

MENDOCINO COUNTY CODE

Looseleaf Supplement

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

Ordinance No. 4320, adopted January 7, 2014.

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. 4320, adopted January 7, 2014.

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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
4316	12-10-2013	Included	37
4318	12-16-2013	Omitted	37
4319	1- 7-2014	Included	37
4320	1- 7-2014	Included	37

Title 2

ADMINISTRATION

- Chapter 2.04 In General**
- Chapter 2.08 Supervisorial Districts**
- Chapter 2.14 Compensation and Mileage for Grand Jurors and Petit Jurors**
- Chapter 2.16 County Offices Consolidated**
- Chapter 2.20 County Land Surveyor**
- Chapter 2.24 Board of Building and Housing Appeals**
- Chapter 2.28 County Chief Executive Officer**
- Chapter 2.30 The Clerk of the Board of Supervisors**
- Chapter 2.32 Purchasing Agent**
- Chapter 2.33 Alternative Procedure for Bidding for Public Contracts**
- Chapter 2.36 County Auditor**
- Chapter 2.38 Sheriff's Department**
- Chapter 2.40 Social Services Department**
- Chapter 2.42 Department of Child Support Services**
- Chapter 2.44 Department of Public Health**
- Chapter 2.48 The Planning Commission**
- Chapter 2.50 Mendocino County Fish and Game Commission**
- Chapter 2.52 Planning and Building Services Department**
- Chapter 2.54 Board of Supervisors Original Jurisdiction of Land Use Matters**
- Chapter 2.56 Department of Transportation**
- Chapter 2.62 Industrial Development Authority**
- Chapter 2.65 Fees for Probation Reports**
- Chapter 2.68 Mendocino County Resource Conservation District**
- Chapter 2.70 Probation Officer**
- Chapter 2.72 Human Resources**

mation, services, facilities and other assistance in furtherance of the objectives of this Chapter;

(E) To comment upon California Environmental Quality Act referrals in a timely fashion;

(F) With the prior consent of the Board of Supervisors, the Commission may solicit funds from the Federal and State governmental agencies, gifts, donations and bequests from any source for carrying out the purposes of this Chapter;

(G) The Commission shall not possess independent authority to enter into contracts of any kind. All County contracting and purchasing regulations apply to the Commission.

(Ord. No. 3819 (part), adopted 1992.)

Sec. 2.50.060 Propagation Fund Expenditures.

Expenditures from the County Fish and Wildlife Propagation Fund shall comply with the requirements of Fish and Game Code Sections 13100, 13101, 13102, 13103 and 13104.

(Ord. No. 3819 (part), adopted 1992.)

Sec. 2.50.070 Volunteers/Emeritus Directors.

The Commission may engage the services of volunteer workers and consultants without compensation as it finds necessary. These services shall not be considered as employment by the County for any purpose. The Board of Supervisors may appoint honorary nonvoting directors to the Commission as it may determine from time to time.

(Ord. No. 3819 (part), adopted 1992.)

Sec. 2.50.080 Bylaws.

The Commission may adopt and amend bylaws subject to the prior approval of the Board of Supervisors.

(Ord. No. 3819 (part), adopted 1992.)

CHAPTER 2.52

PLANNING AND BUILDING SERVICES DEPARTMENT

Sec. 2.52.010 Establishment of the Department of Planning and Building Services.

Pursuant to Section 65802 of the Government Code, the Subdivision Map Act (Division 2 of the Government Code) the State of California Environmental Quality Act and the provisions of the Uniform Building Code, the Department of Planning and Building Services is hereby created. The Department of Planning and Building Services shall constitute the agency responsible for administering and enforcing the zoning, subdivision and building codes of Mendocino County. (Ord. No. 622, adopted 1970; Ord. No. 3401, adopted 1982.)

Sec. 2.52.020 Planning and Building Services Director.

There is created a position to be known and designated as Planning and Building Services Director of the County of Mendocino. The Planning and Building Services Director shall be appointed by and serve at the pleasure and will of the County Chief Executive Officer, and shall perform those duties and responsibilities assigned by the County Chief Executive Officer or assigned by the Board of Supervisors acting through the County Chief Executive Officer. The Planning and Building Services Director shall be the Executive Officer of the Planning and Building Services Department and shall administer all work of said department subject to the jurisdiction and control of the Board of Supervisors. The Planning and Building Services Director shall be a person qualified by training, experience, and demonstrated ability to manage the affairs of the Planning and Building Services Department. The Planning and Building Services Director shall also serve as Executive Officer and Secretary of the Planning Commission. Whenever the term "Director of Planning" is used in the

Mendocino County Code, that term shall be deemed to mean the position of Planning and Building Services Director. (Ord. No. 622, adopted 1970; Ord. No. 3397, adopted 1982; Ord. No. 4153, adopted 2005.)

Sec. 2.52.030 Repealed by Ord. No. 3397, adopted 1982.

Sec. 2.52.035 Division of Permit Processing and the Division of Permit Compliance.

