
Chapter 16.52
TIMBER HARVESTING REGULATIONS

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16.52.010 Purpose.

In the interest of the welfare of the people of Santa Cruz County and in view of the proximity of urban areas to the timberlands, the enactment of this chapter is necessary to protect and maintain the timberlands through regulation of

timber harvesting. [Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.020 Policy.

It is the policy of the Board of Supervisors to encourage the continued production of forest products in compliance with performance standards which emphasize protection of environmental and open space values while fostering increased productivity of forest land, and to protect, maintain and improve the forest land of Santa Cruz County. [Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.025 Amendment.

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program such revision shall be processed pursuant to the hearing and notification provisions of Chapter [13.03](#) SCCC and shall be subject to approval by the California Coastal Commission. [Ord. 3332 § 1, 1982].

16.52.030 Definitions.

Definitions in “Forest Terminology” published by the Society of American Foresters, 1958 Edition, shall apply unless the term is defined herein or the text clearly indicates otherwise:

“Ancient tree or forest” means any tree or group of trees over 200 years old.

“Commercial harvest” means designed for a market; traded, bartered, or sold for valuable consideration; not designed for use in the landowner’s household or farm.

“Conversion” means the transformation of land from a timber growing use to a nontimber growing use.

“Cumulative impacts” refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

“d.b.h. (diameter breast height)” means the average diameter of a tree outside the bark at a point four and one-half feet above the average ground level.

“Forest product” means logs, poles, pilings, split products, chips, fuelwood and other solid wood products. Incidental vegetation, Eucalyptus firewood, firewood resulting from agricultural maintenance operations, Christmas trees and stumps are excluded unless the harvesting of these products could result in a threat to forest, air, water, or soil resources.

“Harvest area” means that area on which timber harvesting is conducted, including all that area where soil and/or vegetation has been disturbed or damaged.

“Landing” means that area where forest products are concentrated and loaded for transport.

“Lop” means to sever, crush, or spread slash so that no part of the slash remains more than 18 inches above the ground.

“Minor harvest” means a commercial harvest of any size which does not require a timber harvest plan approved by the California Department of Forestry and Fire Protection or a timber harvest permit from the County of Santa Cruz.

“Public road” means a County maintained road or State highway.

“Significant impact” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

“Slash” means split product material, branches, lumps, stems, or other debris resulting from current timber harvesting.

“Stream” means a watercourse designated by a solid line or dash and three dot symbol shown on the largest scale United States Geological Survey topographic map most recently published, as corrected. The map shall be corrected to reflect conditions as they actually exist on the ground and identify as a stream only that portion of any watercourse which:

- (1) Supports fish at any time of the year; or
- (2) Has a significant water flow at the time of timber harvesting; or
- (3) Has a well defined channel relatively free of debris.

“Timber” means trees of any species of sufficient size and quality to furnish raw material used in the manufacture of forest products.

“Timber harvesting” means the cutting, removal, or both, of timber or other forest products together with all the work incidental thereto, including road and

firebreak construction; except preparatory work such as tree marking, surveying, and road flagging.

“Timber operator” means any person, copartnership, corporation, association, or contractor with a valid state issued timber operator’s license that is engaged in timber harvesting, except a person who is engaged in timber harvesting as an employee whose sole compensation consists of wages.

“Timber owner” means any person, copartnership, corporation, or association that owns timber or timber rights.

“Timberland owner” means any person, copartnership, corporation, or association that owns land which is growing timber.

“Tractor road” means a road constructed to move a forest product to a landing.

“Tractor trail” means a path created by moving a forest product to a landing.

“Truck road” means a road other than a public road used by trucks to transport logs and other forest products.

“Waterbreak” means a ditch, dike, dip or combination thereof, constructed to divert water effectively as an aid to erosion prevention.

“Watercourse” means a channel through which water flows below the high water mark of the flow. [Ord. 4301 § 2, 1994; Ord. 3332 § 1, 1982; Ord. 3167, 1981; Ord. 3155, 1978; Ord. 2353, 1976; Ord. 2605, 1978].

16.52.031 Exclusions.

The following operations are exempt from the provisions of this chapter, but remain subject to all other applicable sections of the Santa Cruz County Code. Inside the Coastal Zone, tree removal described by subsections (A), (B) and (D) of this section may require a significant tree removal permit as specified in Chapter [16.34](#) SCCC. Ancient trees may not be removed under any of these exclusion categories. Any property or timber owner proposing to cut ancient trees must file a timber harvesting notice.

(A) Removal of no more than five trees. This exclusion may be used only once within any five-year period on any parcel.

(B) Any trees within 30 feet of a permanently located structure currently maintained for human habitation.

(C) Removal of orchard trees.

(D) Removal of the following invasive species: Blue gum Eucalyptus (*Eucalyptus globulus*), Green Wattle (*Acacia decurrens*).

(E) Tree removal necessary to exercise a County issued building permit, development permit or other discretionary approval. The number of trees cut under this subsection may not exceed the minimum number necessary to carry out the permitted action. [Ord. 4301 § 3, 1994].

16.52.035 Notification required.

Excepting commercial timber harvesting under the exclusive jurisdiction of the California Department of Forestry and Fire Protection, any person proposing to engage in commercial timber harvesting must first file a timber harvesting notice with the Planning Director. The purpose of the timber harvesting notice is to allow the Planning Director to determine if the harvest proposal is subject to the provisions of this chapter or any other ordinances or policies of the County of Santa Cruz.

(A) No person shall engage in commercial timber harvesting without first preparing, filing and receiving approval of a “timber harvesting notice” unless a timber harvesting permit has been obtained from the County or, if the California Department of Forestry and Fire Protection has exclusive jurisdiction, for which a timber harvest plan has been approved.

