-time work required, conduct 2.44.050
- Rabies control authority 10.16.010
- Sewage systems, on-site
 - inspection duties
 - completion inspections 16.08.050
 - generally 16.08.030
 - nonstandard system, notice of, recordation
16.08.120
 - permit
 - issuance authority 16.08.030
 - notice of revocation recordation 16.08.125
- Smoking pollution control
 - education duties 9.32.130
 - enforcement 9.32.100
- Subdivisions, improvement plan review 17-42
- Water well
 - installation inspection duties 16.04.030
 - permit issuance authority 16.04.060

PUBLIC HEALTH DEPARTMENT PERSONNEL BOARD

- See also BOARDS, COMMISSIONS
- Designated, duties generally 2.44.030

PUBLIC HEALTH DIRECTOR

- Generally 2.44.025

PUBLIC HEALTH NURSE

- Automobile required, travel expenses 2.44.040
- Personnel regulations
 - See PUBLIC HEALTH DEPARTMENT
- Qualifications, powers, duties generally 2.44.030