There is hereby created and established within the Mendocino County Department of Planning and Building Services, the Division of Permit Processing and the Division of Permit Compliance. (Ord. No. 3401, adopted 1982.)

Sec. 2.52.036 Office of Zoning Administrator.

The Director of Planning and Building Services shall be, ex officio, the Zoning Administrator for the County. The Office of Zoning Administrator shall be exempted from the Civil Service System. The Director of Planning and Building Services may designate a deputy to the Director of Planning and Building Services to act in the name of the Zoning Administrator. (Ord. No. 1364, adopted 1974; Ord. No. 3401, adopted 1982.)

Sec. 2.52.037 Repealed by Ord. No. 3401, adopted 1982.

Sec. 2.52.038 Office of Coastal Permit Administrator.

The Director of Planning and Building Services shall be, ex officio, the Coastal Permit Administrator for the unincorporated area of the Coastal Zone within the County. The Director of Planning and Building Services may designate a deputy to the Director of Planning and Building Services to act in the name of the Coastal Permit Administrator. (Ord. No. 3786, adopted 1991.)

Sec. 2.52.040 Repealed by Ord. No. 3401, adopted 1982.

Sec. 2.52.050 Repealed by Ord. No. 3406, adopted 1982.

Sec. 2.52.055 Power of Planning and Building Officials to Issue Citations.

(A) Pursuant to California Penal Code Section 836.5, any person holding a position in the Mendocino County Planning and Building Department as Director, Chief Building Inspector, Chief Planner or Code Enforcement Officer, is authorized to arrest and issue citations for any person whom there is reasonable cause to believe has committed a misdemeanor or infraction in the official's presence, which is a violation of any statute, ordinance or code relating to the enforcement of building or zoning regulations.

(B) Those officials granted arrest and citation authority pursuant to this Section may sign and certify proof of correction on a citation issued for violations of Mendocino County building or zoning codes that have been corrected prior to the court appearance date.

(C) Those officials granted arrest and citation authority pursuant to this Section shall have that authority only in the performance of their duties during their regular work hours or at the direction of the Director of Planning and Building Services Department.

(D) This Section is notwithstanding other Mendocino County Code sections which provide that violations may also be redressed by civil action through the Office of County Counsel.
(Ord. No. 3784, adopted 1991.)

Sec. 2.52.060 Availability of Information.

Upon request, all public officers shall furnish to the Department of Planning and Building Services within a reasonable time such available information as may be required for the work of the department. The Department of Planning and Building Services shall furnish, upon request, to

County officials, within a reasonable time, such available information as may be required for the work of the respected County officials.
(Ord. No. 622, adopted 1970; Ord. No. 3401, adopted 1982; Ord. No. 3406, adopted 1982.)

Sec. 2.52.070 Fees.

The Department of Planning and Building Services shall charge for its services to the public those fees which are specifically authorized by resolution of the Board of Supervisors, provided, however, that whenever the Board of Supervisors reasonably determines that it would be inequitable to charge a fee or to require a fee in the amount designated, such fee may be waived or reduced.
(Ord. No. 997, adopted 1970; Ord. No. 3401, adopted 1982; Ord. No. 3406, adopted 1982.)

Sec. 2.52.080 Repealed by Ord. No. 3406, adopted 1982.

CHAPTER 2.54

BOARD OF SUPERVISORS ORIGINAL JURISDICTION OF LAND USE MATTERS

Sec. 2.54.010 Board of Supervisors Original Jurisdiction of Land Use Matters.

(A) Notwithstanding any other provision of the Title 17 (Division of Land Regulations), Title 20 (Zoning Ordinance), and Chapter 22.16 (Surface Mining and Reclamation), the Board of Supervisors hereby deems it appropriate and necessary to reserve to itself the functions of the planning agency when time is of the essence with respect to any permit or approval, based on the project's special contribution to the County's general welfare and economic or environmental wellbeing, including, but not limited to, projects that provide substantial employment opportunities, support necessary government services, and involve County-wide infrastructure improvements. This reservation procedure does not apply where State law mandates prior review by the Planning Commission.

(B) The Board of Supervisors may call for direct review of any application, approval or permit, including actions assigned to, or taken by, the Planning Commission, the Coastal Permit Administrator, the Zoning Hearing Officer, and the Planning Director to the Board as follows:

(1) Any member of the Board of Supervisors may request the Board to review a development application.

(2) A request for direct review shall be considered by the Board of Supervisors at a public meeting. Notice of the meeting shall be given, and the meeting shall be conducted, in compliance with applicable law. Any interested party may comment upon the request for direct review.

(3) The request for direct review shall be granted upon majority vote. If the Board of Supervisors approves the request for direct review, the Board shall assume jurisdiction over the matter and take action in compliance with subsection (D) of this section.

(4) Any matter that is the subject of Board direct review, whether the subject of prior planning agency review or not, shall be heard and decided by the Board of Supervisors at a public hearing. Notice of the hearing shall be given, and the hearing shall be conducted in compliance with applicable law, including the California Environmental Quality Act.

