

# **Chapter 1**

## **Administration**

### **18.01.010 PURPOSE AND INTENT**

The Board of Supervisors has established these standards, guidelines, and procedures to protect and promote the public health, safety, convenience, and welfare of present and future citizens of the County, specifically to:

1. Implement the goals, objectives, policies, and programs of the General Plan and to manage future growth and change in accordance with that Plan;
2. Protect the physical, social, and economic stability and vitality of residential, commercial, industrial, public, institutional and open space uses within the County to assure their orderly development;
3. Reduce or eliminate hazards to the public resulting from potentially inappropriate location, use, or design of buildings and other improvements; and
4. Attain the physical, social, and economic advantages resulting from comprehensive and orderly land use and resource planning.

### **18.01.020 AUTHORITY**

The authority for the regulations contained in this Title is based on Section 7, Article XI of the California Constitution, the provisions of the California Planning and Zoning Law (Division 1 of Title 7 of the California Government Code) which provide for the regulation of the intensity of land use and the adoption of standards for the regulation of population density, and the police power granted to municipalities by the laws of the State of California.

### **18.01.030 APPLICABILITY**

All land, buildings, and structures within the County shall be used only as hereinafter provided. Except as specified in Title 21, no use of land, and any use, construction, maintenance, operation, reconstruction or enlargement of any building or structure shall be allowed unless permitted under the express provisions of this Title or by other applicable ordinances of the County.

1. Private Projects
  - a. No land, building, or structure shall be used, constructed, altered, or maintained except in conformance with the provisions of this Title.

- b. No use that requires a permit or approval under the provisions of this Title shall be established or operated until the permit or approval is finally granted, and all conditions of the permit or approval have been complied with.
- c. No use that requires a permit or approval under the provisions of this Title shall be established or operated in violation of, or contrary to, any terms and conditions of the granted permit or approval.
- d. No building or structure, or any part of an existing building or structure, may be constructed or altered in such a way as to cross a property line.

2. Public Projects

Unless otherwise exempted, federal, state, city and any other governmental projects shall be subject to the provisions of this Title, including projects operated by any combination of these agencies, or by a private person for the benefit of any such governmental agency.

3. Legal Procedure

Any building or structure erected or maintained, or any use of property contrary to the provisions of this Title, is hereby declared to be unlawful and a public nuisance, and the County Counsel, Code Enforcement Officer, District Attorney, or other authorized official may immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and may take such other steps, and may apply to such court or courts as may have jurisdiction to grant such relief to abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or use of any property contrary to the provisions of this Title (it shall be the right and duty of every citizen to participate and assist County Officials in the enforcement of the provisions of this Title).

**18.01.040 ENFORCEMENT**

1. Purpose

This Section establishes provisions that are intended to ensure compliance with the requirements of this Title and any conditions of planning permit approval, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

2. Authority to Enforce

- a. The County Administrator, District Attorney, Planning Director, Code Enforcement Officer, Building Official, Public Works Director, or their designee, any duly authorized law enforcement officer, and any official charged with the issuance of

licenses and permits (hereinafter individually and/or collectively referred to as “Authorized Official”) may enforce the provisions of this Title.

- b. Whenever an Authorized Official becomes aware that a violation of this Title exists on any property located within the County, he or she shall notify the Planning Director or the Planning Director’s designee of the violation and cooperate with the Planning Director in the Planning Director’s enforcement efforts.

3. Conformance with Zoning Code for Other Permits, Licenses, Certificates

All officials and employees of the County vested with the authority or duty to issue permits shall conform to the provisions of this Title and shall not issue a permit, certificate or license for uses, purposes, buildings or structures in conflict with the provisions of this Title. Any such permit, certificate or license issued in conflict with the provisions of this Title shall be null and void.

4. Authority to Inspect and Enter Property

All persons authorized to enforce the provisions of this Code are authorized to enter upon any property or premises within the unincorporated areas of the County to ascertain whether the property or premises is in compliance with this Code, and to make any inspection as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs, samples, or other physical evidence, and the making of video and/or audio recordings. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant, or the respective agent, employee, or representative thereof refuses permission to enter and/or inspect, the County, acting by and through such persons authorized to enforce this Code, may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto.

5. Violation of Code Declared Public Nuisance

a. Use of Land

Any use of land that is not allowed by this Title (either as a matter of right or through the application of the appropriate land use approval or permit) and/or which is conducted without first obtaining all permits and/or licenses otherwise required pursuant to all applicable State and/or federal laws and/or other provisions of the Inyo County Code (and thereafter maintaining each such permit and/or license so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance.

b. Use, Occupancy, and Development of Structures

Any structure used or occupied in a manner not allowed by this Title (either as a matter of right or through the application of the appropriate land use approval or

permit) and/or which is used or occupied without first obtaining all permits and/or licenses otherwise required pursuant to all applicable State and/or federal laws and/or other provisions of the Inyo County Code (and thereafter maintaining each such permit and/or license so as to remain legally valid at all times), and/or is abandoned or distressed, is hereby declared unlawful and a public nuisance.

c. Land Use Approval

Any property not in compliance with an applicable condition of approval imposed upon any land use approval, authorization, permit, variance, or other planning entitlement is hereby declared to be unlawful and a public nuisance.

d. Public Nuisance

Any violation of an order pursuant to this Section shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by the County Code and this Section.

6. Continuing and/or Repeat Violations

a. Continuing Violations

A continuing violation of this Title is deemed a separate violation for each and every day that such violation exists. Any of the violations set forth in this Title constitutes a criminal act and is punishable pursuant to ordinances of the County and the laws of the State; provided however, that the County retains any and all civil remedies including the right of civil injunction for the prevention of the violation and for the recovery of money damages therefor.

b. Repeat Violations

A repeated violation of this Title is deemed a separate violation for each and every day that such violation exists, including days during a previous violation episode. Any of the violations set forth in this Title constitutes a criminal act and is punishable pursuant to ordinances of the County and the laws of the State; provided however, that the County retains any and all civil remedies including the right of civil injunction for the prevention of the violation and for the recovery of money damages therefor.

7. Remedies

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder, shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

8. Enforcement

a. Notices, Orders, and Citations

This Title may be enforced through the issuance of various notices and orders pertaining to any land use; or to any addition, alteration, construction, conversion, enlargement, installation, moving, reconstruction, rehabilitation of any structure; or to any use of any structure; that is contrary to any provision of this Title as provided herein, or as otherwise provided under various provisions of the other Titles of the Inyo County Code. Such notices may include, without limitation, notice of violation, notice to correct, notice to vacate, and stop work orders. This Title may also be enforced through the use of administrative citations issued pursuant to Government Code Section 53069.4 and the provisions of the Inyo County Code adopted pursuant to the authority conferred by Government Code Section 53069.4; or through the use of criminal citations issued pursuant to Penal Code Section 836.5 and in the manner specified by any other Title of the Inyo County code.

b. Enforcement Remedies Are Cumulative and Discretionary, Not Exclusive

All remedies contained in this Title for the handling of violations or enforcement of the provisions of this Title shall be discretionary and cumulative, and not exclusive of any other applicable provisions of the County Code or other applicable State law. The County, at its sole discretion and acting through the officials designated in this Section and in consultation with the Office of County Counsel, may enforce this Title through the application of criminal, civil, and administrative remedies as set forth in this Section. In the exercise of such discretion in selecting an appropriate code enforcement remedy, the County shall not be required to institute available code enforcement remedies in any particular order, or to prefer the application of one remedy to another.

c. Criminal Actions

- i. Notwithstanding any other provision of the County Code, each person violating, causing, or allowing a violation of any provision of this Title or any permit or condition of approval granted pursuant thereto, shall be guilty of an infraction, unless the violation is specifically declared to be a misdemeanor.
- ii. Every violation of any provision of this Title, or of any permit issued pursuant to this Title (including any of the conditions of approval for such permit) that is prosecuted as an infraction shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by:
  - (a) a base fine not exceeding \$100 for a first violation;

- (b) a base fine not exceeding \$200 for a second violation of the same Code Section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person within one year; and
- (c) a base fine not exceeding \$500 for each additional violation of the same Code Section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person within one year.

Continuing and repeat violations are separate violations as set out in [REDACTED] above. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine. Notwithstanding the above, a first or subsequent violation of this Title may be charged and prosecuted as a misdemeanor.

