

ORDINANCE NO. _____

ORDINANCE REPEALING AND REPLACING CHAPTER 18.04 OF THE MENDOCINO COUNTY CODE AND ADOPTING BY REFERENCE WITH LOCAL AMENDMENTS, SELECTED PROVISIONS, CHAPTERS AND APPENDICES OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, 2013 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING: (1) THE CALIFORNIA ADMINISTRATIVE CODE; (2) THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2; (3) THE CALIFORNIA RESIDENTIAL CODE; (4) THE CALIFORNIA ELECTRICAL CODE; (5) THE CALIFORNIA MECHANICAL CODE; (6) THE CALIFORNIA PLUMBING CODE; (7) THE CALIFORNIA ENERGY CODE; (8) THE CALIFORNIA FIRE CODE; (9) THE CALIFORNIA GREEN BUILDING STANDARDS CODE; (10) THE CALIFORNIA REFERENCED STANDARDS CODE; AND ADOPTING NEW CHAPTER 18.14 (RELOCATION ASSISTANCE) AND CHAPTER 18.70 (EXCAVATION AND GRADING); AND ADOPTING LOCAL FINDINGS; AND MAKING OTHER TECHNICAL AND ADMINISTRATIVE REVISIONS TO TITLE 18

The Mendocino County Board of Supervisors ordain as follows:

Section 1. Chapter 18.04, In General, of Title 18, Building Regulations, is hereby repealed and replaced in its entirety as follows:

CHAPTER 18.04 IN GENERAL.

Section 18.04.005	Declaration.
Section 18.04.010	Definitions.
Section 18.04.015	Environmental Impact Reports.
Section 18.04.020	Prior Construction.
Section 18.04.025	California Codes Adopted.
Section 18.04.030	Modification to All California Codes Adopted: Board of Appeals.
Section 18.04.035	Modifications to California Building Code.
Section 18.04.040	Modifications to California Residential Code.
Section 18.04.045	Modifications to California Electrical Code.
Section 18.04.050	Modifications to California Mechanical Code.
Section 18.04.055	Modifications to California Plumbing Code.
Section 18.04.060	Modifications to California Fire Code.
Section 18.04.065	Prior Local Codes.
Section 18.04.070	Copies of the Code Adopted - Filed
Section 18.04.075	Violations and Penalties.
Section 18.04.080	Construction and Applicability.
Section 18.04.085	Appeals.

Section 18.04.005 Declaration.

This Title is enacted as a result of requirements of State law and the determination that within the unincorporated area of this county, certain types of construction require regulation to provide minimum standards to safeguard lives and property and protect the public health, safety and general welfare. The Board of Supervisors of the County of Mendocino has determined that the adoption of this Title will assure local control of the mandatory building inspection requirements of the State of California.

Section 18.04.010 Definitions.

Whenever any of the following names or terms are used herein or in any of the codes adopted by reference by this Chapter, unless the context directs otherwise, such names or terms so used shall have the meaning ascribed thereto by this section, to-wit:

- (A) "Administrative Authority" and similar references to a chief administrative position shall mean the Building Official of Mendocino County; provided, however, that where such terms are used in connection with those duties imposed by statute or ordinance upon the County Health Officer; said terms shall include the County Health Officer; and further provided, however, that,

for the purpose of implementing Section 116 of the California Building Code the term "authorized representative" of the Building Official shall refer to and include the County Health Officer and such personnel of the Mendocino County Department of Public Health or the Code Enforcement Division as he/she may designate.

- (B) "Board of Appeals" and any other reference to an appellate body in any of the California codes adopted by reference by this title shall mean the Board of Building and Housing Appeals provided for in Section 2.24.030 of Title 2 of the Mendocino County Code.
- (C) "Building Department" shall mean the Department of Planning and Building Services of the County of Mendocino.
- (D) "Building Official" shall mean "Chief Building Inspector."
- (E) "Chief Electrical Inspector" shall mean "Building Official."
- (F) "Chief Mechanical Inspector" shall mean "Building Official."
- (G) "Chief Plumbing Inspector" shall mean "Building Official."
- (H) "City" shall mean the County of Mendocino when referring to a political entity or an unincorporated area of said County when referring to area.
- (I) "City Clerk" shall mean Clerk of the Board of Supervisors.
- (J) "City Council" shall mean the Board of Supervisors of the County of Mendocino.
- (K) "Electrical Department" shall mean the Department of Planning and Building Services of the County of Mendocino.
- (L) "HCD", shall mean the State Department of Housing and Community Development.
- (M) "Housing Advisory and Appeals Board" and any other reference to an appellate body in any of the California codes adopted by reference by this title shall mean the Board of Building and Housing Appeals provided for in Section 2.24.030 of Title 2 of the Mendocino County Code.
- (N) "Manufactured Home" shall mean any home factory-built in the U.S. to the HUD Title 6 construction standards (commonly known as 'the HUD-code'). The HUD-code took effect June 15, 1976.
- (O) "Mayor" shall mean the Board of Supervisors of the County of Mendocino.
- (P) "Mechanical Department" shall mean the Department of Planning and Building Services of the County of Mendocino.
- (Q) "Mobile Home" shall mean a factory-built home that is 1) built before June 15, 1976, and 2) not built to a uniform construction code.
- (R) "Modular home" shall mean any home factory-built to a local state code. In California, the State has adopted Title 24 California Code of regulations i.e. California Building, Electrical, Plumbing and Mechanical Code.
- (S) "Office of Administrative Authority" shall mean the Department of Planning and Building Services of the County of Mendocino.
- (T) "Plumbing Department," shall mean the Department of Planning and Building Services of the County of Mendocino.

