

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION

Road Commissioner
County Engineer, RCE 42001
County Surveyor, PLS 7148



FUNCTIONS

Administration & Business Services
Airports
Engineering
Land Improvement
Roads and Bridges
Landfills

COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION

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August 27, 2019

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1010
Ukiah, CA 95482

RE: DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE READING OF ORDINANCE AMENDING CHAPTER 15.16 OF THE MENDOCINO COUNTY CODE - PROTECTION OF COUNTY ROADS, ADDING SECTION 15.16.070 – PROHIBITED ACTIVITIES WITHIN OR ADJACENT TO COUNTY ROAD, AND SECTION 15.16.080 – ENFORCEMENT OF SECTION 15.16.070 (COUNTYWIDE)

Honorable Board Members:

Mendocino County Code Chapter 1.08 - Administrative Citations and Penalties, was created by Ordinance No. 4371 on January 10, 2017, establishing administrative citation and penalty procedures to be used by multiple departments and applicable to any violation of Mendocino County Code. Mendocino County Department of Transportation (MCDOT) has recently begun using the enforcement actions available under the newly established chapter to address unpermitted work within the County right-of-way. During this process, MCDOT staff has encountered difficulties when dealing with other types of encroachments which pose a safety hazard but do not fall into the category of unpermitted encroachments currently prohibited by County Code. Some such examples have been lack of proper maintenance on existing encroachments, vegetation encroaching into the road from private property, or work performed outside the right-of-way, such as grading or water diversion, which creates an unsafe condition within the right-of-way.

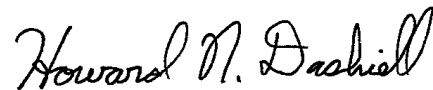
MCDOT proposes amending Mendocino County Code Chapter 15.16 – Protection of County Roads, to add two sections. Section 15.16.070 - Prohibited Activities within or adjacent to County Road, would prohibit any improvement or condition within or adjacent to a County road right-of-way which undermines the safe operation or integrity of the County roadway or which interferes with County road drainage. Section 15.16.080 - Enforcement of Section 15.16.070, would impose penalties for constructing such improvement or causing or maintaining such condition. Currently such activities are defined as public nuisances under Mendocino County Code Section 8.75.040, but are not explicitly prohibited. This limits the enforcement mechanisms available to County staff for addressing certain types of encroachments; addition of

these sections to County Code would allow MCDOT staff to apply the administrative citation and penalty procedures available through Chapter 1.08.

The Department of Transportation is herewith submitting an Ordinance for the Board's consideration to accomplish the abovementioned additions to Chapter 15.16 of the Mendocino County Code. The Ordinance (copy enclosed) has been reviewed by County Counsel and approved as to form.

I will, of course, respond to any questions that the Board may have.

Respectfully submitted,

A handwritten signature in black ink that reads "Howard N. Dashiell". The signature is written in a cursive style with a large, prominent 'H' and 'D'.

HOWARD N. DASHIELL
Director of Transportation