- iii. A misdemeanor shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by a base fine of not less than \$500 and not more than \$1,000, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine.
- iv. The conviction and punishment of any person of an offense as described in this Section or the payment of a criminal fine by or on behalf of the person convicted, shall not relieve that person from the responsibility for correcting, removing, or abating the violation that resulted in the conviction; nor prevent the enforced correction, removal or abatement thereof by the County. The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action or the waiver, stay, or reduction of any fine established in this Section.

d. Civil Actions

i. Injunctive Relief and Abatement

At the request of any person authorized to enforce this Title, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that constitutes or will constitute a violation of this Title or any permit or land use approval granted pursuant thereto, and for an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.

ii. Civil Remedies and Penalties

Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Title or any permit or any condition of land use approval granted pursuant thereto, shall be liable for a civil penalty not to exceed \$1,000.00 per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred or was repeated, the assets, liabilities, and net worth of the violator, whether a corporate entity or an individual, and any corrective action taken by the violator.

iii. Attorney's Fees

In any civil action, administrative proceeding [excluding administrative citations issued pursuant to ██████████ (Administrative Actions)], or special proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order; attorney's fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the County in that action or proceeding (Government Code Section 25845).

e. Abatement

Once the Director follows the procedures set forth herein and the time for compliance has lapsed, if the violations remain, the nuisance conditions may be abated by County personnel or by a private contractor. The Director shall provide ten (10) days written notice by certified mail or other method to verify delivery to the property owner prior to commencing abatement operations.

f. Administrative Actions

i. Application

All violations of any provision of this Title or any permit or land use approval granted pursuant thereto are subject to enforcement through the use of administrative citations in accordance with Government Code Section 53069.4 and this Section. The following procedures shall govern the imposition, enforcement, collection, administrative, and judicial review of administrative citations and penalties.

ii. Pre-Administrative Citation Correction

(a) Verbal Warning

The Planning Director shall attempt to contact the property owner via telephone or other means, to inform the property owner about the violation, educate the property owner about the consequences of continuing to violate this Title, and direct the property owner to cease the violation.

(b) Written Correction Notices

If the verbal warning does not result in correction of the violation in a reasonable period of time, typically one (1) month, the Planning Director shall notify the property owner by certified mail or other appropriate means to confirm receipt to educate the property owner about the violation and the consequences of continuing to violate this Title, and direct the property owner to cease the violation. The Planning Director shall specify a reasonable period of time to correct the violation, based on the specific circumstances of the case, after which an Administrative Citation will be issued.

iii. Administrative Citation

In the event the violation has not been corrected after the Planning Department has complied with [REDACTED], above, the Planning Director may issue an administrative citation, which shall be issued on a form prepared in consultation with County Counsel. The administrative citation shall contain the following information:

- (a) Date and location of the violation and the approximate time, if applicable, that the violation was observed.
- (b) Identity of each violation by the applicable section number of this code and by either the section's title or a brief descriptive caption; or by reference to the applicable permit or land use approval and describing the condition violated.
- (c) Description of the action required to correct the violation(s).
- (d) Requirement that the responsible party immediately correct the violation and an explanation of the consequences of failure to correct the violation.
- (e) Impose a penalty for the violation unless it is a "warning only" citation, and state the amount of the penalty including any payment of fees



pursuant to [REDACTED] of this Code. Multiple violations may be listed on the same citation form. In the event of multiple violations, the administrative citation shall list the penalty amount for each violation and the total amount of all of the penalties.

- (f) A notation box for the enforcement officer to indicate whether or not the citation is issued as a “warning only” and without penalty. The administrative citation shall also include a notation box for the enforcement officer to indicate that the penalty will be waived if the violation is corrected by the compliance deadline date indicated on the citation form.
- (g) Explanation of how the penalties shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the penalty within this time period.
- (h) All appeal rights and instructions on how to appeal the citation.
- (i) The printed name and the signature of the enforcement officer and the signature of the responsible party, if he/she can be located, as set forth in subsection (c) below.

iv. Service of Citation

- (a) If the responsible party is present at the scene of the violation, the enforcement officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.
- (b) If the responsible party is a business, and the business owner is on the premises, the enforcement officer shall attempt to deliver the administrative citation to the business owner. If the enforcement officer is unable to serve the business owner on the premises and the enforcement officer can only locate the manager or on-site supervisor, the administrative citation may be issued in the name of the business and a copy given to the manager or on-site supervisor. A copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested. If a copy of the administrative citation that is sent by certified mail is returned by the United States Postal Service unsigned or marked “unclaimed” and/or “refused”, then service by first class mail shall be deemed effective.
- (c) If no one can be located at the property, then a copy of the administrative citation shall be posted in a conspicuous place on or near that property and a copy mailed by certified mail, return receipt requested, to each responsible party at their last known addresses as they

appear on the last County equalized assessment role, or other available public records related to title or ownership of the property that is the subject of the administrative citation. If the copy of the administrative citation sent by certified mail to a responsible party is returned by the United States Postal Service with the mail receipt unsigned, or marked “unclaimed” and/or “refused”, then service by first class mail shall be deemed effective.

- (d) The failure of any responsible party to receive a copy of the administrative citation shall not affect the validity of the proceedings.

v. Administrative Penalties

- (a) Unless otherwise provided in this code, the amount of penalty to be imposed for a violation of this code and assessed by means of an administrative citation shall be one hundred dollars (\$100.00) for the first occurrence of a violation; two hundred dollars (\$200.00) for the second occurrence of the same violation occurring on the same property; and five hundred dollars (\$500.00) for the third and each subsequent occurrence of the same violation occurring on the same property. Continuing and repeat violations are separate violations as set out in [REDACTED] above. Notwithstanding this paragraph, the amount of penalty to be assessed by means of an administrative citation may be established by resolution of the Board of Supervisors.
- (b) If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
  - (i) Payment of the penalty shall not excuse failure to correct the violation nor shall it bar further enforcement action by the County.
  - (ii) The penalties assessed shall be payable to the County by the compliance deadline indicated on the Administrative Citation.
  - (iii) Except as provided below, any person who fails to pay to the County any penalty imposed pursuant to the provisions of this Chapter on or before the date that the penalty is due shall also be liable for the payment of any applicable late payment charges as established by the Board.
  - (iv) The County may collect any past due administrative citation penalty or late payment charge by use of any available legal means, including without limitation, the filing of a notice of lien, describing the real property affected and the amount of the costs, penalties or damages to the County Auditor, who shall place the

amount thereof on the assessment role as a special assessment to be paid with County taxes, unless sooner paid. The County may also recover its collection costs. A judgment or award of such costs, penalties or damages may also be enforced in other manner provided by law.

- (v) The County may also recover administrative costs for defending the citation at the appeal hearing.

vi. Appeal of Administrative Citation

(a) Notice of Appeal.

A responsible party may appeal the administrative citation by filing a written notice of appeal with the department that issued the administrative citation. The written notice of appeal must be filed within fifteen (15) calendar days of the date the administrative citation was served in a manner set forth in [REDACTED]. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall contain the following information:

- (i) A brief statement setting forth the appealing responsible party's (hereinafter appellant) interest in the proceedings;
- (ii) A brief statement of the material facts, which the appellant claims supports their contention that no administrative penalties should be imposed or that an administrative penalty of a different amount is warranted under the circumstances;
- (iii) An address at which the appellant agrees that notice of any additional proceeding, or an order relating to the imposition of an administrative citation penalty, shall be received by the appellant by mail;
- (iv) The signature of the appellant.

vii. Administrative Hearing

Upon a timely, written notice of appeal by the appellant, an administrative hearing shall be held as follows:

- (a) Hearing Date

The date of the hearing shall be set for the next Planning Commission meeting. Payment of the penalty will be tolled from the date of the notice of appeal until a decision is issued by the Planning Commission.

(b) Notice of Hearing

Notice of the administrative hearing shall be given at least 10 calendar days before the hearing to the appellant. The notice may be delivered to the appellant or mailed by first class mail to the address listed in the notice of appeal.

(c) Planning Commission

The administrative hearing shall be held the Planning Commission.

viii. Conduct of the Hearing

(a) The contents of the Planning Department's file in the case shall be admitted as prima facie evidence of the facts stated therein. The Planning Commission shall not be limited by the technical rules of evidence. The Planning Department shall bear the burden of proof at the administrative hearing to establish the existence of a violation of this code by a preponderance of the evidence.

(b) If the appellant requesting the administrative hearing fails to appear at the hearing, the Planning Commission shall make its determination based on the information contained in the Planning Department's file in the case and the appellant's notice of appeal.

(c) The only evidence that shall be permitted at the administrative hearing and considered by the Planning Commission in reaching a decision is that evidence which is relevant to the proof or disproof of:

(i) Ownership of the subject property, when applicable;

(ii) Whether a person noticed by the issuing department as a responsible party is, in fact, a responsible party;

(iii) Whether a violation of this code occurred and/or continues to occur on the date or dates specified in the administrative citation;

(iv) Whether the responsible party has committed, caused, maintained, or permitted a violation of this code on the date or dates specified on the administrative citation.

- (v) The reasonableness of any penalty and costs and the responsible party's ability to pay the penalty and costs.

ix. Planning Commission's Decision

- (a) After considering all the testimony and evidence submitted at the hearing, the Planning Commission shall promptly issue a written decision ("Administrative Citation Appeal Ruling") to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision.
- (b) If the Planning Commission determines that the administrative citation should be upheld, it may modify or reduce any penalty assessed in the administrative citation but shall have no authority to waive any action which may be necessary to correct the violation. The Planning Commission may modify or reduce any fees required by [REDACTED], however those fees shall not fall below the level of fees mandated by [REDACTED].
- (c) If the administrative citation has been upheld, the Planning Commission may allow payment of the administrative penalty in installments, if the appellant has provided evidence satisfactory to the Planning Commission of an inability to pay the penalty in full.
- (d) If the Planning Commission denies the administrative citation, then no penalty shall be assessed and any penalty otherwise deposited with the issuing department shall be promptly refunded to the appellant.
- (e) The appellant shall be served with a copy of the Planning Commission's written decision either at the conclusion of the hearing or by first class mail. The Planning Commission's written decision shall become final when served and if mailed, on the date of mailing.
- (f) The Planning Commission's written decision shall contain instructions for obtaining judicial review of the decision pursuant to California Government Code Section 53069.4, as that section may be from time to time amended, or the successor provision thereto.
- (g) If the administrative citation is upheld, the Planning Commission shall award the costs of the County's enforcement and defense of the citation as outlined in full in an itemized summary of costs presented at the hearing, including cost of the actual time spent to conduct the hearing.

x. Judicial Review of Administrative Planning Commission's Decision

- (a) Notice of Appeal

Within 20 calendar days of the date of the delivery or mailing of the Planning Commission's decision to the appellant, the appellant (hereafter "contestant") may contest that decision by filing an appeal to be heard by the Superior Court, and paying the filing fee set forth at Government Code Section 53069.4, or the successor provision thereto. The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. The contestant shall serve a copy of the notice of appeal in person or by first class mail upon the Planning Department.