Section 18.04.015 Environmental Impact Reports.

No building permit or other permit shall be issued for any building or other project which is required by Title 21 of the Mendocino County Code to have an environmental impact report prepared and certified as complete by the County of Mendocino until such report has been prepared and so certified.

Section 18.04.020 Prior Construction.

For the purposes of this Title, any building or structure constructed prior to January 1, 1974, shall be conclusively presumed to have been lawfully constructed.

Section 18.04.025 California Codes Adopted.

Subject to applicable sections of this title, the following primary and secondary codes are hereby adopted and incorporated into the Mendocino County Code by reference and as having the full legal effect as if their respective contents were set forth verbatim herein:

- (A) CALIFORNIA ADMINISTRATIVE CODE, 2013 Edition, Part 1, as published by the International Code Council.
- (B) CALIFORNIA BUILDING CODE, 2013 Edition, Part 2, Volumes I and II, together with Parts 8 (California Historical Building Code) and 10 (California Existing Building Code) and Appendices C (Agricultural Buildings) and H (Signs) as published by the International Code Council subject to the changes and modifications set forth in Section 18.04.035 and other provisions of this Title.
- (C) CALIFORNIA RESIDENTIAL CODE, 2013 Edition, Part 2.5, as published by the International Code Council, subject to the changes and modifications set forth in Section 18.04.040 and other provisions of this Title.
- (D) CALIFORNIA ELECTRICAL CODE, 2013 Edition, Part 3, as published by BNi Publications subject to changes and modifications set forth in Section 18.04.045 and other provisions of this Title.
- (E) CALIFORNIA MECHANICAL CODE, 2013 Edition, Part 4, as published by the International Code Council jointly with the International Association of Plumbing and Mechanical Officials subject to the changes and modifications set forth in Section 18.04.050 and other provisions of this Title.
- (F) CALIFORNIA PLUMBING CODE, 2013 Edition, Part 5, as published by the International Association of Plumbing and Mechanical Officials and the International Code Council, subject to the changes and modifications set forth in Section 18.04.055 and other provisions of this Title.
- (G) CALIFORNIA ENERGY CODE, 2013 Edition, Part 6, as published by the International Code Council.
- (H) CALIFORNIA FIRE CODE, 2013 Edition, Part 9, as published by the International Code Council subject to changes and modifications set forth in Section 18.04.060 and other provisions of this Title.
- (I) CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 Edition, Part 11, as published by International Code Council.
- (J) CALIFORNIA REFERENCED STANDARDS CODE, 2013 Edition, Part 12, as published by the International Code Council.

Section 18.04.030 Modification to All California Codes Adopted: Board of Appeals.

Each of the California codes adopted by reference by this Title is amended to provide that the appellate body referred to therein, whether it be the "Board of Appeals" in Section 113 of the California Building Code, 2013 Edition or any other similar provision in the remaining California codes, shall be the Board of Building and Housing Appeals as constituted and empowered by Section 2.24.030 of the Mendocino County Code. In the event of any inconsistency, Section 2.24.030 of the Mendocino County Code shall prevail.

Section 18.04.035 Modifications to California Building Code.

The California Building Code, 2013 Edition, as adopted in Section 18.04.025(B) of this Chapter, is adopted with the following changes and modifications:

Section 105.3.2 shall be amended to read as follows:

Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 105.5 shall be amended to read as follows:

Expiration. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year after issuance of said permit and an inspection approval has not been obtained, or if after the first inspection approval the work does not received inspection approvals every 180 days.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Section 109.6 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Appendix C: Agricultural Buildings: Section C102.1 shall be amended to read as follows:

General. Buildings classified as U Agricultural shall not exceed the area in Table C102.1 or the height limits in Title 20 of the Mendocino County Code.

Appendix H: Signs: Section H101.2 shall be amended to read as follows:

Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

1. Nonilluminated signs painted on exterior surface of existing permitted or legal nonconforming buildings or structures.
2. Temporary signs announcing the sale or rent of property.
3. Signs erected by transportation authorities.
4. Projecting signs not exceeding 2.5 square feet (0.23 m²).
5. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.
6. Temporary signs on grade that are no higher than 7 feet in height above grade and no more than 32 square feet in size.

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work done in any manner in violation of the provisions of Title 20 of the Mendocino County Code, or any other laws or ordinances of this jurisdiction.

Appendix H: Signs: Section H105.3 shall be amended to read as follows:

Wind load. Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

Appendix H: Signs: Section H105.4 shall be amended to read as follows:

Seismic load. Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

Section 18.04.040 Modifications to California Residential Code

The California Residential Code, 2013 Edition as adopted in Section 18.04.025(C) of this Chapter, is adopted with the following changes and modifications.

