



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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DATE: JUNE 7, 2024  
TO: PLANNING AND BUILDING SERVICES STAFF  
FROM: JULIA KROG, PLANNING AND BUILDING SERVICES DIRECTOR  
RE: VIOLATION/PENALTY FEE PROCEDURE

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Previous Procedure

Effective September 14, 2022, titled Violation Fee Procedure, approved by Julia Krog, Planning and Building Services Director.

Purpose of this Procedure

Violation/Penalty Fees are designed to act as a deterrent to development and/or construction without the benefit of a permit and to recover costs that are associated with after-the-fact permit processing and enforcement. Violation/Penalty fees collected as a result of nonpermitted construction under Title 18 of County Code are made available to the Department for use in training and further code enforcement. Additionally, this procedure is to ensure consistency in the application of these fees.

Definitions

“Commercial Structure” or “Commercial Facility” whose operations will affect commerce, such as the activity of buying and selling goods or services and are intended for nonresidential use by a private entity. See California Building Code Chapter 2 Definitions as adopted by Mendocino County Code (“MCC”) Sec. 18.04.025.

“Commercial Land Use” include the distribution and sale or rental of goods; and the provision of services. For the purposes of this procedure, this definition includes Civic Use types. See MCC Chapters 20.020 and 20.024 (Div. I), 20.320 and 20.324 (Div. II), and 20.620 and 20.624 (Div. III).

“Investigative Fee” is a term superseded by the term “Violation/Penalty Fee”. See Violation/Penalty Fees.

“Minor Construction Permits” such as heating appliances, water heaters, re-roofings, replacement of siding, electrical outlets, plumbing fixtures, awnings, decks, demolition, other minor projects which typically require an “over the counter” type permit, and any construction deemed minor by the Chief Building Official. See MCC Sec. 18.08.030(C)(2).

“Violation/Penalty Fee” is one of the mechanisms in which the County recovers the cost of enforcing the provisions of County Code via additional fees to the cost of a permit, however, this is **NOT** a “Fine” or an “Administrative Citation” that any properly authorized County employee, such as a Code Enforcement Officer, may issue upon discovery of or failure of a responsible party to remediate violations of MCC. See MCC Sec. 18.08.030(A) for Violation/Penalty Fees and MCC. Ch. 1.08 for Administrative Citations.

Authority

The Planning and Building Services Department (“PBS”) is authorized to impose Violation/Penalty Fee(s) via MCC Section 18.08.030 and the Mendocino County Master Fee Schedule as adopted by the Mendocino County Board of Supervisors (“BOS”), at their December 5, 2023, Meeting through Resolution No. 23-190, unless superseded.

## Procedure

The following shall be applicable unless subject to an active permit amnesty program as adopted by the BOS or a codified exception:

Cause for Violation/Penalty Fee	Equal to the Normal Permit Fee*	MCC Section or Master Fee Schedule
Self-reported after-the-fact building permit application.	x1	18.08.030(C)(1)
Minor construction projects that require a building permit, or Over the Counter (OTC) permits.	x1	18.08.030(C)(2)
Construction projects that require a building permit, other than commercial or industrial structures, that do not qualify as a home occupation or cottage industry, where PBS discovered and/or investigated the violation as a result of a complaint.	x2	18.08.030(D)
Construction projects that require a building permit involving a commercial or industrial structure that does not qualify as a home occupation or cottage industry.	x3	18.08.030(E)
Self-reported after-the-fact discretionary permit application.	NO FEE	N/A
After-the-fact non-commercial land uses that require a discretionary permit.	x1	Pg. 16, Ln. 45
After-the-fact commercial land uses that require a discretionary permit.	x2	Pg. 16, Ln. 45

\*The *Basic Construction, Plumbing, Mechanical, Electrical, and Temp Electric* fees for Building Permits, or the *Base Fee* for Discretionary Permits.

