

EXHIBIT A

TITLE 1: GENERAL PROVISIONS
CHAPTER 1: SCOPE

ARTICLE 1: SCOPE

Sections:

- ~~See. A-Section 1.01.010~~ Authority of County
- ~~See. A-Section 1.01.0201A~~ How Code Designated and Cited
- ~~See. A-Section 1.01.0302~~ Definitions and Rules of Construction
- ~~See. A-Section 1.01.0403~~ Provisions Considered as Continuations of

Existing

-Ordinances

- ~~See. A-Section 1.01.050 4~~ Effect of Repeal of Ordinances
- ~~See. A-Section 1.01.060 4A~~ Subsequent Amendments to State or Federal

Law

- ~~See. A-Section 1.01.0705~~ Severability of Parts of Code
- ~~See. A-Section 1.01.0806~~ Catchlines of Sections
- ~~See. A-Section 1.01.0907~~ General Penalty; Continuing Violations
- ~~See. A-Section 1.01.1008~~ County Boundaries
- ~~See. A-Section 1.01.1109~~ Designation of County Seat
- ~~See. A-Section 1.01.1200~~ Credit Cards Accepted
- ~~See. A-Section 1.01.1301~~ Location and Hours of County Offices

~~See. A-Section 1.01.010~~ Authority of County

The authority of this County to enforce regulations not in conflict with the general law is established in Cal. Const. Art. II, § 11.

Government of this County complies with all provisions of Cal. Gov't Code §§ 23000-33205.

References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

~~See. A-Section 1.01.0201A~~ How Code Designated and Cited

The Ordinances embraced in the following chapters and sections, which derive from the 1972 adoption of this Code, shall constitute and be designated "The Code of the County of Nevada, California," and may be so cited. It may also be cited as the "Nevada County Code."

~~Sec. A-I~~ Section 1.01.0302 Definitions and Rules of Construction

Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

BOARD OF SUPERVISORS. Whenever the words “Board of Supervisors” are used, they shall be construed to mean the Board of Supervisors of Nevada County.

CODE. The words “the Code” or “this Code” shall mean “The Code of the County of Nevada, California.”

COMPUTATION OF TIME. The time in which any act provided by law is to be done is computed by excluding the first day and including the last day unless the last day is a holiday and then it is also excluded (Cal. Gov’t Code § 6800).

COUNTY. The words “the County” or “this County” shall mean the County of Nevada, California.

DAY. A “day” is the period of time between any midnight and the midnight following (Cal. Gov’t Code § 6806).

DAYTIME, NIGHTTIME. “Daytime” is the period of time between sunrise and sunset. “Nighttime” is the period of time between sunset and sunrise (Cal. Gov’t Code § 6807).

GENDER. The masculine gender includes the feminine and neuter (Cal. Gov’t Code § 12).

IN THE COUNTY. The words “in the County” shall mean and include all territory over which the County now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

JOINT AUTHORITY. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

MONTH. The word “month” shall mean a calendar month (Cal. Gov’t Code § 6804).

NUMBER. The singular number includes the plural, and the plural includes the singular (Cal. Gov't Code § 13).

OATH. "Oath" includes affirmation (Cal. Gov't Code § 15).

OFFICERS, DEPARTMENTS, ETC. Officers, agencies, departments, boards, commissions, committees' special districts and employees referred to shall mean officers, agencies, departments, boards, commissions, committees, special districts and employees of the County of Nevada unless the context clearly indicates otherwise.

OFFICIAL TIME. Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Savings Time as may be in current use in the County.

OR, AND. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

OWNER. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole, or of a part of such building or land.

PERSON. "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company (Cal. Gov't Code § 17, Cal. Code of Civil Procedure § 17(b)(6)).

PERSONAL PROPERTY. Includes every species of property, except real property as herein defined (Cal. Civil Code §§ 14 & 663).

PRECEDING, FOLLOWING. The words "preceding" and "following" mean next before and next after, respectively.

PROCESS. Includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature (Cal. Gov't Code § 22).

PROPERTY. The word "property" shall include real and personal property (Cal. Civil Code § 14).

REAL PROPERTY. Shall include lands, tenements and hereditaments (Cal. Civil Code §§ 14 ~~&~~ 658).

SHALL, MAY. “Shall” is mandatory and “may” is permissive (Cal. Gov’t Code § 14).

SIGNATURE OR SUBSCRIPTION BY MARK. “Signature” or “subscription” includes a mark when the signer or subscriber cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes their own name near the signer’s or subscriber’s name. But a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto (Cal. Gov’t Code § 16).

A digital signature shall have the same force and effect as the use of a manual signature.

- (a) In any written communication with a public entity, in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. If a public entity elects to use a digital signature, that digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes, as per Cal. Gov’t Code § 16.5:
 - (1) It is unique to the person using it.
 - (2) It is capable of verification.
 - (3) It is under the sole control of the person using it.
 - (4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.
- (b) The use or acceptance of a digital signature shall be at the option of the parties. Nothing in this section shall require a public entity to use or permit the use of a digital signature.
- (c) Digital signatures employed pursuant to Cal. Pub. Res. § 71066 are exempted from this section.
- (d) “Digital signature” means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. For purposes of this section, a digital signature is a type of “electronic signature” as defined in subdivision (h) of Cal. Civil Code § 1633.2.

(e) Nothing in this section shall limit the right of a public entity or government agency to use and accept an “electronic signature” as defined in subdivision (h) of Cal. Civil Code § 1633.2.

(e)(f) Regulations adopted by the Secretary of State to implement this section apply only to a public entity’s use of a “digital signature” and not to use of any other type of “electronic signature” authorized in the Uniform Electronic Transactions Act (Title 2.5 (commencing with Cal. Civil Code § 1633.1) (Cal. Gov’t Code §16.5).

STATE. The words “the State” or “this State” shall be construed to mean the State of California.

TENANT OR OCCUPANT. The words “tenant” or “occupant,” applied to a building or land, shall include any person holding a written or an oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

TENSES. The present tense includes the past and future tenses, and the future includes the present (Cal. Gov’t Code § 11).

WEEK. A week consists of seven consecutive days (Cal. Gov’t Code § 6805).

WRITING. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise (Cal. Gov’t Code § 8).

YEAR. The word “year” shall mean a calendar year, except where otherwise provided (Cal. Gov’t Code § 6803).

~~Sec. A-1~~Chapter-Section 1.01.0403 Provisions Considered as Continuations of Existing Ordinances

The provisions appearing in this Code, so far as they are the same as those of Ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

~~Sec. A-1~~Section 1.01.050 Effect of Repeal of Ordinances

The repeal of an Ordinance shall not revive any Ordinances in force before or at the time the Ordinance repealed took effect. The repeal of an Ordinance—_shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the Ordinance repealed.

~~Sec. A~~ Section 1.01.0604A Subsequent Amendments to State or Federal Law

All amendments subsequent to the effective date of this Code shall automatically become a part of this Code, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by these Codes.

~~Sec. A~~ Section 1.01.0705 Severability of Parts of Code

If any provisions of this Code or the application thereof to any person or circumstance is held invalid, the remainder of the Chapter, 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 and chapters of this Code are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase hereof irrespective of the fact that anyone (1) or more sections, subsections, paragraphs, sentences, clauses or phrases be held unconstitutional or unenforceable.

~~Sec. A~~ Section 1.01.0806 Catchlines of Sections

The catchlines of the several Sections of this Code are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such section, nor as any part of the Section, nor unless expressly so provided shall they be so deemed when any of such Sections, including the catch-lines, are amended or re-enacted.

~~Sec. A~~ Section 1.01.0907 General Penalty; Continuing Violations

Whenever in this Code or in any other Ordinance of the County, any act is prohibited or made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor as per Cal. Gov't Code § 25132. Where no specific penalty is provided for the violation of any such provisions of the Code or any other Ordinance of the County, shall be punished by a fine or imprisonment in the County Jail, or by both such fine and imprisonment as per Cal. Penal Code § 19.

Every day any violation of this Code, or any other Ordinance of the County, shall continue shall constitute a separate offense.

~~Sec. A-I~~ Section 1.01.1008 County Boundaries

The County of Nevada shall establish its boundaries in compliance with Cal. Gov't Code § 23129.

~~Sec. A-I~~ Section 1.01.1109 Designation of County Seat

The County Seat of the County of Nevada shall be Nevada City as per Cal. Gov't Code § 23629.

~~Sec. A-I~~ Section 1.01.1200 Credit Cards Accepted

In accordance with Cal. Gov't Code § 6159 and Cal. Rev. & Tax. Code § 2511.1, the Board of Supervisors hereby authorizes County departments to accept credit cards as payment for the purposes listed below. However, no credit card shall be accepted as payment until a contract between the County of Nevada and the card issuer has been executed which contains the terms and provisions set forth in Cal. Gov't Code § 6159 (d). Upon execution of such a contract, credit cards will be accepted as payment for the following purposes:

- A. Payment for the deposit of bail or for any fine for any offense not declared to be a felony.
- B. Payment of a filing Section fee or other court fee.
- C. Payment of any towage or storage costs for a vehicle that has been removed from a highway, or from public or private property, as a result of parking violations.
- D. Payment of child, family, or spousal support, including reimbursement of public assistance, related fees, costs, or penalties.
- E. Payment for services rendered by the County.
- F. Payment of any fee, charge, or tax.

No officer or employee of the County of Nevada who has or had access to credit card information provided to the County under this Section shall disclose such information or use such information for any unauthorized purpose. Any violation of this Section shall be a misdemeanor. (Ord. 2012. (01/11/2000); ~~Ord. 2518. (03/14/2023)~~)

~~Section Sec. A-I-1.01.1301~~ Location and Hours of County Offices

Except as may be otherwise provided by Resolution of the Board of Supervisors, or by direction of the County Executive Officer, all County offices shall be open for business continuously from 8:00 a.m. until 5:00 p.m. on each calendar designated working day, five days a week, excluding Saturdays, Sundays and holidays. In the event an office is not provided with a full-time assistant or employee, or if approved by the County Executive Officer, the office may close from 12:00 p.m. to 1:00 p.m. (Ord. 2248. (08/28/2007); Ord.

2321. (07/13/2010); Ord. 2518. (03/14/23)

ADD .140 AND .150 FROM LAND USE

→

Section 1.01.140 -General Enforcement Provisions, Assessment and Collection of Enforcement Penalties, and Enforcement Fees, Costs, and Charges.

General enforcement provisions for this Code are set forth in 12.05.210 and 12.05.220.

Assessment and Collection of Enforcement Penalties, and Enforcement Fees, Costs, and Charges.

Provisions for the assessment and collection by the County of enforcement penalties, enforcement fees, costs, and charges are set forth in 12.05.210 and 12.05.220, and these provisions apply to all Chapters of this Code.

~~EXHIBIT~~
~~ARTICLE~~
~~1 IN~~
~~GENERAL~~
~~RESERVE~~
~~D~~
EXHIBIT A

~~ADMINISTRATIVE COUNTY CODE CHAPTER H: TITLE 2: -COUNTY~~
~~ADMINISTRATION, PROPERTY AND PERSONNEL~~

~~CHAPTER ARTICLE 21: BOARD OF SUPERVISORS~~

Sections:

~~Sec. A II 2.1 Reserved~~

~~Sec. Section A II 2.01.0102~~ _ Compensation - Board of Supervisors

~~Section Sec. A II 2.01.020.3~~ _ Expenditures for Training and Orientation of
Supervisors-
Elect

~~Sec. A II Section 2.01.0304~~ _ Time and Place of Meetings of Board of
Supervisors

~~Section Sec. A II 2.01.0540~~ -Rules ~~Regarding Abstentions~~~~Regarding~~
~~Abstentions~~

~~Sec. A II 2.6 Reserved~~

~~Sec. A II 2.7 Reserved~~~~Sec. A II 2.1 Reserved~~

~~Sec. A II Section 2.01.0102~~ Compensation - Board of Supervisors

A. Each member of the Board of Supervisors shall receive as compensation for services an annual base salary equal to the percentage, designated below, of the average annual base salary of County elected officials, payable biweekly consistent with the Nevada County Personnel Code.

Effective the first pay period after March 12, 2022 – 35%

Effective the first pay period of fiscal year 2022/2023 – 37%

Effective the first pay period of fiscal year 2023/2024 – 40%

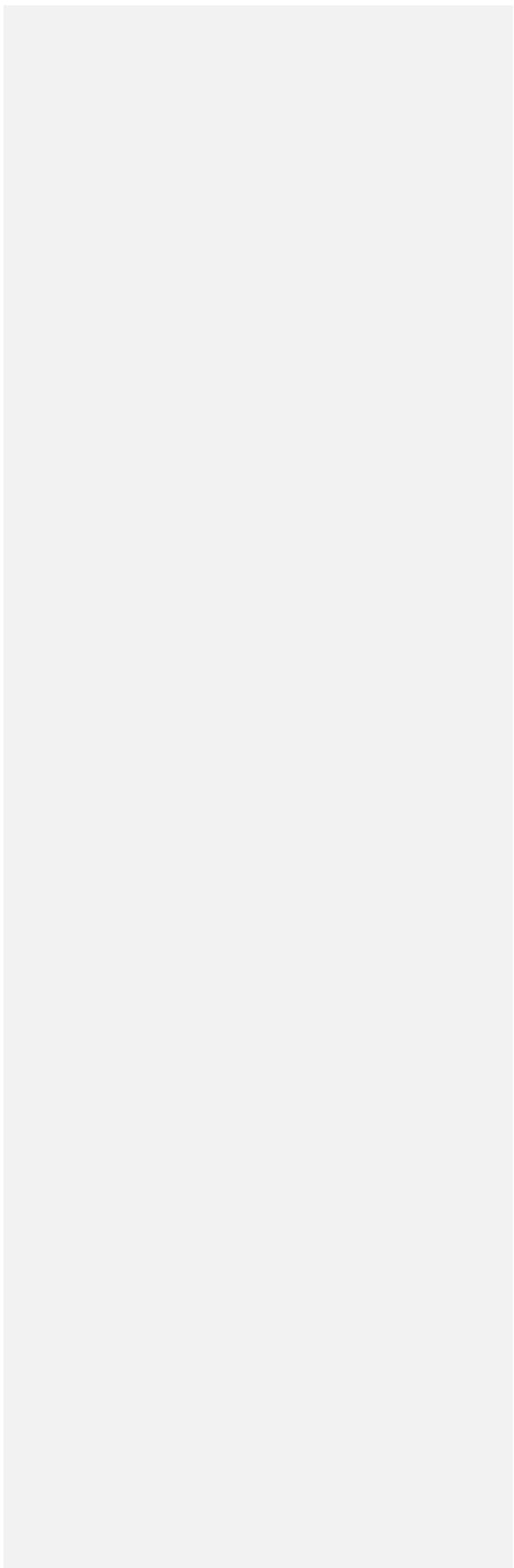
Subsequent fiscal years – 40%

In addition, the Chair of the Board of Supervisors will receive an additional 5%, and the Vice-Chair will receive an additional 2.5%, of their own base salaries as compensation for

the additional responsibilities required in these roles.

B. The Board of Supervisors compensation for services shall be increased or decreased commensurate with the applicable terms and conditions in any future County elected officials' base salary adjustments.

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C. Members of the Board of Supervisors shall receive the same benefits provided by the County to other County of Nevada elected officials, with the exception of the Sheriff, to the extent authorized by law. Members of the Board of Supervisors shall have the option to opt out of CalPERS and instead participate in a 401(a) Plan where the County of Nevada would contribute an amount equal to the Board Member's contribution to CalPERS, up to 8% of a Board Member's salary, into the 401(a) Plan. (Ord. 2501. (01/11/2022); Ord. 2525. (06/13/2023));

Section ~~See. A-II-2.01.0203~~ Expenditures for Training and Orientation of Supervisors-Elect

Upon request, the Board of Supervisors may authorize payment of course fees, travel and per diem expenses, course materials, and consultant services which the Board deems proper and beneficial to the exercise of supervisory duties by newly elected Supervisors. (Ord. 1266. (01/07/85); Ord. 2501. (01/11/2022); Ord. 2525. (06/13/2023));

Section ~~See. A-II-2.01.0304~~ Time and Place of Meetings of Board of Supervisors

The Board of Supervisors shall meet in regular session on each of the second and fourth Tuesdays of every month, except as herein provided, at the Rood Administrative Center, 950 Maidu Avenue, Nevada City, 95959 California. The Board may also meet at such other times and places as the Board may decide is required to conduct its business. Notice shall be given of the time and place of any meeting. All notices shall comply with the provisions of the Brown Act (Cal. Gov't Code §§ 54950- 54963) and all other laws applicable thereto.

Provided, further that the Board of Supervisors shall meet on those dates as designated in the Board's annual meeting calendar which will be adopted by the Board at the beginning of each calendar year, and as adjusted by a majority of the Board of Supervisors or the County Executive Officer during the year.

For State law as to meetings of Board of Supervisors, see Cal. Gov't Code §§ 25080, 25081. (Ord. 2501. (01/11/2022); Ord. 2525. (06/13/2023));

Section ~~See. A-II-2.01.0405~~ Rules Regarding Abstentions

Any member of the Board of Supervisors, or any other elected or appointed official serving on any board, committee or commission of the County of Nevada shall be entitled to abstain from voting on any matter coming before such person and the abstention shall not count as a vote for any purpose, either for or against the motion or matter for which the voting is taken. (Ord. 2501. (01/11/2022); Ord. 2525. (06/13/2023));

~~Sec. A-II-2.6-~~

~~Reserved Sec. A-II-~~

2.7 Reserved

CHAPTER 2: COUNTY OFFICERS ELECTED

Sections:

Section 2.2.010 Elected Officers

Section 2.2.020 Assessor

Section 2.2.030 Auditor and Controller

Section 2.2.040 County Clerk-Recorder and Elections Official

Section 2.2.050 District Attorney

Section 2.2.060 Sheriff-Coroner-Public Administrator

Section 2.2.070 Treasurer and Tax Collector

Section 2.2.07.1 Continuing Education Requirements

Section 2.2.08040 Delegation of Authority to Invest County Funds

Section 2.2.11090 Fee for Payment of Delinquent Taxes in

Installments

Section 2.2.12100 Tax Separation Application Fee

Section 2.2.13110 Title Report Costs

Section 2.02.010Sec. A-H 28 Elected Officers

The following officers are elected:

1. Assessor
2. Auditor-Controller
3. County Clerk-Recorder
4. District Attorney
5. Sheriff
6. Treasurer-Tax Collector

Section 2.02.020Sec. A-H 28.1 Assessor

The Official filling the position of Assessor for the County of Nevada shall comply with the provisions of Cal. Gov't Code §24002.5.