(5) Staff shall provide the Board of Supervisors, and the public, with all necessary materials for its review. The Board may approve, modify or deny the subject application. The Board's decision will be based upon findings that identify the reasons for its action or imposition of any conditions. The Board may consider both the request for direct review and the subject of the approval at the same hearing where appropriate and properly noticed.

(C) Any member of the Board of Supervisors who initiates a request for direct review shall have full participation rights in the determining of whether to approve the request and, if the request is approved, in hearing and deciding upon the matter, including the right to vote, unless actual bias or prejudice is otherwise shown.

(D) The decision of the Board of Supervisors is final and effective on the date rendered except where final approval is required from the Coastal Commission pursuant to State law.

(Ord. No. 4320, 1-7-2014)

Title 6

BUSINESS LICENSES AND REGULATIONS

- Chapter 6.04 Business Licenses**
- Chapter 6.06 Film Permit**
- Chapter 6.12 Timber, Rough Lumber Mills,
Manufacturing Plants**
- Chapter 6.16 Outdoor Festivals**
- Chapter 6.20 Licensure of Tobacco Retailers**
- Chapter 6.24 Prohibiting the Distribution and Display
of Drug Paraphernalia**
- Chapter 6.28 Sale of Chemicals**
- Chapter 6.29 Conditions on the Display of Products
Containing Pseudoephedrine with Other
Active Ingredients**
- Chapter 6.35 Right to Industry**

CHAPTER 6.29

**CONDITIONS ON THE DISPLAY OF
PRODUCTS CONTAINING
PSEUDOEPHEDRINE WITH OTHER
ACTIVE INGREDIENTS**

Sec. 6.29.010 Findings and Purpose.

The Mendocino County Board of Supervisors finds that the use of methamphetamine is a national health crisis that affects the health and welfare of the citizens of the County of Mendocino. The Board of Supervisors further finds that the local production of methamphetamine, a key component of which is ephedrine, pseudoephedrine or phenylpropanolamine, is of staggering proportions. The County of Mendocino recognizes that the display of products containing ephedrine, pseudoephedrine or phenylpropanolamine on consumer-accessible shelving in retail establishments provides unrestricted consumer access to these products. In order to protect the health, safety and security of the public from the harm that results from the illicit manufacture, sale and use of methamphetamine, the County of Mendocino finds that it is necessary to regulate the display of products containing ephedrine, pseudoephedrine or phenylpropanolamine.

This Chapter places conditions on the display of products containing pseudoephedrine with other active ingredients in an attempt to limit a methamphetamine manufacturer's ability to obtain pseudoephedrine for the illegal production of methamphetamine.

(Ord. No. 4150 § 1 (part), adopted 2005.)

Sec. 6.29.020 Limitations on Display of Products Containing Pseudoephedrine.

All packages of any product containing ephedrine, pseudoephedrine or phenylpropanolamine, whether as the sole active ingredient or in combination with products that have less than therapeutically significant quantities of other active ingre-

dients, shall not be displayed and offered for sale in any retail establishment on consumer-accessible shelving.

(Ord. No. 4150 § 1 (part), adopted 2005.)

Sec. 6.29.030 Definitions.

(A) "Consumer-accessible shelving" in this Chapter means any area of a retail establishment other than a product display area behind a counter where the public is not permitted, or within a locked display case or within six (6) feet of a register located on a checkout counter.

(B) "Ephedrine," "pseudoephedrine," or "phenylpropanolamine" in this Section means and includes the salts, optical isomers, or salts of optical isomers of ephedrine, pseudoephedrine and phenylpropanolamine.

(C) "Retail establishment" in this Chapter means and includes any business entity and individual person who sells, offers for sale or attempts to sell any product containing ephedrine, pseudoephedrine or phenylpropanolamine at retail.

(Ord. No. 4150 § 1 (part), adopted 2005.)

Sec. 6.29.040 Exceptions.

This Chapter shall not apply as follows:

(A) To any product labeled pursuant to Federal regulation for use only in children under twelve (12) years of age;

(B) To any products that the State Department of Health, upon application of a manufacturer, determines has been formulated in such a way as to effectively prevent its use in the illicit manufacture of methamphetamine;

(C) To any animal feed products containing ephedrine, or naturally occurring or herbal ephedra or extract of ephedra, pseudoephedrine or phenylpropanolamine; and

(D) To the sale or delivery of any product containing ephedrine, pseudoephedrine or phenylpropanolamine pursuant to the lawful prescription of a person authorized by State law to prescribe such products.

(Ord. No. 4150 § 1 (part), adopted 2005.)

Sec. 6.29.050 Enforcement and Fines.

Any person who is considered the general owner or operator of a retail establishment where products containing ephedrine, pseudoephedrine or phenylpropanolamine are available for sale who violates Section 6.29.020 of this Chapter shall be guilty of an infraction punishable by a fine of up to Five Hundred Dollars (\$500).