(B) Contents of Timber Harvesting Notice. The timber harvesting notice shall include sufficient information so that the Planning Director can determine whether the operation is acceptable as submitted, requires a minor timber harvest permit or is not acceptable. At a minimum, all of the following information is required:

- (1) A statement explaining the specific purpose(s) of the harvest.
- (2) A map of the property with the harvest area(s), existing roads, tractor trails and landings, watercourses, property lines and structures clearly delineated.
- (3) Name, address, mailing address and phone number of the landowner and timber owner (if different than property owner), timber operator and license number, assessor’s parcel number(s) for the area(s) proposed to be harvested.
- (4) Approximate number, size and type of trees to be cut.
- (5) Type of equipment to be used, including haul trucks.

- (6) How much land clearing and grading is proposed, if any.
- (7) Signature of legal property owner and timber owner, if different from property owner.
- (8) Proposed haul route.
- (9) Schedule of operations.
- (10) Disclosure of the domestic water source for the parcel on which the harvest is proposed.
- (11) A statement certifying that the public notification requirements of SCCC 16.52.039 have been met.

(C) Filing of Timber Harvesting Notice. The timber harvesting notice shall be filed with the Planning Director. A filing fee, set by resolution of the Board of Supervisors, shall be submitted with the notice. The filing fee shall not exceed the actual costs of processing the application. Such fees may only be changed by resolution of the Board of Supervisors, following a noticed public hearing. [Ord. 4301 § 4, 1994; Ord. 3332 § 1, 1982].

16.52.036 Action on timber harvesting notice.

Timber harvesting notices shall be processed in accordance with the following procedures:

(A) Upon receipt of the timber harvesting notice, staff shall, within 10 working days, determine whether the proposal complies with all applicable County ordinances and policies, will not result in significant adverse environmental impacts, either individually or cumulatively, and will not reasonably be expected to require County oversight during operations.

(B) Within this 10-working-day period, a determination shall also be made as to whether field review by staff is necessary. Site conditions which may warrant field review include, but are not limited to, the presence of any of the following on or near the operations area: riparian areas, mapped sensitive habitats, rare or endangered species, mapped unstable areas, slopes greater than 40 percent, dense residential development and mapped archaeological or historic sites.

(C) If all conditions in subsection (A) of this section are met and site conditions do not warrant field review pursuant to subsection (B) of this section, the applicant will be sent a notice of approval of the timber harvesting notice and a list of applicable County ordinances and policies. The notice of

approval shall be mailed to the applicant within five working days of the determination that the permit may be issued without further conditions.

(D) Conditions may be attached to the approved timber harvesting notice to bring it more fully into compliance with subsection (A) of this section. Such requirements may include, but not be limited to: application for other County permits or approvals; application for permits or approvals from other agencies, such as the California Department of Fish and Game; or modifications to the proposed operation to reduce impacts.

(E) Harvesting operations conducted pursuant to an approved timber harvesting notice must comply with all applicable technical and administrative sections of this chapter.

(F) The approval of a timber harvesting notice exempts the specific timber harvest solely from the sections of this chapter relative to obtaining a minor timber harvest permit or timber harvest permit, and is not intended to exempt the harvest from any other provision of this chapter, other relevant sections of the County Code or the State of California Forest Practices Act, whichever takes precedence.

(G) If the Planning Director determines that all the conditions in subsection (A) of this section are not and cannot reasonably be met, the applicant shall be notified in writing that the harvest is not allowable and operations may not commence.

(H) If the Planning Director determines all the conditions in subsection (A) of this section may be met but that field review is needed or that County oversight will be necessary during operations, the applicant shall be notified in writing that an application for a minor timber harvest permit is required. [Ord. 4301 § 5, 1994].

16.52.037 Application for a minor timber harvest permit.

Applications for minor timber harvest permits shall be filed with the Planning Director. Applications shall be processed in accordance with the requirements of Chapter [18.10](#) SCCC, Level III and shall include the following:

(A) Two copies of all that information required to be filed for the timber harvesting notice.

(B) After review of the material submitted with the timber harvesting notice by the Planning Director, additional or clarifying information may be requested to ensure the provisions of this chapter are met. Such material may include, but

not be limited to: topographic detail, drainage or erosion control details, technical studies and property deeds.

(C) An additional filing fee, set by resolution of the Board of Supervisors, shall accompany the application. [Ord. 4301 § 6, 1994].

16.52.038 Action on minor timber harvest applications.

Minor timber harvest permit applications shall be processed in accordance with the following procedures:

(A) Upon receipt of the application, the Planning Director shall, within 10 working days, review the application for completeness and determine whether the application is in compliance with all applicable County ordinances and policies, the provisions of this chapter and does not result in significant adverse environmental impacts, either individually or cumulatively.

(B) If, after review, it is determined that all of the conditions in subsection (A) of this section are met, the permit shall be issued. The notice of approval shall be mailed within five working days of the date that this determination is made.

(C) Conditions may be attached to the minor timber harvest permit to bring it into compliance with subsection (A) of this section. Such requirements may include, but not be limited to: application for other County permits or approvals; application for permits or approvals from other agencies, such as the California Department of Fish and Game; or modifications to the proposed operation to reduce impacts.

(D) If the Planning Director determines that all the conditions in subsection (A) of this section are not and cannot reasonably be met, the applicant shall be notified in writing that the harvest is not allowable and operations may not commence.

(E) Harvesting operations conducted pursuant to an approved minor timber harvest permit shall comply with all applicable technical and administrative sections of this chapter. [Ord. 4301 § 7, 1994].

16.52.039 Public noticing.

Public notice shall be required for timber harvesting notices and minor timber harvest permit applications. The intent of the noticing is to provide information to adjacent residents about the approved operation.

(A) The notice form shall be at least eight and one-half inches by 11 inches and shall contain the following information:

- (1) The name of the landowner.
- (2) The name and phone number of the County staff member handling the application.
- (3) The application number.
- (4) Identification of the property, including a map which describes the nearest cross streets and roads, where the operations are proposed. This identification must be an address or assessor's parcel number.
- (5) A description of the proposed operation, including amount and location of timber to be cut; harvesting methods to be used, including the listing of any heavy equipment, haul route, approximate number of loads to be removed and schedule of operations.
- (6) The notice shall be sent to the water purveyor supplying water to the parcel upon which timber operations are proposed.