Section R105.3.2 shall be amended to read as follows:

Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section R105.5 shall be amended to read as follows:

Expiration. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year after issuance of said permit and an inspection approval has not been obtained or if after the first inspection approval the work does not receive inspection approvals every 180 days

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Section R108.5 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Section 18.04.045 Modifications to California Electrical Code

The California Electrical Code, 2013 Edition, as adopted in Section 18.04.025(D) of this Chapter, is adopted with the following changes and modifications.

Annex H, Section 80.19(H) shall be amended to include the following as a new paragraph (3):

- (3) Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Annex H, Section 80.19(G)(7) shall be amended to read as follows:

- (7) Expiration. Every permit issued shall become invalid if work on the site authorized by such permit is not commenced within one (1) year after issuance of said permit and an inspection approval has not been obtained or if after the first inspection approval the work does not receive inspection approvals every 180 days.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in

writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Annex H, Section 80.19(E) shall be amended to read as follows:

(E) Fees and Fee Refunds.

1. Any political subdivision that has been provided for electrical inspection in accordance with the provisions of Article 80 may establish fees that shall be paid by the applicant for a permit before the permit is issued.
2. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
3. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
4. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
5. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Section 18.04.050 Modifications to California Mechanical Code.

The California Mechanical Code, 2013 Edition, as adopted in Section 18.04.025(E) of this Chapter, is adopted with the following changes and modifications.

Section 113.4 shall be amended to read as follows:

Expiration. Every permit issued shall become invalid if work on the site authorized by such permit is not commenced within one (1) year after issuance of said permit and an inspection approval has not been obtained or if after the first inspection approval the work does not receive inspection approvals every 180 days.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Section 114.4 shall be amended to read as follows:

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more

extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 114.6 shall be amended to read as follows:

Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Section 18.04.055 Modifications to California Plumbing Code

The California Plumbing Code, 2013 Edition, as adopted in Section 18.04.025(F) of this Chapter, is adopted with the following changes and modifications:

Section 103.3.3 shall be amended to read as follows:

Expiration.

Every permit issued shall become invalid if work on the site authorized by such permit is not commenced within one (1) year after issuance of said permit and an inspection approval has not been obtained or if after the first inspection approval the work does not receive inspection approvals every 180 days.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a re-instatement fee established by the Board of Supervisors.

Section 103.4.2 shall be amended to read as follows:

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the Board of Supervisors.

Section 103.4.4 shall be amended to read as follows:

Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Section 603.5.7 shall be amended to read as follows:

Outlets with Hose Attachments. Potable water outlets with hose attachments, other than water heater drains, boiler drains, and clothes washer connections, shall be protected by a nonremovable hose bibb-type backflow preventer, a nonremovable hose bibb-type vacuum breaker, or by an atmospheric vacuum breaker installed not less than 6 inches (152 mm) above the highest point of usage located on the discharge side of the last valve. In climates where freezing temperatures occur, a listed self-draining frost-proof hose bibb with an integral backflow preventer or vacuum breaker shall be used. One exterior hose bibb supplied by potable water shall be installed on each structure containing a Group R, Division 3 or Division 1 Occupancy.

Section 18.04.060 Modifications to California Fire Code.

The California Fire Code, 2013 Edition, as adopted in Section 18.04.025(H) of this Chapter, is adopted with the following changes and modifications:

Section 202 definition of FIRE CHIEF shall be amended to read as follows:

FIRE CHIEF. The chief officer of the fire department serving the jurisdiction, or a duly authorized representative; areas not located in the jurisdiction of a fire district shall be under the authority of the Building Official.

Section 18.04.065 Prior Local Codes.

Prior references to the former local codes shall be construed to apply to the corresponding provisions of the local codes adopted through this ordinance.

Section 18.04.070 Copies of the Code Adopted—Filed.

One (1) copy of each of the codes adopted by reference in this Title have heretofore been filed with the County Clerk and with the Building Official, and shall be maintained for use and examination by the public in the office of the Clerk of the Board of Supervisors and the Department of Planning & Building Services. Additionally, one (1) copy of this Ordinance will be filed with the California Building Standards Commission as required by California Health & Safety Code Section 17958.7(a).

Section 18.04.075 Violations and Penalties.

- (A) Violation of this Chapter may be an infraction, and may be punishable by fines as specified in Government Code Section 25132 or any successor statute. Further, these violations may be redressed by civil action through the Office of County Counsel.
 1. A separate offense shall be deemed for each and every week the first citation is issued, and shall be punishable as herein provided.

- (B) Any violation of provision of this Chapter may cause to be filed for the record with the Records of the County in which the real property is located a notice of such violation and a lien of the estimated permit costs and penalties (such fees shall be further evaluated at the time of restitution). The notice shall specify the names of the record owners and particularly describing the real property, provided that, at least thirty (30) days prior to recording such notice the owner of the parcels or units to be affected by the notice of violation, shall be advised in writing of the intention to record the notice specifying the time, date and place at which the owner may present evidence to the Department of Planning and Building Services as to why such notice should not be recorded. The decision of Planning and Building Services may be appealed to the Board of Supervisors.