(Ord. No. 4150 § 1 (part), adopted 2005.)

CHAPTER 6.35
RIGHT TO INDUSTRY

Sec. 6.35.010 Title.

This Chapter shall be known as and may be referred to in all proceedings as the "Mendocino County Right to Industry Ordinance".
(Ord. No. 4319, 1-7-2014)

Sec. 6.35.020 Purpose.

The purpose of this ordinance is to enhance the prospects of growth and stability for Mendocino County's businesses that are located within the County's established industrial zones: I-1 (Limited Industrial), I-2 (General Industrial), I (Coast Industrial), and P-1 (Pinoleville Industrial). The County recognizes that industrial interests operating within the County may be endangered by residents or other businesses located nearby and who seek to abate what they deem a nuisance arising from operations by said industrial interests.

This ordinance seeks to reduce nuisance complaints by disclosing to existing and potential property owners of land zoned "Industrial Land", or which may be located within three hundred (300) feet of land zoned "Industrial Land", that they are affected by this ordinance. Furthermore, this ordinance seeks to clarify the circumstances in which an industrial operation may ultimately be declared a nuisance and ordered to change operations, after an initial investigation, declaration of a potential violation, and review of the evidence by a County Enforcement Officer or a Hearing Officer.

(Ord. No. 4319, 1-7-2014)

Sec. 6.35.030 Policy.

Pursuant to the Planning Principles of the Mendocino County General Plan, it is the declared policy of this County to encourage sustainable economic growth. This objective directly correlates with the success of Mendocino County's industrial operations located within its industrially zoned districts. Where non-industrial land uses extend into industrial areas or exist side by

side, industrial operations may become the subject of nuisance complaints. As a result, industrial operations could be forced to cease or curtail operation, and others could be discouraged from making investments and improvements.

It is the purpose and intent of this ordinance to reduce the loss to the County of its employment base by limiting the circumstances under which industrial operations may be considered a nuisance. This section is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or Government Code, relative to nuisances, but rather is only to be utilized in the interpretation and enforcement of the provisions of this code and County regulations.

No existing or future industrial business or any of its appurtenances, consistent with the industrial operation provisions of the Mendocino County Zoning Code, conducted or maintained for commercial purposes, and in a manner consistent with applicable land use and environmental laws and regulations, shall become or be a nuisance, private or public, for adjacent land uses in or about the locality thereof after the same has been in operation for more than three (3) years, when such action was not a nuisance at the time it began; provided that the provisions of this subsection shall not apply whenever a nuisance results from a negligent or improper operation of any such industrial operation or its appurtenances.

(Ord. No. 4319, 1-7-2014)

Sec. 6.35.040 Definitions.

Unless the context otherwise requires, the following current definitions and provisions of the Title 20 Zoning Ordinance of the Mendocino County Code, or as amended in the future, shall govern the construction of this Ordinance for more effective interpretation and enforcement.

INDUSTRIAL LAND. Shall mean those land areas of the County specifically classified and zoned as Limited Industrial (I-1), Industrial and also

known as "Coastal Industrial" (I), General Industrial (I-2), and Pinoleville Industrial (P-1), within which industrial and business activities are to be encouraged and protected. This zoning may include future Mendocino County General Plan and Zoning Code amendments to accommodate new types of industrial zoning, such as Light Industrial.

INDUSTRIAL OPERATION. Shall mean and include those Industrial Use Types described within Division I of the Mendocino County Zoning Code, Chapter 20.028 "Industrial Use Types," Coastal Industrial Use Types described within Division II of the Mendocino County Zoning Code, Chapter 20.328 "Coastal Industrial Use Types", whose definitions shall incorporate any future Mendocino County General Plan and Zoning Code amendments, and which includes the following:

Mendocino County Zoning Code, Chapter 20.028 "Industrial Use Types"

A. Section 20.028.005 — General Description of Industrial Use Types.

a. Industrial use types include on-site production of goods by methods not agricultural or extractive in nature. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

B. Section 20.028.010 — Custom Manufacturing.

a. "Custom manufacturing" means the on-site production of individually crafted goods using hand tools or mechanical equipment typical of the type or specifications found in a home shop or not creating noise, dust, fumes, visual impacts or electrical or water use in excess of home shop or hobby equipment and may include incidental on-site sales of those goods to retail consumers. Typical uses include ceramic studios, candle-making shops, custom jewelry manufacturing and wood working shops, or light assembly of components manufactured off-premises.

C. Section 20.028.015 — General Industrial.

a. "General industrial" means industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment

or fabrication of materials and products. Included are aggregate processing plants such as crushing, screening, washing and mixing plants.

D. Section 20.028.020 — Heavy Industrial.

a. "Heavy industrial" means all other industrial plants or other uses involving the compounding of radioactive materials, petroleum refining or manufacturing of explosives.