(b) The Superior Court Appeal Hearing

The conduct of the appeal before the superior court is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officers at the direction of the presiding judge at the superior court. The appeal shall be heard de novo, except that the contents of the Planning Department's file in the case shall be received in evidence. A copy of the document or instrument of the Planning Department providing notice of the violation and imposition of the administrative penalty (i.e., the administrative citation) shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the Planning Department's file in the case be forwarded to the court, to be received within 15 calendar days of the request.

(c) Judgment

The court shall retain the filing fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the Planning Department. Any deposit of the administrative penalty shall be refunded by the Planning Department in accordance with the judgment of the court. If the administrative penalty has not been deposited and the decision of the court is against the contestant and in favor of the Planning Department, the Planning Department may proceed to collect the penalty pursuant to the procedures set forth in this Chapter, or in any other manner provided by law.

(d) Filing of a Notice of Pendency

Whenever the County institutes a judicial action or proceeding to enforce this Title, a Notice of Pendency of the action or proceeding may be filed with the County Recorder's Office. The notice shall be filed at the time of the commencement of the action or proceeding, and upon recordation of the notice as provided in this Section, shall have the same effect as a

notice recorded in compliance with Section 409 of the State Code of Civil Procedure.

- (i) The County Recorder shall record and index the Notice of Pendency of action or proceeding in the Grantor/Grantee Index.
  - (ii) Any Notice of Pendency of action or proceeding filed in compliance with this Section may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending.
    - A. A certified copy of the “Order to Vacate Notice of Pendency” may be recorded with the County Recorder’s Office, and upon the recordation, the Notice of Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein.
    - B. An “Order to Vacate Notice of Pendency” shall not be appealable, but the party aggrieved by the order may, within 20 days after service of written notice of the order, or within additional time not exceeding 20 days as the court may, within the original 20 days allow, but in no event later than 60 days after entry of the order, petition the proper reviewing court to review the order by Writ of Mandate.
    - C. No “Order to Vacate Notice of Pendency” shall be effective, nor shall it be recorded with the County Recorder’s Office, until the time within which a petition for the filing of a Writ of Mandate has expired in compliance with this Section.
- (e) Filing Notice of Action

Whenever an enforcement action is initiated and prior to filing a Notice of Pendency, the Planning Department may pursuant to Government Code Section 27280, file with the County Recorder’s Office a notice of action identifying the enforcement action taken for violation of this Title or other applicable law.

- (f) Recovery of Administrative Penalties and Costs

This Section establishes procedures for the recovery of penalties imposed for violations as provided for in this Section and for costs, including

Planning Department and other County staff time, including the District Attorney and County Counsel staff time, materials, equipment, and other costs, including abatement costs, expended on the enforcement of the provisions of this Title to correct a violation. The intent of this Section is to recover County costs reasonably related to enforcement.

(i) Record of Costs

The Planning Department shall maintain records of all costs incurred by responsible County departments associated with the processing of violations and enforcement of this Title, and shall recover the costs from the property owner in compliance with this Section.

(ii) Summary of Costs and Notice

At the conclusion of the case, the Director shall calculate the costs of the case relative to the fines received. If the costs exceed the fines, the Planning Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified mail or other method that ensures receipt. The summary shall include a notice in a form approved by the County Counsel, advising the responsible party of their right to appeal the decision as provided for in this Title, and that if no request for hearing is filed, the responsible party will be liable for the charges. In the event that no request for hearing is timely filed or, after a hearing the Planning Commission affirms the validity of the costs or determines alternative costs, the property owner or person in control shall be liable to the County in the amount stated in the summary.

(iii) Method of Recover of Administrative Penalties

The County may collect any past due administrative citation penalty or late payment charged by use of any available legal means, including without limitation, the filing of a notice of lien, describing the real property affected and the amount of the costs, penalties or damages to the County Auditor, who shall place the amount thereof on the assessment role as a special assessment to be paid with County taxes, unless sooner paid. The County may also recover its costs. A judgment or award of such costs, penalties or damages may also be enforced in other manner provided by law.

(iv) Attorney's Fees



In any action or administrative proceeding or special proceeding to abate a nuisance, whether by seeking injunctive relief and/or an abatement order, or other order; attorney's fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the County in that action or proceeding (Government Code Section 25845).

(v) Request for Hearing on Costs

Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to an appeal before the Planning Commission on their objections to the proposed costs.

- A. A written request for hearing shall be filed with the Department as required for an appeal, and the case shall be processed as an appeal.
- B. In determining the validity of the costs, the Planning Commission shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:
  - (I) Whether the present owner created the violation(s);
  - (II) Whether there is a present ability to correct the violation(s);
  - (III) Whether the owner promptly corrected the violation(s);
  - (IV) The degree of cooperation provided by the owner; and
  - (V) Whether reasonable minds can differ as to whether a violation(s) exists.

**18.01.050 CONFLICTING REGULATIONS**

The provisions of this Title are not intended to interfere with or void any easements or legally established covenants or other existing agreements that are more restrictive than the provisions of this Title. Except where the express provisions of this Title or the context hereof amend any existing ordinance, nothing in this Title shall be deemed to repeal any other ordinances relating to the properties and areas affected hereby.

**18.01.060 CLARIFICATION OF AMBIGUITIES**

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Title, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or district boundaries as set forth herein, it shall be the duty of

the Planning Director to ascertain all pertinent facts and issue an interpretation of such ambiguity. The Planning Director's interpretation, which shall be documented along with an explanation of said interpretation, is subject to the appeal process as defined by Section [REDACTED] of this Title.

#### **18.01.070 COUNTY TO BE HELD HARMLESS**

Any person, organization, or entity who obtains or files an application to obtain a permit or approval pursuant to this Title shall hold the County harmless from any liability, including any claims of the applicant arising out of the issuance of the permit or approval, or the denial thereof, or arising out of any action by any person seeking to have a granted permit or approval held void by a court of law.

#### **18.01.080 DETERMINATION OF SIMILAR USE**

1. Application:

When a proposed use of property is not expressly authorized as a permitted use, or as a conditional use by the regulations of the applicable zone district, an application may be submitted to the Planning Department for a land use interpretation to determine whether or not the proposed use is similar to those uses permitted or conditionally permitted in the applicable zone district.

2. Basis for Determination of Similar Use:

The determination of similar use shall constitute a ministerial action. In making a determination of similar use, the Planning Director, or the Planning Commission acting on referral or appeal, shall determine that a proposed use is similar to a use or uses expressly authorized in the applicable zoning district or districts if the proposed use meets the following criteria:

- a. The use resembles or is of the same basic nature as a use expressly authorized in the applicable zone district in terms of the following:
  - 1) The activities involved in or equipment or materials employed in the use.
  - 2) The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, and appearance.
- b. The use is consistent with the stated purpose of the applicable district.

#### **18.01.090 GENERAL PLAN**

The County shall adopt and maintain a General Plan in accordance with the requirements of California Government Code Section 65000 et seq. and applicable General Plan Guidelines prepared by the California Office of Planning and Research.

1. Consistency with the General Plan

- a. No use of land, buildings, or structures for which a discretionary application is required pursuant to this Title is to be approved for processing under this Title unless it is consistent with the General Plan or a concurrent General Plan amendment request. In any discretionary case where there is a conflict in regulations between this Title and the General Plan, the General Plan shall prevail.
- b. All land divisions within the County and changes or amendments to land use classifications, districts or zoning regulations, and conditional use permits, variances, and development agreements shall be consistent with the General Plan and all applicable specific and/or precise plans.
- c. A proposed use or approval is consistent, pursuant to subsections a. and b. above, with the General Plan when the following conditions exist:
  - 1) The proposed use is allowed in the land use designation in which the use is located, as shown by the Land Use Diagram, and as described in the text of the General Plan;
  - 2) The proposed use is in conformance with the goals, objectives, policies, programs, and guidelines of the elements of the General Plan and the intent thereof; and
  - 3) The proposed use is to be established and maintained in a manner which is consistent with the elements of the General Plan and all applicable provisions contained therein.

2. Determinations of Consistency with the General Plan

The Planning Director shall have the responsibility to prepare reports and make determinations as to the conformity of discretionary applications and requests pursuant to this Title.

3. Administration of the General Plan

The Planning Director shall have the responsibility to investigate and make recommendations to the Planning Commission and/or Board of Supervisors regarding reasonable and practical means for implementing the General Plan or any element thereof, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and for the efficient and effective expenditure of public funds relating to the subjects addressed in the General Plan.