(B) The notice shall be posted on site by the applicant in accordance with current County procedures. Posting shall occur in at least four locations, including, but not necessarily limited to, the following:

- (1) At the location where the haul road enters the property.
- (2) Along the haul route at no less than one-half mile intervals, until the haul route joins a publicly maintained road. An additional notice shall be placed at said intersection.
- (3) At any location(s) along the perimeter of the property on which operations will take place, where the operation will be easily visible from adjoining, inhabited parcels; except that notices are not required to be posted at less than 500-foot intervals.

(C) Posting of the notices shall coincide with submission of a timber harvesting notice or application for a minor timber harvest permit to the County. The timber harvest notice or minor timber harvest permit application shall contain a statement certifying that these notices have been posted.

(D) The notices shall remain posted until operations and final site cleanup are completed. [Ord. 4301 § 8, 1994].

16.52.040 Permit required.

No person shall engage in timber harvesting of greater than three acres areal extent without first obtaining a timber harvesting permit from the County. [Ord.

3332 § 1, 1982; Ord. 3155, 1981].

16.52.045 Permit expiration.

Permits issued April 1st through July 31st shall terminate April 1st of the following year. Permits issued between August 1st and March 31st shall terminate one year from the first April 1st after permit approval. Permits for harvests approved pursuant to SCCC 16.52.035 through 16.52.038, inclusive, shall expire one year from date of issuance. [Ord. 4301 § 9, 1994; Ord. 3332 § 1, 1982; Ord. 3155, 1981; Ord. 2665, 1979].

16.52.050 Application.

A County timber harvesting permit application shall be prepared by a registered professional forester and filed jointly by the timberland owner, timber owner and, if known, licensed timber operator. If not known at the time of filing, the information pertaining to the timber operator shall be submitted prior to commencement of timber harvesting. A timber operator may not become a party to a permit if he is ineligible for a permit. At the discretion of the Planning Director, applications for smaller timber harvesting operations need not be prepared by a registered professional forester.

(A) The information required shall be limited to that which is necessary to evaluate the proposed timber harvesting operation and to enforce the provisions of this chapter. An accurate topographic map having a true scale of one inch equals not more than 1,000 feet shall accompany the application.

(B) Prior to submission of an application, truck roads, landings, bridges and culverts shall be designated in the field by flagging or other means so their location readily may be determined. Property lines also shall be so designated where a truck road is proposed within 100 feet of the property line. [Ord. 4301 § 10, 1994; Ord. 3332 § 1, 1982; Ord. 2800, 1979; Ord. 2506, 1977; Ord. 2353, 1976].

16.52.060 Variances.

A request for a variance from the provisions of this chapter, the permit conditions, or the plan specifications may be approved, conditionally approved, or denied. A request for a variance must state the requirement which is to be varied from, the proposed substitute provision, when it would apply and its advantages.

(A) General Variance. A variance must provide for equal or greater silvicultural or protectional management of the land than is provided by this chapter.

(B) Truck Road Variance. When there is no feasible access for timber harvesting which conforms with this chapter, the truck road location may be approved or conditionally approved if:

- (1) The truck road will not adversely affect the stability of, or cause earth to be deposited on, property owned by others; and
- (2) The truck road will be located and constructed to utilize the general contour of the land to reduce earth movement and minimize erosion, landsliding and water contamination.

(C) Permit Modification. After a permit has been granted, modifications which are in conformance with the provisions of this chapter, and substantially in conformance with the conditions of the permit, may be approved by the Planning Director. All other variances must be considered by the Planning Commission. Modification requests considered by the Planning Commission shall be accompanied by a nonrefundable fee as established by resolution of the Board of Supervisors. [Ord. 3332 § 1, 1982; Ord. 2800, 1979; Ord. 2506, 1977; Ord. 2353, 1976].

16.52.070 Permit issuance.

An application for a timber harvesting permit may be approved, conditionally approved or denied.

(A) Review of Application. Upon receipt of a timber harvest application, staff shall review the application for accuracy and completeness as required by this chapter. Within 15 working days after receipt of the application, the applicant shall be notified in writing if the application is inaccurate or incomplete. If the application is found to be inaccurate or incomplete, the application shall be returned to the applicant with a description of the deficiencies.

If no EIR or additional reports are required, the County Forester shall have 45 days from the date an application is found to be accurate and complete to take action on the application. If an EIR or additional report is required, the County Forester shall have 45 days after receipt of the EIR or report to take action on the application. "Taking action on the application" means one of the following:

- (1) Administrative Permits. Recommending to the Director that the application be approved, conditionally approved, denied, or referred to the Planning Commission.
- (2) Planning Commission. Scheduling the application for the first available Planning Commission hearing. The applicant shall be notified in

writing prior to the end of the 45-day period of the date and time when the application will be heard before the Planning Commission.

(B) Action by Director. Following environmental review, the Director may consider or refer to the Planning Commission a timber harvesting permit application if either:

- (1) The harvest volume is 1,500,000 board feet or less, Scibner Decimal C short log scale, or measure of equivalent volume on lands zoned TP; or
- (2) The harvest is 500,000 board feet or less, Scibner Decimal C short log scale, or measure of equivalent volume on lands not zoned TP.

At least 10 business days before issuance of a permit, the Director shall mail notice requesting specific comments, if any, to all persons owning property adjoining the parcel for which a permit is being considered. A display ad will be placed in a newspaper of general circulation for public notification.

(C) Action by Planning Commission. Permits which cannot be issued by the Director and permits or renewals which are referred to the Planning Commission by the Director may be considered only after a public hearing. In addition to the procedures for notification of public hearings, the owners of property adjoining the truck road also shall be notified. [Ord. 4496-C § 97, 1998; Ord. 3332 § 1, 1982; Ord. 2800, 1979; Ord. 2506, 1977; Ord. 2353, 1976].