E. Section 20.028.025 — Explosive Storage.

a. "Explosives storage" means storage of any quantity of explosives as defined by Section 1200 of the California Health and Safety Code. Typical uses include storage in the course of manufacturing, selling or transporting explosives or in the course of blasting operations.

Mendocino County Zoning Code, Chapter 20.328 "Coastal Industrial Use Types"

A. Section 20.328.005 - General Description of Industrial Use Types.

On-site production or processing of goods by methods not agricultural or extractive in nature. They also include certain uses accessory to the above, as specified in Chapter 20.456 (Accessory Use Regulations)

B. Section 20.328.010 — Coastal-Related Industrial.

a. The coastal-related industrial use type includes coastal-related industrial uses, including but not limited to fish waste processing and fish processing of products for other than human consumption.

C. Section 20.328.015 — Coastal-Dependent Industrial.

a. Coastal-dependent industrial uses require a maintained navigable channel to function, including, for example: public or private docks, waterborne commercial carrier import and export operations, ship/boat building and repair, commercial fishing facilities, including berthing and fish receiving, off-boat sales and fish processing when product is for human consumption (fish waste processing and fish processing of products for other than human consumption are permitted under the coastal-related use type), and aquaculture support fa-

cilities. Offshore mining, dredging, mineral or petroleum extraction processes, or the stockpiling or transfer of relative material for, are not included.

D. Section 20.328.020 — Custom Manufacturing: Light Industrial.

a. Establishments primarily engaged in the on-site production of individually crafted goods using hand tools or mechanical equipment typical of the types or specifications found in a home shop, or using equipment or processes which do not create noise, dust, fumes, visual impacts, or electrical or water use in excess of home shop or hobby equipment, and which may include incidental on-site sales of those goods to retail consumers. Typical uses include ceramic studios, candle-making shops, custom jewelry manufacturing, woodworking shops, printing shops, custom textile manufacturing or light assembly of components manufactured off-premises.

E. Section 20.328.025 — General Industrial.

a. Industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment, fabrication or recycling of materials and products. Included are white metal and appliance recycling and processing and aggregate processing plants such as crushing, screening, washing and mixing plants.

F. Section 20.328.030 — Heavy Industrial.

a. All other industrial plants or other uses not included within the General Industrial Use Type involving the compounding of radioactive materials or manufacturing of explosives.

This section is not limited to the aforementioned use types, and shall additionally include the permitted uses, uses subject to a minor use permit, and uses subject to a major use permit as described in the I, I-1, I-2 and P-1 Zoning Ordinances within the Title 20 — Zoning Ordinance, Divisions I and II of the Mendocino County Zoning Code.

(Ord. No. 4319, 1-7-2014)

Sec. 6.35.050 Findings.

The Board of Supervisors of Mendocino County finds that it is in the public's interest to

preserve and protect industrial land and operations within the County of Mendocino and to specifically protect these lands for exclusive industrial use. The purposes of this Chapter, therefore, are to promote the general health, safety and welfare of the County, to preserve and protect for exclusive commercial use those lands zoned for industrial use, to support and encourage continued industrial operation in the County, and to disclose to prospective purchasers and residents of property adjacent to or near to industrial operation of the inherent potential ramifications associated with such purchase of residence including, but not limited to, the sounds, odors, dust, and chemicals that may accompany industrial operations.

(Ord. No. 4319, 1-7-2014)

Sec. 6.35.060 Disclosure.

(A) CONSUMER DISCLOSURE BY SELLER. A person who is acting as an agent for the seller of real property which as long as it is zoned "Industrial Land", or which may be located within three hundred (300) feet of land zoned "Industrial Land", or the seller of real property if he or she is acting without an agent for as long as it is zoned "Industrial Land", or may be located within three hundred (300) feet of land zoned "Industrial Land" shall disclose to the prospective purchaser that:

The property described herein may be zoned as "Industrial Land", or may be located within three hundred (300) feet of such land, and residents of the property may be subject to inconvenience or discomfort arising from use of machinery, and from the pursuit of industrial operations including, but not limited to, assembly, manufacturing, cutting, drilling, machining, metalworking, milling, punching, "tapping", soldering, transportation of materials and goods, and welding. All of these activities, and others not mentioned in the non-exclusive preceding list, may generate light, glare, dust, smoke, noise and odor, all of which may occur twenty-four (24) hours a day, seven (7) days a week. Mendocino County has established

zoning for industrial land which sets as a priority the industrial use of the lands included therein, and residents of such property, or within three hundred (300) feet of the border of zoned areas, should be prepared to accept such inconvenience or discomfort as normal and necessary to industrial operation.

(B) DISCLOSURE IN DOCUMENTS. The disclosure statement set forth in Section 6.35.060(A) shall be included in a document that a purchaser, lessee or transferee signs evidencing the sale, purchase, transfer, or lease of real property zoned "Industrial Land" or may be located within three hundred (300) feet of such land. The disclosure by an agent or seller as specified in Section 6.35.060 may also be delivered to the prospective transferee as part of the Mendocino County Real Estate Disclosure Advisory form as commonly provided by real estate brokers, or by delivery to the prospective transferee of a local option disclosure statement pursuant to Article 1.5, Section 1102.6a of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code of the State of California.

