

MENDOCINO COUNTY CODE

Looseleaf Supplement

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

Ordinance of 11-4-2014(1), adopted November 4, 2014.

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

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SH:1, SH:2
167
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216.6.19—216.6.21
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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 of 11-4-2014(1).

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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
4206	10-28-2008	Included	38
4321	1-21-2014	Included	38
4323	1-21-2014	Included	38
4324	2-11-2014	Omitted	38
4325	2-25-2014	Included	38
4326	2-25-2014	Omitted	38
4329	7-22-2014	Included	39
4328	7-22-2014	Included	40
Ord. of	11- 4-2014(1)	Included	40

Title 8

PUBLIC HEALTH, SAFETY AND WELFARE

- Chapter 8.04 Firearms—Shooting**
- Division I Dumps and Fires**
- Division II Specific Geographical Areas**
- Division III Proximity to Occupied Buildings**
- Chapter 8.05 Community Bill of Rights (Measure S)**
- Chapter 8.08 Curfew—Minors**
- Chapter 8.16 Juvenile Detention Home**
- Chapter 8.20 Juvenile Justice and Delinquency
Prevention Commission**
- Chapter 8.24 Lost and Unclaimed Property**
- Chapter 8.28 County Library System**
- Chapter 8.32 Law Library**
- Chapter 8.40 Fireworks**
- Chapter 8.44 Trespass**
- Chapter 8.48 Work/Education Furlough Program**
- Chapter 8.52 Bingo Games**
- Chapter 8.56 Reward**
- Chapter 8.60 Response Alarm Systems**
- Chapter 8.64 Airport Rules and Regulations**
- Chapter 8.68 Commission on the Status of Women**
- Chapter 8.69 County Commission on Medical Care**
- Chapter 8.70 Hazardous Materials Releases**
- Chapter 8.72 Unlawful Panhandling**
- Chapter 8.75 Uniform Nuisance Abatement Procedure**
- Chapter 8.80 Emergency Response Services**
- Chapter 8.85 Service of Alcohol to Minors at Events on
Private Property**
- Chapter 8.86 Consumption of Alcohol in Public Areas
Within the Town of Mendocino**
- Chapter 8.95 Coroner's Fees**
- Chapter 8.200 Graffiti Suppression**
- Chapter 8.300 Smartmeter Moratorium**

CHAPTER 8.05

**COMMUNITY BILL OF RIGHTS
(MEASURE S)***

Sections:

- Sec. 8.05.010 Definitions.**
- Sec. 8.05.020 Statements of Law—A Local Bill of Rights.**
- Sec. 8.05.030 Statements of Law—Prohibitions Necessary to Secure the Bill of Rights.**
- Sec. 8.05.040 Enforcement.**
- Sec. 8.05.050 Enforcement—People's Rights to Superior to Corporate Power.**
- Sec. 8.05.060 Effective Date and Existing Permit holders.**
- Sec. 8.05.070 People's Right to Self-Government.**
- Sec. 8.05.080 California and Federal Constitutional Changes.**
- Sec. 8.05.090 Severability.**

Sec. 8.05.010 Definitions.

(a) "Corporations," for purposes of this Ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, other business entity, public benefit corporation, or limited liability company organized under the laws of any state of the United States or under the laws of any country.

(b) "Ecosystem" shall include, but not be limited to, wetlands, creeks, aquifers, and other water systems, forests, and meadows, as well as naturally occurring habitats that sustain humans, wildlife, flora and fauna, and other organisms.

(c) "Extraction" shall include the digging or drilling of a well for purposes of exploring for, developing, or producing hydrocarbons.

*Editor's note—The provisions of Ord. of 11-4-2014, §§ 1—9, were not specifically amendatory. At the direction of the County, as a part of Supp. No. 40, those provisions were included to read as set out herein.

(d) "Hydraulic fracturing" shall mean an activity in which water, propane, diesel, chemicals and a solid proppant or any other agent are pumped into a wellbore at a rate sufficient to increase the pressure downhole to a value in excess of the fracture gradient of the formation rock, causing the formation to crack, thus allowing the fracturing fluid to enter and extend the crack farther into the formation, forming passages through which hydrocarbons can flow.

(e) "Hydrocarbons" shall mean any of numerous organic compounds, including but not limited to methane, benzene, propane, petroleum and oil.