## **18.01.100 ZONE DISTRICTS**

### **1. Districts – Created**

In order to provide a uniform basis for regulating the use of land, buildings, and structures, and to establish minimum site development regulations and performance standards applicable to sites within the County, the County is hereby divided into the following zone districts:

#### ***Special Zone Districts***

Planned Unit Development (PUD) Zone District  
Public (P) Zone District  
Open Space (OS) Zone District

#### ***Residential (R) Zone Districts***

Rural Residential (RR) Zone District  
Rural Residential Starlite Estates (RR-0.5) Zone District  
Single Family Residential (R-1) Zone District  
Duplex (R-2) Zone District  
Multiple Family Residential (R-3) Zone District

#### ***Commercial (C) Zone Districts***

Central Business (CB) Zone District  
General Commercial (C-1) Zone District  
Highway Services and Tourist Commercial (C-2) Zone District  
Administrative and Professional Offices (C-3) Zone District  
Commercial Recreation (C-5) Zone District

#### ***Industrial (M) Zone Districts***

General Industrial, Manufacturing, and Extractive (M-1) Zone District  
Light Industrial/Manufacturing/Heavy Commercial (M-2) Zone District

In addition, the following combining and overlay districts may be combined or overlain with the above zone districts.

Architectural Design (D) Combining Zone District  
Snow Avalanche Hazard Overlay (SAHO) Zone District  
Airport Height (AH) Overlay Zone District  
Precise Plan (PP) Combining Zone District  
Density Bonus (DB) Overlay Zone District

### **2. Determination of Zone District Boundaries**

- a. Wherever a lot or site is divided by a boundary between differing districts, the regulations applicable within each district shall apply to each portion of the site within that district.

- b. The following rules shall apply for determining the boundaries of any district on the Zoning Map:
  - 1) Where boundaries are indicated as approximately following street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where boundaries are indicated as within a street or alley, the centerline thereof shall be construed to be the district boundary;
  - 2) In unsubdivided property, where a district boundary divides a lot, the location of the district boundary, unless the same shall be indicated by dimensions, shall be determined by use of the scale appearing on the Zoning Map;
  - 3) A symbol or symbols indicating the classification of property on the Zoning Map shall in each instance apply to the whole of the areas within the Zoning District boundaries; and
  - 4) Where the public street, alley, or right-of-way is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street, alley or right-of-way adjacent to that abutting property, as determined by the Planning Director.

### 3. Zoning Maps

The boundaries of the zone districts established by this Title are not included in this Title but are shown on the Official Zoning Maps maintained by the Planning Department. The Official Zoning Maps, and all notations, references, and other information shown thereon, shall be as much a part of this Title as if the matters and information set forth on such maps were all fully described herein. Unless otherwise specified herein, the Zoning Maps shall identify minimum parcel size.

#### **18.01.110 PLANNING COMMISSION**

Pursuant to the provisions of Government Code Section 65100 and Ordinance No. 188 of the County Code, there is established a Planning Commission for the County. It is the duty of the Planning Commission to assure the proper administration of this Title, and the Commission shall have the power to establish such policies, rules, and regulations not in conflict with State or federal law as are necessary for that purpose.

#### **18.01.120 PLANNING AGENCY**

Pursuant to Section 65100 of the Government Code, the Planning Agency for the County shall consist of the Board of Supervisors, Planning Commission, and County staff acting under authority of this Title.

### **18.01.130 PLANNING DIRECTOR**

This Title shall be administered by the Planning Director whose responsibilities include the following functions which may be carried out by authorized subordinate employees. The Planning Director shall receive and review all applications for permits and approvals pursuant to this Title. Processing includes:

1. The certification of completed applications;
2. Responsibility for completion of appropriate documentation under the California Environmental Quality Act;
3. The establishment of a permanent file;
4. Giving and posting of public notices;
5. Collection of applicable fees;
6. Preparation of reports;
7. Processing of appeals;
8. Presentation of staff reports to the Planning Commission and the Board of Supervisors;  
and
9. Interpret the Zoning Ordinance.

### **18.01.140 CHALLENGES TO COUNTY ACTIONS**

Any action or proceeding to attack, review, set aside, void, or annul any decision of the County pursuant to this Title shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) calendar days after the date of the decision as provided in Section 1094.6 of the Code of Civil Procedures of the State, or as otherwise prescribed by law.

### **18.01.150 SEVERANCE**

If any Section, subsection, subpart, or provision of this Title or the application thereof to any person, property or circumstance is held invalid, the remainder of this Title and the application of such to other persons, properties or circumstances shall not be affected thereby.

### **18.01.160 DEFINITIONS – PRINCIPAL LAND USE CLASSIFICATIONS**

The following land use classification definitions and those set forth throughout this Title shall apply when interpreting the intent or meaning of the requirements and guidelines of this Title for principal land use classifications.

1. Open Space Land Use Classifications

- a. Orchards/Vegetable/Field Crops/Nurseries/Gardens – growing and breeding of crops in orchards, fields, nurseries, and gardens for purposes of limited private use. This designation does not include commercial agricultural operations or retail sales of agricultural products.
- b. Agriculture (Light) – tilling of soil, raising of crops, horticulture, livestock, dairying or animal husbandry (including cattle, llamas, alpacas, horses, sheep, pigs, poultry, and other similar animals), including all uses customarily incidental thereto but not including slaughterhouses, fertilizer works, bone yards or plants for the reduction of animal matter or any other industrial or agricultural use similarly objectionable because of noise, odor, smoke, dust, or fumes. This classification includes farms and ranches for orchards, vineyards, field and truck crops, nurseries, greenhouses, vegetables, flower gardening and other enterprises carried on in the general field of agriculture, including agricultural activities directly related to the farm or such as the repair and maintenance of farm and ranch equipment operated on the property; farm and ranch vehicles used on the property; and vehicles used to haul farm and ranch products produced on the property. This does not include retail sales.
- c. Agriculture (Heavy) – agricultural and related commercial and/or industrial uses that may be objectionable because of noise, odor, smoke, dust, or fumes, such as dairies and feed lots. Commercial and/or industrial uses are limited to agricultural products from the property or adjacent properties under the same ownership.
- d. Equestrian Facility – public or private stables, roping arenas, riding academies, and other similar complexes designed to showcase equine and similar animals, including private and commercial packing stations. This does not include other Commercial Recreation.
- e. Golf Course – public or private facility intended primarily for the game of golf, including accessory commercial facilities for patrons of the golf course such as restaurant, retail, personal service, and other limited commercial operations.
- f. Hunting/Fishing Preserve – public or private facility or open space dedicated to hunting and/or fishing. This does not include any other Commercial Recreation.
- g. Mining – includes surface and subsurface mining operations and means all or any part of the process involved in the extraction of minerals. Mining also includes but is not limited to: On-site crushing, sorting, distillation, retorting or leaching; production and disposal of mining waste, and; prospecting and exploratory activities when the removal or displacement of material, including overburden, exceeds a total of more than one thousand (1,000) cubic yards and/or results in

surface disturbances exceeding one (1) acre at any one (1) location or on any single claim.

- h. Ranch, Commercial – this includes Agriculture (Light) and Agriculture (Heavy) with limited commercial operations, such as accessory retail, lodging, restaurant, and alcohol sales. This does not include Commercial Recreation, such as stadia, race tracks, theaters, or other facilities designed to accommodate more than one hundred (100) people at any time.
- i. Wilderness – lands designated wilderness pursuant to the Wilderness Act of 1964 [Public Law 88-577 (16 U.S. C. 1131-1136)] and subsequent related legislation, policies, and/or procedures.

## 2. Residential Land Uses

- a. Boarding House – a building where meals or lodging or both meals and lodging are provided for compensation for four (4) or more unrelated persons primarily for the purpose of everyday living. This does not include uses such as motel, hotel, restaurant, rest home, convalescent home, home for the aged, transitional housing, residential care facilities, or other similar and/or related uses.
- b. Caretaker Residence – an accessory use to a commercial operations where a business owner or employee thereof lives within the business premises or in a residential building on the same property for the purpose of caring for the property and business.
- c. Duplex – two single-family homes on the same property, either attached or detached.
- d. Farmworker Housing – temporary or permanent structures intended to provide shelter for agricultural laborers on a seasonal basis.
- e. Mobile Home/Recreational Vehicle Park – an area of land where two or more mobilehome and/or recreational vehicle sites are rented, or held out for rent, to accommodate mobilehomes and recreational vehicles used for human habitation.
- f. Residential Care Facility (6 or fewer) – licensed group homes and residential care facilities with six (6) or fewer residents with disabilities. “Six or fewer persons” does not include the operator, the operator’s family, or persons employed as staff.
- g. Residence, Multi-family – a building or group of buildings on the same parcel that contain three (3) or more dwelling units.
- h. Residence, Single-family – a building or group of buildings on the same parcel that contain one dwelling unit, including a mobilehome but not a recreational vehicle.