(C) DISCLOSURE IN DISCRETIONARY ACTIONS. Where a building designed for residential occupancy is to be located on property which, as long as it is zoned "Industrial Land", or on property which may be located within three hundred (300) feet of land zoned "Industrial Land", the owners of the property shall, prior to a discretionary action, be required to sign a statement of acknowledgement on forms approved by Planning and Building Services containing the following statement:

The property described herein may be zoned as "Industrial Land", or may be located within three hundred (300) feet of such land, and residents of the property may be subject to inconvenience or discomfort arising from use of machinery, and from the pursuit of industrial operations including, but not limited to, assembly, manufacturing, cutting, drilling, machining, metalworking, milling, punching, "tapping", soldering, transportation of materials and goods, and welding. All of these activities, and others not mentioned in

the non-exclusive preceding list, may generate light, glare, dust, smoke, noise and odor, all of which may occur twenty-four (24) hours a day, seven (7) days a week. Mendocino County has established zoning for industrial land which sets as a priority the industrial use of the lands included therein, and residents of such property, or within three hundred (300) feet of the border of zoned areas, should be prepared to accept such inconvenience or discomfort as normal and necessary to industrial operation.

In lieu of signing the statement required above, the owner may submit evidence that the statement set forth in Section 6.35.060(A) has been made part of a document evidencing the sale, purchase, transfer, or lease of the property on which the building is to be constructed.

(Ord. No. 4319, 1-7-2014)

Sec. 6.35.070 Installation of Signs.

The County may install or permit the installation of signs at the entry or within established industrial areas zoned as "Industrial Land" to notify and explain to purchasers that some of the land in this area is being used for industrial purposes and the operator's interests are protected by law. The prospective purchaser of such land or a residence is advised to check with local County agencies as to any regulation or requirements which may affect industrial property and of inherent potential problems associated with a purchase of such property or a residence in areas zoned as an "Industrial Land" and of the likely effect of such industrial operations.

(Ord. No. 4319, 1-7-2014)

Sec. 6.35.080 Precedence Clause.

It is the finding of the Board of Supervisors that this Ordinance is to take precedence over all ordinances or parts of ordinance or resolutions or parts of resolutions regarding nuisance abatement complaints in conflict herewith and same are hereby repealed to the extent of such conflict and no further.

(Ord. No. 4319, 1-7-2014)

(12) On North State Street, CR 104 from mile post 5.11 to mile post 5.25.

(13) On Old Stage Road (CR 502), from Old State Highway, (CR 501A) mile post 0.00 to the northerly intersection of Gualala Court (CR 502A) mile post 1.06.

(14) On Pacific Woods Road (CR 524), full length.

(15) On Comptche-Ukiah Road, CR 223, one-half mile southerly of intersection of Little River Airport Road mile post 5.77.

(16) On Mountain House Road (CR 111), from mile post 7.99 to mile post 8.89.

(F) Speed Zone Schedule/Forty-Five (45) Miles Per Hour Prima Facie Speed Limit. Upon the streets designated in this subsection, a prima facie speed limit of forty-five (45) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On East Side Potter Valley Road (CR 240), from State Route 1 to 3.85 miles north of Burris Road.

(2) Repealed.

(3) On the Eel River Road (CR 240B), from mile post 0.00 to mile post 2.57.

(4) On Vichy Springs Road (CR 215), from mile post 1.35 and mile post 2.58.

(5) On South State Street (CR 104A), from mile post 0.00 to mile post 0.63.

(6) On Ruddick Cunningham Road (CR 205), full length.

(7) On Sherwood Road (CR 311), from the Willits City Limits mile post 0.00 to Primrose Drive (CR 604) mile post 2.17.

(8) On Center Valley Road (CR 303), from mile post 1.45 to the end of the road at East Hill Road (CR 301) mile post 2.07.

(9) On North State Street (CR 104), from mile post 0.44 to mile post 2.45.

(10) On Old Stage Road (CR 502), from the northerly intersection of Gualala Court (CR 502A) mile post 1.06 to mile post 2.35.

(G) Speed Zone Schedule/Fifty (50) Miles Per Hour Prima Facie Speed Limit. Upon the streets

designated in this subsection, a prima facie speed limit of fifty (50) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On East Road (CR 230), from mile post 0.08 to mile post 1.34.

(2) On East Road (CR 230), from mile post 1.79 to mile post 5.39.

(3) On Center Valley Road (CR 303), from Bray Road (CR 305) mile post 0.52 to mile post 1.45.

(4) On North State Street (CR 104), from mile post 2.45 to mile post 4.57.

(5) On Old Stage Road (CR 502), mile post 2.35 to mile post 3.20.

(Ord. No. 512, adopted 1966; Ord. No. 515, adopted 1967; Ord. No. 522, adopted 1967; Ord. No. 533, adopted 1968; Ord. No. 560, adopted 1969; Ord. No. 565, adopted 1969; Ord. No. 591, adopted 1969; Ord. No. 669, adopted 1970; Ord. No. 756, adopted 1971; Ord. No. 805, adopted 1971; Ord. No. 889, adopted 1972; Ord. No. 919, adopted 1972; Ord. No. 961, adopted 1972; Ord. No. 998, adopted 1972; Ord. No. 1469, adopted 1975; Ord. No. 1601, adopted 1975; Ord. No. 1900, adopted 1977; Ord. No. 1901, adopted 1977; Ord. No. 1922, adopted 1977; Ord. No. 2004, adopted 1977; Ord. No. 2031, adopted 1977; Ord. No. 3239, adopted 1978; Ord. No. 3256, adopted 1979; Ord. No. 3261, adopted 1979; Ord. No. 3262, adopted 1979; Ord. No. 3289, adopted 1980; Ord. No. 3333, adopted 1981; Ord. No. 3390, adopted 1982; Ord. No. 3402, adopted 1982; Ord. No. 3411, adopted 1982; Ord. No. 3492, adopted 1984; Ord. No. 3553, adopted 1985; Ord. No. 3564, adopted 1985; Ord. No. 3613, adopted 1986; Ord. No. 3660, adopted 1987; Ord. No. 3732, adopted 1990; Ord. No. 3748, adopted 1990; Ord. No. 3750, adopted 1990; Ord. No. 3824, adopted 1992; Ord. No. 3835, adopted 1992; Ord. No. 3894, adopted 1994; Ord. No. 3966, adopted 1997; Ord. No. 3976, adopted 1997; Ord. No. 4041, adopted 1999; Ord. No. 4042, adopted 1999; Ord. No. 4056, adopted 2000; Ord. No. 4081, adopted 2002; Ord. No. 4089, adopted 2002; Ord. No. 4109,

adopted 2003; Ord. No. 4133, adopted 2004; Ord. No. 4173, adopted 2006; Ord. No. 4196, adopted 2008; Ord. No. 4265, 7-13-2010; Ord. No. 4276, 5-17-2011; Ord. No. 4306, 3-26-2013; Ord. No. 4316, 12-10-2013)

Sec. 15.04.031 is hereby repealed
(Ord. No. 3289, adopted 1980.)

Sec. 15.04.032 is hereby repealed
(Ord. No. 3289, adopted 1980.)

Sec. 15.04.033 is hereby repealed
(Ord. No. 3289, adopted 1980.)

Sec. 15.04.034 is hereby repealed
(Ord. 3289, adopted 1980)

Sec. 15.04.040 Speed Limit Changes.

Any person who requests a change in a prima facie speed limit on any County road shall make application to the Commissioner, who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the appropriate amendment to this Chapter shall be presented to the Local Authority for their consideration and determination pursuant to Section 15.04.030 (A) of this Chapter.
(Ord. No. 512, Section 102, adopted 1966.)

Sec. 15.04.050 Speed Zoning on Bridges and Structures.

(A) **Authority to Establish the Maximum Limits on Bridges and Structures.** Pursuant to Sections 22403 and 22404 of the Vehicle Code, the Local Authority is hereby authorized to determine, upon the basis of an engineering and traffic investigation and properly noticed public hearing, the maximum speed which can be maintained with safety on any bridge or structure under its jurisdiction.
(Ord. No. 512, Sec. 120, adopted 1966.)

(B) **Posting of Speed Signs for Bridges and Structures.** When such determination has been made, the Local Authority by resolution shall designate the maximum speed limit on such bridge and structures. The Commissioner is hereby au-

thorized and directed to establish appropriate signs giving notice of the maximum speed limits established. When signs are erected giving notice thereof, the maximum speed limits set forth shall be in effect.
(Ord. No. 512, Sec. 121, adopted 1966.)

(C) **Speed Limit Changes on Bridges and Structures.** Any person who requests a change in a maximum speed limit on any County bridge or structure shall make application to the Commissioner, who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the appropriate maximum speed limit. Said engineering and traffic survey together with the recommendations of the Commissioner shall be presented to the Local Authority, who shall hold a public hearing. Notice of the time and place of the public hearing shall be posted upon the bridge or structure at least five (5) days prior to the date fixed for said hearing. Upon the conclusion of said hearing, a determination of the maximum speed limit shall be made pursuant to Section 15.04.050 (A) of this Chapter.
(Ord. No. 512, Sec. 122, adopted 1966.)

Sec. 15.04.060 Speed Zoning on Private Property.

(A) **Authority to Establish Maximum Limits on Private Roads.** Any affected property owner who requests a change of an established maximum limit on a private road or the establishment of a maximum limit on a private road shall file with the Commissioner a petition signed by a majority of the affected property owners, setting forth a description of the private road, the maximum limit desired and the reasons therefor. The Commissioner shall determine if the petition is in compliance with this section. If the petition is in compliance, the matter shall be set on the agenda of the Local Authority on the second Tuesday following the filing of the petition. The Clerk of the Board shall notify by mail all known affected property owners. When the matter is heard, the

Local Authority may receive and consider testimony from the proponents and the opponents prior to the establishment of a maximum limit. (Ord. No. 512, Sec. 130, adopted 1966.)