A. Position of Assessor

The position of Assessor shall be an elected position as per Cal. Gov't Code § 24009.

Section 2.02.030Sec. A-H 28.2 Auditor – Controller

A. Position of County Auditor – Controller

The Official filling the position of County Auditor – Controller shall meet the provisions of Article 4 of Chapter 4, Part 3, Division 2, Title 3 of the Government Code are hereby adopted and made applicable to the County. (See Cal. Govt. Code §§ 26945 to 26946.) (Ord. 241. (01/03/1961); ~~(Ord. 2518. (03/14/2023))~~)

A. Consolidation of Offices of Auditor and Controller

The positions of Auditor and Controller shall be consolidated. The person holding the consolidated office shall qualify separately for each office. Duties and Responsibilities of each office as described in Cal Gov't Code §§26800 -26886 for the position of controller and Cal. Gov't Code §§ 26900 – 26946 for the position of auditor.

B. Election

The position of Auditor – Controller shall be an elected position as per Cal. Gov't Code § 24009.

Section 2.02.040~~Sec. A-H 28.3~~ County Clerk – Recorder and Elections Official

A. Position of County Clerk – Recorder, Elections Official

The Official filling the position of County Clerk shall meet the qualifications and perform all the duties as provided for in Cal. Gov't Code §§ 26801-26861. The Clerk- Recorder shall serve as the ex officio Elections Official.

B. Consolidation of Offices of Clerk and Recorder

The offices of County Clerk and County Recorder are hereby consolidated, as per Cal. Gov't Code §24304, and the person hereafter elected or appointed shall qualify separately for each office, and office and shall receive the salaries pertaining thereto. Pursuant to Cal. Elec. Code § 320, the Clerk -Recorder shall serve as the ex officio Elections Official and shall perform the duties as Registrar of Voters as per Cal. Gov't Code §26802. (Ord. 308. (01/14/1965); ~~(Ord. 2518. (03/14/2023))~~) (For State law as to consolidation of County offices, see Govt. Code §§ 24300 to 24308.)

C. Election

The position of County Clerk – Recorder is an elected position as per Cal. Gov't Code § 24009.

Section 2.02.050~~Sec. A-H 28.4~~ District Attorney

A. Position of District Attorney

The Official filling the position of District Attorney shall meet all requirements for this office including, but not limited to, being admitted to practice in the Supreme Court of the State, in accordance with Cal. Gov't Code § 24002.

B. Election

The position of District Attorney is an elected position as per Cal. Gov't Code § 24009.

Section 2.02.060 ~~See A-H 28.5~~ Sheriff – Coroner- Public Administrator

A. Position of Sheriff

The Official filling the position of Sheriff shall meet all the qualifications and perform all the duties outlined by state statute, including but not limited to, Cal. Gov't Code §§24002 – 24004.5.

B. Consolidation of Offices of Sheriff, Coroner and Public Administrator

The offices of Sheriff, Coroner, and Public Administrator are hereby consolidated, and the person holding such consolidated office by reason of election or appointment or consolidation shall qualify separately for each office and shall receive the salaries pertaining thereto.

C. Animal Control is administratively delegated to the Sheriff. (Ord. 571. (02/01/1972); ~~(Ord. 2518. (03/14/2023))~~)

D. Position of Sheriff as an Elected Position

The position of Sheriff - Coroner shall be an elected position as per Cal. Gov't Code § 24009.

Section 2.02.070 ~~See A-H 28.6~~ Treasurer and -Tax Collector

A. Position of Treasurer – Tax Collector

The Official filling the position of Treasurer-Tax Collector shall meet all the qualifications and perform all the duties required by state law.

B. Consolidation of Offices of Treasurer and Tax Collector

The County Treasurer shall be ex officio County Tax Collector and shall perform the duties thereof. The offices of Treasurer and Tax Collector are hereby consolidated and the Treasurer hereafter (July 26, 1984) elected shall qualify separately for the office held ex officio and shall receive the salaries pertaining thereto; provided, that in addition to the salary provided by law, the Tax Collector shall receive the fees allowed for collecting all licenses levied and imposed by this Code or other County Ordinances.

C. Eligibility for Office of County Treasurer and Tax Collector

No person shall be eligible for election or appointment to the office of Treasurer and Tax Collector unless that person meets the criteria provided for in Cal. Gov't Code section § 27000.7, including but not limited to, at least one of the following criteria:

1. The person has served in a senior financial management position in a county, city, or other public agency dealing with similar financial responsibilities for a continuous period of not less than three years, including, but not limited to, treasurer, tax collector, auditor, auditor-controller, or the chief deputy or an assistant in those offices.

2. The person possesses a valid baccalaureate, masters, or doctoral degree from an accredited college or university in any of the following major fields of study: business administration, public administration, economics, finance, accounting, or a related field, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
3. The person possesses a valid certificate issued by the California State Board of Accountancy pursuant to Cal. Bus. & Prof. §§ 5000 - 5134, showing that person to be, and a permit authorizing that person to, practice as a certified public accountant.
4. The person possesses a valid charter issued by the Institute of Chartered Financial Analysts showing the person to be designated a Chartered Financial Analyst, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
5. The person possesses a valid certificate issued by the Treasury Management Association showing the person to be designated a Certified Cash Manager, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

D. Position of Treasurer – Tax Collector as an Elected Position

The position of Treasurer – Tax Collector shall be an elected position as per Cal. Gov't Code § 24009.

~~Sec. A-II 37.1~~ — ~~Reserved~~

~~Sec. A-II 37.2~~ — ~~Reserved~~

~~Sec. A-II 37.3~~ **Section 2.02.07:1 Continuing Education Requirements**

The County Treasurer and Tax Collector shall, beginning in 2000, complete a valid continuing course of study as prescribed in this Section and shall, on or before June 30, of each two-year period, render to the State Controller a certification indicating that the Treasurer and Tax Collector has successfully completed a continuing education program consisting of, at a minimum, 24 hours or an equivalent amount of continuing education units within the discipline of treasury management or public finance or both, offered by a recognized state or national association, institute, or accredited college or university that provides the requisite educational programs prescribed in this Section.

~~Sec. A-II 37.4~~ — ~~Reserved~~

~~Sec. A-II 37.5~~ **Section 2.02.10080 Delegation of Authority to Invest County Funds**

- A. The Treasurer and Tax Collector is hereby delegated the authority to invest or reinvest the funds of the County and the funds of other depositors in the County Treasury, or to sell or exchange securities so purchased, pursuant to ~~Cal. Government Code Gov't Code §Section~~ 53600, et seq.
- B. The authority delegated herein shall automatically expire one year subsequent to delegation. Subject to review, the Board of Supervisors may annually renew the delegation by Resolution.

C. The Treasurer and Tax Collector shall make monthly reports during the term of each delegation period duly authorized herein.

~~Sec. A-H 37.6~~ Section 2.02.11090 Fee for Payment of Delinquent Taxes in Installments

Pursuant to Cal. Rev. & Tax. Code ~~§Section~~ 4217, the Treasurer/Tax Collector is hereby authorized to charge and collect the following sums for the processing of delinquent tax installment payments: (1) \$50 for property on the secured roll; (2) \$50 reinstatement fee for property on the secured roll; and (3) \$50 per year for property on the unsecured roll.

~~Sec. A-H 37.7~~ Section 2.02.1200 Tax Separation Application Fee

The Treasurer/Tax Collector of the County of Nevada is hereby authorized to charge and collect, as provided by Section 2821 of the ~~Cal. Revenue and Taxation Code~~ Rev. and Tax Code §Section 2821 of the State of California, the sum of \$61.00 per parcel, per applicable fiscal year, for the processing of applications for the separate valuation of any parcel on the current tax roll.

~~Sec. A-H 37.8~~ Section 2.02.1310 Title Report Costs

The Treasurer/Tax Collector of the County of Nevada is hereby authorized to collect an amount not to exceed \$700.00 the actual cost, to be computed annually, for the purpose of reimbursing the County of Nevada (General Fund) for the cost of obtaining a title report prior to a tax-defaulted property sale. Such title report is obtained by the Treasurer/Tax Collector in order to assist the Treasurer/Tax Collector in determining the names and addresses of the parties who have a legal interest in the tax-defaulted property which is being sold by the County of Nevada, so that the appropriate parties can receive the legal notices the Treasurer/Tax Collector is required to provide regarding the impending tax sale.

~~ARTICLE II~~

~~Section 3 RESERVED~~

~~EXHIBIT B~~

~~H: ADMINISTRATION ARTICLE 4 RESERVED~~

~~ARTICLE II~~

~~Section 5 RESERVED~~

~~ARTICLE II~~

~~Section 6 RESERVED~~

ARTICLE 7: CHAPTER 3: FILING OF CAMPAIGN STATEMENTS ELECTIONS

Sections:

Section Sec. A-H 72.03.010 Electronic Filing of Campaign Statements

Sec. A-H Section 72.03.010 Electronic Filing of Campaign Statements

A. Electronic Filing; Findings and Purpose. The Board of Supervisors makes the following findings in support of requiring that political committees and candidates that meet certain financial thresholds file their campaign statements electronically:

1. Public access to campaign disclosure information is a vital and integral component of a fully informed electorate. Transparency in campaign financing is critical in order to maintain public trust and support of the political process.
2. State law requires candidates, persons supporting or opposing ballot measures and certain other types of committees to file campaign finance statements with the Nevada County elections official detailing the sources of contributions and purposes of expenditures. The intent of these laws is to assist voters in making informed electoral decisions and to assist in ensuring compliance with campaign contribution laws. Cal. Gov't Code § 84615 authorizes local jurisdictions to require the filing of campaign statements and reports solely in an electronic form, with specified exemptions. The purpose of these laws is to assist voters in making informed electoral decisions and to assist in ensuring compliance with campaign contributions laws.
3. Campaign statements and reports are often very lengthy and dozens of such reports are filed with the Nevada County elections official each reporting period. An electronic system reduces paper waste and time spent processing and storing paper filings, so that efforts can be focused on helping filers comply with filing requirements.
4. The County's electronic filing system shall operate securely and effectively, utilizing multiple safeguards to protect the integrity and security of the data.

~~5.~~ An electronic system streamlines the process for filers, by storing information previously entered, calculating numbers, and helping to catch errors before filings are submitted.

~~5.~~

6. An electronic filing system makes the filing process more efficient for County elections staff by automatically redacting address information for donors and uploading the filings to the internet for virtually real time access to the public.

~~7.~~ Once the statements are placed online, they are easily accessible for public viewing and allow the public to search reports by field, including, but not limited to, elections, candidate, date, contributor and expenditure. Online electronic filing facilitates review of the statements and maximizes the availability of this information to the public.

~~7.~~

8. An electronic system is not unduly burdensome on candidates in that it reduces the need for candidates to print out and physically mail statements to the Nevada County elections office, and it eases the entry of contributors' information in that the electronic filing system will recognize repeat contributors and automatically populate their information.

B. Electronic Filing of Campaign Disclosures

~~1.~~ Whenever any candidate or committee is required to file campaign disclosure statements or reports with the Nevada County Elections Official in accordance with the California Political Reform Act, Cal. Gov't Code §§ 84100-91014, such statements or reports shall be filed electronically. Such statements shall include, but not be limited to, the following: pre-election campaign statements, an amended campaign statement, a supplemental pre-election campaign statement, a report disclosing a contribution received by or made to a candidate, local ballot measure or an independent expenditure made for or against a candidate or local ballot measure, or an independent expenditure made for or against a candidate or local ballot measure of an amount allowable as per the California Fair Political Practices Commission (FPPC) and California State statute, during an election cycle. The candidate or committee shall file the statement using the electronic filing system available on the Nevada County Elections office website, in accordance with procedures established by the Nevada County elections official. The street or address or building number of any persons or entity representatives listed on the statements or reports, or any bank account number, shall not be displayed online.

~~1.~~

~~2.~~ Elected officials who do not maintain a committee have the option of filing their semi-annual campaign statement electronically.

~~2.~~

3. Statements or reports that are filed electronically with the Nevada County elections official pursuant to this section need not also be filed in a paper format.

C. Exemptions

1. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report or other document is required to be filed with the Nevada County elections official, the filer is exempt from filing the statement electronically as provided by Cal. Gov't Code § 84615. However, the filer has the option of filing an electronic copy with the Nevada County elections official.

~~1.~~

2. This requirement does not apply to any candidate who receives contributions totaling less than \$2,000.00, and makes expenditures totaling less than \$2,000.00, in a calendar year. (Ord. 2404. (01/12/16); Ord. 2518. (03/14/2023))

ARTICLE 19 CHAPTER 94: CLERK OF THE BOARD OF SUPERVISORS

Sections:

Section 2.04.010 ~~Sec. A-H 19.1~~

Office Established

Section 2.04.020 ~~Sec. A-H 19.2~~

Deputies Authorized

Section 2.04.030 ~~Sec. A-H 19.3~~

Duties Established

~~Sec. A-H 19.4~~ — Reserved

~~Sec. A-H 19.5~~ — Reserved

Section 2.04.010 ~~Sec. A-H 19.1~~ Office Established

There is hereby created the Office of the Clerk of the Board of Supervisors. The Clerk of the Board of Supervisors shall serve under the general direction and at the pleasure of the Board of Supervisors. (Ord. 1786. (06/16/1992); ~~Ord. 2518. (03/14/2023))~~)

Section 2.04.020 ~~Sec. A-H 19.2~~ Deputies Authorized

The Clerk of the Board of Supervisors may appoint deputies as authorized by the Board of Supervisors to assist the Clerk in the performance of their duties. The Clerk of the Board shall have sole responsibility for the management and control of any such deputies.

Section 2.04.030 ~~Sec. A-H 19.3~~ Duties Established

The Clerk of the Board of Supervisors shall perform those duties prescribed by law for the County Clerk as Ex Officio Clerk of the Board of Supervisors and such other duties as may be assigned by the Board of Supervisors. Additionally, the Clerk of the Board of Supervisors shall:

- A. Attend each session of the Board of Supervisors and attend committee meetings when requested to do so.
- B. Keep and enter in the minute book of the Board a full and complete record of the proceedings of the Board at all regular and special meetings, including the entry in full of all Resolutions and all decisions on questions concerning the allowance of accounts. The vote of each member on every question shall be recorded.
- C. Immediately after each meeting of the Board, deliver to, and leave with the Auditor, all demands allowed for the payment of money.
- D. File and preserve, or dispose of pursuant to law, all petitions, applications, and other papers and records deposited with them.
- E. Authenticate with their signature and the seal of the Board, and file each Ordinance passed by the Board.
- F. Take acknowledgments and administer and certify oaths in the performance of such person's official duties.
- G. Perform such other functions of such person's office as may be required by law. (Ord. 1786. (06/16/1992); ~~Ord. 2518. (03/14/2023))~~)

CHAPTER 85: ~~ARTICLE 17~~ COUNTY EXECUTIVE OFFICER COUNTY ADMINISTRATOR)

Section:

<u>Section 2.05.010</u>	See. A-H 17.1 Position Created
<u>Section 2.05.020</u>	See. A-H 17.2 Appointment and Removal - Residence
<u>Section 2.05.030</u>	See. A-H 17.3 Salary and Benefits
S <u>Section 2.05.040</u>	e Administrative Powers and Duties
<u>Section 2.05.050</u>	See. A-H 17 General Administration
S <u>Section 2.05.060</u>	ee. A-H 17 Budgetary Matters
<u>Section 2.05.070</u>	See. A-H 17 Departmental Supervision - Appointment and Removal
<u>Section 2.05.080</u>	See. A-H 17.8 Functional Responsibilities
S <u>Section 2.05.090</u>	ee. A-H 17 Duties, Responsibilities and Authorities of Predecessor Position
See. A-H 17.10	Reserved
<u>Section 2.05.100</u>	See. A-H 17 Donations to the County of Nevada
<u>Section 2.05.110</u>	See. A-H 17 Contracting Authority
S <u>Section 2.05.12230</u>	ee. A-H 17 Ex Officio District Administrator for Nevada County
	Sanitation District No. 1
<u>Section 2.05.130</u>	See. A-H 17.14 Settlement Authority

~~S~~Section 2.05.010~~ee. A-H 17.1~~ Position Created

There is hereby created in the exempt service of Nevada County the position of County Administrator, who shall be called the County Executive Officer (CEO). The CEO is the County's administrative officer pursuant to Cal. Gov't Code § 24000(t), except as otherwise provided by the Board of Supervisors. The County Executive Officer shall be a County officer exempt from the provisions of the Personnel Code, and shall be classified as a confidential employee, except to the extent the Board of Supervisors may desire to make some or all of said provisions applicable to the position.

~~S~~Section 2.05.020~~ee. A-H 17.2~~ Appointment and Removal - Residence

The County Executive Officer shall:

A. Be chosen upon the basis of knowledge and skills in public administration, demonstrated administrative ability, and knowledge of public budgeting, personnel, labor relations, finance, and organization. This requirement may normally be met by a combination of education and experience equal to a master's degree in public administration, plus five or more years of experience in a highly responsible administrative position in a public agency.

B. Be appointed and serve at the pleasure of the Board of Supervisors and may be removed from office by majority vote of the Board of Supervisors upon 45 days' written

notice of such removal; except that the County Executive Officer shall not be removed during the first 120 days following any change in membership of the Board of Supervisors except upon four-fifths vote of said Board of Supervisors. Such notice of removal shall be given at a regular meeting of the Board. Upon such removal, the Assistant County Executive Officer shall perform as the Acting County Executive Officer until a permanent successor is selected.

C. Maintain residence within the County during his/her tenure in office, but he/she need not be a resident of the County at the time of appointment. (Ord. 1726. (06/12/1963); [Ord. 2518. \(03/14/2023\)\)](#))

Section 2.05.030~~ee. A-II 17.3~~ Salary and Benefits

The salary and other compensation of the County Executive Officer shall be established by the Board of Supervisors and shall be paid by the Auditor-Controller in the same manner as the salaries and benefits of other County employees are paid.

Section 2.05.040~~Sec. A-II 17.4~~ Administrative Powers and Duties

The County Executive Officer shall be the Chief Administrative Officer of the County and shall be responsible to the Board of Supervisors for the proper and efficient administration of all County offices, departments, institutions, and special districts under the jurisdiction of the Board of Supervisors. To this end, the County Executive Officer shall have those powers and duties set forth in this Article and as reasonably implied therefrom and shall be authorized to assign or delegate the administration of these duties to any department or person under the Board's control, subject to the limitations imposed by law. The County Executive Officer shall have such other powers and duties as the Board of Supervisors may assign hereafter by motion, Resolution, or Ordinance.