- i. Second Dwelling Unit – a dwelling unit meeting the requirements of Section [REDACTED] which provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation and which is located on the same parcel as an existing single-family residence.
  - j. Supportive Housing – housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in California Health and Safety Code Section 50675.14.
  - l. Transitional Housing – buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some redetermined future point in time, which shall be no less than six (6) months, as defined in California Health and Safety Code Section 50675.2.
3. Commercial Land Use Classifications
- a. Alcohol Sales – the sale for on- or off-site consumption of alcoholic beverages, such as beer, wine, and/or spirits, regulated by the California Department of Alcohol Beverage Control. This does not include distribution of alcoholic beverages.
  - b. Animal Hospital/Veterinarian – facility for the veterinary treatment of diseased animals, including boarding and kennel facilities for animals being treated, but not including an animal shelter.
  - c. Auto/Boat/RV/Motorcycle/Airplane Sales – indoor or outdoor facilities for the display, rental, and sales of automobiles, trucks, off-highway vehicles, recreational vehicles, motorcycles, airplanes, helicopters, and other similar machines primarily utilized for transport. This includes outdoor sales, but does not include outdoor repair work. Repair work is limited to incidental minor repair of the vehicles being displayed, rented, or sold on the premises.
  - d. Bail Bonds – a facility where sureties, pledges of money, property, or other valuables are collected as bail for the appearance of persons accused in a court of law.
  - e. Bed and Breakfast – a house, or portion thereof, where short-term lodging rooms and meals are provided and the operator lives on the premises or in adjacent premises.

- f. Child Care – a building, structure, or private residence where care, protection and supervision are provided, on a regular schedule to at least seven (7) children, including children of the adult provider.
- g. Commercial, Heavy – commercial retail and service uses with moderate off-site impacts. Examples include the following: food preparation for off-site distribution and consumption, welding and machine shop, carpenter shop with exterior working areas, assay facilities (including limited ore processing), laboratories, printing presses, internet routing, and exterior lumber yards.
- h. Commercial, Light – commercial retail and service uses with limited off-site impacts. Examples include the following: retail stores, such as those selling baked goods, books, stationery and packaging, confections, drugs, pharmaceutical products, dry goods, flowers and gifts, groceries (fruit, vegetables, meat, delicatessen, etc.), garden supplies, hardware, plumbing, appliances, jewelry, apparel, shoes, electronics, antiques, furniture, second-hand goods, and sporting goods; services, such as a bank, clothes/shoes cleaning/pressing and repair (including tailor), mail and package delivery, photography/music studio, carpenter shop (enclosed), fortunetelling, clairvoyance or astrology, locksmith, interior decoration, desk-top publishing, internet access, and copying.
- i. Commercial Recreation – facilities providing recreation for a fee. Examples include stadia, race tracks, circuses, carnivals, movie theaters, theatrical venues, dance clubs, arcades, and convention centers.
- j. Distribution Center/Freight Forwarding – facility the primary purpose of which is to sort and route goods via truck or other transport for off-site distribution.
- k. Drive-in/through – permanent facility to sell goods or services to people in vehicles, such as food and drinks.
- l. Gun Club/Shooting Range – facility the primary purpose of which is provide for a place to practice shooting guns, rifles, and other weapons.
- m. Hotel/Motel/Lodge/Resort/Spa – a building or group of buildings containing individual sleeping units, designed for or used temporarily by tourists or transients for a fee.
- n. Kennel, Large – any lot or premises on which five (5) or more dogs or cats over four (4) months old are kept.
- o. Manufactured Home Sales – facility where manufactured homes, including mobile homes, are displayed for sale.
- p. Massage Parlor – an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or

manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- q. Mixed Use – a residential use in a building where a commercial use exists on the ground or lower levels of the building and the residential use exists on the levels above, or to the rear of, the commercial use. Mixed use requires that a minimum of fifty percent of the usable floor area on the ground level must be utilized for commercial use.
- r. Mortuary/Crematorium – facility where deceased humans are prepared for burial, including facilities for cremation, but not including cemeteries.
- s. Nursery (Retail) – retail establishment the primary purpose of which is to sell plants for off-site distribution and replanting.
- t. Office – building or complex that contains professional commercial areas primarily for business purposes with limited customer visitors. Examples include business offices for finance, insurance, real estate, surveyors, engineers, researchers, website development, call centers, and legal specialists.
- u. Outdoor Sales/Dining – retail sales and serving food and drinks to patrons outdoors.
- v. Parking (Commercial) – provision of parking for a fee.
- w. Personal Services – human care services such as a barbershop, beauty parlor, and salon, but not including a massage parlor.
- x. Recycling Center – facility where products are brought by the general public to be recycled.
- y. Repair, Vehicles/Equipment (Interior) – a facility the primary purpose of which is the repair of vehicles (including cars, trucks, boats, recreational vehicles, and airplanes), equipment, electronics, and other devices in a fully enclosed building.
- z. Repair, Vehicles/Equipment (Exterior) – a facility the primary purpose of which is the repair of vehicles (including cars, trucks, boats, recreational vehicles, and airplanes), equipment, electronics, and other devices in a partially enclosed building or outdoors.

- aa. Restaurant – facility where food and drink is prepared primarily for on-site consumption. Accessory entertainment and dancing is included.
  - bb. Recreational Vehicle-Trailer Park/Campground – facility where areas are rented for transient purposes to recreational vehicles and their occupants and/or for outdoor camping.
  - cc. Service/Gas Station – facility the primary purpose of which is to distribute energy to vehicles, including gasoline, diesel, propane, natural gas, and electricity. Minor repair work and servicing of vehicles is included.
  - dd. Shopping Center – a complex of commercial uses on one parcel or adjacent parcels under similar ownership greater than 25,000 square feet.
  - ee. Single Room Occupancy Hotels – a facility where lodging is provided on a permanent or semi-permanent basis, including provision of meals.
  - ff. Truck Stop – any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities.
  - gg. Warehousing/storage – facility or complex where goods, items, and/or materials, are stored on a permanent or semi-permanent basis, including storage containers and self-storage warehouses, but not including distribution centers, freight forwarding, and other uses the primary purposes of which are related to distribution.
4. Industrial/Manufacturing Use Classifications
- a. Animal Processing/Slaughterhouse – facility to slaughter animals, process animals for slaughter and/or preparation for distribution (either live or as foodstuff), and keep significant numbers of animals in close quarters for processing.
  - b. Beverage Industries, including bottling – facility to prepare and process fluids for off-site consumption, such as breweries, wineries, bottling plants, and soft-drink and juice producers, but not including microbreweries, wine tasting, or other facilities that primarily cater to on-site consumption.
  - c. Industrial/Manufacturing, Heavy – heavy industrial and manufacturing uses that result in potentially significant off-site impacts, including large power, chemical, and petroleum plants; hazardous materials processing; railroad yards; and, milling minerals and ores.

- d. Industrial/Manufacturing, Light – light industrial and manufacturing uses with limited potential off-site impacts, such as food processing, assembly lines and production facilities with limited use of hazardous materials, and laboratories.
- e. Junk-Salvage Yard/Wrecking – an area occupying, or areas occupying collectively, two hundred (200) or more square feet of the area of any parcel or lot, upon which the following occurs: junk is present, kept, or stored including, but not limited to, automobiles or other machinery kept, stored, or present on the parcel(s) or lot(s) for wrecking, salvaging, or dismantling purposes, including the dismantling or wrecking of used motor vehicles or recreational vehicles, or the storage, sale, or dumping of dismantled or partially dismantled, obsolete or wrecked vehicles or their parts; waste, discarded or salvaged materials are stored or handled, including automobile wrecking yard, house wrecking yard, used lumberyard and storage of salvage materials of all kinds, but not including space used for the storage of used vehicles or machinery in operable condition, and the processing of used or salvaged materials as part of a lawfully existing manufacturing operation on the same premises.

5. Institutional/Public/Quasi-Public Use Classifications

- a. Airport – includes heliport and means any area of land or water designated and set aside for the landing and takeoff of aircraft and utilized or to be utilized in the interest of the public for such purpose. Military airports are excluded from this definition.
- b. Animal Shelter – facility to care for abandoned and diseased animals.
- c. Cemetery – land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- d. Club/lodge (Non-Commercial) – non-profit facility for members and their guests to recreate.
- e. College/University/Trade-Tech School – lands, facilities, and complexes for post-secondary education, including accessory commercial, residential, and dining facilities, but not including Commercial Recreation.
- f. Convalescent Home/Residential Care (more than 6) – a building, other than a Hospital, which is used to provide, under the supervision of a licensing agency of the State, living quarters and non-medical care of one or more aged or infirm persons, and not involving residence on the premises of either a trained nurse or physician.

- g. Emergency Shelter – housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person.
- h. Government and Quasi-Public Buildings and Uses – facilities and complexes devoted to governmental and quasi-governmental purposes of recreational, religious, cultural, scientific, and a public service nature, excluding exterior storage, repair yards, and warehouses.
- i. Hospital – a building to which persons are admitted for overnight stay or longer for the diagnosis or care or treatment of human illness or the prevention thereof, including convalescent home, sanitarium, nursing home and maternity home.
- j. Hydroelectric – facilities to produce energy from the flow of water, including associated structures such as diversion structures, penstocks, generating facilities, and electrical distribution systems.
- k. Landfill – facilities or lands accommodating solid waste, hazardous waste, liquid waste, debris, and/or other refuse.
- l. Library/Museum/Cultural Center – non-profit facility providing opportunities to showcase cultural, literary, scientific, or other endeavors, including accessory performance, assembly, and commercial operations, but not including Commercial Recreation.
- m. Park/Recreation (Non-Commercial) – non-profit public and private park and recreation, such as open space, play grounds, ball fields, community centers, gymnasias, country clubs, swimming pools, and/or other open space and recreational facilities.
- n. Religious Institution/Facilities – churches, synagogues, mosques, and other religiously-oriented facilities and lands and accessory educational, assembly, and commercial uses, but not including Commercial Recreation.
- o. School – educational facilities, lands, and associated development for teaching pre-school, kindergarten, primary, and secondary education.
- p. Transfer Station – facility to collect and transfer waste and debris for disposal elsewhere.
- q. Transit Station – facilities to accommodate transit operations, such as train and bus stations.
- r. Utilities (neighborhood) – minor utility infrastructure primarily intended to serve neighborhoods, such as linear and nodal facilities for electrical, telecommunications, water, sewer, and other services and utilities, including small

electrical substations, lift stations, communication hubs, transit shelters, and fire and police stations.