16.52.080 Permit renewal.

The Planning Director may approve, deny, or refer to the Planning Commission any request for renewal of a timber harvest permit, except that harvest approvals granted under SCCC 16.52.035 through 16.52.038, inclusive, are not eligible for renewal. A renewal shall be for the purpose of securing additional time to complete the period. Renewal requests must be received by March 1st of the year of expiration. A renewal is not effective until approved in writing. [Ord. 4301 § 11, 1994; Ord. 3332 § 1, 1982; Ord. 2665, 1979; Ord. 2506, 1977; Ord. 2353, 1976].

16.52.090 Permit denial.

A permit or notice may be denied for any of the following reasons:

- (A) An application is not filed by the proper party or parties.
- (B) A material misrepresentation or false statement is contained in the application.

- (C) An applicant is a permittee to a timber harvesting permit where a violation of this chapter exists on the date of consideration or renewal. The permittee must have been notified in writing of the violation and given a reasonable opportunity for correction.
- (D) Refusal to allow inspection of the harvest area by the County.
- (E) Specifications in the application do not meet the provisions of this chapter.
- (F) Timber harvesting is preparatory to conversion of the property to a use which has not been approved by the County.
- (G) The Planning Director determines that timber harvesting would reduce the timber density to a level where the productivity of the land is jeopardized or would cause a reduction in the timber canopy which would create a threat to soil and/or water resources, contrary to the principle of good forestry and the purpose and policy of this chapter.
- (H) Granting the permit is deemed to be contrary to the public health, safety, or general welfare or to the purpose and policy of this chapter.
- (I) If a harvest is likely to produce significant adverse environmental impacts when considered together with other harvests and/or other activities such as grading or land clearing, either recently completed, currently under way or expected in the reasonably foreseeable future, or if the harvest will violate any provision of the County Code.
- (J) If the operation is a minor timber harvest and is adjacent to or within one-quarter mile of another commercial harvest on lands owned wholly or in part by the same owner or owners as the property for which the minor timber harvest is proposed. [Ord. 4301 § 12, 1994; Ord. 3332 § 1, 1982; Ord. 2820, 1976].

16.52.095 Effective date of permit approval or denial.

Operations may commence according to the following criteria:

- (A) A denial or approval of a timber harvesting permit shall be effective on the fifth business day following the date of decision, unless an appeal has been filed in accordance with the procedure prescribed in this chapter.
- (B) A denial of a timber harvesting notice or minor timber harvest permit shall be effective immediately, but may be appealed according to the provisions of Chapter [18.10](#) SCCC. [Ord. 4301 § 13, 1994; Ord. 3332 § 1, 1982; Ord. 2820, 1976].

16.52.100 Special conditions.

Special conditions necessary to carry out the purpose and policy of this chapter may be added to a permit when it is determined that the application presents an unusual situation or circumstance which is not adequately regulated by this chapter. [Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.110 Responsibility for compliance.

At the time of issuance of the permit, the applicants shall become jointly and individually the permittees and shall be responsible for compliance with the provisions of this chapter, special conditions, and any variance granted. All information contained in the timber harvesting permit application, and not in conflict with this chapter, shall become part of the permit. If a registered professional forester was required to prepare the timber harvest permit application, then he or a registered professional forester designated by the permittee, as his replacement, shall be responsible for the supervision of the timber harvesting operation to assure compliance with the permit conditions and the purpose, policy, and provisions of this chapter. [Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.120 Fees.

Application fees and inspection fees shall be set by resolution of the Board of Supervisors. Documents submitted to the Director for the computation of inspection fees shall be confidential. [Ord. 3332 § 1, 1982; Ord. 2665, 1979; Ord. 2353, 1976].

16.52.130 Sureties.

A timber harvesting permit shall not be valid and timber harvesting shall not commence until the required sureties have been provided.

(A) Timber Operator's Surety. A cash deposit, bond or equivalent surety payable to the County in an amount not exceeding \$7,500 per 100 acres of harvest area, or portion thereof, is required when deemed necessary to insure compliance with the provisions of this chapter and any special conditions. The surety shall remain in effect through April 1st of the year following the completion of timber removal from the harvest area under permit. Should the timber operator fail to correct any violation within a reasonable time following receipt of written notification to do so, the County may correct the violation and charge all reasonable costs against the timber operator's surety.

(1) Blanket Surety. In lieu of posting individual sureties for each timber harvest permit pursuant to subsections (A) and (C) of this section, the County may accept blanket surety in an amount sufficient to cover

projected operations during the ensuing calendar year. Such surety shall be supplemental at any time the amount posted is not sufficient to cover the permits actually issued and shall remain in effect as provided herein.

(B) **Timberland Owner's Surety.** A cash deposit, bond or equivalent surety payable to the County in an amount not exceeding \$1,500 per 100 acres of harvest area, or portion thereof, is required when deemed necessary to insure compliance with the provisions of this chapter and any special conditions. The surety shall remain in effect through the first two years following the timber operator's period of responsibility. Should the timberland owner fail to correct any violation within a reasonable time following receipt of notification to do so, the County may correct the violation and charge all reasonable costs against the timberland owner's surety.

(C) **Additional Surety.** Additional cash deposits, bonds or equivalent sureties payable in an amount not exceeding that specified in subsections (A) and (B) of this section may be required when deemed necessary to insure compliance with any special conditions on a permit. Additional sureties shall remain in effect as provided in said subsections (A) and (B) of this section.

(D) Sureties may be required for operations approved pursuant to SCCC 16.52.035 through 16.52.039, inclusive, and shall not exceed \$1,000 per acre. [Ord. 4301 § 14, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.140 Inspection of harvest area.

The County shall inspect the harvest area to ensure compliance with this chapter and any special conditions. Upon completion of any inspection, the permittees shall be given written notice of any violations for correction thereof. [Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.150 Permission to enter harvest area.