Section 18.04.080 Construction and Applicability.

The regulations and provisions contained in the body of this Title shall prevail over any inconsistent provision contained in any primary or secondary code adopted hereby; provided, however, that in the case of inconsistent regulations, no regulation shall prevail which is less stringent than the regulations established by the State of California.

Section 18.04.085 Appeals.

Appeal may be taken by an applicant or owner of property contiguous to the property to be regulated. For the purpose of determining contiguity, property lines shall be projected to the center of public streets or highways. Said appeals consistent with Section 2.24.030(G) and (H) may be taken from the decision of the Building Official or his Deputies, or the Health Officer, or the Public Health Sanitation Officer; provided, however, that such appeal may not be taken more than thirty (30) days after the decision from which appeal is being taken has been rendered. All applicants and appellants shall be given a reasonable opportunity to be heard and present evidence. Decisions of the Board of Building and Housing Appeals shall be in writing and shall be delivered to the appellant either in person or by mailing to the address stated on the appeal or applications. The decision of the Board of Building and Housing Appeals is final. The Board of Building and Housing Appeals shall render its decision within thirty (30) days of the date of the hearing.

Section 2. Section 18.08.010 is hereby amended to read as follows:

Section 18.08.010 Construction Permits and Inspection Fees.

- (A) Except as otherwise exempted by the California Building Code and/or other county ordinances, no person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, occupy, remove, convert, or demolish any building or structure in the unincorporated area of the County or cause the same to be done without first obtaining a separate building permit for each such building or structure as required by this Title. Permits shall be issued and fees collected by the Planning and Building Services Department. The schedule of fees collected is adopted from time to time by the Board of Supervisors of the County of Mendocino.
- (B) The Director of Planning and Building Services or the Board of Supervisors may waive or refund any or all of the costs of enforcement recoverable pursuant to Section 18.08.015 as directed by it and upon such conditions as the Director or Board may provide.

Section 3. Section 18.08.030 is hereby amended to read as follows:

Section 18.08.030 Valuation.

The Board of Supervisors may by resolution establish its policy governing the determination of value for the purpose of establishing the fees to be paid pursuant to the valuation fee schedule contained in this Title and codes adopted by this Title. Such policy shall be based upon building valuation data published periodically by the International Code Council. In the absence of a policy resolution of the Board of Supervisors, the Planning and Building Services Department may use valuation data so published.

Section 4. Chapter 18.14 is hereby added to Title 18 as follows:

CHAPTER 18.14 RELOCATION ASSISTANCE TO TENANTS EVICTED DUE TO UNSAFE OR HAZARDOUS CONDITIONS.

Section 18.14.010	Intent and Purpose
Section 18.14.020	Definitions
Section 18.14.030	Relocation Assistance Requirements
Section 18.14.040	Exceptions
Section 18.14.050	Rent Increases During Repairs
Section 18.14.060	Violation and Penalty
Section 18.14.065	Appeals
Section 18.14.070	No Requirement for County to Pay Relocation Benefits
Section 18.14.080	Enforcement by Tenant
Section 18.14.090	Severability Clause

Section 18.14.010 Intent and Purpose.

The Board of Supervisors finds that tenants who are required, as a consequence of an action of the Building Official, to vacate a structure which is rented or provided for residential purposes due to conditions that are so extensive and of such a nature as to be an immediate health and safety risk to the residents, oftentimes experience difficulties in finding affordable, temporary housing while such structure is being repaired, and/or experience difficulties in finding other permanent affordable housing.

Further, such difficulties frequently create a financial hardship for such tenants. In the past, affected tenants have often turned to County government for financial assistance in obtaining alternative housing. The resources available to County government with which to assist these tenants have become increasingly constrained. Such tenants often require public health, transportation, storage and other services on an interim basis, due both to the health impacts of unsafe or hazardous housing, as well as unanticipated needs occasioned by eviction.

The Board of Supervisors also finds that property owners who allow such structures to become unsafe or hazardous should bear responsibility for the hardship their actions create when the tenants are required to vacate the premises.

The intent of this Section is to ensure that adequate relocation assistance is available to lawful tenants who face eviction through no fault of their own. The intent is to provide assistance in a manner that is as equitable as possible to the tenant, the property owner, and the public at large. Therefore, the Board of Supervisors finds and declares that it is necessary to enact this Section to protect the public health, safety and welfare.

Section 18.14.020 Definitions.

For the purposes of this Section, the following terms are as defined below:

- (A) "Relocation assistance" means substitute housing or cash payment in an amount as specified in Section 18.14.030 (2).
- (B) "Right of first refusal" means the right of a tenant to reoccupy a residential unit on the site formerly occupied by such tenant, once the residential structure is repaired and becomes legally habitable, or once replacement housing is developed on the site.
- (C) "Substitute housing" means a suitable legal rental or employee dwelling unit as determined by tenant household size and HUD standards, and provided at the same cost to the tenant as the vacated unit.