- s. Utilities (major) – significant utility infrastructure, including electrical transmission lines and distribution hubs, sewer/water treatment plants, major communications facilities and associated towers, and reservoirs.

#### **18.01.170 DEFINITIONS – GENERAL**

The following definitions and those set forth throughout this Title shall apply when interpreting the intent or meaning of the requirements and guidelines of this Title.

1. Abutting, Adjoining, Adjacent – having district boundaries or lot lines in common; however, where properties would have had lot lines in common except for the existence of an alley, the lot lines of those properties are considered to be abutting, adjoining, or adjacent.
2. Accessory Building – a building which is subordinate to, and the use of which is incidental to, that of the main building or the principal use on the same lot.
3. Accessory Use – a use incidental and subordinate to the principal use of the premises, which does not alter the characteristics of the use considered as a whole and as related to other uses permitted in the same district.
4. Affordable Housing Development – a housing development of a minimum of five dwelling units where:
  - a. ten (10) percent of the total dwelling units in a common interest development are reserved for moderate income households, or
  - b. ten (10) percent or more of the units are reserved for occupancy by lower income households; or
  - c. five(5) percent or more of the units are reserved for occupancy by very low income households.
5. Airport Elevation – the highest point of an airport’s usable or designated runway as established by the county surveyor.
6. Airport hazard – any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft in landing and takeoff at an airport, or which otherwise constitutes a hazard to air navigation.
7. Airport Land Use Commission – the County Planning Commission and two (2) at large members with aviation expertise appointed by the Board of Supervisors.
8. Alley – a public thoroughfare, for the use of pedestrians and/or vehicles, which affords only a secondary means of access to the abutting property.

9. Alternative Design – the design or configuration of a wireless communications facility such that it is not readily recognizable as communications equipment.
10. Ancillary Facilities – all of the buildings, structures, cabinets, vaults, and equipment associated with or required for operation of wireless communications facilities and systems including, without limit, repeaters, equipment housing, fencing, ventilation, and other mechanical equipment; this term shall be interpreted broadly in the administration of this Title.
11. Antenna – any exterior apparatus designed or intended for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals, or other communication signals; a parabolic dish antenna used for satellite communications is not included within this definition.
12. Apartment – a room, suite of rooms in a Multi-family Residence, or a room above a detached garage with separate cooking facilities, designed for, intended for, suitable as a residence for, and/ or occupied by one family.
13. Applicant – any person or entity, including local, state and federal government agencies, who seeks or who has applied for issuance of any permit or approval required by this Title, regardless of whether that person has already received a permit or approval pursuant to this Title.
14. Aquifer – a geological unit of stratified drift capable of yielding usable amounts of water.
15. Aquifer Recharge Area – an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.
16. Area Median Income – the median household income for the county as determined by the Department of Housing and Community Development pursuant to Health and Safety Code Sections 50079.5 and 50105.
17. Area, Parcel – the net area of a parcel after land devoted to streets, roads, and utilities is deducted from the gross parcel area.
18. Awnings (Canopies) – roof-like covers that project from the wall of a building for the purpose of shielding a doorway or window from the elements.
19. Banner (or flag or Pennant) - any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the state of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.



20. Basement (Cellar) – a story partly or wholly underground and having more than one-half (½) of its height below the average level of the adjoining ground. A basement, when designed for, or occupied by dwellings, business or manufacturing, shall be considered a story.
21. Billboard – a sign in excess of fifty (50) square feet of sign area that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
22. Block – the property abutting on one side of a street between two nearest intersecting streets, railroad right-of-way or other natural barrier; provided, however, that where a street curves so that any two curves thereof form an angle of one hundred twenty degrees or less measured on the lot side, each curve shall be construed as an intersecting street.
23. Breezeway – a covered or roofed area between structures, usually open at two ends.
24. Building – any structure built for the support, shelter or enclosure of persons, animals, fowls, chattels or property of any kind.
25. Building Frontage – that building elevation that fronts on a public street where customer access to the building is available.
26. Building Height – the vertical distance from the average finished ground level of the site to the highest point of the structure.
27. Business Frontage – that portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage.
28. Building Site – the land area, consisting of one or more lots or parcels of land under common ownership or control, to be considered as the unit of land occupied by a main building or buildings and accessory buildings, or by a principal use and uses accessory thereto, together with all the yards, parking spaces and other open spaces required by this title.
29. Canopy – refer to Awning.
30. Carport – a permanent roofed structure with no more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.
31. Centerline – the centerline of a street as referred to in this Title means the right-of-way centerline as established by the County Surveyor, by the California Department of Transportation, or if no such centerline has been established and in any case in which the foregoing definition is not applicable, the Planning Commission shall designate the centerline.

32. Child Care Facility – for purposes of the DB Overlay, a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
33. Co-location – the placement of two (2) or more wireless communications facilities in the same or proximate location or on the same support structure.
34. Concessions – regulatory incentives or concessions as specified in California Government Code Sections 65915(1) to include, but not be limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed use zoning in conjunction with the housing development, or any other regulatory incentives which would result in identifiable, financially sufficient, and actual cost avoidance or reductions that are offered in addition to a density bonus.
35. Condominium – a building, or group of buildings, in which units are owned individually, and the structure, common areas and the facilities are owned by all the owners on a proportional, undivided basis.
36. Copy – words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.
37. Court – an open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings.
38. Dairy – any premises in which milk is produced for sale or distribution and where three or more cows or goats are in lactation.
39. Density – the number of individual dwelling units per net acre.
40. Depth, Parcel – the distance between the midpoints of the front and rear property lines.
41. Dwelling Unit – a room or suite of rooms designed for or used as a residence and constituting a separate and independent housekeeping unit including a kitchen or cooking facilities, including mobile and manufactured homes, but not including a boardinghouse or club, or a hotel or motel.
42. Edge of Roof – on a pitched roof, the lowest portion of the fascia board covering the roof rafters, or if no fascia board exists, the lowest point of the roof rafters. On a flat roof, the top of the parapet wall or three (3) feet above the roof deck, whichever is less.
43. External Illumination – the lighting of an object from a light source located a distance from the object.
44. Extraction – the process of withdrawing groundwater by pumping or other controlled means.

45. Family – an individual, or two (2) or more persons related by birth, marriage, or adoption or registered domestic partners, or of not more than six (6) persons living together who constitute a bond fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a motel, hotel, boarding house, or institution of any kind.
46. Fence or Wall – any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
47. Flag – refer to Banner.
48. Floor Area Ratio (FAR) – the ratio of the gross building square footage on a lot to the net square footage of the lot (or parcel). For example, on a lot with ten thousand (10,000) net square feet of land area, a FAR of 1.00 will allow ten thousand (10,000) gross square feet of building floor area to be built on the lot or parcel, regardless of the number of stories in the building [e.g. five thousand square feet (5,000) per floor on two (2) floors or ten thousand (10,000) square feet on one floor]. On the same ten-thousand (10,000) square-foot lot, a FAR of 0.50 would allow five thousand square (5,000) feet of floor area, and a FAR of 0.25 would allow two thousand five hundred (2,500) square feet of building floor area on the lot.
49. Garage, Private – an accessory building or an accessory portion of the main building designed and/or used for the shelter or storage of vehicles of the occupants of the main building.
50. Grand Opening – a promotional activity not exceeding thirty (30) calendar days in length used by newly established businesses, within two (2) months after initial occupancy, to inform the public of their location and services available to the community, and does not mean an annual or occasional promotion by a business.
51. Groundwater – all water below the surface of the earth within the zone below the water table, in which the soil is completely saturated with water, excluding subsurface water that flows in known and definite channels.
52. Groundwater Basin – a groundwater reservoir, defined on the basis of geological and hydrological conditions.
53. Groundwater basin located in whole or in part within Inyo County – the following groundwater basins identified in California Department of Water Resources Bulletin 118-80, “Ground Water Basins in California”:

**Table 1.A**  
**Groundwater Basins in Whole or in Part In Inyo County of Inyo**

<b>Basin Name</b>	<b>Basin Number</b>
Owens Valley	6-12
Black Springs Valley	6-13
Fish Lake Valley	6-14
Deep Springs Valley	6-15
Eureka Valley	6-16
Saline Valley	6-17
Death Valley	6-18
Wingate Valley	6-19
Middle Amargosa Valley	6-20
Pahrump Valley	6-28
Mesquite Valley	6-29
Searles Valley	6-52
Indian Wells Valley	6-54
Coso Valley	6-55
Rose Valley	6-56
Darwin Valley	6-57
Panamint Valley	6-58
Fish Slough Valley	6-60
Cameo Area	6-61
Race Track Valley	6-62
Hidden Valley	6-63
Marble Canyon Area	6-64
Cottonwood Spring Area	6-65
Lee Flat	6-66
Santa Rosa Flat	6-68
Cactus Flat	6-70
Coles Flat	6-72
Wild Horse Mesa Area	6-73
Harrisburg Flats	6-74
Wildrose Canyon	6-75
California Valley	6-79
Middle Park Canyon Valley	6-80
Butte Valley	6-81
Spring Canyon Valley	6-82
Furnace Creek Area	6-83
Greenwater Valley	6-84
Gold Valley	6-85
Rhodes Hill Area	6-86

54. Guest House – a detached accessory building containing living quarters for use by temporary guests of the occupant of the dwelling on the same premises, which contains no kitchen or cooking facilities and is not rented or otherwise used as a dwelling unit.
55. Guy Wires – wire or cable used to support a tower.