The Board of Supervisors and its members shall normally provide nonpolicy, administrative direction to the various departments and divisions only through the County Executive Officer's office.

Section 2.05.050~~Sec. A-II 17.5~~ General Administration

The County Executive Officer shall:

- A. Administer and enforce policies established by the Board of Supervisors and promulgate rules and regulations as necessary to implement Board policies.
- B. Refer policy matters and other matters beyond his/her authority to resolve to the Board of Supervisors for determination, direction, or authorization.
- C. Investigate the affairs of the County or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the County and see that all franchises granted by the County are faithfully observed.

D. Be notified of and attend all meetings of the Board of Supervisors unless excused; make reports to the Board on County matters; evaluate departmental and other requests to determine if such requests should be submitted to the Board; and make recommendations to the Board on agenda items.

E. Propose necessary revisions of the County Codes in conjunction with the County Counsel.

F. Implement the Board of Supervisors' legislative advocacy program, including the initiation of legislation approved by the Board of Supervisors that will benefit the County and County government; in co-ordination with County Counsel, provide analysis of proposed State and Federal legislation; make recommendations to the Board of Supervisors for positions on proposed legislation; review all department head requests involving legislative activities.

G. Produce, or cause to be produced, such records, documents and related information as may be necessary to permit the Board of Supervisors, or contractual agent of the Board of Supervisors, to conduct a management audit of his office or any other office or department in the County service, as the said Board shall deem necessary.

H. Negotiate or supervise the negotiation of, and execute contracts, on behalf of the Board of Supervisors, subject to the limitations and procedures established by State law and those which have been authorized by the Board by Resolution and/or through budget adoption.

I. Supervise the County's insurance programs and advise the Board of Supervisors of recommended changes.

J. In conjunction with the Auditor-Controller and Purchasing Agent, maintain or supervise the maintenance of inventories of all the County's real and personal property, and undertake activities to prevent the misuse, loss, theft, or damage of County property.

K. Conduct research in administrative practices so as to bring about greater efficiency and economy in County government; develop and recommend to the Board of Supervisors long-range plans to improve County operations and to prepare for future County growth and development.

L. Exercise control of County government in extreme emergencies when there is not sufficient opportunity for the Board of Supervisors to act, as per provisions outlined in "Emergency Services" contained within this Code. In such an instance, the County Executive Officer or Chair of the Board shall have the authority to hire necessary extra personnel, purchase necessary supplies and equipment, and take other actions necessary to meet such emergencies.

M. Provide oversight and supervision to the Environmental Health Department insofar as Environmental Health functions as the Local Enforcement Agency (LEA) for solid waste. (Ord. 1606. (12/28/1989); Ord. 2267. (06/10/2008); Ord. 2518. (03/14/2023))

~~Section 2.05.060, ee. A-H 17.6~~ Budgetary Matters

The County Executive Officer shall keep the Board of Supervisors advised of the financial condition and future needs of the County and make recommendations as may be deemed desirable.

~~Section 2.05.070, ee. A-H 17.7~~ Departmental Supervision - Appointment and Removal

The County Executive Officer shall:

A. Supervise and evaluate the performance of County departments, within the limitations established by State law or the Board of Supervisors, by directing the establishment of standards, goals, and objectives for quality and quantity of departmental performance, and the measure of the performance of individual departments against those standards and goals; assign projects to departments and scrutinize departmental expenditures to assure that they are necessary and proper.

B. Evaluate all proposed departmental programs and recommend those to the Board of Supervisors that he/she feels should be approved or modified; periodically evaluate existing departmental programs and recommend changes to the Board where they are indicated.

C. Evaluate departmental organization on a continuous basis; subject to the limitations of State law or the directives of the Board of Supervisors, initiate changes in interdepartmental organization, structure, duties, or responsibilities when warranted, including authorizing the transfer of equipment between departments; assign space to County departments in County facilities, and authorize budgeted travel and County business expenses in accordance with rules and regulations prepared, based upon policies established by the Board; recommend to the Board of Supervisors the transfer of positions between departments and the consolidation or combining of County offices, departments, positions, or units.

D. Evaluate the performance of all nonelective department heads and approve merit step salary increases in accordance with demonstrated performance and provisions of the Personnel Code; confer with department heads as necessary to discuss any shortcomings noted and to suggest remedial action.

E. Except as otherwise specifically required by law, appoint, transfer, discipline, and dismiss all nonelective department heads; such department heads shall serve at the pleasure of the County Executive Officer. In those cases where the County Executive Officer is not the appointing authority under this Ordinance, the County Executive Officer shall: (1) recommend to the Board of Supervisors appointment of a qualified candidate to fill any vacancy occurring in that department head position, and (2) recommend to the Board of Supervisors, for their consideration and determination, the transfer, discipline, or dismissal of such department head, when appropriate.

F. When necessary or upon a department head's request, assist department heads in solving problems which inhibit efficient operation within a department or create friction

between departments.

G. Provide management training and develop leadership qualities among department heads as necessary to build a County management team that can plan for and meet future challenges.

H. Periodically review permanent and limited-term personnel positions to assure that the positions are required and that funds are available; authorize advanced-step recruitment upon recommendation and justification of a department head; authorize and control the use of extra help and payment for over-time within available funds; approve overfilling an authorized position upon proper justification.

I. Be responsible for orientation and training of new County Supervisors.

J. Exercise general supervision over all public buildings and property, whether leased or owned by the County; assign all reserved parking spaces. (Ord. 1726. (06/12/1963); Ord. 2518. (03/14/2023))

Section 2.05.080~~ee. A-H 17.8~~ Functional Responsibilities

In addition to the foregoing, the County Executive Officer shall supervise or provide for the supervision, of such divisions and services as the Board may assign by Resolution or motion, and he shall be the appointing authority of all personnel assigned thereto.

Section 2.05.090~~ee. A-H 17.9~~ Duties, Responsibilities and Authorities of Predecessor Position

In addition to the foregoing, all duties, responsibilities, and authorities heretofore assigned or delegated, by motion, Resolution, Ordinance, or the Personnel Code, to the Director of Administration and Personnel shall hereby be assigned or delegated to the County Executive Officer.

See. A-H 17.10 Reserved

Section 2.05.100~~Sec. A-H 17.11~~ Donations to the County of Nevada

The County Executive Officer shall have the power to accept donations of any kind on behalf of the County of Nevada so long as the value of the donation does not exceed Twenty-Five Thousand Dollars (\$25,000), in accordance with Cal. Gov't Code § 25355. The County Executive Officer shall submit notification to the Clerk of the Board of all approved donations. (Ord. 2468. (06/11/2019); Ord. 1571. (05/02/1989); Ord. 2518. (03/14/2023))

Section 2.05.110 ~~ee. A-H 17.12~~ Contracting Authority

A. The County Executive Officer is authorized to enter into and to execute all contracts or agreements which are Twenty-Five Thousand Dollars (\$25,000) or under and which are not contracts that fall within Cal. Pub. Cont. Code § 20131 relating to the authority granted to purchasing agents, contracts for construction of public improvements,

and contracts which must be awarded after public notice and competitive bidding.

B. The County Executive Officer is authorized to enter into and to execute all grant or revenue contracts or agreements which are Twenty-Five Thousand Dollars (\$25,000) or less. (Ord. 2468. (06/11/2019); Ord. 1936. (04/15/1997); Ord. 2518. (03/14/2023))

SSection 2.05.120 ee. A-H 17.13 Ex Officio District Administrator for Nevada County Sanitation District No. 1

The County Executive Officer of the County of Nevada shall be the ex officio District Administrator for the Nevada County Sanitation District No. 1. The County Executive Officer is authorized to enter into and to execute all contracts or agreements on behalf of the Nevada County Sanitation District No. 1 that are Twenty-Five Thousand Dollars (\$25,000) or under and which are not contracts that fall within Cal. Pub. Cont. Code § 20131 relating to the authority granted to purchasing agents, contracts for construction of public improvements, and contracts which must be awarded after public notice and competitive bidding. (Ord. 2468. (06/11/2019); Ord. 1936. (04/15/1997); Ord. 2518. (03/14/2023))

SSection 2.05.130 ee. A-H 17.14 Settlement Authority

The County Executive Officer is hereby authorized to approve claims and legal settlements up to and including Fifty Thousand Dollars (\$50,000), with the concurrence of County Counsel. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))**ARTICLE H**

~~Section 8 RESERVED~~

ARTICLE H

~~Section 9 RESERVED~~

EXHIBIT B

~~ARTICLE 10 RESERVED~~

EXHIBIT B

~~ARTICLE 10 RESERVED~~

ARTICLE 21CHAPTER 6: COUNTY COUNSEL OFFICE

Sections:

Section 2.06.010 ~~Sec. A-H 21.1~~ County Council Office Established-

Section 2.06.020~~Sec. A-H 21.2~~ Position of County Counsel

Section 2.10.030~~Sec. A-H 21.3~~ Duties and Responsibilities of County Counsel

Section 2.10.040~~Sec. A-H 21.4~~ County Council to Perform Legal Services for Public Administrator

Section 2.06.010~~Sec. A-H 21.1~~ County Council Office Established

There is hereby created in the County the Office of County Counsel in accordance with Cal. Gov't § 26529 and Cal. Gov't §§ 27640 – 27648.

Section 2.06.020~~Sec. A-H 21.2~~ Position of County Counsel

The position of County Counsel shall be filled by appointment by the Board of Supervisors for a four-year term in accordance with Cal. Gov't Code § 27641.

Section 2.06.030~~Sec. A-H 21.3~~ Duties and Responsibilities of the Office of County Counsel

The Office of County Counsel shall perform all Duties and Responsibilities, including but not limited to duties contained in Cal. Gov't Code §§ 27640 – 27648.

Section 2.06.040~~Sec. A-H 21.4~~ County Council to Perform Legal Services for the Public Administrator.

The County Council shall perform all legal services for the Public Administrator pursuant to Cal. Gov't Code § 27643.

CHAPTER 7: ARTICLE 15 PUBLIC DEFENDER

Sections:

Section 2.07.010~~Sec. A-H 15.1~~

Office Established

Section 2.07.020~~Sec. A-H 15.2~~

Appointment of the Public Defender

Section 2.07.030~~Sec. A-H 15.3~~

Duties and Responsibilities of the

Office of Public Defender

Section 2.07.010~~Sec. A-H 15.1~~ **Office Established**

There is hereby established the Office of Public Defender for the County. (Ord. 252. (08/01/1961); ~~Ord. 2518. (03/14/2023)~~)

Section 2.07.020~~Sec. A-H 15.2~~ **Appointment of the Public Defender**

The Public Defender shall be appointed by, and shall serve at the pleasure of, the Board of Supervisors as per Cal. Gov't Code § 27703 (Ord. 252. (08/01/1961); ~~Ord. 1299. (05/13/1985); Ord. 2518. (03/14/2023)~~). The Public Defender shall meet all of the qualifications found in Cal. Gov't Codes §§ 27700– 27711.

Section 2.07.030~~Sec. A-H 15.3~~ **Duties and Responsibilities of the Office of Public Defender**

Except as herein otherwise provided, all of the provisions of the Cal. Gov't Codes §§ 27700–27711, as the same now are or as they may hereafter be amended, shall apply to the Office of Public Defender (Ord. 252. (08/01/1961); ~~Ord. 2518. (03/14/2023)~~), including but not limited to, upon request of the defendant or order of the court, defend any person not able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts, with applicable statutory restrictions.

CHAPTER 178ARTICLE 42: COMMUNITY DEVELOPMENT AGENCY

Sections:

- Section 2.08.010~~Sec. A-H 42.1~~ Community Development Agency
Established**
- Section 2.08.020~~Sec. A-H 42.1.1~~ Duties and Responsibilities**
- Section 2.08.030~~Sec. A-H 42.1.2~~ Director of the Community Development
Agency ~~Sec. A-H 42.8.1~~ ~~Reserved~~**
- Section 2.08.040~~Sec. A-H 42.9.1~~ ~~Creation and Composition of~~ Agricultural
Department and County Sealer of Weights and Measures**
- Section 2.08.050~~1~~~~Sec. A-H 42.9.2~~ Agricultural Department and Duties
and Responsibilities**
- Section 2.08.060~~2~~~~Sec. A-H 42.9.3~~ Agricultural Commissioner and Sealer
of Weights and
Measures**
- Section 2.08.070~~3~~~~Sec. A-H 42.9.11~~ Agricultural
Commissioner Fees**
- Section 2.08.080~~A-H 42.3~~ Building Department Established**
- ~~Section 2.08.090~~~~ee. A-H 42.3.1~~ Building Department Duties and
Responsibilities**
- ~~Sec. A-H 42.3.2~~Section 2.08.100 Director of the Building
Department**
- Section 2.08.110 Department of Code and Cannabis Compliance
Established**
- Section 2.08.140~~Sec. A-H 42.2~~ Environmental Health Department
Established**
- ~~Section 2.17.5.1~~ ~~Environmental Health Department~~
~~Established~~**
- Section 2.08.160~~3~~~~2~~~~Sec. A-H 42.2.1~~ Environmental Health
Department Transfer of Powers and Duties**
- ~~Section 2.08.170~~~~4~~~~3~~~~ee. A-H 42.2.2~~ Director of the Environmental Health
Department**
- ~~Section 2.08.180~~~~5~~~~4~~ Fees for Environmental Health Department
Services~~Sec. A-H 42.2.3~~ ~~Fees for Environmental Health Department~~
~~Services~~ ~~Sec.~~**
- ~~Section 2.08.190~~~~ee. A-H 42.4~~ Planning Agency Established**
- Section 2.08.200~~Sec. A-H 42.4.1~~ Planning Agency Powers and Duties**
- ~~Section 2.08.210~~~~ee. A-H 42.6~~ Planning Department
Established**
- Section 2.08.220~~Sec. A-H 42.6.1~~ Planning Department Duties and
Responsibilities**
- Section 2.08.230~~Sec. A-H 42.6.2~~ Director of the Planning
Department**

- ~~Section 2.08.240~~~~Sec. A-H 42.6.3~~ Land Use Applications and Submittals
~~Section 2.08.250~~~~Sec. A-H 42.7~~ ~~Office of~~Office of Zoning Administrator
 Established Established
~~Section 2.08.260.1~~~~Sec. A-H 42.7.1~~ Zoning Administrator Jurisdiction,
 Power and Duties
~~Section 2.08.270~~~~Sec. A-H 42.10~~ Public Works Department Established
~~Section 2.08.280.1~~~~Sec. A-H 42.10.1~~ Public Works Department Duties and
 Responsibilities
~~Section 2.08.290.2~~~~Sec. A-H 42.10.2~~ Director of ~~the~~ Public Works
 Department
~~Section 2.08.300~~~~Sec. A-H 42.10.5~~ Director of Public Works Authorized
 to Acquire Real
 Property for County; Value Not to Exceed \$50,000
~~Section 2.08.310~~~~Sec. A-H 42.10.3~~ Road Commissioner
~~Section 2.08.320.1~~~~Sec. A-H 42.10.4~~ Repair of Damage Caused by County
 of Nevada to Private Property
~~Section 2.08.330~~~~Sec. A-H 42.10.6~~ County Surveyor
~~Section 2.08.340~~~~Sec. A-H 42.10.7~~ Record of Survey

~~Section 2.08.010~~~~Sec. A-H 42.1~~ **Community Development Agency Established**

There is hereby created in the County of Nevada a Community Development Agency which is a comprehensive local agency for coordination of County policies and regulations concerning County land use, planning and regulation, building, environmental health, agriculture, public works and sanitation. The titles of departments within the Agency shall be known as Environmental Health, Building, Planning, Agriculture, Code and Cannabis Compliance and Public Works. (Ord. 2337. (05/24/2011); ~~Ord. 2518. (03/14/2023)~~)

~~Sec. A-H 42.1.1~~~~Section 2.08.020~~ **Duties and Responsibilities**

The Community Development Agency (CDA) shall act to provide administration and coordination with respect to the efforts, powers and duties of the Environmental Health Department, Building Department, Planning Department, Agricultural Department, Code and Cannabis Compliance Department and Public Works Department, with the exception of responsibilities of the Environmental Health Department functioning as the Local Enforcement Agency (LEA) for solid waste.

Employees who perform LEA functions will not be within the CDA but will instead be within the oversight and supervision of the Environmental Health Director and the County Executive Officer. The CDA Director shall not conduct a performance review, discipline or terminate any employees of the CDA who are assigned LEA functions and responsibilities. Should any LEA employee have job duties split between a position within CDA and LEA, they shall only discuss substantive LEA issues with the Environmental Health Director, LEA employees, or employees of the CEO's Office.

The Community Development Agency shall furnish engineering, surveying, and design services to all County agencies as ordered by the Board of Supervisors or County Executive Officer and shall perform any and all other services that may be ordered. (Ord. 2267. (06/10/2008); Ord. 2337. (05/24/2011); ~~Ord. 2518. (03/14/2023)~~)

~~Sec. A-H 42.1.2~~ **Section 2.08.030 Director of the Community Development Agency**

The Community Development Agency shall be administered by a County officer to be known as the Community Development Agency Director. The Community Development Agency Director shall carry out general policies of the County Executive Office and the Board of Supervisors, and shall plan, organize, and direct all activities of the Agency in accordance with State and County laws and regulations, with the exception of Law Enforcement Agency (LEA) functions performed by Environmental Health Department employees pursuant to this Code. The CDA Director shall have no power to control or direct the activities of the Environmental Health Director or any employee of that office regarding LEA duties. The Community Development Agency Director shall serve at the will and pleasure of the County Executive Officer. (Ord. 2267. (06/10/2008); ~~Ord. 2518. (03/14/2023)~~)

Section 2.08.040 ~~A Creation and Composition of Agriculture~~ Department and County Sealer of Weights and Measures

There is hereby created the County of Nevada Agricultural Department. The Department shall be administered by a County officer to be known as the Agricultural Commissioner, under the general administrative direction of the Community Development Agency Director. The Office of the County Sealer of Weights and Measures shall be consolidated with the Department of Agriculture as per Cal. Gov't Code § 24300 (p).

~~Sec. A-H 42.9~~ **Section 2.08.050 ~~2-Agriculture~~ Department Duties and Responsibilities**

To perform such duties as required as the County Sealer of Weights and Measures as provided for in Cal. Bus. & Prof. Code §§ 12001–13800.

The Agricultural Department shall perform all duties as provided for in Cal. Food & Agric. Code §§ 2001-2350. The Agricultural Department shall work with the Agricultural Advisory Commission, Fish and Wildlife Commission and the Farm Commission.

~~Section 2.08.0602~~ ~~Sec. A-H 42.9.3~~ **Section 2.08.0602 Agricultural Commissioner and Sealer of Weights and Measures**

The Agricultural Commissioner shall act as the County Sealer of Weights and Measures. This position is appointed by the Board of supervisors and is under the general administrative direction of the Community Development Agency Director.

~~Sec. A-H 42.9.11~~ Section 2.08.0703 **Agricultural Commissioner Fees**

The Agricultural Commissioner is hereby authorized to charge and collect fees for services provided by the Agricultural Commissioner and Sealer of Weights and Measures' staff, including wildlife services. A schedule of fees shall be adopted by Resolution of the Board of Supervisors, unless otherwise provided for under State or Federal law.

~~Sec. A-H 42.~~ Section 2.08.080 **Building Department Established**

There is hereby created a Building Department within the Community Development Agency in and for the County of Nevada.

~~Sec. A-H 42.3.1~~ Section 2.08.0901 **Building Department Duties and Responsibilities**

The Nevada County Building Department shall include, but not necessarily be limited to, those functions, powers, and duties designated by the Board of Supervisors by resolution or ordinance.

~~Sec. A-H 42.3.2~~ Section 2.08.1002 **Director of the Building Department**

The Building Department shall be administered by a County officer to be known as the Building Department Director. Under the general administrative direction of the Community Development Agency Director, the Building Department Director shall be the building official as defined in Cal. Health & Safety Code § 18949.27, vested with the responsibility for overseeing local building standards and housing enforcement activities, including administration of the Building Department, interpretation of code requirements, and direction of the code adoption process. The Building Department Director shall serve at the will and pleasure of the Community Development Agency Director.

Section 2.08.110 Department of Code and Cannabis Compliance Established

There is hereby created a Code and Cannabis Compliance Department in and for the County of Nevada. The Code and Cannabis Compliance Department is a component department within the Community Development Agency.

~~Sec. A-H 42.2~~ Section 2.08.140 **Environmental Health Department Established**

There is hereby created an Environmental Health Department within the Community Development Agency in and for the County of Nevada.

Section 2.08.160 ~~32~~ Sec. A-H 42.2.1 **Environmental Health Department Transfer of Powers and Duties**

The Environmental Health Department is created as a comprehensive environmental agency as defined in the California Code of Regulations, Title 17, ~~§section~~ 1351, and shall be a component of the Community Development Agency. The Environmental Health

Department has transferred to it, pursuant to this section, with the concurrence of and appropriate delegation of authority from the County Health Officer, and upon the concurrence of the Director of Health Services of the California State Department of Health Services, as authorized by Cal. Health & Safety § 101275, the function of providing environmental health and sanitation services.

~~Section 2.08.1704.3~~Sec. A-H 42.2.2 Director of the Environmental Health Department

The Environmental Health Department shall be administered by a County officer to be known as the Director of Environmental Health. Under the general administrative direction of the Community Development Agency Director (CDA Director), the Environmental Health Director shall be the sole appointing authority and shall plan, direct, supervise and coordinate all programs of the Environmental Health Department including implementation of the LEA program for solid waste; however, general administrative direction shall be conducted by the County Executive Officer (CEO) rather than the CDA Director in the LEA program. Neither the CDA Director nor any department head within the CDA, other than the Environmental Health Director, may direct, control, hire or fire any employees of the LEA or those employees who are performing split duties between the LEA and the CDA. Nor shall the CDA Director evaluate or contribute to the evaluation of the Environmental Health Director insofar as that evaluation is based in whole or in part on the performance of the functions of the LEA. The CDA Director is authorized to conduct a performance evaluation on all other aspects of the Environmental Health Department Director's duties that are not related to LEA functions. The Environmental Health Department Director shall serve at the will and pleasure of the Community Development Agency Director. (Ord. 2267. (06/10/2008); ~~Ord. 2518. (03/14/2023)~~)

~~Sec. A-H 42.2.3~~Section 2.08.18054 Fees for Environmental Health Department Services

A. IN GENERAL

The Environmental Health Department is hereby authorized to charge and collect fees for services provided by the Environmental Health Department, including but not limited to fees for enforcement and emergency response A schedule of fees shall be adopted by Resolution of the Board of Supervisors unless otherwise provided for under State or Federal law.

~~Sec. A-H 42.4~~Section 2.08.190 Planning Agency Established

There is hereby created a Planning Agency in and for the County of Nevada, pursuant to Article 1, Chapter 3, Division 2 of Title 7 of the Government Code of the State of California, Cal. Gov't Code §§ 66451–66472.1. Pursuant to Cal. Gov't Code § 65100, the Planning Agency shall include, but not necessarily be limited to, a Nevada County Planning Commission, Zoning Administrator, and Planning Department. The Planning Department

is a component department within the Community Development Agency.

~~Sec. A-H 42.4.1~~ Section 2.08.200 Planning Agency Powers and Duties

The Nevada County Planning Agency shall include, but not necessarily be limited to, those functions, powers and duties set forth in the Government Code of the State of California relating to planning as well as those functions, powers and duties designated by the Board of Supervisors by Resolution or Ordinance.

~~Sec. A-H 42.6~~ Section 2.08.210 Planning Department Established

There is hereby created a Planning Department within the Community Development Agency in and for the County of Nevada.

~~Section 2.08.220~~ ~~Sec. A-H 42.6.1~~ Section 2.08.220 Planning Department Duties and Responsibilities

The Planning Department shall serve as liaison between the Planning Agency and the Board of Supervisors. The Planning Department shall perform all duties as provided by law, and such other duties may be assigned to the department from time to time.

~~S~~ Section 2.08.230 ~~ee. A-H 42.6.2~~ Director of the Planning Department

The Planning Department shall be administered by a County officer to be known as the Planning Department Director. Under the general administrative direction of the Community Development Agency Director, the Planning Department Director shall plan, organize, direct and coordinate the planning functions of the County. The Planning Department Director shall serve at the will and pleasure of the Community Development Agency Director.

Section 2.08.240 ~~Sec. A-H 42.6.3~~ Land Use Applications and Submittals

The Nevada County Department of Planning shall charge and collect a fee for the processing and review of those land use applications and submittals as are designated by Resolution of the Board of Supervisors. The amount of such fee shall be set by Resolution of the Board of Supervisors and shall be based upon the estimated staff time required to process such land use applications and submittals.

Whenever any land use application and/or submittal requires more than two reviews by Department of Planning personnel, the applicant shall be charged an additional hourly fee, at the rates as set by Resolution of the Board of Supervisors, for all of the additional time spent by the Department of Planning personnel in reviewing any such land use application and/or submittal.

~~Sec. A-H 42.7~~ Section 2.08.250 Office of Zoning Administrator Established

There is hereby created the office of Zoning Administrator, pursuant to Cal. Gov't Code §§ 65900-65909.5. The Planning Department Director, or their designee, shall serve as

the Zoning Administrator. Such designee shall be a senior planner or above.

~~Sec. A-H 42.7.1~~ Section 2.08.2601 Zoning Administrator Jurisdiction, Power and Duties

The Zoning Administrator shall have jurisdiction over and shall consider all site plan approvals, certain use permit applications, as designated by the zoning ordinance, area variance applications, certificates of compliance, and environmental review concerning all projects and permits within their jurisdiction.

Section 2.08.270~~Sec. A-H 42.10~~ Public Works Department Established

There is hereby created a Public Works Department within the Community Development Agency in and for the County of Nevada. The Public Works Department consists of a Road Maintenance Division, a Fleet Division, a Transit Division, a Sanitation Division, a Solid Waste Division, Surveyor, and a Road Engineering Division. (Ord. 2337. (05/24/2011); Ord. 2518. (03/14/2023))

Section 2.08.280~~Sec. A-H 42.10.1~~ Public Works Department Duties and Responsibilities

- A. The Department of Public Works shall provide all necessary services related to maintenance and construction of all County roads The Department shall administer all County Service Area programs relating to the improvement and/or maintenance of public roads and shall administer all Permanent Road Divisions within the County.
- B. The Department shall be responsible for the administration and operation of all public fixed route and paratransit passenger transportation systems owned by the County and operated either directly by or contracted through the County.
- C. The Department shall be responsible for the administration and operation of the County vehicle program as provided for in all sections of this Code.
- D. The Department shall be responsible for the proper administration and operation of all County solid waste programs, including the operation of such County landfills, transfer station, or other facilities and programs that relate to the proper disposal of waste material including solids, recyclables, toxics, and any other wastes. The Department shall oversee any franchise agreements or other contracts let by the County in these areas.
- E. The Department shall also administer, manage and operate any sewer plants or other sanitation facilities which the Nevada County Sanitation District No. 1 or the County own or operate on behalf of any County Service Area, the Nevada County Sanitation District No. 1 or any other special district. (Ord. 2118. (05/13/2003); Ord. 2337. (05/24/2011); Ord. 2518. (03/14/2023))

~~Sec. A-II 42.10.2~~ **Section 2.08.29082 Director of the Public Works Department**

The Public Works Department shall be administered by a County officer to be known as the Public Works Department Director. Under the general administrative direction of the Community Development Agency Director, the Public Works Department Director shall plan, direct, supervise and coordinate the programs, operations and divisions of the Public Works Department within the Community Development Agency. The Public Works Department Director shall serve at the will and pleasure of the Community Development Agency Director.

The Director shall request the County Purchasing Agent to purchase, lease or hire such equipment as may be necessary to perform the functions of the Department in conformity with the budget and all applicable policies and procedures.

~~Sec. A-II 42.4.2 Reserved~~

Section 2.08.300 Director of Public Works Authorized to Acquire Real Property for County; Value Not to Exceed \$50,000

A. Pursuant to the provisions of Cal. Gov't Code § 25350.60 and subject to the procedures specified in this section, the Public Works Department Director is hereby authorized to perform all acts necessary to approve and accept, for the County, the acquisition of any interest in real property for right-of-way, public utility, undergrounding or other public purposes related to the construction, maintenance and repair of County-maintained roads, where the purchase price for such interest does not exceed Fifty Thousand Dollars (\$50,000).

B. The Public Works Department Director may approve and accept the acquisition of any interest in real property only if such acquisition (1) is in furtherance of a project which the Board of Supervisors has previously determined to undertake; and (2) the appropriate environmental review pursuant to CEQA has been completed; and (3) funds have been appropriated by the Board of Supervisors for the acquisition.

C. The form of any deed or grant conveying any interest in real property shall be approved by County Counsel.

D. Upon acceptance of any deed or grant the Public Works Department Director shall promptly execute a certificate of acceptance substantially in the form specified in Cal. Gov't Code § 27281 and shall transmit same to the County Recorder for recording.

E. Notwithstanding the other provisions of this section, where the offers or deeds are tendered in compliance with conditions requested by the Department of Public Works in conjunction with approval of a land development project or to permit construction to proceed on projects approved in the most recent Nevada County Capital Improvement Plan, the Board of Supervisors may, by Resolution, authorize the Public Works Department Director or assignee(s), to accept, on behalf of the County of Nevada, offers of dedication made by a statement on a subdivision map and grant deeds or easement deeds for road right-of-way, public utility and/or drainage purposes and to execute and request recording of any necessary certificate of such acceptance, reporting such action to the Board of Supervisors. The Board of Supervisors shall periodically review this delegation of

authority.

F. Pursuant to Cal. Gov't Code § 25350.60, the authority granted by this section shall automatically expire as of July 13, 2024, unless such authority is renewed or extended by a subsequent ordinance of the Board of Supervisors. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

~~Sec. A-H 42.10.3~~ Section 2.08.3109 Road Commissioner

The Road Commissioner for the County of Nevada shall be the Public Works Department Director, or as appointed by the Board of Supervisors, and shall comply with all requirements set forth in §§ 2006 - 2010 of the California Streets and Highways Code.

~~Sec. A-H 42.10.~~ Section 2.08.3209.1 Repair of Damage Caused by County of Nevada to Private Property

The Department of Public Works Director or, in their absence, the Director's designee, shall be authorized to use Department personnel, equipment and resources to repair any damage to privately-owned property caused by the Department's employees while working for the County. The Director, or the Director's designee, and the County Risk Manager shall authorize such repair only upon receipt of a completed Incident Report from the employee involved in the incident which resulted in such damage or where it is not readily ascertainable which of several employees may have been involved in the incident, from the road supervisor or road superintendent, stating the circumstances under which the property was damaged, the name of any other County employees involved in the incident, or any other witness to the incident, the type of repair to be provided, and the estimated cost of repairing such damage. In no event shall the cost of such repair exceed \$1,000.

Before any such repair work is authorized, the injured party shall complete and file a claim with the Risk Manager on a form provided by Risk Management.

Whenever any such repair work has been authorized as provided for herein, the Risk Manager shall submit a copy of the claim and the supporting documentation to the Clerk of the Board of Supervisors.

Whenever the Director or their designee authorizes any such repair work, they shall promptly submit copies of the claim and the supporting documentation to the Clerk of the Board of Supervisors and the Risk Management Committee.

~~Section 2.08.330~~ ee. A-H 42.10.6 County Surveyor

County land surveyor functions shall be performed within the Public Works Department by a County officer to be known as the County Surveyor. Under the general administrative direction of the Public Works Department Director, the County Surveyor shall plan, organize, direct and coordinate the land surveying functions of the County. The County Surveyor shall be appointed by the Board of Supervisors and shall serve at the will and pleasure of the Board of Supervisors.

~~Sec. A II 42.10.7~~ **Section 2.08.340** **-Record of Survey**

In accordance with Cal. Gov't Code §§ 27601-54985, the Nevada County Department of Planning, Public Works - County Surveyor may charge a reasonable fee for examining a record of survey. In addition, Cal. Bus. & Prof. Code § 8766.5 allows the fee to exceed one hundred dollars if it is adopted by ordinance pursuant to a staff report demonstrating that the cost of providing the examination service actually exceeds one hundred dollars (\$100.00) per record of survey.

A staff report has been prepared and filed in the office of the County Surveyor demonstrating that the cost of providing the examination service exceeds one hundred dollars (\$100.00) per record of survey. The amount to be determined by resolution of the Board of Supervisors. (Ord. 2437. (06/27/2017); ~~Ord. 2518. (03/14/2023))~~

CHAPTER 189:ARTICLE 39 HEALTH AND HUMAN SERVICES AGENCY

Sections:

Section 2.09.010 ~~Sec. A-II 39.1~~ **Health and Human Services Agency**
Established

~~**Section 2.18.3** ~~Sec. A-II 39.2~~ **Director of the Health and Human Services Agency**~~

~~**Section 2.09.020** ~~ee. A-II 39.3~~ **Duties and Responsibilities of the Health and Human Services Agency**~~

~~**Section 2.09.030** ~~Sec. A-II 39.4~~ **Reserved**~~

~~**Section 2.09.030** **Appointment of the Director of the Health and Human Services Agency**~~

~~**Section 2.09.040** ~~Sec. A-II 39.4~~ **Department of Behavioral Health**~~

~~**Section 2.09.050** ~~Department~~ **Duties and Responsibilities of Behavioral Health Department**~~

~~**Section 2.09.060** ~~Sec. A-II 39.4.2~~ **Position of Behavioral Health Director and Director of Local Mental Health Services**~~

~~**Section 2.18.4.1** ~~ee. A-II 39.4.3~~ **Duties and Responsibilities of Behavioral Health Department**~~

~~**Section 2.09.070** ~~Sec. A-II 39.4.4~~ **Mental Health and Substance Use Advisory Board**~~

~~**Section 2.09.080** ~~Sec. A-II 39.5~~ **Reserved**~~

~~**Section 2.09.080** ~~ee. A-II 39.5.1~~ **Division of Housing and Community Services** Established~~

~~**Section 2.09.090** ~~Sec. A-II 39.5.2~~ **Position of Director of Housing and Community Services Division**~~

~~**Section 2.09.100** ~~Sec. A-II 39.5.3~~ **Duties and Responsibilities of Division of Housing and Community Services**~~

~~**Section 2.09.110** ~~Sec. A-II 39.6~~ **Reserved**~~

~~**Section 2.09.110** ~~Sec. A-II 39.6.1~~ **Office of the Public Defender** Established~~

~~**Section 2.09.120** ~~Sec. A-II 39.6.3~~ **Duties and Responsibilities of the Office of Public Defender**~~

~~**Section 2.09.130** ~~Sec. A-II 39.6.2~~ **Appointment of the Public Defender**~~

~~**Section 2.09.140** ~~Sec. A-II 39.7~~ **Reserved**~~

~~**Section 2.09.140** ~~ee. A-II 39.7.1~~ **Department of County of Nevada Public Health Department** Established~~

~~**Section 2.09.150** ~~ee. A-II 39.7.1~~ **Duties and Responsibilities of the Department County of Nevada of Public Health**~~

Section 2.09.160 Health Department
~~Sec. A-II 39.7.2~~ Position of Public Health Director
Section 2.18.7.1 ~~Sec. A-II 39.7.3 Duties and Responsibilities of County of Nevada-
Public Health Department~~
~~Sec. A-II 39.8—Reserved~~
Section 2.09.170 Sec. A-II 39.8.1 County of Nevada Probation Department
Established
Section 2.09.180 Duties and Responsibilities of the County of Nevada
Probation Department
Section 2.09.190 Sec. A-II 39.8.2 Appointment of the Position of Chief
Probation Officer
Section 2.18.8.1 ~~Sec. A-II 39.8.3 Duties and Responsibilities of the County of
Nevada Probation Department~~
~~Sec. A-II 39.9—Determination of Eligibility for General Relief~~ Section 2.09.200
Sec. A-II 39.9.1 Department of Social Services Established
Section 2.09.210 Duties and Responsibilities of the County of Nevada
Department of Social Services
Section 2.09.220 Sec. A-II 39.9.2 Position of Social Services Director
Section 2.18.9.1 ~~Sec. A-II 39.9.3 Duties and Responsibilities of the County of
Nevada Department of Social Services~~
~~Sec. A-II 39.10 Method of Payment of General Assistance~~ Section 2.09.230
Sec. A-II 39.10.1 Office of Public Guardian Established ~~Created~~
Section 2.09.240 Sec. A-II 39.10.2 Duties and Responsibilities of the Office
of Public
Guardian
~~Section 2.09.250~~ Sec. A-II 39.10.3 Position of Public Guardian –
Public Conservator
~~Sec. A-II 39.10.4~~ Section 2.09.260 Expenditure of Public Funds on
Behalf of Conservatees
Section 2.09.270 Sec. A-II 39.11 Appeals
~~Sec. A-II 39.12 Reserved~~ ~~Sec. A-II 39.13 Reserved~~ ~~Sec. A-II 39.14 Reserved~~ ~~Sec.
A-II 39.15 Reserved~~

~~Sec. A-II 39.1~~ Section 2.09.010 Health and Human Services Agency Established

There is hereby established in the County of Nevada a Health and Human Services Agency. The Health and Human Services Agency is composed of the following independent departments: Behavioral Health; Housing and Community Services; Public Defender; Public Health; Probation; Social Services; and Child Support Services.