- (D) "Tenant" means each person who lawfully occupies a dwelling unit as his/her residence, with or without charge. Tenant shall also mean each person who lawfully occupies a dwelling unit as his/her residence, with or without charge, which dwelling unit is owned or leased by another person. Tenant shall further include each person or persons who receive the housing in exchange for all or part of his/her labor and any family members who lawfully reside in the unit under terms of tenancy or with the knowledge and/or consent of the owner or the owner's agent.
- (E) "Unit" means any dwelling, structure or room which is the permanent or customary and usual residence from which a tenant is displaced.
- (F) "Unsafe or hazardous condition" means any condition not in conformity with the standards contained in the California Building Code, as adopted by the County, or to applicable standards contained in the Health and Safety Code.

Sec. 18.14.030 Relocation Assistance Requirements.

Eviction notification and relocation assistance, as provided in this Section, shall be provided by a landowner to any tenant upon an order of the Building Official or Health Officer to vacate any premises due to unsafe or hazardous conditions, or upon service by a landowner of a Notice of Eviction due to unsafe or hazardous conditions. It shall be rebuttably presumed that a Notice of Eviction is due to unsafe or hazardous conditions if it is served within six (6) months of the notification of a landowner by the Building Official or Health Officer of intent to record a Notice of Violation of the California Building Code or the Health and Safety Code.

- (A) Eviction Notification. The eviction notice required by this Section shall inform each tenant that he/she is being evicted due to unsafe or hazardous conditions. The notice shall also inform the tenant that he/she is eligible for relocation assistance and shall include a full description of assistance requirements as described in this subsection (C)(1) and subsection (C)(2) of this Section.
- (B) Relocation Assistance Due. Relocation assistance shall be provided upon the order of the Building Official, the Health Officer or other appropriate County Officer to vacate any premises due to unsafe or hazardous conditions, or within one (1) week of the service by a landowner upon a tenant of a Notice of Eviction due to unsafe or hazardous conditions. As and for relocation assistance, the owner of such structure shall provide directly to the tenant substitute housing or a relocation payment as provided below:
 1. Substitute Housing. The property owner shall provide, at no additional expense to the tenant, adequate and legal housing for the period that the tenant is required to vacate the structure, as evidenced by a written agreement between the tenant and property owner; or
 2. Relocation Payment. The property owner shall provide a relocation payment which is equal to three (3) months' fair market rent, plus utilities, as established by the most current Federal Department of Housing and Urban Development (HUD) schedule of fair market rents in the County for a dwelling unit which size shall be appropriately computed based upon tenant household size and according to HUD standards. A relocation payment shall be a separate requirement and obligation payable to the tenant in addition to the refund of any security deposit pursuant to California Civil Code Section 1950.5 or any other remedy to the tenant available by law;
 3. Extended Benefit. If the tenant is required to vacate the structure with less than thirty (30) days' written notice, relocation assistance as specified in subsections (C)(2)(a) and (b) of this Section shall be extended by one (1) additional month.
- (C) Right of First Refusal. Any tenant evicted or required to vacate any residential structure as a result of the provisions of this Chapter shall be given the right of first refusal to reoccupy a residential structure on the site. To the extent that a unit can legally accommodate the displaced tenant, the right of first refusal shall be applicable within one hundred eighty (180)

days of the date that such structure becomes habitable, or replacement rental or employee housing is developed on the site.

1. The owner of such structure shall, at the time the tenant vacates, provide written notice advising the tenant of the right of first refusal option. Such notice shall include the property owner's current residential or business address and telephone number.
2. The tenant shall provide the property owner with his/her current address and telephone number, which the property owner will use for future notification.
3. Thereafter, when such structure has been rehabilitated, or replacement housing on the same site becomes habitable, the property owner shall give written notice to the tenant advising such tenant that the structure is ready for occupancy. Such notice shall be made by certified mail, return receipt requested, to the address provided by the tenant. Such notice shall be provided in the same language as the original written rental agreement.
4. If the tenant does not respond to the notice within fourteen (14) days of the notice, or the property owner is unable to locate the tenant upon the owner's good faith effort to locate the tenant, the property owner shall be deemed to have complied with this Section, and the tenant's right of first refusal shall be forfeited.

Sec. 18.14.040 Exceptions.

- (A) Any tenant evicted or required to vacate as a result of unsafe or hazardous living conditions or illegal use, who is then in default of rent, or who refuses to vacate shall not be entitled to receive relocation assistance from the property owner.
- (B) A tenant lawfully withholding rent pursuant to California Civil Code Section 1942 or pursuant to other statutory or common law which requires repair of substandard conditions shall not be considered to be in default of rent, and shall be eligible for the relocation assistance provided by this Section.
- (C) Any tenant or a guest or invitee of the tenant who has caused or substantially contributed to conditions giving rise to the substandard conditions, shall not be entitled to receive relocation assistance from the property owner.
- (D) The tenant's knowledge of the illegal condition of the structure offered by a landlord for residential use shall not disqualify a tenant from eligibility for relocation assistance provided by this Section.
- (E) Property owners are not required to provide relocation assistance to any tenant evicted or required to vacate a residential structure that becomes unsafe or hazardous due to a fire, flood, earthquake or other event that is beyond the control of the property owner, provided:
 1. Such event causes the tenant to vacate the residential structure within ninety (90) days after such event;
 2. The actions or omissions of the owner or owner's agent did not contribute to the disaster's impact on the unit;
 3. The tenant was not already entitled to relocation assistance under the provisions of this Section at the time of the disaster.

