



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN URGENCY ORDINANCE REPEALING AND REPLACING SECTION A-III 3.4 OF ARTICLE 3 OF CHAPTER III OF THE NEVADA COUNTY ADMINISTRATIVE CODE RELATING TO ACTS PROHIBITED DURING EMERGENCIES AND PUNISHMENT OF VIOLATIONS (4/5 AFFIRMATIVE VOTE REQUIRED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

Government Code sections 8630 through 8634, inclusive, authorize the Board of Supervisors during a local emergency to promulgate orders and regulations necessary to provide for the protection of life and property.

The Board of Supervisors finds that in emergencies and major natural or manmade disasters including, but not limited to, earthquakes, floods, fires, storms, or civil disturbances, there may be a temporary spike in demand for food, repair or reconstruction services, emergency or medical supplies, hotels, motels, housing, gasoline, propane, and other goods and services that are vital and necessary for health, safety, and welfare. Under such circumstances, there is a heightened risk to consumers that prices for such goods and services may be significantly increased, thereby restricting access to goods and services that are vital and necessary for health, safety, and welfare. In addition, there is a greater need during emergencies to ensure residents are provided reliable and trustworthy information from official sources about emergency services. Therefore, the County of Nevada has an interest in ensuring that county residents are protected against overpricing of vital and necessary goods and services, and from malicious or negligent misinformation and/or obstruction of emergency services, during a state of emergency as proclaimed by the President of the United States or the Governor of California, or during a local emergency as declared pursuant to law.

SECTION II:

Section A-III 3.4 of Article 3 of Chapter III of the Nevada County Administrative Code is hereby repealed and replaced in its entirety to read as shown in Exhibit A attached hereto and incorporated by reference.

SECTION III:

Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, the remainder of this Section, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Section are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections,

subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

The Board of Supervisors hereby finds that this Ordinance is exempt from environmental review pursuant to Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act Guidelines (Title 14, Chapter 3 of the California Code of Regulations), as this action will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility the activity in question may have a significant effect on the environment.

SECTION V:

The proposed ordinance is an urgency measure, which if adopted by four-fifths (4/5) vote, will become effective immediately. Government Code section 25123(d) authorizes the Board to adopt an urgency ordinance “for the immediate preservation of the public peace, health, or safety.”

SECTION VI:

Pursuant to Government Code section 25123(d), this Ordinance shall take effect and be in force immediately up on the passage hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in The Union newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a four-fifths vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board held on the 25th day of January, 2022, by the following vote of said Board: