

MENDOCINO COUNTY CODE

Looseleaf Supplement

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

Ordinance No. 4313, adopted August 27, 2013.

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

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



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PREFACE

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

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

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

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

This supplement brings the Code up to date through Ordinance No. 4313, adopted August 27, 2013.

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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- 4-2011	Included	29
4271	1-25-2011	Included	29
4272	1-25-2011	Included	29
4274	5- 3-2011	Included	29
4275	5-17-2011	Included	29
4276	5-17-2011	Included	29
4277	6- 7-2011	Included	30
4279	7-12-2011	Included	31
4283	9-13-2011	Included	30
4284	10- 4-2011	Included	30
4285	10- 4-2011	Included	30
4286	12- 6-2011	Included	31
4288	1-24-2012	Included	31
4289	1-31-2012	Included	31
4291	2-14-2012	Included	32
4292	4-10-2012	Included	32
4293	4-10-2012	Included	32
4294	4-10-2012	Included	32
4295	4-10-2012	Included	32
4296	4-10-2012	Omitted	32
4297	6-12-2012	Included	32
4298	7-10-2012	Included	32
4299	8-28-2012	Included	32
4300	9-25-2012	Included	33
4301	11- 6-2012	Included	33
4302	1-22-2013	Included	34
4303	1-22-2013	Included	34
4304	1-22-2013	Included	34
4305	2-12-2013	Included	34
4306	3-26-2013	Included	35
4307	5- 7-2013	Included	35
4308	7-30-2013	Included	35
4309	7-30-2013	Included	35

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
4310	7-30-2013	Included	35
4312	8-13-13	Included	36
4313	8-27-2013	Included	36

State and local laws and regulations.
(Ord. No. 3893 (part), adopted 1994.)

Sec. 9A.12.140 Franchise and Permit Terms.

(A) All terms and conditions of the franchise agreement, including the length of the contract and the conditions for contract renewal shall be included within the franchise agreement. The term of a franchise agreement shall be no longer than twenty-five (25) years. The County retains the right to require disclosure information from the franchisee as specified in the franchise agreement.

(B) Permits may be granted for any period not to exceed one (1) year unless specified otherwise within the permit. Permits may be renewed upon expiration thereof for a similar term provided the County finds that the permit holder is capable of continuing operation in conformity with the provisions of this Title and the rules and regulations of the County.

(C) Annual financial statements will be provided to the Department as required by and described in the franchise agreement.
(Ord. No. 3893 (part), adopted 1994; Ord. No. 4105, Sec. 5, adopted 2002.)

Sec. 9A.12.150 Permit Contents.

Every permit granted by the County shall be subject to the provisions of this Title and the rules and regulations of the Board. The permit shall state:

- (A) The name and address of the person to whom the permit is issued;
- (B) The activity authorized;
- (C) The term for which the permit is granted;
- (D) The area in which the permittee is authorized to provide services;
- (E) Such other conditions as the County may provide.
(Ord. No. 3893 (part), adopted 1994.)

Sec. 9A.12.160 Permit Application Contents.

Applicants for a permit or for the renewal of a permit to collect, transport or use refuse or recy-

clables shall file with the County a verified application in writing which shall give the following information:

- (A) Name and description of the applicant;
- (B) Permanent home and business address and full local address of the applicant;
- (C) Trade and firm name;
- (D) If a joint venture, a partnership or limited partnership, the names of all partners and their percentage of participation and the permanent addresses of all the stockholders and the officers and the percentage of participation of each;
- (E) A detailed explanation of the manner in which the applicant will conduct the activity for which the permit is requested;
- (F) The applicant's arrangements for the disposal of all refuse collected or transported by him/her at an approved disposal site or his/her arrangements for other authorized disposal;
- (G) Facts showing that the applicant is able to render efficient refuse service;
- (H) That the applicant owns or has under his/her control, in good mechanical condition, sufficient equipment adequate to conduct the business for which a permit is requested;
- (I) That his/her vehicles and equipment conform to all applicable provisions of this Title;
- (J) Such other facts or information as the County may require.
(Ord. No. 3893 (part), adopted 1994.)

CHAPTER 9A.16

CONTAINERS

Sec. 9A.16.010 Requirements.

(A) All owners or occupants who have contracted with a franchised hauler or permitted collection service shall be provided with carts or bins for receiving and holding, without leakage or escape of odors, all refuse produced, created, deposited, or accumulated upon their premises, and all such refuse shall be deposited in such containers. Carts or bins shall be at all times kept in good, useful and sanitary condition and shall be kept continuously closed except when refuse is being placed therein or removed therefrom, and shall at all times be closed against the access of flies, rodents and other animals. Green waste may be deposited in containers that are provided by or acceptable to the franchise hauler.

(B) Refuse, green waste and recycling carts shall not be placed at the point of collection earlier than twelve (12) hours prior to the date and time of scheduled collection, nor left there longer than twelve (12) hours following collection, regardless of whether the point of collection lies on public or private property. When not set out for collection, the carts shall be removed not less than ten (10) feet away from the vehicular right-of-way. Under no circumstances may the carts be left continuously at the point of collection where the point of collection is at the edge of the vehicular right-of-way.

(C) A cart left in place by a customer in violation of the requirement for removal following collection may be tagged with a notice of violation. In case of repeated violation, the Director may instruct the franchised collector to cancel service and remove the cart.

(D) The restriction set forth in subsection (B) above shall not apply to those customers who subscribe to special service whereby the franchised collection enters their property, brings the cart to the road where it can be emptied, and then returns it to its original location.

(E) The Director may allow modifications on a case-by-case basis to the cart restrictions in subsection B upon finding that all feasible measures to comply have been taken.

(Ord. No. 3893 (part), adopted 1994; Ord. No. 4312, 8-13-2013)

Sec. 9A.16.020 Number.

(A) Except where provided by a collector, all premises for which a hauler has been contracted shall have sufficient standard containers or equivalent bin capacity to hold all refuse created, produced or accumulated on the premises between removals. In determining the sufficiency of the number of containers required, the following minimum standards shall apply:

(1) Single-family residential units: one (1) standard container, or equivalent, per dwelling unit;

(2) Multiple dwelling buildings: one (1) standard container per dwelling unit or one (1) bin of adequate size to serve each building;

(3) Motels, hotels and trailer or mobile home parks: one (1) standard container per unit or space or one bin of adequate size to serve the facility;

(4) Businesses: not less than one (1) standard container per business or one (1) bin of adequate size to serve the business or businesses;

Reduced service arrangements or other variances from these minimum standards may be authorized by the County.

(B) Owners may arrange for the use of bins instead of standard containers for refuse and may arrange for drop boxes instead of standard containers for rubbish. These arrangements shall be made with a solid waste collector on the basis of charges established by the terms of the franchise agreement or permit.

(Ord. No. 3893 (part), adopted 1994.)

Sec. 9A.16.030 Green Waste.

Green waste which is not containerized in carts provided by the collector shall be secured in bundles which will remain intact without separation while being removed by one (1) person. Bundles may not exceed three (3) feet in length, two (2) feet

in diameter or forty (40) pounds in weight. The maximum diameter of any limb shall not exceed four (4) inches. Garbage and rubbish shall not be deposited in any such green waste container.

(Ord. No. 3893 (part), adopted 1994; Ord. No. 4312, 8-13-2013)

Sec. 9A.16.040 Location.

Refuse carts or bins, segregated recyclables or green waste bundles shall be placed for collection as follows:

(A) Single-family residential units:

(1) Where alleys exist with well-maintained, all-weather surfaces, immediately adjacent to and accessible from the alley; or

(2) Where alleys do not exist or do not meet the criteria in Subsection (1) of this section, immediately adjacent to the nearest County or State maintained road, and accessible to the franchised collector or permittee without the necessity of entering a fenced yard; and further provided, that the County may approve an agreement between the customer and the franchised collector or permittee as to an alternate location for refuse, separated recyclables and green waste collection.

(B) Multiple dwelling buildings, businesses, motels, hotels and trailer and/or mobile home parks: Carts for service to multiple dwelling buildings, businesses, motels, hotels, and trailer and/or mobile home parks shall be placed immediately adjacent to and accessible from the nearest County or State maintained road, or in locations that are mutually agreed upon by the property owner and the franchised collector or permittee. Drop boxes and bins shall be located at an easily accessible location as agreed upon between the customer and the franchised collector or permittee. In case of dispute, the location shall be determined by the County.

(C) Exceptions: Carts or bins for required service may be placed on premises at a location other than as provided in Subsections (A) and (B) of this Section if the customer and hauler concur, and the customer agrees to pay an additional

charge, if applicable, as set forth in the schedule of charges established in the waste collector's franchise agreement or permit.

(Ord. No. 3893 (part), adopted 1994; Ord. No. 4312, 8-13-2013)

Sec. 9A.16.050 Label.

Standard containers for refuse which the owner thereof desires to have left on the premises by the solid waste collector shall have printed or marked thereon an agreed to symbol of designation of the premises to which the container belongs. The solid waste collector may collect and remove any container which does not have the agreed to symbol plainly marked thereon.

(Ord. No. 3893 (part), adopted 1994.)

Sec. 9A.16.060 Recyclables.

(A) Pursuant to the terms and conditions of any franchise agreement or permit between the County and any authorized recycling entity, each residential unit subscribing to the service shall be provided with suitable and sufficient carts to store segregated recyclable materials to be made available for pick-up. The color, style and markings of such containers shall be mutually agreed upon between the Department and the authorized recycling entity/entities.

(B) All such residential carts shall be and remain the property of the authorized recycling entity, and shall not be used for any purpose other than the segregation and curbside placement of recyclable materials.

(C) It is the duty of the occupant to maintain carts in a reasonably safe, clean and secure manner.

(D) Carts that have become unusable through normal wear and tear shall be replaced by the authorized recycling entity at no cost to the customer.

(Ord. No. 3893 (part), adopted 1994; Ord. No. 4312, 8-13-2013)

Sec. 9A.16.070 Recyclables Separation.

All persons who subscribe or voluntarily participate in the recyclable material collection pro-

gram established by this Title, shall prepare and separate those recyclable materials that the County has contracted/permitted for pick-up by the authorized recycling entity from other garbage, rubbish and refuse as required by this Title or any collection franchise agreement or permit entered into by the Board and thereafter have the segregated recyclable materials placed within containers as required by this Title, or within the designated collection location, which shall be collected by the authorized recycling entity.

(Ord. No. 3893 (part), adopted 1994; Ord. No. 4312, 8-13-2013)

Sec. 9A.16.080 Inspection.

The County may inspect or cause to be inspected, at regular intervals, refuse containers and shall be the sole judge of the condition of such containers as to their fitness for use.

(Ord. No. 3893 (part), adopted 1994; Ord. No. 4312, 8-13-2013)

CHAPTER 16.24
WATER CONSERVATION

Sec. 16.24.010 Purpose and Findings.

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

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

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

Sec. 16.24.020 Scope/Effective Date.

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

Sec. 16.24.030 Conservation Devices.

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

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

(B) Potable hot water piping in accessible unconditioned areas leading from water heaters shall be insulated for the first five (5) feet from water heater to provide an installed conductance of 0.33 or less.

(Ord. No. 3721, adopted 1989.)

Sec. 16.24.040 Government Buildings.

The provisions of Section 16.24.030 shall also apply to all new construction of buildings owned or leased by a public agency which is otherwise subject to the Uniform Codes pursuant to Government Code Section 53091. In addition, lavatories in such buildings shall be equipped with self-closing faucets.

(Ord. No. 3721, adopted 1989.)

Sec. 16.24.050 Exemptions.

In order to prevent or lessen unnecessary hardship or practical difficulties in exceptional cases, aggrieved persons or agencies may file a written application for exemption with the Building Department. If the Director of Planning and Building or the Chief Building Inspector denies the application, the aggrieved person or agency may seek review by the Board of Building and Housing Appeals pursuant to Section 2.24.030, subdivision (G)(2), of this code.

(Ord. No. 3721, adopted 1989.)

CHAPTER 16.30

STORMWATER RUNOFF POLLUTION PREVENTION PROCEDURE*

This Chapter shall be known and cited as the "STORMWATER RUNOFF POLLUTION PREVENTION PROCEDURE" (herein after SRPPP).

Sec. 16.30.010 Purpose.

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

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.015 Regulatory consistency.

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

A. Watercourse Protection. Every person owning property, through which a watercourse passes, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of

*Editor's note—Ord. No. 4313, adopted August 27, 2013, amended former ch. 16.30, §§ 16.30.010—16.30.170, in its entirety. Former ch. 16.30 pertained to similar subject matter and derived from Ord. No. 4285, adopted October 4, 2011.

the watercourse. The owner or lessee shall not remove healthy bank vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The owner or lessee shall obtain all necessary permits from outside agencies for any work done within the watercourse.

B. Waste Disposal Prohibitions. No person, anywhere in the County, shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drainage system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, so that the same may cause or contribute to water pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.020 Acronyms, abbreviations and definitions.

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

(b) BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the direct and indirect discharge of pollutant to the County storm drainage system and to waters of the U.S. BMPS shall also be defined to include, but not limited to, structural controls, source controls, treatment controls, training requirements, operating and maintenance procedures, practices to control plant site runoff, erosion and sediment control reduction practices, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

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

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

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

(f) **COUNTY:** The County of Mendocino, unincorporated areas .

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

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

(i) **CONSTRUCTION ACTIVITY:** Any project that involves soil disturbing activities with the potential to discharge pollutants to the County storm drainage system, including but not limited to, clearing, grading, paving, disturbances to ground such as stockpiling, and excavation.

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

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

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

(m) **ILLICIT CONNECTION** means one (1) of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal dis-

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

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

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

(o) **MAXIMUM EXTENT PRACTICABLE (MEP):** Refers to the technology based standard established by Congress in the Clean Water Act U.S.C. § 1342(p)(3)(B)(iii) that municipal dischargers of storm water must meet. To achieve the maximum extent practicable standard, jurisdictions must employ whatever Best Management Practices (BMPs) are technically feasible (i.e., are likely to be effective) and are not cost prohibitive. The major emphasis is on technical feasibility. MEP emphasizes pollutant reduction and source control BMPs to prevent pollutants from entering storm water runoff. MEP may require treatment of the storm water runoff if it contains pollutants. The MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility.

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

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

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

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

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

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

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

(w) **STATE CONSTRUCTION GENERAL PERMIT:** The State Water Resources Control Board's Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) Gen-

eral Permit No. CAS000002 Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated with Construction Activity, and any successor documents.

(x) **STORM WATER:** Surface runoff and drainage resulting from storm events and snowmelt.

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

(z) **WATERCOURSE:** a natural or artificial channel through which water flows.

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

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

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.030 Applicability.

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

B. Notwithstanding the provisions of this ordinance, any person subject to an Industrial or

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

C. Any property owner anywhere in the County proposing a project with soil disturbance of less than one acre, must demonstrate compliance with the California Green Building Standards Code ("Green Code" and/or its successor documents) pertaining to site development stormwater runoff control, and Best Management Practices as listed in 16.30.070 B. Projects not subject to permits, with the potential to discharge to the County storm drainage system shall demonstrate compliance through implementation of BMPs listed in 16.30.070 B.

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

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.031. Responsibility for administration.

The Director of Planning and Building Services of the County or his/her designee shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the County may be delegated to persons or entities acting in the beneficial interest of or in the employ of the County.

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.033. Ultimate responsibility of discharger.

The requirements of this Section are minimum standards; therefore this Section does not

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

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.040 Prohibition of illicit discharges.

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

B. The following types of discharges will be considered authorized non-storm water discharges to the storm drainage system and watercourses when properly managed to ensure, to the maximum extent practicable, that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this Ordinance:

1. potable water line flushing;
2. uncontaminated pumped groundwater and other discharges from potable water sources;
3. diverted stream flows;
4. rising groundwater;
5. uncontaminated groundwater infiltration to the storm drain system as defined at Code of Federal Regulations, Title 40, Chapter Parts 122 and 123;
6. uncontaminated foundation and footing drains;
7. uncontaminated water from crawl space pumps;

8. air conditioning condensation;
9. uncontaminated non-industrial roof drains;
10. springs;
11. flows from riparian habitats and wetlands;
12. dechlorinated swimming pool discharges;
13. irrigation water;
14. incidental runoff from landscape irrigation and lawn watering;
15. individual residential car washing and
16. flows from fire fighting.

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

E. With written concurrence of the Regional Water Quality Control Board, the County of Mendocino may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drainage system or waters of the U.S.

F. Notwithstanding the requirements of Section 16.30.140 (Authority to Inspect), the County may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.050 Prohibition of illicit connections.

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

wash water to enter the storm water drainage system and connections from indoor drains and sinks, regardless of whether the connection had been previously allowed, permitted, or approved by the County.

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

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.070 Requirements for reducing pollutants in storm water.

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

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

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

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

B. Any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm drain-

age system. Best Management Practices as appropriate for each project, shall include but not be limited to the use of the following:

1. Scheduling construction activity
2. Preservation of natural features, vegetation and soil
3. Drainage swales or lined ditches to control stormwater flow
4. Mulching or hydroseeding to stabilize disturbed soils
5. Erosion control to protect slopes
6. Protection of storm drain inlets (gravel bags or catch basin inserts)
7. Perimeter sediment control (perimeter silt fence, fiber rolls)
8. Sediment trap or sediment basin to retain sediment on site
9. Stabilized construction exits
10. Wind erosion control
11. Other soil loss BMP acceptable to the enforcing agency
12. Material handling and waste management
13. Building materials stockpile management
14. Management of washout areas (concrete, paints, stucco, etc.)
15. Control of vehicle/equipment fueling to contractor's staging area
16. Vehicle and equipment cleaning performed off site
17. Spill prevention and control
18. Other housekeeping BMP acceptable to the enforcing agency

C. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit may be required in a form acceptable to the County as a condition of a subdivision map, site plan, building permit, encroachment permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.
(Ord. No. 4313, 8-27-2013)

Sec. 16.30.090 Adoption of best management practices.

A. AUTHORIZATION TO ADOPT AND IMPOSE BEST MANAGEMENT PRACTICES. The County may adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drainage system or waters of the U.S. Where BMP requirements are promulgated by the County, any Federal, State, or regional agency for any activity, operation, or facility that would otherwise cause the discharge of pollutants to the storm drain system or water of the United States every person undertaking the activity or operation, or owning or operating the facility shall comply with these requirements.

B. NEW DEVELOPMENT AND REDEVELOPMENT. The County shall adopt requirements identifying appropriate BMPs to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants and as required by the County's NPDES MS4 General Permit. The County may incorporate these requirements into land use entitlements and construction or building-related permits to be issued for the new development or redevelopment.
(Ord. No. 4313, 8-27-2013)

Sec. 16.30.100 Requirement to eliminate or secure approval for illicit connections.

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

B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the re-

sponsible person can demonstrate that an illegal discharge will no longer occur, said person may request County approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.110 Requirement to remediate.

Whenever the County finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the storm drainage system, or waters of the U.S., the County may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time as determined by a corrective action plan or in compliance with the Enforcement Section of this Ordinance.

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.120 Requirement to monitor and analyze.

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

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.130 Notification of spills.

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or watercourses from said facility, the person shall take all necessary steps to

ensure the discovery, containment, and cleanup of the release. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County Planning and Building Services within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. These records shall be retained for at least three (3) years.

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

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

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.140 Inspection and monitoring.

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

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

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.150 Implementation.

The intent of this Ordinance is not to punish and fine citizens of Mendocino County, but to educate them of ways to prevent and reduce pollution from entering the County storm drainage system and waters of the U.S. As such, education shall be the primary means to implement the provisions of this Ordinance. Where violations are discovered, initial contact with property owners and/or business operator shall be to gain compliance through education and a corrective action plan. If compliance is not gained through initial education and a corrective action plan, if necessary, further enforcement actions shall be pursued in accordance with Chapter 8.75 "Uniform Nuisance and Abatement Procedure" of the Mendocino County Code.

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.160 Enforcement—Violations.

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

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

C. Any person who violates any provision of this Ordinance or any provision of any requirement issued in compliance with this Ordinance may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Section shall also include written notice to the violator of this potential liability.

(Ord. No. 4313, 8-27-2013)

Sec. 16.30.170 Severability clause.

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

(Ord. No. 4313, 8-27-2013)

CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section	Section this Code
4263	7-13-10	Disease prevention project		9.04.010—9.04.070
4264	7-13-10	Garden's Gate Dev. Agreement		21.04.020
4265	7-13-10	Speed limits		15.04.030
4270	1- 4-11	Stormwater runoff		16.30.010—16.30.430
4271	1-25-11	2011 investment authority		5.130.010
4272	1-25-11	SmartMeter moratorium		8.300.010—8.30.080
4274	5- 3-11	Commission on medical care		8.69.000—8.69.080
4275	5-17-11	Medical marijuana	Rpld	9.31.010—9.31.340
			Added	9.31.010—9.31.350
4276	5-17-11	Speed limit		15.40.030
4277	6- 7-11	Library sales tax		5.170.000
4279	6-12-11	Jail booking fees	Rpld	5.120.010—5.120.090
4283	9-13-11	Alternative redevelopment program		11.10.010—11.10.090
4284	10- 4-11	Supervisory districts	1	2.08.010, 2.08.020
4285	10- 4-11	Stormwater runoff	Rpld	16.30.010—16.30.430
			Added	16.30.010—16.30.170
4286	12- 6-11	Assessment appeals board		5.150.010—5.150.080
4288	1-24-12	Investment authority		5.130.010
4289	1-31-12	Board of Supervisors compensation		3.04.071
4291	2-14-12	Medical marijuana cultivation		9.31.160—9.31.350
4292	4-10-12	Combining districts		20.040.010
4293	4-10-12	Mining and processing		20.036.010
4294	4-10-12	MP—Mineral processing districts	Added	20.134.005—20.134.015
4295	4-10-12	Height exceptions		20.152.025
4297	6-12-12	Single-use carryout bags	1	Added 9.41.010—9.41.080
4298	7-10-12	Graffiti suppression	1	8.200.010—8.200.100
				Added 8.200.110—8.200-130
4299	8-28-12	Angle parking on County roads	1	15.12.01
4300	9-25-12	Bingo games		8.52.050(G)
4301	11- 6-12	Construction and demolition recycling and reuse	1	Rpld 18.35.020
				Added 18.35.020

CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section	Section this Code
			2	Rpld 18.35.030
				Added 18.35.030
			3	Rpld 18.35.040—18.35.190
4302	1-22-13	Medical marijuana cultivation regulation		Added 9.31.015
4303	1-22-13	Delegating authority to invest to County Treasurer for calendar year 2013		5.130.010
4304	1-22-13	Single-Use Carryout Bags by retail establishments	1	Added 9.41.045
4305	2-12-13	Prohibited parking on both sides of center street	1	15.12.040
			2	15.12.100
4306	3-26-2013	Speed zones		Added 15.04.030(B)(35), (36) 15.04.030(E)(12)
4307	5- 7-2013	Training requirements for peace officers of the health and human services agency		Added 2.04.044
4308	7-30-2013	Assessment appeals board		5.150.010—5.150.080
				Added 5.150.090
4309	7-30-2013	Board of equalization fees		Rpld Ch. 5.96, §§ 5.96.010—5.96.040
4310	7-30-2013	Creating a commission of medical care		8.69.000—8.69.080
4312	8-13-13	Solid waste and recycling containers		9A.16.010, 9A.16.030, 9A.16.040, 9A.16.060—9A.16.080
4313	8-27-2013	Stormwater runoff pollution prevention procedure		Rpld 16.30.010—16.30.170
				Added 16.30.010—16.30.170

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