All duties, responsibilities, and authorities assigned or delegated by motion, resolution, or ordinance, or other legal authority, to the Human Services Agency, Community Health, Mental Health, Public Social Services, or to Adult and Family Services shall hereby be assigned or delegated to the Health and Human Services Agency, Public Health, Behavioral Health, and Social Services. (Ord. 2002. (07/13/1999); Ord. 2350. (07/18/2021); Ord. 2525. (06/13/2023));-

~~**Sec. A-II 39.2 Section 2.18.3** — **Director of the Health and Human Services Agency** Appointed by the Board of Supervisors and under the general direction of the County Executive Officer, the Director of the Health and Human Services Agency shall be the administrative head of the Agency. The Director shall administer the Agency and carry out general policies of the County Executive Officer and the Board of Supervisors, and shall plan, organize, and direct all activities of the Agency in accordance with State and County laws and regulations. The Director shall report directly to, and serve at the will and pleasure of, the County Executive Officer. (Ord. 2202. (07/13/1999); Ord. 2525. (06/13/2023));-~~

~~S~~ Section 2.09.020 ~~ee. A-II 39.3~~ **Duties and Responsibilities of the Health and Human Services Agency**

The Health and Human Services Agency shall be responsible for the various necessary functions concerning mental health, substance use disorder prevention and treatment, housing, human assistance, Public Defender, public health, probation, veterans and social services provided to the citizens of Nevada County, and act as coordinator for the activities of Child Support Services Department as directed by the Board of Supervisors and the County Executive Officer and according to law.

The duties and services to be provided by the Health and Human Services Agency may be amended, from time to time, by the Board of Supervisors and state statute, but shall include the following:

~~A.~~—Provide internal departmental administrative, clerical and accounting support; determine eligibility for various social services and medical assistance programs; maintain a fraud investigation and prevention program; issue food and emergency assistance; and

contract as appropriate with community-based organizations for services to low-income, disadvantaged or special needs persons.

~~B.A.~~ Administer and provide substance use disorder prevention and treatment services.

~~C.B.~~ Provide and arrange for in-home assistance care to needy aged, blind or disabled persons to allow them to remain in their own homes rather than requiring more expensive out-of-home care.

~~D.C.~~ Develop, support and assure the availability of a full range of public health services, and public health nursing, including prevention, immunization control and education regarding infectious diseases. Provision of services to maintain and improve adult and children's health, including maternal and child health services, family planning, child health and disability prevention services, California Children's Services, services for disabled children, Women, Infants and Children Program (WIC), vital statistics, and senior home visits.

~~E.D.~~ Contract for the provision and authorization of medical care services for indigent and lower-income County residents.

~~F.E.~~ Provide, assess and authorize mental health outpatient, residential and inpatient treatment services, prevention and client support services in the community and oversee a coordinated, multi-departmental system of care for youth at risk of out-of-home placement.

~~G.F.~~ Deliver various social and protective services to adults and children, including child and adult protective services, adoptions, family preservation, public guardian/conservatorships and emergency assistance.

~~H.G.~~ Administer an educational, training and job placement program with support services to assist aid recipients in securing unsubsidized employment.

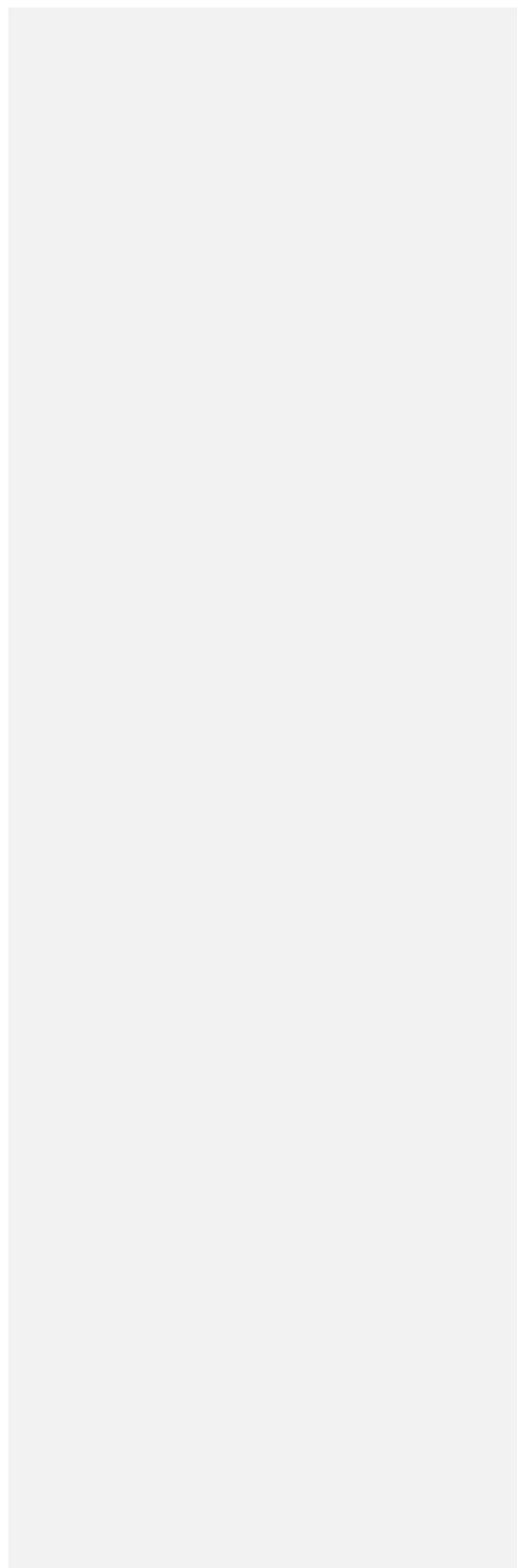
~~I.H.~~ Provide financial assistance to needy and disadvantaged families and individuals under a variety of federal, state and local programs.

~~J.I.~~ Provide assistance and advocacy for veterans and their dependents in filing for Veterans' Administration, state and local veterans' benefits; develop, file and track claims.

~~K.J.~~ Administer and provide programs designed to assist low income and moderate-income families through energy and support programs. (Ord. 2202. (07/13/1999); Ord. 2350. (07/18/2012); ~~Ord. 2525. (06/13/2023)~~);

~~L.K.~~ Provide and coordinate outreach and supportive services to homeless and at risk of homeless residents including supporting the Adult and Family Services Commission, administer Community Services and Development Block Grants and approve and fund First Time Home Buyer Down Payment Assistance and Tennant-based Rental

Assistance programs.



~~M.L.~~ Provide information and access to housing and community services.

~~N.M.~~ Administer services and functions of the Probation Department.

~~O.N.~~ Provide administrative Support to the Public Defender's Office

~~P.O.~~ Accept judicial appointment as the Public Guardian.

~~Q.P.~~ Provide administrative support to the Regional Department of Child Support Services.

Section 2.09.030 Appointment of the Director of the Health and Human Services Agency

Appointed by the Board of Supervisors and under the general direction of the County Executive Officer, the Director of the Health and Human Services Agency shall be the administrative head of the Agency. The Director shall administer the Agency and carry out general policies of the County Executive Officer and the Board of Supervisors, and shall plan, organize, and direct all activities of the Agency in accordance with State and County laws and regulations. The Director shall report directly to, and serve at the will and pleasure of, the County Executive Officer. (Ord. 2202. (07/13/1999); Ord. 2525. (06/13/2023))

~~Sec. A II 39.4 — Reserved~~

**Section 2.09.040~~Sec. A II 39.4.1~~ Department of Behavioral Health~~Department~~
Established**

There is hereby ~~established~~created in the County of Nevada, the Behavioral Health Department under the authority of the Department of Health Care Services contained in Cal. Health & Safety Code §§ 100100-101997.

~~**Section 2.18.4.2 — Sec. A II 39.4.2 Position of Behavioral Health Director and Director of Local Mental Health Services**~~

~~The Behavioral Health Department shall be administered by the Behavioral Health Director, who shall also act as the Director of Local Mental Health. Under the general administrative direction of the Health and Human Services Agency Director, the Director of Behavioral Health shall plan, organize, direct and coordinate the programs and services regarding Mental Health and Substance Use Disorder needs and services. The Director of Local Mental Health shall meet all of the standards of education and experience established by the Director of Health Care Services as per Cal. Welf. & Inst. Code §5751.1.~~

Section 2.09.050 ~~Sec. A-II 39.4.3~~ Duties and Responsibilities of the Behavioral Health Department

The County of Nevada Behavioral Health Department provides culturally competent mental health and substance use disorder services and treatment. These services include, but are not limited to: assess and authorize mental health outpatient, residential and inpatient treatment services; provide mental health client support services in the community; administer and provide substance use disorder prevention and treatment services; develop and oversee crisis systems of care programs; administer and participate in collaborative court programs; participate in a coordinated, multi-departmental system of

care for youth at risk of out-of-home placement; and any and all other requirements and duties set by Federal, State or Local law.

Section 2.09.060 Position of Behavioral Health Director and Director of Local Mental Health Services

The Behavioral Health Department shall be administered by the Behavioral Health Director, who shall also act as the Director of Local Mental Health. Under the general administrative direction of the Health and Human Services Agency Director, the Director of Behavioral Health shall plan, organize, direct and coordinate the programs and services regarding Mental Health and Substance Use Disorder needs and services. The Director of Local Mental Health shall meet all of the standards of education and experience established by the Director of Health Care Services as per Cal. Welf. & Inst. Code §5751.1.

Section 2.09.070 ~~e. A-H 39.4.4~~ Mental Health and Substance Use Advisory Board

The Mental Health and Substance Use Advisory Board is comprised of consumers, family members and community members appointed by the Board of Supervisors. The advisory board provides advice, guidance and recommendations related to policies and procedures concerning the target population. The vision of the advisory board is to promote and support policies and programs that effectively improve the lives of persons with severe mental illness and or substance use and improve community understanding.

~~Sec. A-H 39.5~~ ~~Reserved~~

Sec. A-H 39.5.1 Section 2.09.080 Division of Housing and Community Services Established

There is hereby ~~established~~~~created~~ in the County of Nevada, the Housing and Community Services Division within the Health and Human Services Agency.

Section 2.09.090 Duties and Responsibilities of Division of Housing and Community Services

The County of Nevada Housing and Community Services Division shall provide assistance in securing housing and information in various housing programs for individuals and families who qualify as low-income and/or who are experiencing homelessness; mental illness; or substance use disorder; contract as appropriate with community-based organizations for services to low-income, disadvantaged or special needs persons; and including but not limited to any and all other duties set by Federal, State or Local law or Resolution.

Section 2.09.100 ~~Sec. A-H 39.5.2~~ Position of the Director of Housing and Community Services Division

The County of Nevada Housing and Community Services Division shall be administered

by the Housing and Community Services Division Director, under the general administrative direction of the Health and Human Services Agency Director.

~~**Section 2.18.5.1 Sec. A-II 39.5.3 Duties and Responsibilities of Division of Housing and Community Services**~~

~~The County of Nevada Housing and Community Services Division shall provide assistance in securing housing and information in various housing programs for individuals and families who qualify as low income and/or who are experiencing homelessness; mental illness; or substance use disorder; contract as appropriate with community based organizations for services to low income, disadvantaged or special needs persons; and including but not limited to any and all other duties set by Federal, State or Local law or Resolution.~~

~~Sec. A-II 39.6 — Reserved~~

Section 2.09.110 ~~ec. A-II 39.6.1~~ **Office of the Public Defender Established**

There is hereby established the Office of Public Defender for the County. (Ord. 252. (08/01/1961)) The Office of Public Defender is established within the Health and Human Services Agency.

Section 2.09.120 **Duties and Responsibilities of the Office of Public Defender**

~~Except as herein otherwise provided, all of the provisions of Cal. Gov't Code §§ 27700 – 27711, as the same now are or as they may hereafter be amended, shall apply to the Office of Public Defender (Ord. 252 (08/01/1961); Ord. 1299. (05/13/1985); Ord. 2525. (06/13/2023)), including but not limited to, upon request of the defendant or order of the court, defend any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts, with applicable statutory restrictions.~~

Section 2.09.130 ~~ec. A-II 39.6.2~~ **Appointment of the Public Defender**

The Public Defender shall be appointed by, and shall serve at the pleasure of, the Board of Supervisors as per Cal. Gov't Code § 27703 (Ord. 252. (08/01/1961); Ord. 1299. (05/13/1985); Ord. 2525. (06/13/2023)). The Public Defender shall meet all of the qualifications found in Cal. Gov't Codes §§ 27700 – 27711. This position shall be under the general direction of the Health and Human Services Agency Director.

~~**Section 2.18.6.1** ~~ec. A-II 39.6.3~~ **Duties and Responsibilities of the Office of Public Defender**~~

~~Except as herein otherwise provided, all of the provisions of Cal. Gov't Code §§ 27700 – 27711, as the same now are or as they may hereafter be amended, shall apply to the Office of Public Defender (Ord. 252 (08/01/1961); Ord. 1299. (05/13/1985); Ord. 2525. (06/13/2023)), including but not limited to, upon request of the defendant or order of the court, defend any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts, with applicable statutory restrictions.~~

~~Sec. A-II 39.7 — Reserved~~

Section 2.09.140 ~~Sec. A-II 39.7.1 Department of County of Nevada~~ Public Health Department Established

There is hereby ~~established~~**created** in the County of Nevada, the Public Health Department within the Health and Human Services Agency.

S Section 2.18.7.2 ~~cc. A-II 39.7.2~~ Position of Public Health Director

~~The County of Nevada Public Health Department shall be administered by the Public Health Director, under the general administrative direction of the Health and Human Services Agency Director.~~

~~The Public Health Officer of the County of Nevada is appointed by the Board of Supervisors and functions as staff or contractor of the Public Health Department. The Public Health Officer serves at the will of the Board of Supervisors and is under the general direction of the Health and Human Services Agency Director.~~

Section 2.09.150 ~~Sec. A-II 39.7.3~~ **Duties and Responsibilities of the Department of County of Nevada Public Health Department.**

The County of Nevada Public Health Department prevents disease, promotes and supports optimal health and wellness, and protects the community against disasters, as well as any and all other duties set by Federal, State or Local law or Resolution. Programs within the Public Health Department include public health nursing; communicable disease control; immunizations; substance prevention and disease prevention programs; vital statistics and records; and Public Health Emergency Preparedness programs. Program changes may be made from time to time to address the Public Health needs of the County of Nevada.

Section 2.09.160 **Position of the Director of Public Health-Director**

~~The County of Nevada Public Health Department shall be administered by the Public Health Director, under the general administrative direction of the Health and Human Services Agency Director. The Public Health Officer of the County of Nevada is appointed by the Board of Supervisors and functions as staff or contractor of the Public Health Department. The Public Health Officer serves at the will of the Board of Supervisors and is under the general direction of the Health and Human Services Agency Director.~~

Sec. A-II 39.8 — Reserved

Section 2.09.170 ~~Sec. A-II 39.8.1~~ **County of Nevada Probation Department Established**

There is hereby ~~established~~~~created~~ in the County of Nevada, the Nevada County Probation Department. The Probation Department is established within the Health and Human Services Agency.

Section 2.09.180 **Duties and Responsibilities of the County of Nevada Probation Department.**

~~The County of Nevada Probation Department shall perform the duties and discharge the obligations as provided for by law. These include but are not limited to duties listed in Cal. Gov't Code § 27771 which involve all duties regarding juvenile probation; supervision of adults subject to probation orders; administer community-based corrections programming; and make recommendations to the court, as well as and any and all other duties set by Federal, State or Local law or Resolution.~~

Section 2.09.190 ~~ee. A-II 39.8.2~~ Appointment of the Position of Chief Probation Officer

The County of Nevada Probation Department shall be administered by the Chief Probation Officer, who is appointed by the County of Nevada Board of Supervisors. This position shall be under the general direction of the Health and Human Services Agency Director.

Section 2.18.8.1 ~~Sec. A-II 39.8.3~~ Duties and Responsibilities of the County of Nevada Probation Department.

~~The County of Nevada Probation Department shall perform the duties and discharge the obligations as provided for by law. These include but are not limited to duties listed in Cal. Gov't Code § 27771 which involve all duties regarding juvenile probation; supervision of adults subject to probation orders; administer community based corrections programming;~~

and make recommendations to the court, as well as any and all other duties set by Federal, State or Local law or Resolution.

~~Sec. A-H 39.9 — Reserved~~

Section 2.09.200 ~~Sec. A-H 39.9.1~~ Department of Social Services Established

There is hereby ~~created~~ established in the County of Nevada the Department of Social Services within the Health and Human Services Agency.

Section 2.09.210 ~~Duties and Responsibilities of the Nevada Department of Social Services~~

~~The Department of Social Services offers vital human services to the citizens of the County of Nevada. Programs within the Department of Social Services may include: Adult Protective Services; Child Welfare Services; Employment and Training; In Home Supportive Services; Public Assistance; Public Guardian; Veterans Services and other programs as developed to meet the needs of the community.~~

Section 2.09.220 ~~ee. A-H 39.9.2~~ Position of Social Services Director

The County of Nevada Social Services Department shall be administered by the Social Services Director, under the general administrative direction of the Health and Human Services Agency Director.

The Veterans Services Officer shall be under the general administrative direction of the Social Services Director and meet the qualifications of Cal. Mil. & Vet. Code §970.

~~Section 2.18.9.1 — ee. A-H 39.9.3 Duties and Responsibilities of the County of Nevada Department of Social Services~~

~~The Department of Social Services offers vital human services to the citizens of the County of Nevada. Programs within the Department of Social Services may include: Adult Protective Services; Child Welfare Services; Employment and Training; In Home Supportive Services; Public Assistance; Public Guardian; Veterans Services and other programs as developed to meet the needs of the community.~~

~~Sec. A-H 39.10 Reserved~~

Section 2.09.230 ~~Sec. A-H 39.10.1~~ Office of Public Guardian ~~Established~~ Created

There is hereby established the Office of Public Guardian for the County of Nevada, within

the Health and Human Services Agency.

Section 2.09.240 ~~ee. A-II 39.10.2~~ Duties and Responsibilities of the Office of Public Guardian

The Duties and Responsibilities of the Public Guardian are to safeguard the lives and property of Conservatees who cannot care for themselves when no other alternative is available.