Sec. 18.14.050 Rent Increases During Repairs.

It shall be unlawful for a property owner or landlord to increase the amount of rent for a substitute unit beyond that paid for the vacated unit during the time that repairs are being made on the latter or within one hundred eighty (180) days of completion of repairs on the vacated unit made pursuant to any order requiring such repairs, or within one hundred eighty (180) days of reoccupancy of the vacated dwelling unit by the evicted tenant, whichever occurs later.

Sec. 18.14.060 Violation and Penalty.

- (A) Any person violating or causing or permitting the violation of this Section shall be deemed guilty of a misdemeanor.
- (B) If the owner or designated agent fails, neglects, or refuses to pay relocation payments to a displaced tenant or a tenant subject to displacement, the County shall be entitled to recover from the owner any amount paid to a tenant pursuant to Health and Safety Code Section 17975 et seq. The County shall also be entitled to recover from the owner or designated agent an additional amount equal to the sum of one-half ($\frac{1}{2}$) the amount so paid, but not to exceed Ten Thousand Dollars (\$10,000), as a penalty for failure to make timely payment to the displaced tenant, and the County's actual costs, including direct and indirect costs, of administering the provision of benefits to the displaced tenant.
- (C) Prior to instituting any action to collect from the owner or designated agent relocation benefits paid pursuant to this Section, or to impose a lien therefore, the County Building Officer or County Health Officer shall send to the owner or designated agent by first class mail, postage prepaid, at the owner's address as shown on the last equalized assessment roll, an itemized accounting of all benefits paid by the County to the owner's tenants, and any penalties or costs the County is seeking to recover as authorized pursuant to this Section.
- (D) Any amounts paid by the County, except pursuant to subdivision (c) of California Health and Safety Code Section 17975.4, and any applicable penalties and actual costs will be placed as a lien against the property by the County by recording the lien in the County Recorder's Office of the County in which the real property is located.
- (E) All money imposed herein, including amounts advanced to tenants for relocation expenses, penalties and interest, imposed pursuant to this Chapter shall be due and payable to the County Homeless Coordinator, and shall be maintained in an interest-bearing account for the use of the County Homeless Coordinator to respond to the public health, transportation, storage and other needs of evicted and homeless persons, in his/her sole discretion.
- (F) The remedies and penalties provided for in this Section shall be in addition to any other available remedies and penalties provided for by the County Ordinance Code or other law.

Sec. 18.14.065 Appeals.

If the owner or designated agent contends that none or not all of the benefits are chargeable to the owner or designated agent because the recipients were not displaced tenants, no benefits were payable pursuant to California Health and Safety Code Section 17975.4, or on other grounds, the owner or designated agent shall submit a written appeal to the Director of the Planning and Building Services within twenty (20) days after receipt by the owner or designated agent of the itemized accounting. The Director, or the Director's designee, shall hold an administrative hearing for the purpose of determining the amount of benefits paid that are chargeable to the owner or designated agent, and any penalties or costs the County may recover pursuant to subsection (F)(2) of this Section. The County shall provide an administrative appeal. Such appeal shall follow the process established in Mendocino County Code Sections 8.75.100 and 8.75.110. The final decision of the local appellate body shall be subject to Section 1094.5 of the Code of Civil Procedure. If the owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the owner or designated agent shall be liable to the County for the costs of the administrative hearing and appeal, not to exceed Five Thousand Dollars (\$5,000). The failure to receive the itemized accounting shall not relieve the owner of any obligation to the County.

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

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

Sec. 18.14.080 Enforcement by Tenant.

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

Sec. 18.14.090 Severability Clause.

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

Section 5. Chapter 18.70 is hereby added to Title 18 as follows:

CHAPTER 18.70 EXCAVATION AND GRADING.

Section 18.70.010	Purpose.
Section 18.70.020	Scope.
Section 18.70.025	Grading Regulations Mandated by State of California.
Section 18.70.027	Grading as "Development" in the Coastal Zone.
Section 18.70.028	Surface Mining
Section 18.70.030	Permits Required.
Section 18.70.040	Hazards.
Section 18.70.050	Definitions.
Section 18.70.060	Grading Permit Requirements.
Section 18.70.070	Grading Fees.
Section 18.70.080	Bonds.
Section 18.70.090	Cuts.
Section 18.70.100	Fills.
Section 18.70.110	Setbacks.
Section 18.70.120	Drainage and Terracing.
Section 18.70.130	Erosion Control.
Section 18.70.140	Grading Inspection.
Section 18.70.150	Completion of Work.

Section 18.70.010. Purpose.

The purpose of this chapter is to safeguard life, limb, property and public welfare by regulating grading on private property.

Section 18.70.020. Scope.

This chapter sets forth rules and regulation to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedures for issuance of permits; and provides for approval of the plans and inspection of grading construction.

Section 18.70.025. Grading Regulations Mandated by State of California.