56. Hedge – a series of plants, shrubs or other landscape material, so placed as to form a physical barrier or enclosure.
57. Height – the vertical distance above the ground, measured in feet or meters, of a structure, tree, natural or manmade object.
58. Height, Ground-mounted Wireless Communications Facilities – the distance between the lowest natural undisturbed ground surface at the base of the facility and the top of the facility or the top of the highest antenna or piece of equipment attached thereto, whichever is greater; for building-mounted wireless communications facilities, “height” means the distance between the top of the building on which the facility is mounted and the top of the facility or any or screening structure, whichever is higher. In determining whether a building-mounted facility exceeds or will exceed the height limitations of the zoning district in which it is or will be located, the height of the facility is the combined height of the building and the facility and/or screening structure.
59. Height, System – the total height of the small wind energy conversion system, including the wind turbine blades.
60. Height, Tower – the height above grade of the fixed portion of the tower for a small wind energy conversion system, excluding the wind turbine blades.
61. Home Occupation – an occupation, profession, activity, or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
62. Housing Agency – an agency approved by the Planning Commission to administer agreements with the applicant/developer to ensure the availability of affordable housing units for target households.
63. Illuminated – when used in reference to signs governed by this title, means giving forth direct artificial light, and shall not refer to any light cast upon a sign from an outside source.
64. Inflatable Device – an object that is blown up with air or other gas.
65. Informational Kiosks – are signs that may provide information concerning the location of businesses in a pedestrian-oriented business area as well as a surface for affixing handbills, posters and flyers. “Directory boards” are signs that provide information concerning the location of businesses in a pedestrian-oriented business area.
66. Junk – any worn-out or discarded material that may be turned to some use including, but not limited to, surplus materials, secondhand material, any damaged, discarded, obsolete, salvaged, scrapped, worn-out, wrecked or dismantled object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance,

- fiber, glass, metal, plaster, plaster of pans, rubber, wool, terra cotta, cotton, cloth, canvas, organic material, or other substance requiring reconditioning or rebuilding in order to be used for its original purpose, any iron, wire, aluminum, copper, lead, rags, paper, bags, lumber, empty bottles, bones, parts of bicycles, tricycles, baby carriages, automobiles, and other vehicles or machinery, dismantled in whole or in part, kept, stored, located, situated or piled in public view, and all other similar personal property ordinarily or customarily defined or classified as “junk,” “scrap,” or “salvage” kept, stored, located, situated or piled in public view.
67. Kitchen – any room, all or any part of which is designed and/or used for cooking and the preparation of food.
68. Land – surface of the earth, including soil, rock, and water.
69. Landing Area – the area of an airport used or to be used for landing, takeoff or taxiing of aircraft.
70. Living Area – the interior habitable living area of a dwelling unit, including a basement and/or an attic therein, but not including a garage or any accessory structure.
71. Loading Space – an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle which is loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
72. Lot – a parcel of real property which is one or more of the following:
- a. Shown with a separate and distinct number of designation on a plat recorded in the office of the County Recorder; or
  - b. Delineated upon a record of survey, lot split, or subparceling map approved pursuant to Title 16 of this code; or
  - c. Containing an area not less than required for the district in which it is located and abutting at least one public street and held under separate ownership.
73. Lot, Corner – a lot at the intersection of two street lines which intersect at an angle not greater than one hundred twenty (120) degrees.
74. Lot, Key – a lot with the side line coinciding with the rear lot line of one or more other lots.
75. Lot Line – any of the boundary lines of a lot. A street lot line is the lot line abutting a street. Either street lot line of a corner lot may be designated by the Planning Director to be the front lot line. A through lot line has two front lot lines. The lot line or lines generally opposite the front lot line constitute the rear lot line. All other lot lines are side lot lines. When two or more lots are combined into one building site, the boundary lines of the building site shall be deemed to be lot lines.

76. Lot, Through – a lot other than a corner lot which has frontage on two parallel or approximately parallel streets.
77. Lower Income Household – a household whose total income does not exceed eighty (8) percent of the area median income.
78. Main Building – a building in which is conducted a principal use of the lot upon which it is situated. Every dwelling in an R district is a main building.
79. Mechanical equipment – machinery accessory to a principle use to provide for onsite activities, such as heating, ventilation, and air conditioning (HVAC) equipment, evaporative coolers, pool equipment, irrigation equipment, water heaters, wells, and propane tanks.
80. Meteorological Tower – a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a noncommercial wind energy conversion system.
81. Moderate Income Household – a household whose total income does not exceed one hundred ten (110) percent of the area median income.
82. Monopole – a type of tower or structure supporting a wireless communications facility or facilities that is self-supporting and made of a single shaft of wood, steel, concrete, or other material and a platform or racks for the placement of panel antennas.
83. Mount – the structure or surface upon which a wireless communications facility is mounted, and includes the following types of mounts:
  - a. Building-mount: A mount in which the facility is placed on the roof or side of a building;
  - b. Ground-mounted: A mount in which the facility is mounted on the ground;
  - c. Structure-mounted: A mount in which the facility is mounted on or in a structure other than a building.
84. Multiple tenant building – a development consisting of two (2) or more separate uses or tenancies that share either the same parcel or structure and use common access and parking facilities.
85. Nameplate – a sign affixed against the wall of a dwelling which serves exclusively to designate the name, or the name and occupation of a person residing therein.
86. Outbuilding – an Accessory Building.  
  
Outdoor Festival – any music festival, dance festival, rock festival or similar musical activity at which music is provided by paid or amateur performers, by live or prerecorded

- means, which activity is reasonably anticipated to be attended by more than three hundred (300) people, which is held at any place other than at a permanent building or permanent installation, which building or installation has been constructed for the purpose of conducting similar activities for the number of people anticipated to attend.
87. Overdraft – the withdrawal of groundwater from a groundwater basin in an amount in excess of the amount of water that recharges the basin over a period of years during which water supply conditions approximate average, and which, if continued over time, could eventually cause the groundwater supply to be exhausted, cause subsidence, cause the water table to drop to a level below where groundwater pumping is no longer economically feasible, or cause a detrimental change in water quality.
88. Owner – the property owner listed on the most recent roll of the County Assessor.
89. Parcel – refer to Lot.
90. Parking Space (Automobile) – space within a public or private parking area or a building for the temporary parking or storage of one automobile.
91. Person – any human, and any corporation, partnership, association, public entity, municipality, and any other entity with legal existence under California law.
92. Personal Wireless Service Facility – a facility for the provision of personal wireless services (PCS) as that term is defined in the Telecommunications Act of 1996.
93. Principal Use – any use which is not clearly qualified as accessory to another use on the same premises.
94. Property – refer to Lot.
95. Property Frontage – the side of a parcel or development site abutting on a public street. Where the parcel is a corner lot, the property frontage is each side of the parcel or development site abutting on a public street.
96. Recharge – flow of water to groundwater storage from precipitation, infiltration from streams, irrigation, spreading basins, and other sources.
97. Residence, Group – a facility or complex providing housing for unrelated people and typically having shared kitchens and bathrooms, such as single-room occupancy hotels, group homes, boarding houses, and prisons.
98. Responsible Party – the person or entity that causes an action as well as the property owner.
99. Recreational vehicle – means a vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary



- living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, camping trailers, truck campers, and self-propelled motor homes. All the above noted vehicles are subject to state vehicular code licensing procedures.
100. Right-of-Way – area dedicated for street and utility purposes.
  101. Road – refer to Street.
  102. Runway – the paved or prepared surface of an airport landing area designated for the landing or takeoff of aircraft.
  103. Senior Citizen Housing Development – a housing development of either:
    - a. a minimum of five (5) dwelling units where fifty (50) percent or more of the units are reserved for occupancy by at least one person sixty-two (62) years of age or older, or
    - b. a minimum of thirty-five (35) units where fifty (50) percent or more of the units are reserved for occupancy by at least one person fifty-five (55) years of age or older.
  104. Setback – refer to Yards.
  105. Sign – an object, device display or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected image. Sign does not include official flags of the United States, the state of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations; athletic scoreboards, or the official announcements of or signs of government.
  106. Sign, Abandoned – any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.
  107. Sign Alteration – any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.
  108. Sign, Animated or Moving – a sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement. A flashing sign shall not be considered an animated or moving sign.
  109. Sign Area – the entire area within the perimeter of a sign defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.