Section 2.09.250 ~~ee. A-II 39.10.3~~ Appointment of Position of the Position of Public Guardian – Public Conservator

The Director of the Department of Social Services shall serve as, and is hereby appointed or their qualified designee, shall serve as, and is hereby appointed, Public Guardian of the County. They may deputize subordinates to serve as Assistant Public Guardian, Chief Deputy Public Guardian, and Deputy Public Guardian. The Public Guardian shall act under the general direction of the Health and Human Services Agency Director.

Section 2.09.260 ~~ee. A-II 39.10.4~~ Expenditure of Public Funds on Behalf of Conservatees

Public funds may be expended on behalf of a Conservatee in accordance with the Nevada County Health and Human Services Agency General Assistance Regulations Manual, adopted by the Board of Supervisors, through the general authority provided for in Cal. Welf. & Inst. Code §§ 17000 - 17410.

Section 2.09.270 Appeals ~~Sec. A-II 39.11~~ Appeals

Any applicant for or recipient of General Assistance who believes that General Assistance has been improperly denied by the County Department of Social Services or that General Assistance has been granted by the Department in a lesser amount than required by the standards of General Assistance, may appeal in the manner prescribed by the Nevada County Health and Human Services General Regulations Manual or state statute governing public assistance benefits.

CHAPTER 1910ARTICLE 35: HUMAN RESOURCES DEPARTMENT

Sections:

<u>Section 2.10.010</u> Sec. A-H 35.1 Established Created	Human Resources Department
Section 2.10.020 ee. A-H 35.2	Responsibilities and Duties
<u>Section 2.10.030</u> Sec. A-H 35.3	Director of Human Resources
<u>Section 2.10.040</u> Sec. A-H 35.4	Adoption of Personnel Rules by Resolution

Section 2.10.010~~Sec. A-H 35.1~~ **Human Resources Department** ~~Established~~**Created**
There is hereby ~~established~~ **created** in the County Human Resources Department. (Ord. 2192. (12/13/2005); Ord. 2518. (03/14/2023))

Section 2.10.020 ~~Sec. A-H 35.2~~ **Responsibilities and Duties**

- A. The Human Resources Department shall be responsible to the County Executive Officer for the administration and operation of the County's personnel functions and systems in accordance with County Ordinances and State and Federal laws, rules, and regulations. The Department's responsibilities shall include recruitment, selection, organizational development, job standards and qualifications, classification and pay, performance evaluation and discipline, personnel actions, equal employment opportunity, employment benefit programs, and such other related functions as the County Executive Officer or the Board of Supervisors may assign.
- B. The Department shall keep and maintain the official personnel records of County employees, shall administer the County's Personnel Code and the Memoranda of Understanding with the bargaining units, and shall provide assistance to the County's negotiators in contract negotiations, as needed. (Ord. 2192. (12/13/2005); Ord. 2518. (03/14/2023))

Section 2.10.030 ~~Sec. A-H 35.3~~ **Human Resources Director**

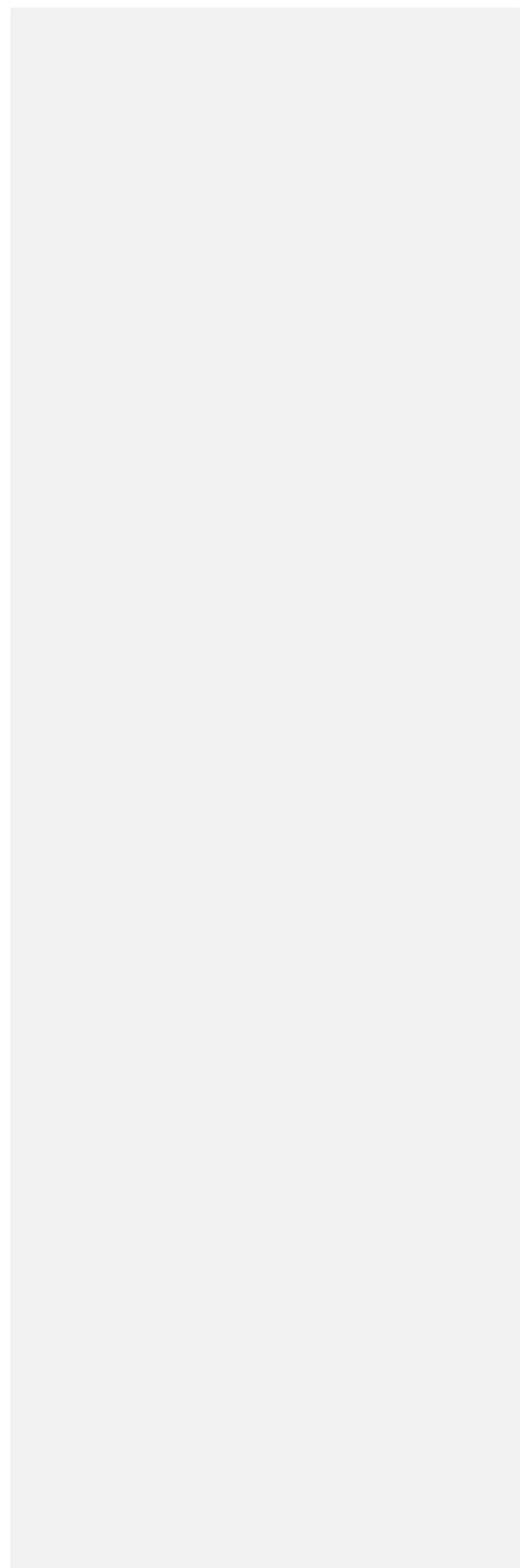
The Human Resources Director shall be the administrative head of the Human Resources Department and shall be responsible for the proper administration of the Department. The Director shall be appointed by and serve at the will and pleasure of the County Executive Officer. (Ord. 2192. (12/13/2005); Ord. 2518. (03/14/2023))

Section 2.10.040 ~~Sec. A-H 35.4~~ **Adoption of Personnel Rules by Resolution**

Except where prohibited by law, the Board of Supervisors may establish, by Resolution, such rules and regulations as it deems necessary: to provide for equitable levels and types of employee classification, compensation and fringe benefits; to provide for the development of effective recruitment, selection, placement, training, evaluation and promotion programs; to afford assurance of equal employment opportunity of persons

consistent with merit principles and without regard to race, national origin, politics, religion, age, sex, or other non-merit factors; to develop and administer an effective employer-employee relations program; to allocate positions to various departments; and to establish such other personnel rules, regulations and practices as it may deem necessary.

EXHIBIT A



CHAPTER 2011ARTICLE 33: INFORMATION AND GENERAL SERVICES AGENCY

Sections:

- Section 2.11.010~~Sec. A-II 33.1~~ Agency~~Department~~ Established-**
Section 2.11.020~~Sec. A-II 33.2~~ Duties and Responsibilities
**Section 2.11.030~~Sec. A-II 33.3~~ Information and General Services Agency
Director-**
**Section 2.11.040~~Sec. A-II 33.4~~ Information and General Services Appointed
Positions**
Sec. A-II 33.5 ~~Reserved~~
Section 2.11.050~~Sec. A-II 33.6~~ Revenue Collection Services

Section 2.11.010 ~~Sec. A-II 33.1~~ Department~~Agency~~ Established

There is hereby created in the County the Information and General Services Agency. The Information and General Services Agency Department is a comprehensive Agency which consolidates the former Information Systems Department and the Department of General Services.

Section 2.11.020 ~~Sec. A-II 33.2~~ Duties and Responsibilities

The Information and General Services Agency shall be responsible for the following:

- A. Provide voice data, and video communication services to County departments and other agencies as warranted.
- B. Centralizing all information system services and all IT staffing positions for all County departments.
- C. Provide office automation, data sharing, and support services among County departments/offices.
- D. Providing business analysis, application programming and business systems consultation services to County departments.
- E. Developing, supporting, and protecting all County information systems assets, data, and infrastructure, by establishing, implementing, and enforcing County information security best practices, policies, and procedures.
- F. Develop and enforce County-wide information technology security policies and procedures.
- G. Developing County-wide information systems strategic plans and policies.
- H. Administer and oversee all franchises awarded by the County.
- I. Provide for the maintenance and remodeling of County buildings and grounds and perform any and all other services of a general nature for the upkeep, preservation and function of County property that may be ordered by the CEO or the Board of Supervisors.
- J. Provide for capital development and construction of new and existing facilities,

including project management related to such development activities.

K. Provide for central services to include mail handling, printing, and related support services.

L. ~~Repealed by Ord. 2260. (07/13/2010)~~. Reserved.

M. Perform such other services, duties, and responsibilities as the Board of Supervisors or the CEO may assign. (Ord. 2321. 07/13/2010); Ord. 2518. (03/14/2023).

N. Management all Airport Activities.

~~M.O.~~ Oversee County Library Activities.

Section 2.11.030 ~~Sec. A-H 33.3~~ Information and General Services Agency

Director

Under the general direction of the County Executive Officer (CEO), the Information and General Services (IGS) Director shall be the administrative head of the Agency. The IGS Director shall report directly to the CEO and shall serve at the will and pleasure of the CEO.

Section 2.11.040 ~~Sec. A-H 33.4~~ Information and General Services Appointed

Positions

The Information and General Services Director shall appoint the following positions:

- A. Chief Information Officer. The Chief Information Officer shall be appointed by the IGS Director and shall lead and manage the Information Systems department.
- B. Facilities Director. The Facilities Director shall be appointed by the IGS Director and shall lead and manage the Facilities Management Department and Capital Facilities budget, and other operations as assigned.
- C. Purchasing Program Manager. The Purchasing Program Manager shall be appointed by the IGS Director and shall lead and manage the Purchasing operations and act as the County Purchasing Agent.
- D. Director of Emergency Services. The Director of Emergency Services shall be appointed by the IGS Director and shall perform under the provisions of Emergency Services of the Nevada County Code.

Section 2.11.050 ~~Sec. A-H 33.6~~ Revenue Collection Services

Information and General Services shall be responsible for managing the County's revenue collection services.

CHAPTER 212~~ARTICLE 40~~: SIERRA NEVADA REGIONAL DEPARTMENT OF CHILD SUPPORT SERVICES

Sections:

<u>Section 2.12.010</u> Sec. A-H 40.1	Department Established-
<u>Section 2.12.020</u> Sec. A-H 40.2	Duties and Responsibilities-
<u>Section 2.12.030</u> Sec. A-H 40.3	Transfer of Functions
<u>Section 2.12.040</u> Sec. A-H 40.4	Director of the Sierra Nevada Regional

Department of

Child Support Services

~~Sec. A-H 40.5 — Reser~~

Section 2.12.010~~Sec. A-H 40.1~~ **Department Established**

There is hereby created in the County of Nevada a Department known as Sierra Nevada Regional Department of Child Support Services, pursuant to ~~California Cal. Family-Fam. Code §Section~~ 17304, that is established within the Health and Human Services Agency. (Ord. 2350 (07/10/2012); ~~Ord. 2525. (06/13/2023))~~)

~~Sec. A-H 40.2~~**Section 2.12.020** **Duties and Responsibilities**

The Sierra Nevada Regional Department of Child Support Services shall be responsible for promptly and effectively establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders established by a court of competent jurisdiction, and determining paternity in cases of a child born out of wedlock, as specified in ~~California Cal. Family-Fam. Code §Section~~ 17400, including all further responsibilities delegated to a local child support agency, pursuant to ~~Division 17 (commencing with section 17000) Cal. Fam. Code. §§ 17000-17393. -of the California Family Code.~~ No other local agency shall have any authority over the department as to any function relating its Title IV-D obligations under the Federal Social Security Act (Cal. Fam. Code § 17303).

Section 2.12.030~~Sec. A-H 40.3~~ **Transfer of Functions**

All Nevada County program employees and other personnel who perform child support collection and enforcement services, and assets dedicated to those services, shall be transferred from the District Attorney's Office to the Sierra Nevada Regional Department of Child Support Services, as provided in ~~California Cal. Family-Fam. Code §§ Sections~~ 17304 and 17305, upon transition January 1, 2001. The transfer of programs, staff and assets shall be effective upon approval of the Director of the California Department of Child Support Services.

Section 2.12.040~~Sec. A-II 40.4~~ Director of the Sierra Nevada Regional Department of Child Support Services

The Director of Sierra Nevada Regional Department of Child Support Services shall be the administrative head of the Department. The Director shall administer the Department and carry out general policies of the Board of Supervisors, and shall plan, organize, and direct all activities of the Department in accordance with State and County laws and regulations. This position shall be under the general direction of the Director of Health and Human Services.

ARTICLE 25 CHAPTER 113: COUNTY OFFICES AND DEPARTMENTS

Sections:

Sec. A-H 25.1	Section 2.13.010	Office of Assessor
Section 2.13.020	Sec. A-H 25.2	Office of Auditor-Controller
Section 2.13.030	Sec. A-H 25.3	Office of County Clerk and County Recorder
	<u>and</u>	
	<u>Elections Office</u>	
Sec. A-H 25.4	Elections Office	
Section 2.13.040	Sec. A-H 25.5	Office of the District Attorney
Section 2.13.050	Sec. A-H 25.6	<u>Nevada County</u>
Office of the Sheriff's	<u>Office</u>	
Section 2.13.051	Sec. A-H 25.6.1	Qualifying for State Aid
Section 2.13.052	<u>Compliance with CPOST Standards</u>	
Section 2.13.053	Sec. A-H 25.6.3	Compliance with Corrections Standards
	Authority Standards	
Section 2.13.054	Sec. A-H 25.6.4	Adherence to Standards
Section 2.13.055		Work Furlough Program
Section 2.13.056		Work Release Program
Section 2.13.057		Alternative Sentencing Program - As Permitted by Section 4024.2 of the California Penal Code
Section 2.13.058		Alternative Sentencing Program – Nevada County Probation Department to be Program Administrator
Section 2.13.059		Alternative Sentencing Program – Guidelines
Section 2.13.060	Sec. A-H 25.7	Office of the Coroner
Section 2.13.070	Sec. A-H 25.8	Office of Public Administrator
Section 2.13.080	Sec. A-H 25.9	Tax Collector <u>and</u>
	<u>Treasurer</u>	

Section 2.13.010~~Sec. A-H 25.1~~ Office of Assessor

There is hereby established in the County of Nevada the Office of Assessor.

Section 2.13.020~~Sec. A-H 25.2~~ Office of the Auditor-Controller

There is hereby established in the County of Nevada the Office of Auditor-Controller.

Section 2.13.030~~Sec. A-H 25.3~~ County Clerk and County Recorder Office and
Elections Office

There is hereby established in the County of Nevada the Office of County Clerk and County Recorder. These offices are combined pursuant to the authority of Cal. Gov't Code § 24300 (e).

~~Sec. A-II 25.4 Elections Office~~

~~There is hereby established in the County of Nevada the Office of Elections. This office is combined with the Office of the County Clerk Recorder.~~

Section 2.13.040~~Sec. A-II 25.5~~ **Office of the District Attorney**

There is hereby established in the County of Nevada the Office of District Attorney.

Section 2.13.050~~Sec. A-II 25.6~~ **Nevada County Sheriff's Office**

There is hereby established in the County of Nevada the Sheriff's Office.

Section 2.13.051~~Sec. A-II 25.6.1~~ **Qualifying for State Aid**

The County declares its desire to qualify for aid from the State of California under the provisions ~~of Cal. Penal Code §§ 13510-13519.15. of Title 3, Chapter 1 of Title 4, Part 4, of the Cal. Penal Code (commencing with Section 13510, et seq.).~~

Section 2.13.052~~11.5.2~~~~Sec. A-II 25.6.2~~ **Compliance with CPOST Standards.**

Pursuant to the provisions of Sections 13510, 13522, 13524 and 13525 of the **California Cal.** Penal Code, the County, while receiving aid from the State pursuant to Chapter 1 of the Penal Code, will adhere to the standards for recruitment and training established by the California Commission on Correctional Peace Officer Standards and Training (CPOST), now called the Corrections Standards Authority.

Section 2.13.053 ~~3~~~~Sec. A-II~~ **Compliance with Corrections Standards Authority Standards**

While receiving any State aid pursuant to Article 3, commencing with Penal Code § 6035, the County of Nevada will adhere to the standards for recruitment and training established by the Corrections Standards Authority.

Section 2.13.054~~4~~~~Sec. A-II 25.6.4~~ **Adherence to Standards**

Pursuant to Cal. Penal Code § 13512, the Authority and its representatives shall make such inquiries as deemed appropriate by the Authority to ascertain that Nevada County's public safety dispatcher personnel and investigators of the District Attorney's office adhere to standards for selection and training established by the CPOST. (Ord. 1564. (02/28/1989), Ord. 2053. (04/11/2001); ~~(Ord. 2518. (03/14/2023))~~)

Section 2.13.055 ~~5~~ **Work Furlough Program**

On the basis of local employment conditions, the state of the county jail facilities, and other pertinent circumstances considered, the Board of Supervisors finds that the operation of a work furlough program as provided for in Cal. Penal Code § 1208, is feasible. The Sheriff is designated as the officer who shall perform the functions of the

work furlough administrator.

Section 2.13.0566 Work Release Program

A Work Release Program is hereby authorized for all persons confined in jail pursuant to Cal. Penal Code § 4024.4.

Section 2.13.0577 Alternative Sentencing Program - As Permitted by Section 4024.2 of the California Penal Code

The Nevada County Alternative Sentencing program is hereby made available for all persons confined in jail as authorized by Section 4024.2, as amended, of the Cal. Penal Code.

Section 2.13.0588 Alternative Sentencing Program - Nevada County Probation Department to be Program Administrator

The Nevada County Probation Department, through its Chief Probation Officer, is designated as the officer who shall perform the functions of the Alternative Sentencing Program Administrator. As such, the department shall prepare standard forms for services and procedures, community service agency agreements, instructions for supervisors, application forms, request forms and other supporting documents.

Section 2.13.0599 Alternative Sentencing Program – Guidelines

The guidelines for the Alternative Sentencing Program are as follows:

1. Alternative sentencing may only be imposed as a voluntary condition of probation. The probationer has no right to an alternative sentence. It is a privilege granted by the courts and supervised by the Probation Department. No one will be placed in the Alternative Sentencing Program prior to a screening interview and acceptance by the Probation Department. Alternative Sentencing Program screening and recommendation shall be made to the court prior to sentencing.
2. Agencies providing work for program participants will provide adequate liability insurance. Agencies will be screened by the Probation Department.
3. Probationers assigned to the Alternative Sentencing Program will report in person to the Probation Department within twenty-four (24) hours. They will be assigned a program and given the name of the worksite supervisor and given a time and place to report.
4. Probationers shall not be assigned duties which are inappropriate because of physical limitations.
5. The probationer will report to the worksite supervisor at the assigned time and place. Worksite supervisor will explain all duties clearly to probationer to ensure that the

objectives of the program and the expectations of the worksite supervisor are understood. A mutually agreed upon work schedule will be set up at this time, and it shall be reported to the Probation Department.

6. The probationer will provide their own transportation to and from the worksite. The probationer will report for work promptly and dressed appropriately.
7. Worksite supervisors and program participants will keep a record of hours served and will present them to the Probation Department upon completion of assigned hours. They will also be available to the Probation Officer upon request.
8. Worksite supervisors will inform the Probation Department immediately of any problems with participants. This shall include absences, unsatisfactory work, or poor attitude, and may result in referral to the court for appropriate action.
9. No probationer shall be absent from assigned work, except for illness, prior work commitment, or with prior approval of the Probation Officer and worksite supervisor. In cases of illness, the probationer is to notify the worksite supervisor as soon as possible. In cases of illness, the Probation Officer can require that the probationer provide a doctor's release.
10. Persons with a history of assaultive behavior, sex offenders, narcotics addicts, or other conditions which would make them a poor candidate for this program will only be considered if so ordered by the court.
11. No probationer is to report for work in possession or under the influence of any alcoholic beverage, illegal drug, or controlled substance. Violation of this condition will result in the matter being returned to court for possible revocation of probation.
12. Probationer shall be credited for one (1) day of jail time for successful completion of ten (10) hours of community service. No good time or work credit apply to community service in lieu of jail time.
13. Placement in the Alternative Sentencing Program will be in lieu of a suspended jail sentence or fine. The probationer may be removed from the program and ordered to serve the remainder of their jail sentence. Such recommendation for termination will be reviewed at an administrative hearing. The probationer will be provided written notice of this hearing and their right to be present. The supervising probation officer will recommend if the program is to be terminated and the ordered jail sentence or fine begun. The actual reinstatement of any jail sentence can only be ordered by the sentencing court.

Section 2.13.060~~Sec. A-II 25.7~~ Office of Coroner

There is hereby established in the County of Nevada the Office of Coroner. This office is combined with the Office of the Nevada County Sheriff under the authority of Cal. Gov't Code §24300 (n).

Section 2.13.070~~Sec. A-II 25.8~~ Office of Public Administrator

There is hereby established in the County of Nevada the Office of Public Administrator. This office is combined with the Coroner's Office pursuant to the authority granted in Cal. Gov't Code §24300 (k).

Section 2.11.8~~Sec A-II 25.9~~ Treasurer and Tax Collector

~~There is hereby established in the County of Nevada the Office of Treasurer.~~

Section 2.13.080~~Sec. A-II 25.10~~ Tax Collector and Treasurer

There is hereby established in the County of Nevada the Office of Tax Collector. This office is combined with the Office of Treasurer pursuant to the authority of Cal. Gov't Code § 24300 (g).

**CHAPTER 14 ARTICLE 12: BOARDS, COMMITTEES, COMMISSIONS,
COUNCILS AND SPECIAL DISTRICTS ESTABLISHED BY RESOLUTION***

Sections:

Section 2.14.010~~Sec. A-H 12.1~~ Authority of Board of Supervisors to Establish

~~Sec. A-H 12~~Section 2.14.020 State Mandated Boards, Committees, Commissions, Councils, or Special Districts

~~Sec. A-H 12~~Section 2.14.030 Boards

~~Sec. A-H 12~~Section 2.14.040 Commissions

Section 2.14.10041~~Sec. A-H 42.5~~ Planning Commission Established, Composition and Member Appointment

Section 2.14.11042~~Sec. A-H 42.5.1~~ Planning Commission Jurisdiction, Powers and Duties ~~Sec. A-H 42.6.4~~ Rese

~~Sec. A-H 42.6.5~~ ——— Reserved

Section 2.14.12.1043 ~~Sec. A-H 42.9.4~~ The Agricultural Advisory Commission

Section 2.14.12.2044 ~~Sec. A-H 42.9.5~~ Ex Officio Members

Section 2.14.12.3045 ~~Sec. A-H 42.9.6~~ Terms, Appointments, Vacancies

~~Section 2.14.12.4046~~ ~~Sec. A-H 42.9.7~~ Regular Meetings

Section 2.14.12.5047 ~~Sec. A-H 42.9.8~~ Members - Compensation

Section 2.14.12.6048 ~~Sec. A-H 42.9.9~~ Staff Functions

Section 2.14.12.7049 ~~Sec. A-H 42.9.10~~ Purpose, Powers and -Duties

~~Sec. A-H 12~~ Section 2.14.050 Committees

~~Sec. A-H 12~~ Section 2.14.060 Councils

~~Sec. A-H 12~~ Section 2.14.070 Special Districts

~~Sec. A-H 12~~ Section 2.14.080 Miscellaneous Advisory Entities

~~Sec. A-H 12~~ Section 2.14.090 Adoption of State Law Relating to Law Libraries

Commented [HC1]: NOTE moves to 2.4.10 & 2.4.11

Commented [HC2]: Moved to 2.4.12.1 – 12.4.12.7

Section 2.14.010~~Sec. A-H 12.1~~ Authority of Board of Supervisors to Establish

~~*EDITOR'S NOTE: A list of~~ Boards, Commissions, Committees, Councils and Special Districts may be established by Resolution of the Board of Supervisors. These entities are created for the purposes of advising the Board of Supervisors and of performing specific functions designated by the Board in their respective areas of expertise. Each Board, Commission, Committee, Council and Special District shall be governed by Resolutions specifying the composition, functions, rules and procedures. A full list of these various Boards, Commissions, Committees, Councils and Special Districts are on file in the office of the Clerk of the Board of Supervisors.

Section 2.14.020~~Sec. A-H 12.2~~ State Mandated Boards, Committees, Commissions, Councils, or Special Districts

State mandated Boards, Committees, Commissions, Councils, or Special Districts, include, but are not limited to:

- Abandoned Vehicle Abatement Program – County Service Authority
- Air Quality Management District Board
- Area 4 Agency on Aging Advisory Council
- Area 4 Agency of Aging Governing Board
- Assessment Appeals Board
- Board of Trustees of the Law Library
- Citizen's Oversight Committee of the Nevada Country Library
- County Oversight Board for the County of Nevada
- First 5 Nevada County Children and Families First Commission
- Juvenile Justice/Delinquency Prevention Commission
- Local Agency Formation Commission (LAFCo)
- Local Planning Council for Child Development for the County of Nevada (LPC)
- Mental Health & Substance Use Advisory Board (Nevada County)
- Nevada-Sierra Connecting Point Public Authority Governing Board Remote Access Network (RAN)
- Solid and Hazardous Waste Commission (Nevada County)

Sec. A-H 12.3~~Section 2.14.030~~ Boards

Boards include, but are not limited to:

- Area 4 Agency of Aging Governing Board

Assessment Appeals Board
Board of Trustees for the Law Library
Building and Accessibility Standards Board of Review
Countywide Oversight Board for the County of Nevada
Mental Health & Substance Use Advisory Board (Nevada County)
Nevada-Sierra Connecting Point Public Authority Governing Board

Sec. A-H-12, Section 2.14.040 Commissions

Commissions include, but are not limited to:

Adult and Family Services Commission
Agricultural Commission
Airport Land Use Commission
Farm Commission
First 5 Nevada County Children and Families First Commission
Fish and Wildlife Commission
Historical Landmarks Commission
Juvenile Justice/Delinquency Prevention Commission
Local Agency Formation Commission (LAFCo)
Planning Commission
Nevada County Transportation Commission
Planning Commission
Solid and Hazardous Waste Commission (Nevada County)
Transit Services Commission.

Section 2.14.041 Planning Commission Established, Composition and Member Appointment

Pursuant to the provisions of the Planning and Zoning Law of the Cal. Gov't Code, §§ 65000 – 66499.58, there is hereby established a Planning Commission in and for the County of Nevada. The Nevada County Planning Commission shall consist of five (5) members of the Nevada County Planning Agency; one (1) to be appointed by each Supervisor from their supervisorial district. Such appointee shall serve at the pleasure of the appointing Supervisor.

Section 2.14.042 Planning Commission Jurisdiction, Powers and Duties

The Nevada County Planning Commission shall have jurisdiction over and shall review

and consider and make recommendations to the Board of Supervisors to approve or disapprove all of the following:

1. All General Plan amendments;
2. All amendments to the Nevada County Zoning Ordinance;
- 4-3. All subdivisions requiring the approval and filing of a final map and parcel maps creating more than four lots and all major use permits and site plans as provided in the zoning ordinance. (Ord. 2484. (12/15/2020); Ord. 2518. (03/14/2023))

Section 2.14.043 The Agricultural Advisory Commission

The Agricultural Advisory Commission shall consist of nine (9) members and shall be appointed by the Board of Supervisors.

Membership shall include a balanced representation of the industries within the County. Representatives from the following industries are preferred and include:

1. Forest and related industries,
2. The cattle industry,
3. The equine industry,
4. Livestock other than the cattle and equine industries,
5. The farming industry,
6. The viticulture industry, or
- 4-7. Other agricultural interests.

No more than two (2) members from any single industry listed above shall serve at the same time to maintain a balanced industry representation. (Ord. 2490. (04/27/2021); Ord. 2148. (05/25/2004); Ord. 2211. (07/11/2006); (Ord. 2417. (08/09/2016))

Section 2.14.044 Ex Officio Members

One (1) member of the Board of Supervisors appointed by the Chair of the Board of Supervisors, as well as the Nevada County Farm Advisor and the Nevada County Agricultural Commissioner shall serve as ex officio members of the Nevada County Agricultural Advisory Commission. (Ord. 2490. (04/27/2021); Ord. 2518. (03/14/2023); Ord. 2525. (06/13/2023))

Section 2.14.045 Terms, Appointments, Vacancies

The term of office of each member of the Agricultural Advisory Commission shall be four (4) years and until the appointment and qualification of their successor. The first members of the Advisory Commission shall classify themselves by lot so that the terms of office of one member is one year, of one member two years, of one member three years, and of two members four years. Any member may be removed by the Board of Supervisors at any

time without cause. Any vacancy that is created during a term shall be filled by the Board of Supervisors for the remainder of the unexpired term. All vacancies on the Advisory Commission shall be immediately reported to the Board of Supervisors.

Section 2.14.046 Regular Meetings

The Agricultural Advisory Commission shall hold regular monthly meetings, plus such additional meetings as may be called by the Chair of the Advisory Commission. (Ord. 2076. (02/12/2002); Ord. 2518. (03/14/2023); Ord. 2525. (06/13/2023))

Section 2.14.047 Members - Compensation

All members of the Agricultural Advisory Commission shall serve without compensation.

Section 2.14.048 Staff Functions

The County Agricultural Commissioner may provide staff service for the Agricultural Advisory Commission in the conduct of its business as hereinafter designated.

Section 2.14.049 Purpose, Powers and Duties

The Agricultural Advisory Commission shall be an advisory body to and for the Board of Supervisors on all matters pertaining to agriculture. The Commission shall advise the Board of Supervisors of procedures and techniques requiring legislative and policy actions that will encourage, promote and protect agricultural activities that are conducive to the continued well-being of the County of Nevada. The Agricultural Advisory Commission shall formulate and recommend to the Board general policies related to the purposes for which this Commission is created. The Commission shall also recommend approval or disapproval of development and use permits and subdivision applications for projects on, or adjacent to, agricultural zoned lands pursuant to such policies as may be adopted by Resolution by the Board. (Ord. 2076(02/12/2002); Ord. 2518. (03/14/2023); Ord. 2525. (06/13/2023))

Section 2.14.050 ~~Sec. A-II-12.5~~ Committees

Committees include, but are not limited to:

- Citizen's Oversight Committee of the Nevada County Library
- City Selection Committee
- Emergency Medical Care Committee
- Nevada County ~~S~~sanitation District No. 1 Advisory Committee
- Roll Correction Review Committee

~~Section ee. A-H 122.14.060~~ **Councils**

Councils include, but are not limited to:

- Area 4 Agency on Aging Advisory Council
- Local Planning Council for Child Care Development for County of Nevada (LPC)
- Multi-Agency Juvenile Justice Coordinating Council/Local Planning Council
- Operational Area Emergency Services Council (Nevada County)
- Penn Valley Area Municipal Advisory
- Council South County Area Municipal Advisory Council

~~Section 2.14.070e-A-H 12.7~~ **Special Districts**

Special Districts include, but are not limited to:

- Air Quality Management District Hearing Board
- Industrial Development Authority
- Donner Summit Public Utility District
- Underground Utility Districts

~~Sec. A-H 12.8~~ **Section 2.14.080 Miscellaneous advisory entities**

Other advisory entities include, but are not limited to:

- Abandoned Vehicle Abatement Program – County Service Authority
- Grand Jury
- Nevada County Finance Authority
- Northern Rural Training Employment Consortium (NORTEC)
- Regional Housing Authority
- Remote Access Network
- Sewage Disposal Technical Advisory Group

~~Sec. A-H 12.9~~ **Section 2.14.090** -Adoption of State Law Relating to Law Libraries/
Special Districts

Adoption of State Law Relating to Law Libraries

All of the provisions of Chapter 5 of Division 3 of the Business and Professions Code of California regarding law libraries shall be, and the same are, hereby made applicable to the County. (Cal. Bus. & Prof. Code §§ 6300-6364.) (Ord. 206. (12/01/1955); Ord. 2518. (03/14/2023))

CHAPTER 15: ~~ARTICLE 13~~ TRAVEL EXPENSES AND COMPENSATION OF COMMITTEES AND COMMISSIONS

Sections: ~~Sec. A-H 13~~

Section 2.15.010 Rates Established Generally

Section 2.15.020~~Sec. A-H 13.2~~ Paid Meetings Authorized for Planning Commission

~~Sec. A-H 13~~Section 2.15.030 Juvenile Justice/Delinquency Prevention Commission

~~Sec. A-H 13.4~~Section 2.15.040 Authorized Meeting, Defined

~~Sec. A-H 13.5~~ — ~~Reserved~~

~~Sec. A-H 13.6~~ — ~~Reserved~~

~~Sec. A-H 13.7~~Section 2.15.050 — ~~_____~~ Drawing of Warrants

~~Sec. A-H 13.8~~ — ~~Reserved~~

Section 2.15.060~~Sec. A-H 13.9~~ Grand Jury Compensation and Mileage - Grand Jury Sessions

~~Sec. A-H 13.10~~ — ~~Reserved~~

Section 2.15.070~~Sec. A-H 13.11~~ Assessment Appeals Board

~~Sec. A-H 13~~Section 2.15.010 Rates Established Generally

There is hereby established in the County mileage rates for authorized meetings attended by members of committees, commissions, or boards which have been established by the Board of Supervisors. Such mileage rates shall be in accordance with the provisions of the Resolution or Ordinance establishing the Committee, Commission, or Board, or if such travel expenses are budgeted. (Ord. 1713. (06/04/1991); Ord. 1861. (05/17/1994); Ord. 1944. (07/22/1997); ~~Ord. 2518. (03/14/2023)~~)

Section 2.15.0~~Sec. A-H 13.20~~ Paid Meetings Authorized for Planning Commission

There is hereby established in the County of Nevada, for the Planning Commission, the sum of \$75.00 per authorized half-day meeting and \$140.00 per authorized full-day meeting to be paid to each member, and the sum of \$85.00 per authorized half-day meeting and \$160.00 per authorized full-day meeting to be paid to the Chair for each meeting attended.

The Nevada County Planning Commission is authorized to hold as many paid meetings per month, up to a maximum of four (4) times per month, as is necessary to conduct the business of the Commission. The Board of Supervisors may authorize additional

meetings upon the request of the Chair of the Commission. (Ord. 1677. (11/06/1990); Ord. 1831. (05/18/1993); Ord. 2036. (09/26/2000); ~~Ord. 2518. (03/14/2023))~~)

~~Sec. A-II-13~~ **Section 2.15.030 Juvenile Justice/Delinquency Prevention Commission**

In lieu of reimbursement for mileage or any other actual or necessary expenses incurred in the performance of their duties, members of the Juvenile Justice/Delinquency Prevention Commission shall receive a stipend for attendance at meetings in the sum of \$25.00 per authorized meeting to be paid to each member. The stipend may be paid for up to two authorized meetings per month. (Ord. 2393. (04/28/2015); ~~Ord. 2518. (03/14/2023))~~)

~~Sec. A-II-13~~ **Section 2.15.040 Authorized Meeting, Defined**

For purposes of this ~~Chapter Article~~, the term “authorized meeting” shall mean a noticed regular or special meeting of the appointed board or commission to address matters within its jurisdiction. Authorized meetings shall not include subcommittee meetings, working group meetings or any other meetings at which less than the full board or commission is expected to attend. (Ord. 2393. (04/28/2015); ~~Ord. 2518. (03/14/2023))~~)

~~Sec. A-II-13.5~~

~~Reserved Sec. A-II~~

~~13.6 Reserved~~

~~Sec. A-II-13.7~~ **Section 2.15.050 Drawing of Warrants**

The Chair of each committee or commission eligible for travel expenses and compensation shall establish with the Auditor-Controller the number of miles between the committee or commission member’s residence and the normal meeting place. Immediately after the normal meeting date, the chair of each committee or commission shall file with the Auditor-Controller, following written approval by the department head responsible for budget unit on forms provided, a listing of all persons in attendance at the meeting(s) who are entitled to compensation under this Chapter, and the Auditor-Controller shall draw warrants in the amounts established herein by Nevada County Personnel section 7 payable to said persons entitled to compensation. (Ord. 1012. (06/02/1981); Ord. 1944. (07/22/1997); ~~Ord. 2518. (03/14/2023))~~)

~~Sec. A-II-13.8 Reserved~~

Sec. A-H 13.9 Section 2.15.060 -Grand Jury Compensation and Mileage - Grand Jury Sessions

- A. The Foreperson, or Business Manager, of the County Grand Jury shall establish with the County Auditor the number of miles between the County Administrative Center and each Grand Juror's residence. The Auditor is hereby directed, upon presentation of official mileage claims, to compensate Grand Jurors for mileage actually traveled to and from meetings of the County Grand Jury or any committee thereof at the rate as established by the County as the mileage reimbursement rate.
- B. The Auditor is further directed to reimburse Grand Jurors a sum to be adopted, from time to time, by resolution of the Board of Supervisors for attendance as Grand Jurors at all committee or full panel meetings of the Grand Jury, up to a maximum of twelve (12) meetings per month except the Foreperson, or Pro Tem, who shall be reimbursed for up to a maximum of twenty (20) meetings per month.
- C. The Foreperson of the Grand Jury is authorized to appoint one of the members of the Grand Jury as Business Manager to perform clerical and financial services and other functions as are deemed necessary and appropriate by the Foreperson. The member acting in such capacity, or at the discretion of the Foreperson the Full Panel Recorder, shall be compensated at an hourly rate in effect for an Office Assistant I and in no event shall such compensation exceed \$5,000 during the term of the Grand Jury; provided, however, that such work shall not exceed 20 hours per week nor more than 1,000 hours during any fiscal year. Alternatively, at the commencement of the term the Foreperson may request the County Executive Officer to authorize the filling of a temporary, part-time position to provide services under the same terms and conditions as described above. (Ord. 1792. (07/14/1992); Ord. 1820. (01/19/1993); Ord. 2252. (10/09/2007); Ord. 2395. (07/14/2015); Ord. 2514. (8/23/22); Ord. 2518. (03/14/2023))

Sec. A-H 13.10 Reserved

Sec. A-H 13.11 Section 2.15.070 Assessment Appeals Board

- A. Members of the Assessment Appeals Board shall receive compensation for attendance at meetings as set forth by resolution of the Nevada County Board of Supervisors.
- B. The Clerk of the Assessment Appeals Board shall establish with the County Auditor the number of miles between each Assessment Board member's residence and the normal meeting place, and the Auditor is hereby directed to reimburse those members at the rate as established by the Internal Revenue Service as the prevailing mileage reimbursement rate and to include this on the per diem rate for each of the members. (Ord. 2509. (6/14/22); Ord. 2518. (03/14/2023))

CHAPTER 16~~ARTICLE 43~~: PAYMENT OF SALARIES TO ELECTED OFFICIALS, OFFICERS AND EMPLOYEES

Section:

~~Sec. A-H 43.1~~Section 2.16.010 Payment of Salaries to Elected Officials, Officers and Employees

~~Sec. A-H 43.1~~ Section 2.16.010 -Payment of Salaries to Elected Officials, Officers and Employees

In accordance with Cal. Gov't Code §§ 28000-28004, the Nevada County Auditor-Controller is hereby authorized to issue paychecks to all elected and appointed officials, officers, and employees on a bi-weekly basis as set forth in the Nevada County Personnel Code.