The filing of an application for a timber harvesting permit, timber harvesting notice or minor timber harvest permit constitutes a grant of permission for the County to enter the harvest area for the purpose of administering this chapter from the date of the application to the termination of the erosion control maintenance period. If necessary, the County shall be supplied with a key and lock combination or permitted to install a County lock. County staff shall make a reasonable effort to schedule a site visit with the property owner. [Ord. 4301 § 15, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.160 Notice of completion.

Within one month following completion of timber harvesting on the harvest area under permit or notice, excluding erosion control maintenance, a written

notice of completion shall be filed with the County. The County shall then inspect the harvest area and provide the permittees with a written report of the inspection. [Ord. 4301 § 16, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.170 Applicable laws and regulations.

(A) All provisions of the following are incorporated herein by reference and shall apply to all timber harvesting operations unless stricter provisions are contained in this chapter:

- (1) State Forest Practice Act and applicable rules.
- (2) State Fish and Game Code.
- (3) State Fire Laws.
- (4) Porter Cologne Water Quality Control Act.
- (5) Monterey-Santa Cruz Air Pollution Control District Rules and Regulations.
- (6) All other applicable Federal, State, and local law and regulations.

(B) Grading related to a timber harvest permit and in conformance with the provisions of this chapter is exempt from the County grading ordinance. No grading is allowed for operations approved under timber harvesting notices or minor timber harvest permits unless the appropriate permits are obtained.

(C) Timber harvesting operations in conformance with the provisions of this chapter are exempt from the provisions of the County water quality control ordinance, except that operations approved under timber harvesting notices or minor timber harvest permits must comply with said ordinance.

(D) Grading work, installation of facilities or construction of improvements completed under the provisions of this chapter will not necessarily be considered existing for the purposes of other sections of the County Code, unless the grading work, installation of facilities or construction of improvements comply with the applicable code section(s) at the time of completion. [Ord. 4301 § 17, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.180 General harvesting specifications.

(A) Archaeological sites, historical sites, nesting sites for birds of prey or aquatic birds, habitats of rare and endangered species, designated by the County, shall be protected. In the event an archaeological site is discovered during the course of timber harvesting, the County shall be notified and work in

the immediate area halted pending prompt evaluation of the site and determination of the protective measures to be taken.

(B) Diligent care shall be exercised in timber harvesting to minimize damage to soils, leave trees, young growth, reproduction, and other vegetation.

(C) Solid nonforest refuse resulting from timber harvesting shall be removed from the harvest area concurrently with timber harvesting. Equipment shall not be serviced where petroleum products could pass into a watercourse.

(D) The hours of specific timber harvesting operations may be regulated when the noise of such operations will create a serious public nuisance.

(E) Operation of trucks, tractors, and similar heavy equipment within the harvest area between October 15th and the following April 15th is prohibited unless authorized in writing. Authorization may be granted only when conditions are such that the operation will not cause excessive damage. Authorization may be conditional. Authorization may be revoked at any time either by phone, in person, or in writing. Once revoked, such authorization may be reinstated only in writing. On such operations, necessary erosion control facilities shall be installed and/or maintained concurrently with timber operations on a daily basis.

(F) Hauling on public roads shall conform with all applicable traffic regulations and the following requirements:

- (1) Hauling is not permitted on Saturday, Sunday, and national holidays.
- (2) The haul route specified in the timber harvesting application shall be modified as required if it is determined that use of the route presents a serious traffic hazard and a reasonable alternative route is available.
- (3) Special traffic signs and/or flagmen may be required when necessary to prevent a serious traffic hazard.
- (4) The haul route and/or time of use may be reasonably restricted when necessary to prevent a serious hazard to school buses or serious interference with commute traffic.

(G) Along public roads where the ground surface could be readily visible following timber harvesting, the County may designate a visual impact area which shall not exceed in square feet a total area calculated by multiplying the length of the harvest area road frontage by 100. Within the visual impact area, the County may:

(1) Designate those conifer trees to be left uncut provided the allowable cut includes at least 30 percent of the gross conifer volume, but does not exceed 30 percent of the conifer trees 18 inches d.b.h. and larger.

(2) Designate those hardwood trees to be left uncut provided the allowable cut does not exceed 50 percent of the hardwood trees four inches d.b.h. and larger.

(3) Require tractor roads to be flagged for approval.

(H) The County Forester may recommend to the Planning Director, or the Planning Commission, that certain trees be designated in the permit or notice as leave trees when they have a special natural or historical significance or because they are a unique and valuable habitat for wildlife.

(I) Trees to be cut near streams may be required to be marked for County approval prior to cutting.

(J) Operations approved pursuant to SCCC 16.52.035 through 16.52.038, inclusive, must comply with all other applicable County ordinances and policies. [Ord. 4301 § 18, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.190 Cutting specifications.

(A) Timber harvesting, except as approved for stand improvement, shall be limited to a minimal interval of 10 years and shall meet the following stocking requirements prior to reharvesting.

(1) The harvest area under consideration shall be deemed adequately stocked if the area contains an average point count of 600 per acre, to be computed as follows:

(a) Each countable tree which is not more than four inches d.b.h. to count as one.

(b) Each countable tree over four but not more than 12 inches d.b.h. to count as three.

(c) Each countable tree over 12 inches d.b.h. to count as six.

(2) Redwood root crown sprouts will be counted using the average stump diameter one foot above average ground level of the original stump from which the redwood root crown sprouts originate, counting one sprout for each foot of stump diameter to a maximum of six per stump.

(3) Rock outcroppings, meadows, wet areas, or other areas not normally

bearing timber shall not be considered as requiring stocking and are exempt from such provisions.

(4) The stocking requirements shall apply to conifer stocking when a conifer harvest is being considered, or to hardwood stocking when a hardwood harvest is being considered.

(5) The stocking standard (Section [4561](#) Public Resources Code) as defined in the Z'Berg-Nejedly Forest Practice Act of 1973 (Division 4, Chapter 8, Public Resources Code) shall be met immediately upon completion of timber harvesting.

(6) Stocking shall be determined in accord with the "Standardized Stocking Sampling Procedures" as found in Title [14](#), California Administrative Code, Sub-Chapter 4.1, Chapter 2, Division 2, Article 6.

(B) Conifer leave trees shall include at least 50 percent of those live conifer trees 18 inches d.b.h. and larger and 60 percent of those live conifer trees 12 inches d.b.h. to 18 inches d.b.h. No conifer tree shall be cut which is less than 12 inches d.b.h. or more than 75 feet from a conifer leave tree 18 inches d.b.h. or larger located within the harvest area, except as approved for stand improvement.

(C) Hardwood leave trees shall include at least 50 percent of those live hardwood trees four inches d.b.h. and larger and 60 percent of those live hardwood trees less than four inches d.b.h. No hardwood tree shall be cut which is more than 75 feet from a hardwood leave tree four inches d.b.h. or larger or a conifer leave tree 12 inches d.b.h. or larger located within the harvest area, except as approved for stand improvement.

(D) Leave trees as required in subsections (B) and (C) of this section shall be thrifty, vigorous trees and well-formed crowns free from damage caused by the logging operation.

(E) Leave tree stand density shall reflect the general before harvest density reduced by a factor not exceeding the allowable cut.

(F) Trees shall be felled away from public roads, in line with skidding direction to the fullest extent possible that topography, lean of tree, local obstructions and safety permit, with minimum damage to leave trees and reproduction. Trees shall not be felled into streams.

(G) Trees with evidence of use as nesting sites by raptors, waterfowl, or rare or endangered wildlife shall be left uncut.

(H) The cutting limitations of this chapter shall not prohibit the cutting or removal of trees for truck roads and landings.

(I) Removal of hardwood trees from a predominant conifer stand to promote growth of the conifer trees may be approved.

(J) Plantations on nonforest land approved by the Planning Commission for the production of forest products are exempt from the cutting limitations of this chapter.

(K) The cutting of trees located within a distance equal to their height from a permanently located structure currently maintained for human habitation, or within said distance from the location of a structure approved for construction under a valid building permit and where the owner of the structure is the owner of the land upon which the operation is to be conducted or if not, where the owner of the structure has given his written consent, shall be exempt from the cutting limitations of this chapter. Operations pursuant to this subsection may constitute a conversion and be subject to the provisions of SCCC 16.52.195.

(L) The cutting of ancient trees or ancient forests is prohibited unless the tree(s) pose a threat to health and safety as verified by County staff. A report by an arborist or registered professional forester may be required as supporting documentation prior to the removal of any ancient tree. [Ord. 4301 § 19, 1994; Ord. 3332 § 1, 1982; Ord. 3155, 1981; Ord. 2353, 1976].

16.52.195 Minor conversions.

Minor conversions are conversions of three acres or less and are evaluated by the County within the regulatory process administered by the Department of Forestry under the authority granted in the California Code of Regulations Section 1104(a)(4). The Department of Forestry requires that applications for these timber operations include a signed and dated statement from the County certifying that the conversion is in conformance with all local regulatory requirements. Certification to the Department of Forestry shall be subject to the following:

(A) Minor conversions are allowed only for bona fide reasons. A bona fide reason is any use allowed by the zoning designation of the property or cutting required to remove hazardous trees. For residential building permits, any of the trees within 30 feet of the house may be cut.

(B) The Planning Director shall require proof of the bona fide purpose prior to certifying that the proposal conforms to County regulations. Such proof may include, but not be limited to, an issued building or development permit, an

operations and maintenance plan for an agricultural use or a plan for the proposed use. The number of trees cut may not exceed the minimum number necessary to carry out the permitted action.

(C) Minor conversions are prohibited within riparian corridors or other sensitive habitats, unless a riparian exception or other applicable County permit has been obtained.

(D) The cutting of ancient trees or ancient forests is prohibited unless the tree(s) pose a threat to health and safety as verified by County staff. The staff may consult with a licensed timber operator in determining how to exercise its discretion under this subsection. In addition, a report by an arborist or registered professional forester may be required as supporting documentation prior to the removal of any ancient tree.

(E) Minor conversions are prohibited which would adversely affect historical or archaeological sites, unless the minor conversion is associated with an issued building or development permit.

(F) Minor conversions for the purposes of creating or providing access to a building site shall not be allowed until the building permit is issued. Conversely, if a land development or building permit has been issued, a minor conversion may be undertaken according to the approved development plan.

(G) The provisions of SCCC 16.22.080, Land clearing approval, shall apply to minor conversions.

(H) Penalties for the fraudulent use of this section in order to harvest timber may include, but not be limited to, civil penalties, a fine equal to the value of the timber removed, recordation of a notice of violation or the requirement to complete the proposed reason for the conversion.

(I) Minor conversions shall not be subject to the provisions of SCCC 16.52.035.

Note: In addition, during any period of time that the court order which prohibits the State from processing exemptions is in place, SCCC 16.52.035 through 16.52.038 shall not be operative. [Ord. 4344 § 20, 1994; Ord. 4301 § 20, 1994].

16.52.200 Water quality protection.

(A) Truck and tractor roads, tractor trails and landings shall be permitted only where there is a protective strip between such facilities and a stream. The strip shall have sufficient filter capacity to prevent significant degradation of stream

water quality. If it is determined that the filter capacity of the protective strip is insufficient, additional erosion control may be required, including but not limited to the following:

- (1) Increased width of the protective strip.
- (2) Decreased interval between waterbreaks.
- (3) Treatment of the traveled surface.
- (4) Treatment of fill slopes.
- (5) Installation of down drains.
- (6) Seeding or planting of bare soil.
- (7) Installation of obstructions between the toe of the fill and the stream.

(B) No earth or organic material shall be deposited or placed where it may enter a stream, marsh, or body of standing water in a quantity deleterious to wildlife, aquatic life, or other beneficial uses of the water.