(f) "Infrastructure" shall include, but not be limited to, pipelines or other vehicles of conveyance of hydrocarbons, and any ponds or other containments used for wastewater, "frack" water, or other materials used during, or resulting from, the process of unconventional hydrocarbon extraction.

(g) "Natural Community" shall mean wildlife, flora, fauna, soil and air-dwelling and aquatic organisms, as well as humans and human communities that have established sustainable interdependencies within a diverse matrix of organisms, within a natural ecosystem.

(h) "Unconventional Extraction of Hydrocarbons" shall include, but not be limited to, hydraulic fracturing, "fracking," directional and horizontal drilling, and waste injection wells. The term shall also include, but not be limited to, extraction of water from any surface or subsurface source for use in these activities; depositing, disposal, storing, transporting and processing of waste water, produced water, frack water, flow-back, brine or other materials, chemicals or by-products used in, or resulting from, these activities; the construction and siting of any new infrastructure to support these activities, as well as application for, or issuance of, permits for engaging in these activities.

(Ord. of 11-4-2014(1), § 1)

Sec. 8.05.020 Statements of Law—A Local Bill of Rights.

(a) Right to Community Self-Government.
All residents of Mendocino County possess the

right to a form of governance where they live which recognizes that all power is inherent in the people and that all free governments are founded on the people's consent. Use of the Mendocino County government by the sovereign people to make law and policy shall not be deemed, by any authority, to eliminate or reduce that self-governing authority.

(b) Right to Clean Water, Air and Soil. All residents, natural communities and ecosystems in Mendocino County possess the right to water, air and soil that is untainted by toxins, carcinogens, particulates, nucleotides, and hydrocarbons introduced into the environment through the unconventional extraction of hydrocarbons.

(c) Rights of Natural Communities and Ecosystems. Natural communities and ecosystems possess rights to exist and flourish within Mendocino County without harm resulting from the unconventional extraction of hydrocarbons.

(d) Right to be Free from Chemical Trespass. All residents, natural communities and ecosystems in Mendocino County possess the right to be free from chemical trespass resulting from the unconventional extraction of hydrocarbons.

(e) Rights as Self-Executing, Fundamental, and Unalienable. All rights delineated and secured by this Ordinance are inherent, fundamental, and unalienable; and shall be self-executing and enforceable against both private and public actors. (Ord. of 11-4-2014(1), § 2)

Sec. 8.05.030 Statements of Law—Prohibitions Necessary to Secure the Bill of Rights.

(a) It shall be unlawful for any government, corporation or natural person to engage in the unconventional extraction of hydrocarbons within Mendocino County.

(b) The prohibitions in section 3(a) of this Ordinance [subsection (a) of this Section 8.05.030] shall not apply to hydrocarbon extraction wells installed and operating in the County prior to the enactment of this Ordinance, only if the extraction process used for those wells prior to the en-

actment of this ordinance is not changed to a different extraction process after the enactment of this ordinance.

(c) Governments, corporations, and natural persons engaged in unconventional extraction of hydrocarbons, whether in Mendocino County or in a neighboring jurisdiction or offshore location; shall be strictly liable for all harms resulting from those activities caused to natural water sources, ecosystems, people and communities within Mendocino County.

(d) It shall be unlawful for any corporation, government or natural person to violate the rights recognized and secured by this Ordinance.

(e) No permit, license, privilege, charter, or other authority issued by any State, federal or international entity which would violate the prohibitions of this Ordinance or deprive any County resident of any rights secured by this Ordinance, the California Constitution, the United States Constitution, or other laws, shall be deemed valid within Mendocino County. (Ord. of 11-4-2014(1), § 3)

Sec. 8.05.040 Enforcement.

(a) Any corporation, government or natural person that violates any prohibition established by this Ordinance shall be guilty of a misdemeanor. Those liable for a violation are each and every officer and director of any corporation that engages in fracking in Mendocino County, and each and every person who operates any fracking machinery in Mendocino County. Upon conviction the violator(s) shall be sentenced to one (1) year in county jail and shall pay a fine of ten thousand dollars (\$10,000.00) for each violation. Each time the pump is turned on, and each stroke of the pump shall be a separate violation, and violation of each section of this Ordinance shall count as a separate violation. Each day that fracking infrastructure equipment is staged or located in Mendocino County for more than eight (8) hours, whether or not that equipment is actually used for fracking, and each separate location in Mendocino County where such equipment is situated, is a

separate violation. The court shall not authorize probation for any person convicted of any portion of this ordinance, under any circumstance.