This chapter regulates grading in the absence of regulations mandated by the State of California. The State Department of Housing and Community Development has adopted Appendix J of the California Building Code, which mandates use of that regulation by all jurisdictions in the State of California for regulating all grading associated with construction of subdivisions or building pads for motels, hotels, lodgings, apartments, dwellings, dormitories, condominiums, homeless shelters, congregate residences, employee housing, factory built housing and other types of dwelling units. This chapter regulates grading activities for areas not regulated by Appendix J.

Section 18.70.027. Grading as "Development" in the Coastal Zone.

Section 20.308 of the Mendocino County Code (Mendocino County Coastal Zoning Code) defines “grading” within the coastal zone as any excavation or filling or combination thereof involving transfer of more than two (2) cubic yards of material. Within that same section, “development” is defined as a term that includes grading. Section 20.532.010 of the Mendocino County Coastal Zoning Code states, in part, that any development shall be required to secure a coastal development permit, with certain exemptions provided in section 20.532.020. As such, grading activities within the County’s coastal zone generally require a Coastal Development Permit. Although a grading permit may not be required for activities within the coastal zone as exempted by 18.70.030 (b), a coastal development permit may still be required. In addition to consistency with this chapter, grading activity within the coastal zone must also be consistent with Chapter 20.492 of the Mendocino County Code (Grading, Erosion, and Runoff) and Chapter 16.30 of the Mendocino County Code (Stormwater Runoff Pollution Prevention Procedure).

Section 18.70.028. Surface Mining

Grading activities may be regulated under state and local provisions of the Surface Mining and Reclamation Act (SMARA). Mendocino County Code applicable to Surface Mining and Reclamation is contained within Chapter 22.16

Section 18.70.030. Permits Required.

- (A) **Permits Required.** Except as specified in Subsection (b) of this section, no person shall do any grading without first having obtained a grading permit from the building official.
- (B) **Exempted Work.** A grading permit is not required for the following:
 - 1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.
 - 2. An excavation below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
 - 3. Cemetery graves.
 - 4. Refuse disposal sites controlled by other regulations.
 - 5. Excavations for wells or tunnels or utilities.
 - 6. Mining, quarrying, excavation, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
 - 7. Exploratory excavations under the direction of soil engineers or engineering geologists.
 - 8. An excavation which (1) is less than 2 feet in depth, or (2) which does not create a cut slope greater than 5 feet in height and steeper than 1 1/2 horizontal to 1 vertical.
 - 9. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. In particular, exemption from a grading permit does not relieve the requirements to comply with Chapter 16.30 of the Mendocino County Code (Stormwater Runoff Pollution Prevention Procedure), the requirement to comply with Chapter 22.12 of the Mendocino County Code (Archaeological Resources), the requirement to obtain a Coastal Development Permit for eligible activities within the County’s Coastal Zone, or the requirement to obtain a construction general permit from the State for grading projects over one acre.

Section 18.70.040 Hazards.

Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this chapter.

Section 18.70.050. Definitions

For the purposes of this chapter the definitions listed hereunder shall be construed as specified in this section.

APPROVAL shall mean the proposed work or completed work conforms to this chapter in the opinion of the building official.

AS-GRADED is the extent of surface conditions on completion of grading.

BEDROCK is in-place solid rock.

BENCH is a relatively level step excavation into earth material on which fill is to be placed.

BORROW is earth material acquired from an off-site location for use in grading on a site.

CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION is the densification of a fill by mechanical means.

EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.

ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.

ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION is the mechanical removal of earth material.

FILL is a deposit of earth material placed by artificial means.

GEOTECHNICAL ENGINEER See "soils engineer"

GRADE is the vertical location of the ground surface.

EXISTING GRADE is the grade prior to grading.

ROUGH GRADE is the stage at which the grade approximately conforms to the approved plan.

FINISH GRADE is the final grade of the site which conforms to the approved plan.

GRADING is any excavating or filling or combination thereof.

KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

PROFESSIONAL INSPECTION is the inspection required by this chapter to be performed by civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall sufficient to form an opinion relating to the conduct of the work.

SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL is naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of the soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Section 18.70.060 Grading Permit Requirements.

- (A) **Permits Required.** Except as in Section 18.70.030(b) of this chapter, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.
- (B) **Application.** The provisions of Section 105.3 of the 2013 California Building Code are applicable to grading and in addition the application shall state the estimated quantities of work involved.
- (C) **Grading Designation.** Grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading". Grading involving less than 5,000 cubic yards shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.
- (D) **Engineered Grading Requirements.** Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the building official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.

5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations.
 6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology reports, which are applicable to grading, may be included by reference.
 7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
- (E) **Soils Engineering Report.** The soils engineering report required by Subsection (d) shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
- (F) **Engineering Geology Report.** The engineering geology report required by Subsection (d) shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of the geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.
- (G) **Regular Grading Requirements.** Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan.
- The plan shall include the following information:
1. General vicinity of the proposed site.
 2. Limiting dimensions and depth of cut and fill.
 3. Location of any building or structures where work is to be performed and the location of any buildings or structures within 15 feet of the proposed grading.
- (H) **Issuance.** The provisions of Section 105.4 of the 2013 California Building Code are applicable to grading permits. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineer grading.