(C) The design, location and installation of bridges and culverts shall be subject to approval.

(D) Bridges and culverts, together with associated fill material not designed to pass the water flow from the estimated 100-year maximum frequency storm, shall be removed upon completion of timber harvesting, before significant rain, but not later than October 15th of each year, and not replaced prior to April 15th of the following year.

(E) If water flow can be expected during use of a watercourse crossing or during the time fill material is in a crossing, a bridge or culvert shall be installed concurrently with construction of the crossing. Such bridge or culvert shall be adequate to pass the anticipated flow without causing significant degradation of water quality.

(F) Stream crossing structures shall be designed and installed to permit the passage of fish if the stream supports fish at the crossing during the time the crossing structure is in place.

(G) Streams shall be kept free of slash. Watercourses shall be kept free of slash which might cause or contribute to accelerated erosion, blockage of fish movement or other deleterious effects.

(H) Nonmerchantable riparian and/or aquatic vegetation shall be protected from unreasonable damage.

(I) Sufficient canopy shall be retained to prevent an increase in stream water temperature to that extent which is deleterious to wildlife, aquatic life or other beneficial uses of the water.

(J) The water flow from perennial springs shall not be diminished to the detriment of wildlife or human use.

(K) Grading requiring permits, or the emplacement of culverts, bridges or other crossings, is not allowed in conjunction with harvests approved pursuant to SCCC 16.52.035 through 16.52.038, inclusive, unless the appropriate permits are obtained. [Ord. 4301 § 21, 1994; Ord. 3332 § 1, 1982; Ord. 3155, 1981; Ord. 2353, 1976].

16.52.210 Erosion control specifications.

(A) Water flow shall be directed and/or dissipated to control erosion.

(B) All required permanent drainage structures shall be installed concurrently with the construction or reconstruction of truck roads. Waterbreaks, berms or measures providing equivalent protection shall be established on all truck and tractor roads, tractor trails, landings and the like immediately upon completion of use and before significant rain, but not later than October 15th. Equivalent protection requirements may include, but are not limited to, the following:

- (1) Covering exposed soil with slash or similar material.
- (2) Outsloping to effectively divert water flow.
- (3) Treating the traveled surface.
- (4) Installing inside ditches with cross culverts.

(C) Berms not needed to control erosion shall be breached or removed.

(D) All side-cast and fill material exceeding five feet in slope length shall be seeded within 15 days following the first significant rain, but not later than October 15th.

(E) Waterbreaks and dips shall be:

- (1) Located in areas with minimal fill and sidecast material.
- (2) Designed to divert surface water from the traveled surface.

- (3) Flagged for approval prior to construction when necessary to determine that the location and design are in conformance with this chapter.
- (4) Cut a minimum of six inches into the firm soil and shall have a continuous firm embankment of at least six inches in height immediately adjacent to the lower edge of the waterbreak cut, and constructed so they will not be rendered ineffective by the passage of vehicles.
- (5) Constructed at all watercourse crossings unless a culvert or bridge is provided.
- (6) Constructed at intervals not exceeding the following slope distances:
 - (a) On grades of 10 percent or less: 150 feet.
 - (b) On grades of 11 percent to 25 percent: 100 feet.
 - (c) On grades of 26 percent to 49 percent: 75 feet.
 - (d) On grades of 50 percent or more: 50 feet.
 - (e) At such lesser intervals as may be necessary to prevent excessive erosion.

(F) All erosion control facilities required by this chapter shall be maintained during periods of significant rain throughout the periods covered by sureties or as required by permit conditions.

(G) Pre-existing erosion problems may be required to be repaired as a condition of approval of any timber harvest.

(H) The minimum criterion to be achieved by all operations is that there shall be no net increase of silt or debris entering natural bodies of water.

(I) Off-site mitigation may be acceptable if the mitigation site is in the same watershed as the harvest and if approved by County staff and the property owner(s). [Ord. 4301 § 22, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.220 Truck road specifications.

(A) The location of truck roads is subject to approval and shall facilitate timber removal.

(B) Truck roads shall be located and constructed to utilize the general contour of the land to reduce earth movement.

(C) Truck roads shall not be constructed on slopes in excess of 70 percent or have grades in excess of 15 percent. After review, the Planning Director may approve road grades up to 25 percent not exceeding five percent of the total road length.

(D) Truck roads shall be constructed to single lane width (approximately 15 feet) with turnouts at reasonable intervals. Truck roads and turnouts shall be no wider than necessary to permit safe passage of trucks and equipment.

(E) Truck roads shall not be constructed with overhanging banks.

(F) Truck roads shall not adversely affect the stability of, or cause earth to be deposited on, property owned by others.

(G) Truck roads shall not be constructed on active landslides or on slopes evidencing instability unless it is shown that such roads can be stabilized.

(H) Switchbacks shall not be constructed on slopes over 40 percent as measured directly between the entrance and exit points of the proposed switchback.

(I) Treating of truck road surfaces may be required to control dust and prevent a serious public nuisance or excessive loss of the road surface.

(J) Trees with more than 25 percent of their root area exposed by current construction or reconstruction shall be felled concurrently with timber harvesting.

(K) Where the truck road cut back exceeds six feet in height, any trees within a distance from the top on the bank equal to the height of the cut may be required to be felled.

(L) New truck roads shall not be allowed for harvests approved pursuant to SCCC 16.52.035 through 16.52.038, inclusive. Any grading or clearing necessary to open legal, existing roads must conform to all applicable County regulations including, but not limited to, the grading, erosion control and riparian protection ordinances. [Ord. 4301 § 23, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.230 Tractor road and trail specifications.

(A) Advance flagging and approval of tractor roads may be required when necessary to determine that the location and design conform with this chapter.

(B) Tractor roads and trails shall be limited in number and width consistent

with sound forest management practices.

(C) Tractor roads and trails shall not adversely affect the stability of, or cause earth to be deposited on, property owned by others.