Sec. 15.04.070 Stop Signs.

(A) **AUTHORITY TO ERECT STOP SIGNS.** Subject to the provisions of Sections 21353 and 21355 of the Vehicle Code, the local authority is hereby authorized to determine those County roads, intersections or railroad grade crossings at which there is a special hazard to life or property by reason of the volume of traffic upon such roads or at such intersections, or over such railroad grade crossings, or because of the lack of visibility to the drivers of the vehicles approaching such roads, intersections or railroad grade crossings, or because the number of reported accidents or the apparent probability thereof, or by reason of physical conditions which render any such roads, intersections or railroad grade crossings exceptionally dangerous or hazardous to life or property, and where the factors creating the special hazard are such that, according to the principles and experience of traffic engineering, the expectancy of accidents and that the use of warning signs would be inadequate.

(Ord. No. 512, Sec. 140, adopted 1966.)

(B) **POSTING OF STOP SIGNS.** When such determination has been made, the Local Authority by resolution shall designate any such road as a through road between specified limits, or designate any such intersection as a stop intersection, or designate any such railroad grade crossing as a stop railroad grade crossing, subject to the approval of the Public Utilities Commission of this State, pursuant to the provisions of Section 21110 of the Vehicle Code; and it shall post such stop signs as are necessary to give effect to such designation. Stop signs at any intersection may be so posted as to stop either or any or all of the streams of traffic entering such intersection as the needs of the particular location may require.

(Ord. No. 512, Sec. 141, adopted 1966.)

(C) **ADDITION OR REMOVAL OF STOP SIGNS.** Any person who requests the addition or removal of stop signs authorized by this Chapter shall make application to the Commissioner who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the need for any such addition or removal. Said engineering and traffic survey together with the recommendations of the Commissioner and an appropriate resolution shall be presented to the Local Authority for their consideration and determination, pursuant to Section 15.04.070 (A) of this Chapter.

(Ord. No. 512, Sec. 142 adopted 1966, as amended by Ord. No. 592, adopted 1969.)

Sec. 15.04.071 Simpson Lane a Through Street.

Simpson Lane C.R. 414 between M.P. 0.00 to M.P. 3.60 is hereby designated as a through street and such stop signs may be posted as are necessary to establish this roadway as a through street.

(Ord. No. 3262, adopted 1979.)

Sec. 15.04.080 Yield Right of Way Signs.

(A) **AUTHORITY TO ERECT YIELD RIGHT OF WAY SIGNS.** The Commissioner is hereby authorized to determine those approaches to intersections of streets and highways which are not through streets and which there is special hazard to life and property by reason of the volume of traffic at such intersections, or because of the lack of visibility to the drivers of the vehicles approaching such intersections, or because of the number or reported accidents or an apparent probability thereof, or by reason of physical conditions which render such intersections exceptionally dangerous or hazardous to life and property, and where the factors creating the special hazard are such that, according to the principles and experience of traffic engineering, the installation of "yield right of way" signs is reasonably calculated to reduce the expectancy of accidents, and that the use of warning signs would be inadequate.

(Ord. No. 512, Sec. 150, adopted 1966.)

(B) **POSTING YIELD RIGHT OF WAY SIGNS.** When such determination has been made,

the Commissioner is directed to designate any such approaches as "yield right of way" approaches and shall post such "yield right of way" signs as are necessary to give effect to such designation. (Ord. No. 512, Sec. 151, adopted 1966.)

Sec. 15.04.090 Repealed by Ord. No. 3680, adopted 1988.

Sec. 15.04.100 Penalties.

(A) It is unlawful for any person to do any act forbidden or fail to perform any act required in this Chapter.

(B) Any person violating any of the provisions of this Chapter shall be guilty of an infraction.

(Ord. No. 512 Sec. 170, adopted 1966; Ord. No. 3550, adopted 1985.)

Sec. 15.04.110 Existing Signs Ratified.

All speed restriction signs, stop signs, yield right of way signs, and traffic control devices in place on the effective day of this Chapter (December, 1966) are hereby ratified and confirmed and shall constitute the applicable law until changed pursuant to this Chapter.

(Ord. No. 512 Sec. 182, adopted 1966.)

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

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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
4316	12-10-2013	Establishing a prima facie speed limit on a portion of Mountain House Road, CR 111, near Macmillan Drive, CR 114B (Sanel area)		Added	15.04.030(E)(16)
4319	1- 7-2014	Business licenses and regulations		Added	Ch. 6.35, §§ 6.35.010—6.35.080
4320	1- 7-2014	Board of supervisors original jurisdiction over planning matters		Added	Ch. 2.54, § 2.54.010

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