For example: If the normal permit fee is \$100.00, then

- x1 would equal an additional \$100.00 for a total of \$200.00
- x2 would equal an additional \$200.00 for a total of \$300.00
- x3 would equal an additional \$300.00 for a total of \$400.00

Whenever the Chief Planner, the Chief Planner's designee, the Chief Building Official, the Chief Building Official's designee, or Code Enforcement Division Staff investigates a county parcel, regardless of the complaint, case, or investigation status in TRAKiT's CodeTRAK, the following procedure shall be followed:

1. When a complaint, case, or investigation is initiated on a parcel, **prior to the confirmation of the violation and prior to the application of additional fees**, a WARNING "note" will be placed in LandTRAK under the Restrictions drop down.

For investigation warnings, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	WARNING	(Date)	(Name)	N/A	N/A	CE INVESTIGATION – NON-PERMITTED CONSTRUCTION

2. When a violation(s) is **confirmed** via an investigation and supported by proper evidence, such as a Code

Enforcement Division site inspection with photo documentation, the WARNING “note” will be changed to VIOLATION in LandTRAK under the Restrictions drop down for each violation type.

For minor construction building violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	BV FEE X1 – RE-ROOF SFR

For residential (non-commercial) building violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	BV FEE X2 – SHIPPING CONTAINER, RESIDENTIAL STORAGE

For commercial building violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	BV FEE X3 – NON-PERMITTED RESTAURANT

For non-commercial discretionary permit violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	ZV FEE X1 – COASTAL DEVELOPMENT PERMIT FOR SFR ADDITION

For commercial discretionary permit violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	ZV FEE X2 – USE PERMIT FOR WINE TASTING

In the event there is more than one violation type confirmed on a single parcel, such as circumstances where both a BV FEE and a ZV FEE are applicable, additional Restrictions may be added in LandTRAK to effectively describe the nature of the violations and the corresponding violation/penalty fee multiplier.

For multiple violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	N/A	N/A	ZV FEE X2 – USE PERMIT FOR FIRE WOOD PROCESSING AND SALES
	VIOLATION	(Date)	(Name)	N/A	N/A	BV FEE X2 – NON-PERMITTED ADDITION TO SFR

- Under the Restriction section of the Restriction drop down, the staff member inputting the restriction will place the following note for each violation:

- a. Building Violation ("BV") or Zoning Violation ("ZV"); then
  - b. FEE and the respective multiplier, such as:
    - X1 for minor construction/OTC building permits and non-commercial discretionary permits.
    - X2 for residential building permits and commercial discretionary permits.
    - X3 for commercial building permits, OR
  - c. NO FEE for violations that do not receive a multiplier, including but not limited to;
    - violations that qualify for building permit amnesty,
    - self-reported violations that require discretionary permits,
    - or any violations on a property with a Phase I Cannabis Cultivation Business Licenses in the application process (MCC 10A.17.100(C); THEN
  - d. A condensed description and/or list of the violation(s) that will receive the respective fees.
4. It is the responsibility of the Chief Planner, the Chief Planner's Designee, the Chief Building Official, the Chief Building Official's designee, or Code Enforcement Division Staff to determine when these fee multipliers apply. However, should an applicant self-report a building permit violation prior to any complaint being received by the Department, such as an "Existing cabin", Building Division staff processing the application may assign the single (x1) violation fee and the prefix, BV\_ to the permit.
  5. When staff are processing a permit application and determining the appropriate application of permit fees, the Restriction in LandTRAK will indicate the correct administration of violation fee multipliers.
  6. No fees adopted by the Board of Supervisors may be "waived" by any person in the County, including Violation/Penalty Fees. If an applicant wishes to contest a fee, or request a reduction of those fees, they must submit correspondence to the Board of Supervisor for consideration using the normal channels of communication, such as e-mail or phone calls to the Executive Office/Clerk of the Board.
  7. When the violations have been remediated to the satisfaction of the Department, the VIOLATION "note" may be "cleared" in LandTRAK by the appropriate authority.

For cleared violations, see example below:

Notes	Type	Date Added	User	Date Cleared	User	Restriction
	VIOLATION	(Date)	(Name)	(Date)	(Name)	BV FEE X2 – SHIPPING CONTAINER, RESIDENTIAL STORAGE

Approved by: Julia Krog Date: June 12, 2024  
 Julia Krog, Director of Planning and Building Services