(b) The County, or any resident of the County, may enforce the rights and prohibitions of this Ordinance through an action brought in any court possessing jurisdiction over activities occurring within the County. In such an action, the County or the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(c) Any action brought by either a resident of the County or by the County to enforce or defend the rights of ecosystems or natural communities secured by this Ordinance shall bring that action in the name of the ecosystem or natural community in a court possessing jurisdiction over activities occurring within the County. Damages shall be measured by the cost of restoring the ecosystem or natural community to its state before the injury, and shall be paid to the County to be used exclusively for the full and complete restoration of the ecosystem or natural community.

(Ord. of 11-4-2014(1), § 4)

Sec. 8.05.050 Enforcement—People's Rights to Superior to Corporate Power.

(a) Corporations which violate or seek to violate this Ordinance, or which are alleged to have violated this Ordinance, shall not be deemed to be "persons," nor possess any other legal rights, privileges, powers, or protections which would interfere with the rights or prohibitions enumerated by this Ordinance. "Rights, privileges, powers, or protections" shall include the power to assert state, federal or international preemptive laws in an attempt to overturn this Ordinance, and the power to assert that the people of this municipality lack the authority to adopt this Ordinance.

(b) All laws adopted by the legislature of the State of California, and rules adopted by any State agency, shall be the law of Mendocino County only to the extent that they do not violate the rights or prohibitions of this Ordinance.

(Ord. of 11-4-2014(1), § 5)

Sec. 8.05.060 Effective Date and Existing Permit holders.

This Ordinance shall be effective immediately on the date of its enactment, at which point the Ordinance shall apply to any and all actions that would violate this Ordinance regardless of the date of any applicable permit.

(Ord. of 11-4-2014(1), § 6)

Sec. 8.05.070 People's Right to Self-Government.

Use of the courts or the legislature by any government, corporation or natural person to attempt to overturn the provisions of this Ordinance shall require the County to schedule community meetings focused on changes to County government that would secure the rights of the people to local self-government.

(Ord. of 11-4-2014(1), § 7)

Sec. 8.05.080 California and Federal Constitutional Changes.

Through the adoption of this Ordinance, the people of the County call for amendment of the California Constitution and the federal Constitution to recognize the right to self-government free from governmental preemption and or nullification by corporate "rights" when local laws expand and are more protective of the rights of individuals, the community and nature.

(Ord. of 11-4-2014(1), § 8)

Sec. 8.05.090 Severability.

The provisions of this Ordinance are severable. If any court decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance.

(Ord. of 11-4-2014(1), § 9)

CHAPTER 8.08

CURFEW—MINORS

Sec. 8.08.010 Minors Between the Ages of Sixteen and Eighteen Years.

(A) It is unlawful for any minor between the ages of sixteen (16) years and eighteen (18) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and eating places, vacant lots or other unsupervised places, between the hours of 11:00 p.m. and daylight immediately following. The provisions of this Section shall not apply (1) when the minor is accompanied by his or her parents, guardian or other adult person having the care and custody of the minor, (2) when the minor is upon an emergency errand directed by his or her parents, guardian or other adult person having the care and custody of the minor, (3) when the minor is going to or returning from a meeting, entertainment or recreational activity in a direct route to or from his or her home, or (4) when the minor is going to or returning from his or her place of employment in a direct route between such place of employment and his or her home.

(B) Each violation of the provisions of this Section shall constitute a separate offense. (Ord. No. 3892, Sec. 2 (part), adopted 1994.)

Sec. 8.08.020 Minors Under the Age of Sixteen Years.

(A) It is unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and eating places, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and daylight immediately following. The provisions of this Section shall not apply (1) when the minor is accompanied by his or her parents, guardian or other adult person having

the care and custody of the minor, (2) when the minor is upon an emergency errand directed by his or her parents, guardian or other adult person having the care and custody of the minor, (3) when the minor is going to or returning from a meeting, entertainment or recreational activity in a direct route to or from his or her home, or (4) when the minor is going to or returning from his or her place of employment in a direct route between such place of employment and his or her home.

(B) Each violation of the provisions of this Section shall constitute a separate offense. (Ord. No. 3892, Sec. 2 (part), adopted 1994.)

Sec. 8.08.030 Penalties.

Any minor violating the terms of this Chapter is guilty of a misdemeanor. (Ord. No. 3892, Sec. 2 (part), adopted 1994.)

Sec. 8.08.040 Apprehension—Detention—Proceedings.

Any minor violating the provisions of this Chapter may be immediately apprehended and lawfully detained, and appropriate proceedings may be instituted under and pursuant to the provisions of the Juvenile Court Law as set forth in the Welfare and Institutions Code of the State of California.

(Ord. No. 3892, Sec. 2 (part), adopted 1994.)

CHAPTER 8.16**JUVENILE DETENTION HOME****Sec. 8.16.010 Creation of Public Schools.**

There is hereby created an elementary public school and a secondary public school which shall be established and maintained within the Mendocino County Juvenile Detention Home facility.

(Ord. No. 524, Sec. 1, adopted 1967.)

Sec. 8.16.020 Instruction Responsibility.

The Mendocino County Superintendent of Schools, pursuant to Section 856 of the Welfare and Institution Code shall staff and administer said school.

(Ord. No. 524, adopted 1967, as amended by Ord. No. 3235, adopted 1978.)

Sec. 8.16.030 Scope of Curriculum.

The Mendocino County Superintendent of Schools is hereby authorized and directed to cause to be taught such grade or grades as may be in the judgement of said Superintendent necessary to insure the proper education of such juveniles as may be from time to time located within said juvenile home.

(Ord. No. 524, adopted 1977, amended by Ord. No. 3235, adopted 1978.)

Sec. 8.16.040 Laws Applicable.

Said school shall be administered and maintained in compliance with all applicable laws, rules and regulations.

(Ord. No. 524, Sec. 4, adopted 1967.)

Title 9

HEALTH AND SANITATION

- Chapter 9.05 Emergency Medical Response**
 - Division ONE: General**
 - Division TWO: Permits**
 - Division THREE: Ambulances**
 - Division FOUR: Emergency Services Aircraft (Ems Aircraft)**
 - Division FIVE: Communication And Dispatch**
- Chapter 9.08 Restaurants**
- Chapter 9.12 Regulation of Sewage and Septage Pumpers**
- Chapter 9.16 Fees Pertaining to Health or Sanitation**
- Chapter 9.20 Smoking in County Buildings**
- Chapter 9.24 Mendocino County Water Haulers' Ordinance**
- Chapter 9.28 Regulation of Hazardous Substances Stored in Underground Storage Tanks**
- Chapter 9.31 Medical Marijuana Cultivation Regulation**
- Chapter 9.32 Smoking Pollution Control and Health Protection Ordinance**
- Chapter 9.33 Outdoor Burning**
- Chapter 9.34 FIRST 5 Mendocino County Ordinance**
- Chapter 9.35 IHSS Public Authority Ordinance**
- Chapter 9.36 Reserved**
- Chapter 9.37 The Repeal of (Measure G) Mendocino County Code Chapter 9.36 Cannabis Personal Use Ordinance for Mendocino County/and Adoption of New Guidelines for Maintenance and Possession of Medical Marijuana That Do Not Exceed the Minimum State Limits**
- Chapter 9.40 Disease Prevention Demonstration Project**
- Chapter 9.41 Single-use Carryout Bags by Retail Establishments**
- Chapter 9.42 Disposable Food Ware**

CHAPTER 9.42

DISPOSABLE FOOD WARE

Sections:

- 9.42.010 Definitions.**
- 9.42.020 Prohibited Disposable Food Service Ware.**
- 9.42.030 Non-food Packaging Material.**
- 9.42.040 Biodegradable Disposable Food Service Ware.**
- 9.42.050 Enforcement and Penalties.**
- 9.42.060 Hardship Waiver.**
- 9.42.070 Effective Date.**
- 9.42.080 Severability.**

9.42.010 Definitions.

As used herein, the following definitions shall apply:

"Biodegradable" means that a material or substance has the ability to decompose into natural biological elements within a reasonable time as a result of bacterial action.

"County" means all that unincorporated territory within the County of Mendocino.

"County Facilities" means any building, structure, or vehicles owned or operated by the County of Mendocino, its agent, agencies, departments and franchisees.

"County Facility Food Provider" means any entity that provides Prepared Food in County facilities.