Section 18.70.070. Grading Fees.

Fees shall be as adopted by resolution by the Board of Supervisors.

Section 18.70.080. Bonds.

The building official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond that applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

Section 18.70.090. Cuts.

- (A) **General.** Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

- (B) **Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2 horizontal to 1 vertical unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

Section 18.70.100. Fills

- (A) **General.** Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

- (B) **Preparation of Ground.** Fill slopes shall not be constructed on natural slopes steeper than 2:1. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 5:1 and the height is greater than 5 feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5:1 shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the soil engineer or engineering geologist or both as a suitable foundation for fill.

- (C) **Fill Material.** Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

EXCEPTION: The building official may permit placement of larger rock when the soils engineer property devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below the grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

- (D) **Compaction.** All fills shall be compacted to a minimum of 90 percent of maximum density.

- (E) **Slope.** The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 horizontal to 1 vertical.

Section 18.70.110. Setbacks

- (A) **General.** Cut and fill slopes shall be set back from the site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.
- (B) **Toe of Cut Slope.** The toe of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.
- (C) **Top of Fill Slope.** The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:
 - 1. Additional setbacks.
 - 2. Provision for retaining or slough walls.
 - 3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
 - 4. Provisions for the control of surface waters.
- (D) **Modification of Slope Location.** The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of the section had been satisfied.

Section 18.70.120 Drainage and Terracing

- (A) **General.** Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 3 horizontal to 1 vertical.
- (B) **Terrace.** Terraces at least 6 feet in width shall be established at not more than 30 foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot and a minimum paved width of 5 feet.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.

- (C) **Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
- (D) **Disposal.** All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the building official.

EXCEPTION: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet.
3. No existing slope faces, which have a slope face steeper than 10 horizontal to 1 vertical, have a vertical height in excess of 10 feet.

- (E) **Interceptor Drains.** Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of drain shall be approved by the building official.

Section 18.70.130. Erosion Control

- (A) **Slopes.** The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for a final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.
- (B) **Other Devices.** Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

Section 18.70.140. Grading Inspection

- (A) **General.** Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer and the engineering geologist retained to provide such services in accordance with Section 18.70.140 (e) for engineered grading and as required by the building official for regular grading.
- (B) **Civil Engineer.** The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.
- (C) **Soils Engineer.** The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.
- (D) **Engineering Geologist.** The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from approved engineering geology report shall be submitted to the soils engineer.

- (E) **Permittee.** The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this chapter, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.
- (F) **Building Official.** The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
- (G) **Notification of Noncompliance.** If, in the course of fulfilling their respective duties under chapter, the civil engineer or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official.
- (H) **Transfer of Responsibility.** If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work.

It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

Section 18.70.150. Completion of Work

- (A) **Final Reports.** Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.
 - 1. An as-built grading plan prepared by civil engineer retained to provide such services in accordance with Section 18.70.140(e) showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.
 - 2. A report prepared by the soils engineer retained to provide such services in accordance with Section 18.70.140(e), including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.
 - 3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 18.70.140(e), including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendation incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.
 - 4. The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and the specifications.

- (B) **Notification of Completion.** The permittee shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted.

Section 6. Findings.

Pursuant to Health and Safety Code sections 17958, 17958.5 and 17958.7, the Board of Supervisors expressly finds that this ordinance and the changes or modifications made herein to the 2013 edition of the California Building Standards Code, including the amendment requiring one exterior hose bibb for each residence and the adoption of Appendices C and H of the California Building Code, are reasonably necessary because of local climatic, geological and topographical conditions. The Board of Supervisors further finds in connection therewith as follows that the following climatic, geological and topographical conditions exist in the County:

1. Mendocino County is a rural coastal county located between approximately 39 degrees and 40 degrees latitude.
2. Mendocino County is made up of rugged coastal and inland mountains and foothills, with intermittent valleys. The valleys are used for agriculture and the County has adopted a Right to Farm ordinance.
3. The California Department of Forestry and Fire Protection has designated the majority of Mendocino County as being within either a High Fire Severity Zone or a Very High Fire Severity Zone.
4. As provided by Chapter 16 of the 2013 edition of the California Building Code, Mendocino County is located in a 110 mile per hour wind zone.
5. Rainfall generally occurs between October and April, but does not occur during the warm summer months, when temperatures can exceed 100 degrees in parts of the County. During the summer months, dry winds and vegetation mix to create a hazardous fuel condition, which causes grassland and brushland fires each year. Particularly during times of high temperatures and low humidity, a fire can move quickly through the County.

The preceding findings identify the local climatic, geological and topographical conditions which this Board has considered in adopting this ordinance. The Board finds that these conditions make the modifications as set forth herein reasonably necessary as said modifications will assist in mitigating the local climatic, geological and topographical conditions. These findings are intended to support each of the amendments to the building standards made as a part of this ordinance based on local conditions.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino,

State of California, on this _____ day of _____, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted
and **SO ORDERED**.

CHAIR, Board of Supervisors

ATTEST: CARMEL J. ANGELO
Clerk of Said Board

By: _____

APPROVED AS TO FORM:

DOUGLAS L. LOSAK, Interim County Counsel

By: _____