110. Sign, Awning or Canopy – a sign that is either attached to, affixed, or painted on an awning or canopy and not exceeding fifty (50) square feet in sign area.
111. Sign, blade/bracket – a small, pedestrian-oriented sign [i.e., less than four (4) square feet] that projects perpendicular from a structure (blade sign) or is hung beneath a canopy (bracket sign).
112. Sign, business identification – a sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.
113. Sign, Cabinet (Can Sign) – a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.
114. Sign, Changeable Copy – a sign designed to allow changing of copy manually.
115. Sign, Channel Letter – three-dimensional individually cut letters or figures, illuminated or unilluminated, affixed to a structure.
116. Sign, Civic Event – a temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.
117. Sign, Combination – a sign incorporating any combination of the features of pole, projecting and roof signs.
118. Sign, Community and Historical – a sign which identifies local communities or points of historical interest, including identification signs of nonprofit community service organizations.
119. Sign, Contractor or Construction – a sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the project.
120. Sign, Convenience – a sign that conveys information (e.g., restrooms, no parking, entrance) or minor business identification for directional purposes only, is designed to be viewed by pedestrians and/or motorists, and does not exceed six square feet in sign area per sign face.
121. Sign, Directory – a sign listing the tenants of a multiple tenant structure or center and located within said structure or center.
122. Sign, Double-faced – a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.

123. Sign, Electronic Reader Board Sign or Electronic Graphics – a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic graphics sign.
124. Sign, Flashing – a sign that contains an intermittent or sequential flashing light source. An animated or moving sign shall not be considered as a flashing sign.
125. Sign, Freestanding Bracket – a small pedestrian-oriented sign mounted on the ground using one or more posts or having a solid monument-type base and not exceeding six square feet in sign area per sign face.
126. Sign, Future Tenant Identification – a temporary sign that identifies the names of future businesses that will occupy a site or structure.
127. Sign, Governmental – any sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or regulation.
128. Sign Height – the vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below and adjoining the sign.
129. Sign, Illegal – any of the following:
  - a. A sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use;
  - b. A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises;
  - c. A sign that was legally erected but which later became nonconforming and then was damaged to the extent of fifty percent or more of its current replacement value;
  - d. A sign that is a danger to the public or is unsafe; or
  - e. A sign that pertains to a specific event that has not been removed within five (5) days after the occurrence of the event.
130. Sign, Internally Illuminated – a sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.
131. Sign, memorial – a sign, tablet or plaque memorializing a person, event, structure or site, not exceeding six (6) square feet in sign area.

132. Sign, Monument – a permanent sign where the entire bottom of the sign is affixed to the ground, not to a building, and not exceeding six (6) feet in height.
133. Sign, Neon – a sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light.
134. Sign, Off-site Advertising – a sign advertising a use, facility, service, or product that is not located, sold, or manufactured on the same premise as the sign.
135. Sign, Off-site Directional – a sign limited to directional messages for a commercial use, publicly owned facility or emergency facility, excluding real estate signs; not exceeding six (6) feet in sign area.
136. Sign, Permanent – a sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
137. Sign, Pole (Pylon or Freestanding Sign) – a sign mounted on a free-standing pole or other support so that the bottom edge of the sign face is six (6) feet or more above finished grade.
138. Sign, Political – a sign promoting, advertising, or identifying a political party, candidate, or ballot measure for a future election.
139. Sign, Portable – a sign that is not permanently affixed to a structure or the ground (e.g., A-frame or sandwich-board signs) and which does not exceed twelve (12) square feet in sign area per sign face.
140. Sign, projecting – a sign that protrudes in a V-shape from the top of the ground floor over the sidewalk, like a traditional theater marquee.
141. Sign, Promotional – a sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.
142. Sign, Real Estate – a sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
143. Sign, Rider – a small sign attached as a rider to a real estate sign that provides limited information about the property.
144. Sign, Roof – a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of building with a flat roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

145. Sign, Sale or Lease – a sign which serves exclusively to indicate, with pertinent information, the offer to sell, rent or lease the real property, or the building or premises thereon, upon which it is located.
146. Sign, Special Event/Banner – a temporary sign or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (i.e., grand opening or community event).
147. Sign, Tall Wall – a sign with a sign area in excess of fifty (50) square feet painted or attached to the exterior wall of a building.
148. Sign, Temporary – any sign intended to be displayed for a limited period of time, not to exceed thirty days, and capable of being viewed from any public right-of-way, parking area or neighboring property.
149. Sign, Temporary Political – a sign which encourages a particular vote in a scheduled election and is no larger than thirty-two (32) square feet in sign area.
150. Sign, Three-dimensional – any sign with a depth or relief on their surface greater than six inches.
151. Sign, Time and/or Temperature – a sign that accurately display the current local time and/or temperature, usually through arrays of small electric lights, and upon which no commercial advertising or other message appears.
152. Sign, Vehicle – a sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.
153. Sign, Wall – sign with a sign area of fifty (50) feet or less that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
154. Sign, Window – a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view, and is located within three (3) feet of the window, is considered a window sign for the purpose of calculating the total area of all window signs.
155. Small Wind Energy Conversion System – a facility consisting of a tower, wind turbine generator with blades, guy wires and anchors, and associated control and conversion electronic equipment to convert wind movement into electricity, and that is incidental and subordinate to another use on the same parcel. A facility shall be considered a small wind energy conversion system only if it supplies electrical power solely for on-site use. However, when a parcel on which a small wind energy conversion system is installed also receives electrical power supplied by a utility company, any excess electrical power generated by the small wind energy conversion system, and not then needed for on-site

- use, may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use. No net revenue to the owners shall be produced by such excess electrical power generation.
156. Stand, Roadside – a small structure to provide an area to sell agricultural and related goods along a roadway, but outside of the right-of-way.
157. Story – that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. The basement or cellar shall not be considered a story unless the upper surface of the floor above is more than six (6) feet above the average level of the highest and lowest points of the ground surface immediately adjacent to the exterior walls of the building.
158. Street – any public or private thoroughfare with a width of twenty feet or more, which affords a primary means of access to abutting property.
159. Street Line – the boundary line between a street and abutting property.
160. Structural Alterations – any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams or girders.
161. Structure – anything constructed or built, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.
162. Surface Water – water in lakes, streams, ponds, rivers or reservoirs.
163. Swimming Pool – in- or above-ground container not within a building holding water having a depth of eighteen (18) inches or more for purposes of swimming and recreating, including Jacuzzis, hot tubs, whirlpools, and spas.
164. Use – the purpose for which land or building or structure is designed, arranged or intended, or for which it is occupied, maintained, let or leased.
165. Very Low Income Household – a household whose total income does not exceed fifty (50) percent of the area median income.
166. Visible – likely to be noticed by a person of average height walking on a street or sidewalk.
167. Wall – refer to Fence.
168. Water Table – the surface or interface between the zone where the soil is completely saturated with water and the zone where the soil is not completely saturated with water.

169. Water Transfer or Transport – the conveyance of water via aqueduct, ditch, pipeline, flume, natural water course or tanker truck from one area to another:
- a. pursuant to Water Code Section 1810 et seq., or
  - b. pursuant to a sale to the city of Los Angeles, or an acquisition by the city of Los Angeles by means other than a sale, of surface water or groundwater extracted or diverted from within Inyo County, or
  - d. that involves movement of groundwater extracted from a groundwater basin located in whole or in part within the boundaries of Inyo County for use in an area outside of the groundwater basin, or
  - e. that involves movement of groundwater extracted from within Inyo County from a groundwater basin partially located within Inyo County for use in an area within the same basin, but outside the boundaries of Inyo County.
170. Window Area – an area that shall be computed by calculating each window pane or panel. The area shall be separate for each building face, and for each window. A group of window panes or panels may be considered one window if they are adjoining on the building face and are less than six inches apart.
171. Width, Parcel – the horizontal distance between the side lot lines measured along a line parallel to the front lot line and distant therefrom by a distance equal to the required depth of front yard on the lot.
172. Wind Turbine Generator – the component of a small wind energy conversion system that transforms mechanical energy from wind into electrical energy.
173. Wireless Communications – any personal wireless services, as that term is defined in the Federal Telecommunications Act of 1996, including FCC-licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed to provide wireless communications services; the term does not include services of any amateur radio facility owned and operated by a federally-licensed amateur radio station operator or used exclusively for “receive-only” antennas, nor does it include noncellular telephone service.
174. Wireless Communications Facility – a facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices and includes any transmission tower, antenna, or other facility designed or used for that purpose. For purposes of this Title, amateur radio transmission facilities, facilities operated exclusively as part of a public safety network, and facilities used exclusively for the transmission of television and/or radio broadcasts are not “wireless communications facilities.
175. Yard – a space on the same lot with a building or structure which is open and unobstructed, except as otherwise provided in this title, from the ground upward. Neither

landscaping nor ordinary outdoor furnishings shall be deemed to obstruct a yard, nor shall any underground structure or part of an underground structure which extends less than eighteen inches above the ground level.

176. Yard, Front Setback – an area extending across the front of the lot between the main building and the front lot line; depth of the required front yard to be measured horizontally from the nearest part of the main building toward the nearest point of the front lot line.
177. Yard, Rear Setback – an area extending across the full width of the lot between the main building and the rear lot line; depth of the required rear yard to be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.
178. Yard, Side Setback – an area between a main building and a side lot line, extending from the front yard, or front lot line, to the rear yard; width of the required side yard to be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.