(D) To minimize soil excavation, tractor roads and trails shall be constructed parallel with the slope as nearly as practicable, but not so steeply as to require use of the blade for braking.

(E) Once established, tractor roads shall be used for going both to and from landings.

(F) Tractor roads shall not be constructed on active landslides or on slopes evidencing instability unless it is shown that such roads can be stabilized.

(G) New tractor roads and trails shall not be allowed for harvests approved pursuant to SCCC 16.52.035 through 16.52.038, inclusive. Any grading or clearing necessary to open legal, existing roads and trails must conform to all applicable County regulations, including, but not limited to, the grading, erosion control and riparian protection ordinances.

(H) At the discretion of the Planning Director, tractors may be required to operate only on flagged routes to minimize ground disturbance on slopes where trails are not existing or proposed. [Ord. 4301 § 24, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.240 Landing specifications.

(A) The location of landings is subject to approval.

(B) Landings shall be limited in size and number consistent with sound forest management practices.

(C) Landings shall not be constructed where they could adversely affect slope stability.

(D) Whenever practicable, landings shall be constructed in open areas.

(E) New landings shall not be allowed for harvests approved pursuant to SCCC 16.52.035 through 16.52.038, inclusive. Any grading or clearing necessary to open legal, existing landings must conform to all applicable County regulations, including, but not limited to, the grading, erosion control and riparian protection ordinances.

(F) Landings constructed on slopes over 15 percent must be constructed in compliance with Chapter [16.20](#) SCCC. [Ord. 4301 § 25, 1994; Ord. 3332 § 1,

1982; Ord. 2353, 1976].

16.52.250 Fire hazard reduction.

(A) All slash, except slash in areas substantially covered by logs on the ground, shall be lopped to within 18 inches of the ground, chipped, burned, or otherwise disposed of no later than April 15th of the year following its creation. Slash along truck roads outside the harvest area shall be lopped concurrently with its creation.

(B) Only those standing dead trees required by State law to be cut must be cut. Standing dead trees with visible nesting sites of raptors, waterfowl, rare or endangered wildlife or those trees designated by the California Department of Fish and Game shall not be cut.

(C) An area within 50 feet of the edge of all public roads shall be kept free of slash. Slash between 50 feet and 100 feet of the edge of said roads and slash within 200 feet of all permanently located structures currently maintained for human habitation shall be disposed of by piling and burning, chipping, burying, or removal.

(D) Slash shall not be pushed against residual trees.

(E) Truck roads within the harvest area shall be kept passable for fire equipment during the dry season until lopping is completed.

(F) Open burning shall be done only with approval of the California Department of Forestry and Fire Protection and the Monterey-Santa Cruz Air Pollution Control District. [Ord. 4301 § 26, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.260 Sawmills.

Sawmills (powered devices used to convert logs to lumber) shall not be established without specific approval. [Ord. 3332 § 1, 1982; Ord. 2353, 1976].

16.52.265 Hazardous conditions.

Whenever the Planning Director determines that the conduct of harvesting operations has resulted in a hazard to life and limb, endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, or damages forest resources, he/she shall notify in writing the owner(s) of the property or other person or agent in control of the property on which the hazard exists. On receipt of the notice, the owner(s) shall within the period specified eliminate the hazard and bring the property into conformance with the requirements of this chapter. [Ord. 4301 § 27, 1994].

16.52.270 Violations.

(A) It shall be unlawful for any person to do, cause, permit, aid, abet, suffer or furnish equipment or labor for any commercial timber harvesting as defined in SCCC 16.52.030 unless (1) a timber harvest plan has been approved by the California Department of Forestry and Fire Protection; or (2) a timber harvesting notice, minor timber harvest permit or timber harvest permit has been approved by the County of Santa Cruz.

(B) It shall be unlawful for any person to exercise a development permit which authorizes timber harvesting without complying with all of the conditions of such permit.

(C) It shall be unlawful for any person to refuse or fail to abate a hazardous condition as required by a notice of hazardous condition issued by the Planning Director under the provisions of SCCC 16.52.265.

(D) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a “stop work” notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Planning Director.

(E) If the Planning Director determines that any timber harvesting occurring in the County does not comply with a development permit, this chapter, and is not under California Department of Forestry and Fire Protection jurisdiction, he/she may stop all work until corrective measures have been completed. The site shall be posted with a “stop work” notice. No building, septic tank, encroachment or other permit shall be issued by the County, and the County may require that all work shall be stopped pursuant to any such permits issued, until corrections have been made to the satisfaction of the Planning Director.

(F) Whenever the Planning Director determines that grading has been done without the required development permit, he/she may refuse to issue a permit for the work already completed and require mitigating action. [Ord. 4301 § 28, 1994; Ord. 3332 § 1, 1982; Ord. 2353, 1973].

16.52.271 Notice of violation.

Repealed by Ord. 4392A. [Ord. 4301 § 29, 1994].

16.52.272 Removal of notice of violation.

Repealed by Ord. 4392A. [Ord. 4301 § 30, 1994].

16.52.280 Abatement of nuisance.

Repealed by Ord. 4392A. [Ord. 4301 § 31, 1994; Ord. 3332 § 1, 1982].

16.52.290 Permit revocation.

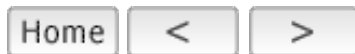
Repealed by Ord. 4392A. [Ord. 4301 § 32, 1994; Ord. 3332 § 1, 1982].

16.52.300 Penalty.

Repealed by Ord. 4392A. [Ord. 4301 § 33, 1994; Ord. 3332 § 1, 1982].

16.52.310 Appeals.

Appeals of actions made pursuant to this chapter shall be made in conformance with the procedures of Chapter [18.10](#) SCCC. [Ord. 4301 § 34, 1994; Ord. 3332 § 1, 1982; Ord. 2423, 1977].



The Santa Cruz County Code is current through Ordinance 5312, passed November 5, 2019.

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