"County Contractors and Lessees" means any person or entity that has a contract with the County for public works or improvements to be performed, for a franchise, concession or lease of property, for grant monies or goods and services or supplies to be purchased at the expense of the County or to be paid out of monies deposited in the Treasury or out of trust monies under the control or collected by the County.

"Disposable Food Service Ware" or "Takeout Food Ware" includes all containers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, forks,

spoons, knives, napkins, and other items designed for one-time use for prepared foods, including without limitation, service ware for food that may be removed from the premises for consumption elsewhere. The term "Disposable Food Service Ware" does not include items composed entirely of aluminum or glass, California Redemption Beverage Containers, or polystyrene foam coolers and ice chests that are intended for reuse.

"Food Provider" means any business, organization, entity, group or individual, including Retail Food Establishments, located in the unincorporated sections of the County that offers food or beverage to the public.

"Polystyrene Foam" means blown polystyrene and expanded and extruded foams which are thermoplastic, petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding. Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.

"Prepared Food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the Food Provider's premises or within the unincorporated sections of the County for individual customers. For purposes of this Ordinance, Prepared Food includes takeout food but does not include packaged raw, butchered meats, fish, and/or poultry sold from a butcher case or similar retail appliance. Prepared Food may be eaten either on or off the premises.

"Retail Food Establishment" means any sales outlets, stores, shops, vehicles, or other places of business located within the County which operates primarily to sell or convey foods or beverages directly to the ultimate consumer. Retail food establishment shall include, but is not limited to, any place where food is prepared, mixed, cooked, based, smoked, preserved, bottled, packaged, handled, stored, manufactured and sold or offered for sale, including any fixed or mobile restaurant, drive-in,

coffee shop, cafeteria, delicatessen, sandwich shop, hotel, motel, movie house, theatre, bed and breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, takeout prepared food place, industrial feeding establishment, catering kitchen, commissary, grocery store, public food market, produce stand, food stand or similar place in which food or drink is prepared for sale or for service; and any organization or individual which provides food or beverage as part of its service or in conjunction with a special event it sponsors.

(Ord. No. 4328, § 2, 7-22-2014)

9.42.020 Prohibited Disposable Food Service Ware.

(A) Retail Food Establishments and Food Providers may not sell, hand out, give away, distribute, or otherwise make available for public or customer use Prepared Food in Disposable Food Service Ware that contains Polystyrene Foam.

(B) County Facility Food Providers may not provide Prepared Foods in Disposable Food Service Ware that contains Polystyrene Foam.

(C) County Departments may not purchase, acquire, or use Disposable Food Service Ware that contains Polystyrene Foam.

(D) County Contractors and Lessees may not use Disposable Food Service Ware that contains Polystyrene Foam in County facilities and while performing under a County contract or lease.

(Ord. No. 4328, § 2, 7-22-2014)

9.42.030 Non-food Packaging Material.

It is the policy of the County to promote and encourage, on a voluntary basis, the use of alternatives to Polystyrene Foam in non-food applications such as cushioning in shipping boxes or packages.

(Ord. No. 4328, § 2, 7-22-2014)

9.42.040 Biodegradable Disposable Food Service Ware.

It is the policy of the County to promote and encourage, on a voluntary basis, the use of biodegradable Disposable Food Service Ware by Retail

Food Establishments in order to lessen the environmental harm of Disposable Food Service Ware that becomes litter.

(Ord. No. 4328, § 2, 7-22-2014)

9.42.050 Enforcement and Penalties.

(A) The Mendocino County Environmental Health Director or designee shall have primary responsibility for enforcement and shall have the authority to issue citations for violations of this Chapter. The Director, or his/her designee, shall issue a written warning for the first violation, and shall levy a fine not exceeding one hundred dollars (\$100.00) for the second violation within one (1) year of the first warning, and shall levy a fine not exceeding five hundred dollars (\$500.00) for each subsequent violation.

(B) Any "Food Provider" as defined herein, violating or failing to comply with the requirements of this Chapter shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said individual or entity shall be punished for the first offense by a fine of not more than one hundred dollars (\$100.00) for a first violation; not more than five hundred dollars (\$500.00) for each subsequent violation in the first year.

(C) The County Counsel may seek legal, injunctive, or any other relief to enforce this Chapter.

(D) The Mendocino County Environmental Health Director or designee may inspect any Retail Food Establishment premises to verify compliance with this Ordinance.

