

submitted within 10 calendar days after a decision, determination or requirement is made by the Department. The Department staff will prepare a written report that includes its findings, which shall be forwarded to the Planning Commission for action. The action of the Planning Commission may be appealed to the Mendocino County Board of Supervisors. Specific requirements for filing an administrative appeal are contained within the Inland (Division I of Title 20), Coastal (Division II of Title 20) and Mendocino Town (Division III of Title 20) Zoning Codes. The decision of the Department of Planning and Building Services to issue a Notice of Violation and Lien may be appealed to the Board of Supervisors. Additional information regarding the appeal process may be obtained by contacting the Department of Planning and Building Services.

**Building Code Violations.** If you are accused of a violation of County building regulations, you may appeal the matter to the Board of Building and Housing Appeals. A fee must accompany such appeals. The duties and powers of the Board of Building and Housing Appeals includes:

- (1) To hear appeals as provided for under each of the uniform codes adopted by the County.
- (2) To provide interpretations of the provisions of the uniform codes adopted by the County with respect to the suitability of alternate materials

and methods of construction together with the other technical types of decisions provided for in the provisions of board of appeals in various uniform codes adopted by the County.

- (3) To determine, upon a request made pursuant to Section 17925 of the California Health and Safety Code, that because of local conditions or factors, it is not reasonable for a rule or regulation set forth in any of the uniform codes adopted by the County to be applied within a particular local area of the County.
- (4) To study and propose to the Board of Supervisors any ordinances, amendments to adopted ordinances or substantive rules and regulations pertaining to enforcement and implementation of various uniform codes adopted by the County.
- (5) To advise appellants and other members of the public having particular interest in matters before the Board of their rights to seek review in the courts, including a court order staying the execution of a decision of the Board.
- (6) To hear appeals in cases involving disabled access in order to determine whether an unreasonable hardship exists from strict application of the regulation in question or whether a reasonable portion of all facilities and accommodations found in a multi-stored building are provided on the ground floor or any accessible level of the structure in question.

## CODE ENFORCEMENT AND DUE PROCESS PROCEDURES



**COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND  
BUILDING SERVICES**

### **Ukiah Office:**

501 Low Gap Road, Room 1440  
Ukiah, California 95482  
Telephone: (707) 463-4281  
Facsimile: (707) 463-5709

### **Fort Bragg Office:**

790 South Franklin Street  
Fort Bragg, California 95437  
Telephone: (707) 964-5379  
Facsimile: (707) 961-2427

Email: [pbs@co.mendocino.ca.us](mailto:pbs@co.mendocino.ca.us)  
<http://www.co.mendocino.ca.us/planning>

## **Code Enforcement**

The Department of Planning and Building Services is responsible for enforcement of land use, zoning and building codes throughout the County of Mendocino, excluding the incorporated cities. It is the intent of the Department to reduce public nuisances and unsafe conditions. The goal is to make our County a more healthy and attractive place to live and work.

The Code Enforcement Division within the department receives violations from many sources, including referrals from other public agencies such as health, fire or police agencies, confidential complaints submitted by members of the public or observations by Department personnel while conducting field inspections.

The Department attempts to work out a solution to all violations. However, if the issue cannot be resolved within the time frame allowed by the department, one or more of the following courses may be followed; (1) a "Notice to Appear" citation may be issued which could impose fines by the Justice or Municipal courts, (2) a "Notice of Violation and Lien" hearing may be conducted, at which time, a lien may be recorded against the property. The Notice of Violation would not be released until all fees and penalties have been paid and/or the violation abated; or (3) the violation may be referred to the Mendocino County Counsel's office for filing of a civil action lawsuit seeking court orders and monetary judgments to compel compliance.

## **Infraction Citation Procedure**

If you are in violation of a code section covered by the Infraction Citation Procedure, you will be issued a "Notice to Appear" citation. You will be allowed 21 days to correct the violation without any penalties being assessed by the Courts. If the violation is corrected during this period and you obtain a "Certification of Correction" from the Code Enforcement Division and present proof of correction to the court, the citation may be dismissed.

If the violation is not corrected prior to your court appearance date, the courts will assess appropriate fines and penalties. Penalties for infractions are set by the court and may be up to \$1,000 for each offense. Nonpayment of any penalty may cause a warrant to be issued for your arrest by the appropriate Justice or Municipal Courts.

Examples of code sections that are covered by the Infraction Citation procedure may include construction without a required building permit, failure to comply with a STOP WORK ORDER issued for un-permitted construction, occupancy of a structure prior to or without a Certificate of Occupancy, erecting a sign without a permit or in violation of County Zoning Codes, storing of inoperative or abandoned vehicles in violation of the County Code or establishing a use not permitted pursuant to County Zoning Codes.

Residents, businesses and property owners can reduce the possibility of being issued a "Notice to Appear" citation by acting quickly to correct code violations when requested by county officials. Prior to the issuance of a citation, a "Notice of Violation" may be issued, which may allow up to 30 days to correct the violation, depending upon the nature of the violation. Failure to correct the violation may result in the issuance of a citation.

The primary goal of this procedure is not to penalize persons, but rather to gain code compliance to reduce unsafe conditions and maintain community standards.

## **Due Process**

Any person accused of an activity prohibited by County Zoning or Building regulations has the right to appeal an adverse decision.

**Zoning Violations.** The Mendocino County Code contains provisions for administratively appealing any decision of the Department of Planning and Building Services relating to the Zoning Codes. A fee will be assessed to process the administrative appeal. Appeals are submitted to the Department of Planning and Building Services and are heard by the Mendocino County Planning Commission. Appeals must be