(Ord. No. 4328, § 2, 7-22-2014)

9.42.060 Hardship Waiver.

Any person may seek a waiver from the requirements of Section 9.42.020 of this Chapter by filing a request on a form specified by the Environmental Health Director, or his/her designee. The Director, or designee, may waive any specific requirement of Section 9.42.020 of this Chapter for a period of up to one (1) year if the person seeking the waiver has demonstrated that strict application of the specific requirement would create an

undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The Environmental Health Director's (or designee's) decision to grant or deny a waiver shall be in writing and shall be final.

(Ord. No. 4328, § 2, 7-22-2014)

9.42.070 Effective Date.

This Ordinance shall go into full force and effect March 1, 2015.

(Ord. No. 4328, § 2, 7-22-2014)

9.42.080 Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.

(Ord. No. 4328, § 2, 7-22-2014)

CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section	Section this Code
4263	7-13-2010	Disease prevention project		9.04.010—9.04.070
4264	7-13-2010	Garden's Gate Dev. Agreement		21.04.020
4265	7-13-2010	Speed limits		15.04.030
4270	1- 4-2011	Stormwater runoff		16.30.010—16.30.430
4271	1-25-2011	2011 investment authority		5.130.010
4272	1-25-2011	SmartMeter moratorium		8.300.010—8.30.080
4274	5- 3-2011	Commission on medical care		8.69.000—8.69.080
4275	5-17-2011	Medical marijuana		Rpld 9.31.010—9.31.340 Added 9.31.010—9.31.350
4276	5-17-2011	Speed limit		15.40.030
4277	6- 7-2011	Library sales tax		5.170.000
4279	6-12-2011	Jail booking fees		Rpld 5.120.010—5.120.090
4283	9-13-2011	Alternative redevelopment program		11.10.010—11.10.090
4284	10- 4-2011	Supervisory districts	1	2.08.010, 2.08.020
4285	10- 4-2011	Stormwater runoff		Rpld 16.30.010—16.30.430 Added 16.30.010—16.30.170
4286	12- 6-2011	Assessment appeals board		5.150.010—5.150.080
4288	1-24-2012	Investment authority		5.130.010
4289	1-31-2012	Board of Supervisors compensation		3.04.071
4291	2-14-2012	Medical marijuana cultivation		9.31.160—9.31.350
4292	4-10-2012	Combining districts		20.040.010
4293	4-10-2012	Mining and processing		20.036.010
4294	4-10-2012	MP—Mineral processing districts		Added 20.134.005— 20.134.015
4295	4-10-2012	Height exceptions		20.152.025
4297	6-12-2012	Single-use carryout bags	1	Added 9.41.010—9.41.080
4298	7-10-2012	Graffiti suppression	1	8.200.010—8.200.100 Added 8.200.110—8.200-130
4299	8-28-2012	Angle parking on County roads	1	15.12.01
4300	9-25-2012	Bingo games		8.52.050(G)
4301	11- 6-2012	Construction and demolition recycling and reuse	1	Rpld 18.35.020 Added 18.35.020
			2	Rpld 18.35.030 Added 18.35.030
			3	Rpld 18.35.040—18.35.190
4302	1-22-2013	Medical marijuana cultivation regulation		Added 9.31.015

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Ordinance Number	Date	Description	Section		Section this Code
4303	1-22-2013	Delegating authority to invest to County Treasurer for calendar year 2013			5.130.010
4304	1-22-2013	Single-Use Carryout Bags by retail establishments	1	Added	9.41.045
4305	2-12-2013	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	8-13-2013	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
4321	1-21-2014	Delegating authority to invest to County Treasurer for calendar year 2014			5.130.010
4323	1-21-2014	Emergency water conservation			7.10.010—7.10.040, 7.10.060, 7.10.070
4325	2-25-2014	Single-use carryout bags of public food establishments	2		9.41.020, 9.41.030
4328	7-22-2014	Disposable food ware	2	Added	Ch. 9.42, §§ 9.42.010—9.42.080

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4329	7-22-2014	MU-2 general mixed use district		Added Ch. 20.085, §§ 20.085.005—20.085.060
Ord. of	11- 4-2014(1)	Community Bill of Rights (Measure S)	1—9	Added Ch. 8.05, §§ 8.05.010—8.05.090

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DELINQUENCY PREVENTION COMMISSION

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