~~Section 22 RESERVED~~~~ARTICLE 26~~**CHAPTER 17: AMENDMENT TO PERS CONTRACT**

Sections:

Section 2.17.010~~Sec. A-H 26.1~~ Amended PERS Contract

Section 2.17.020~~Sec. A-H 26.2~~ Execution of Amended PERS Contract Authorized

Section 2.17.010~~Sec. A-H 26.1~~ Amended PERS Contract

An amendment to the Contract between the Board of Supervisors and the Board of Administration, California Public Employee's Retirement System is hereby authorized, a copy of which is on file with the Human Resources Department, and by such reference made a part hereof as though herein set out in full.

Section 2.17.020~~Sec. A-H 26.2~~ Execution of Amended PERS Contract Authorized

The Chair of the Board of Supervisors is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency. (Ord. 694. (11/06/1974); Ord. 697. (01/07/1975); Ord. 747. (04/27/1976); Ord. 792. (06/21/1997); ~~(Ord. 2518. (03/14/2023))~~);

CHAPTER 18: ~~ARTICLE 11~~ PARTNERSHIP HEALTHPLAN OF CALIFORNIA COMMISSION

Sections:~~Sections:~~

Section 2.18.010 Sec. A-H 11.1	Intent
Sec. A-H 11 Section 2.18.020	Authorization to Join Commission
Sec. A-H 11 Section 2.18.030	Membership of Commission
Sec. A-H 11.4 Section 2.18.040	Term of Office
Sec. A-H 11 Section 2.18.050	Powers and Duties of Commission
Sec. A-H 11 Section 2.18.060	Obligations of Commission
Sec. A-H 11 Section 2.18.070	Committees
Sec. A-H 11 Section 2.18.080	Termination of Membership

~~Sec. A-H 11~~Section 2.18.010 **Intent**

- A. Partnership HealthPlan of California Commission (“Commission”) is a multi- county commission that has created a Medi-Cal managed health care plan for Medi- Cal recipients. The purpose of this section is to authorize the County of Nevada to join the existing Commission. This will allow the implementation of a County organized health system in Nevada County as authorized by Cal. Welf. & Inst. Code § 14087.54.
- B. The Commission has a proven record of improving health care access to its members, who are Medi-Cal recipients, and improving Medi-Cal reimbursement rates to health care providers. The Commission links each member with a primary care provider and has been successful in reducing inappropriate use of emergency rooms, providing appropriate levels of inpatient care for its members, developing innovative case management programs and arranging for the provision of an enhanced level of local health care services.
- C. The Commission negotiated a contract with the California Department of Health Care Services, as specified in Cal. Welf. & Inst. Code § 14087.5, to arrange for the provision of health care services provided under Cal. Welf. & Inst. Code Chapter 7, Part 3, Division 9. The Commission is authorized to negotiate a contract with the California Department of Health Care Services to expand the Commission into the County of Nevada. This expansion is expected to occur on or about January 1, 2024, for the County of Nevada. (Ord. 2494, (08/24/2021); Ord. 2518, (03/14/2023); Ord. 2532, (11/07/2023)); ~~Ord. 2525 (06/13/2023)~~)

~~Sec. A-H-1~~Section 2.18.020 Authorization to Join Commission

Pursuant to Cal.-Welf. & Inst. Code § 14087.54, the Nevada County Board of Supervisors hereby authorizes the County of Nevada to join the Commission. (Ord. 2494. (08/24/2021); Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023)); ~~Ord. 2525 (06/13/2023)~~

~~Sec. A-H-1~~Section 2.18.030 Membership of Commission

A. The Commission shall be comprised of commissioners appointed by the Board of Supervisors of each member county. Unless and until the Commission, by formal action, establishes a different formula or system of membership, the Commission representation shall be based on the number of Medi-Cal beneficiaries enrolled in the HealthPlan in each county, as determined by the Partnership HealthPlan of California's established formula.

1. 0-45,000 Medi-Cal beneficiaries within the county equals one Commission seat.
2. 45,001-60,000 Medi-Cal beneficiaries within the county equals two Commission seats.
3. 60,001+ Medi-Cal beneficiaries within the county equals three Commission seats.

~~3.~~

B. Persons appointed to the Commission by the Nevada County Board of Supervisors shall serve at the pleasure of the Board. The Nevada County Board of Supervisors shall follow its own Commissioner selection criteria set forth in this section but also acknowledges that the Commission encourages member counties to consider selecting Commissioners from the following settings: safety net providers (including providers at federally qualified health centers), behavioral health providers, Rregional Center providers, local education authorities, dental providers, Indian Health Service facility providers, and hospital providers with special efforts to select candidates, as opportunity allows, who reflect the diversity of the community and regions (including, but not limited to race, ethnicity, language, and disability status).

C. The Board of Commissioners meets bi-monthly on the 4th Wednesday of every even month from 10:00 AM to 2:00 PM, with the exception of the December meeting which will be held on the 1st Wednesday of the month. Meetings may be attended via video. Commissioners also participate in an annual full day strategic planning retreat on the last Wednesday in February. (Ord. 2494. (08/24/2021); Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023)); ~~Ord. 2525 (06/13/2023)~~

~~Sec. A-H-11~~Section 2.18.040 **Term of Office**

The term for the Commission members shall be for four (4)-year periods. Nothing herein shall prohibit a person from serving more than one term. Each Commission member shall remain in office at the conclusion of that member's term until a successor member has been selected and installed into office. An office shall become vacant if a Commissioner ceases functioning in the area from which appointed, or fails to attend three (3) Commission meetings in a row. (Ord. 2494. (08/24/2021); ~~Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023); Ord. 2525 (06/13/2023)~~)

~~Sec. A-H-11~~Section 2.18.050 **Powers and Duties of Commission**

Pursuant to the provisions of Cal. Welf. & Inst. Code § 14087.54 as it exists on the date of adoption of this ordinance, the Commission shall:

- A. Have the power to negotiate the exclusive contract with the California State Department of Health Care Services as specified in Cal. Welf. & Inst. Code § 14087.5, and to arrange for the provision of health care services provided under Chapter 7, Part 3, Division 9 of the Cal. Welf. & Inst. Code;
- B. Be considered an entity separate from the County of Nevada;
- C. File the statement required by Cal. Gov't Code § 53051;
- D. Have the power to acquire, possess, and dispose of real or personal property, including creating and/or acquiring affiliated or supporting entities, as may be necessary for the performance of its functions; to employ personnel, including health care providers in accordance with California law; to contract for services required to meet its obligations; and to sue or be sued; and
- E. Have all the rights, powers, duties, privileges, and immunities conferred by Article 2.8 of Chapter 7, Part 3, Division 9 of the Cal. Welf. & Inst. Code in addition to those previously specified in this ~~S~~section.

~~Sec. A-H-11~~Section 2.18.060 **Obligations of Commission**

Pursuant to the provisions of Cal. Welf. & Inst. Code § 14087.54(d) as it exists on the date of adoption of the ordinance codified in this chapter, any obligations of the Commission, statutory, contractual, or otherwise, shall be the obligations solely of the Commission and shall not be the obligations of the County of Nevada. The Commission shall do business as Partnership HealthPlan of California.

~~Sec. A-H-11~~Section 2.18.070 **Committees**

The Commission may establish advisory committees from time to time for any purpose

that will be beneficial in accomplishing the work of the Commission. (Ord. 2494, (08/24/2021); ~~Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023); Ord. 2525 (06/13/2023)~~)

Sec. A-H 11, Section 2.18.080 Termination of Membership

The Commission shall continue to represent Nevada County until such time as the Nevada County Board of Supervisors terminates the representation. To terminate the representation, the Nevada County Board of Supervisors or its designee, shall provide a ninety (90)-days' notice to other member counties and the California Department of Health Care Services, as specified in Cal. Welf. & Inst. Code § 14087.54(g). (Ord. 2494, (08/24/2021); ~~Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023); Ord. 2525 (06/13/2023)~~)

CHAPTER 19~~**ARTICLE 18**~~**:- USE REGULATIONS REGARDING COUNTY PROPERTY**

Sections:

~~**Sec. G-IV 18.1**~~ **Reserved**

~~**Section 2.189.010**~~ **~~G-IV 18.2~~ Drinking Alcoholic Beverages in County Buildings and**

Upon County Property Prohibited

~~**Section 2.189.020**~~ **~~G-IV 18.3~~ Parking Restrictions on County Property**

~~**Section 2.189.030**~~ **~~G-IV 18.4~~ Regulation of Smoking in County Owned Facilities**

~~**Sec. G-IV 18.1**~~ **Reserved**

Section 2.189.010~~**G-IV 18.2**~~ **Drinking Alcoholic Beverages in County Buildings and Upon County Property Prohibited**

It shall be unlawful for any person to possess and/or to drink alcoholic beverages in any County vehicle or in any building or on any real property owned and/or operated by the County of Nevada with the exception of Western Gateway Park or any other park which may be developed by the County. Any County employee found in violation of this Section shall be subject to the disciplinary procedures set forth in the Personnel Code of the County of Nevada.

Notwithstanding the foregoing, alcoholic beverages may be consumed on County property and/or in County buildings if, at the time thereof, use of the premises is governed by a rental agreement to an individual or organization and the rental agreement specifically provides for the consumption of alcoholic beverages. No rental agreement for use of County property shall allow for the consumption of alcoholic beverages unless the renter first secures all State and local permits and/or licenses and provides the County with evidence of insurance in an amount of not less than \$300,000 and which expressly states it includes coverage for the on-site sale and/or consumption of alcoholic beverages, as appropriate.

In addition to the exception for rental agreements, the County Executive Officer, or their designee, may also waive the alcohol prohibition for official County events where the service of alcoholic beverages would be appropriate and would not include consumption by County employees while on County time. Any such waiver shall be by written communication to the Board of Supervisors prior to the event at which alcoholic beverages would be served.

Section 2.189.020, G-IV 18.3 Parking Restrictions on County Property

A. No private vehicle shall be parked for more than twelve (12) hours, during a twenty-four (24) hour period, on property owned by the County of Nevada, including but not limited to the following County buildings:

1. Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City;
2. Truckee Government Center, 10879 Donner Pass Road, Truckee;
3. Truckee Government Center Annex, 10075 Levone Avenue, Truckee;
4. Truckee Library, 10031 Levone Avenue, Truckee;
5. Truckee Veterans Building, 10214 High Street, Truckee;
6. Nevada County Courthouse, 201 Church Street, Nevada City;
7. HEW Building, 10433 Willow Valley Road, Nevada City;
8. Grass Valley Veterans Building, 255 South Auburn Street, Grass Valley;
9. County Corporation Yard, 12548 Loma Rica Drive, Grass Valley;
10. Nevada City Veterans Building, 415 N. Pine St., Nevada City; and
11. Nevada County Airpark, 12818 Loma Rica Drive, Grass Valley.

B. No private vehicle shall be parked for any purpose at any time in parking spaces on County property which are reserved for County employees, County vehicles, and lessees of County-owned property.

C. No vehicle shall be parked for any purpose at any time in front of the main entrance of the Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, California. The curb shall be painted red to delineate the no parking area.

D. ~~Repealed.(Ord. 2191. (12/13/2005))~~

E. Notwithstanding any other provision of this Code, it shall be unlawful for any vehicle to be parked on County property for more than seventy-two (72) hours without the written authorization of the County Executive Officer or their designee.

F. Provisions of the preceding paragraphs shall be effective when appropriate signs giving notice thereof have been erected at the entrance to each parking area delineated herein. The Information and General Services Agency Director is hereby authorized and directed to erect and maintain, or cause to be erected and maintained, appropriate signs on such public property giving notice of the provisions of this and the preceding paragraphs and in accordance with the requirements of the California Vehicle Code.

Section 2.189.030 -G-IV 18.4 Regulation of Smoking in County Owned Facilities

A. Smoking is prohibited in all buildings, vehicles, or other enclosed areas occupied by County staff, owned or leased by the County, or otherwise operated by the County of Nevada except in areas where the County Executive Officer may designate as smoking areas. The County Executive Officer may designate a smoking area only if the area involved:

1. Is not regularly open to the public; and
2. Does not require major room or building modification; and
3. Is not regularly occupied by non-smokers.

B. In any dispute arising out of the smoking area designations made by the County Executive Officer under this Chapter, the rights of the non-smoker shall be given precedence.

CHAPTER 20 ~~CHAPTER VIII: SPECIAL CLAIMS PROCEDURE~~ EXHIBIT H

Sections:

Section 2.20.010 ~~Sec. A-VIII-1.1~~ Generally

Section 2.20.020 ~~Sec. A-VIII-1.2~~ Presentation of Claims

Section 2.20.030 ~~Sec. A-VIII-1.3~~ Time for Presentation of Claims

Section 2.20.040 ~~Sec. A-VIII-1.4~~ Claim Procedures

Section ~~Sec. A-VIII-1.1~~ 2.20.010 Generally

Pursuant to Cal. Gov't Code § 935, all claims against the County of Nevada, County officers or County employees for money or damages which are excepted by Cal. Gov't Code § 905 (Cal. Gov't Code §§ 810-998.3) and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in this Article.

Section 2.20.020 ~~Sec. A-VIII-1.2~~ Presentation of Claims

No suit for money or damages may be brought against the County on a cause of action for which this Section requires a claim to be presented until a written claim therefor has been filed and acted upon in conformity with this Section and Cal. Gov't Code §§ 945.4, 945.6.

Section 2.20.030 ~~Sec. A-VIII-1.3~~ Time for Presentation of Claims

The claims for any cause of action specified above in 2.20.010 shall be presented in the manner provided in 2.20.040 ~~this Chapter~~ not later than one year after the accrual of the cause of action.

Section 2.20.040 ~~Sec. A-VIII-1.4~~ Claim Procedures

Unless otherwise provided in this Section, the presentation and consideration of claims filed pursuant to this Chapter shall be as provided in Cal. Gov't Code §§ 910, 910.2, 910.4, 910.6, 910.8, 911, 912.4, 912.6, 913, 913.2, 915, 915.2 and 915.4, and as may be amended, which provisions are adopted as the claims' requirements for this Chapter.

ARTICLE 14 CHAPTER 21: COUNTY VEHICLES

Sections:

Sec. A-H-14 <u>Section 2.21.010</u>	Legislative Intent <u>Sec. A-H-14</u>
<u>Section 2.21.020</u>	<u>Application</u>
Sec. A-H-14 <u>Section 2.21.030</u>	<u>General Rules and Regulations</u>
Sec. A-H-14 <u>Section 2.21.040</u>	<u>Fleet Services Manager Responsibilities</u>
Sec. A-H-14 <u>Section 2.21.050</u>	<u>Department Head Responsibilities</u>
Sec. A-H-14 <u>Section 2.21.060</u>	<u>Driver's Responsibilities</u>
Sec. A-H-14 <u>Section 2.21.070</u>	<u>Temporary and/or Permanent Retention of County Vehicles</u>
Sec. A-H-14 <u>Section 2.21.080</u>	<u>Reporting of Vehicle Accidents</u>
Sec. A-H-14 <u>Section 2.21.090</u>	<u>Use of Private Vehicles on County Business</u>
<u>Section 2.21.100</u>	Sec. A-H-10 <u>Violations</u>

Section 2.21.010 ~~Sec. A-H-14~~ Legislative Intent

The Board of Supervisors enacts this ~~Article~~ to accomplish the following purposes:

- A. To institute uniform rules and regulations governing the use and operation of County vehicles;
- B. To assign Fleet Services Manager, department head and driver responsibilities pertaining to County vehicles;
- C. To establish a uniform policy regarding permanent retention and/or temporary retention of County vehicles;
- D. To establish a formal policy for reporting vehicle accidents; and
- E. To establish uniform policies regarding the use of private vehicles on County business.

~~Sec. A-H-14.2~~ Section 2.21.020 Application

Each department head of the County of Nevada shall be responsible for assuring that all employees and volunteers within their department who drive vehicles on County business are thoroughly aware of and comply with these rules and regulations.

Section 2.21.030 ~~Sec. A-H-14.3~~ General Rules and Regulations

- A. Responsibility for County vehicles shall be centralized under the direction of the County Fleet Services Manager.
- B. County vehicles shall be operated only by an authorized County employee,

officer, volunteer or agent possessing a valid driver's license of proper class for the vehicle being operated.

- C. Use of County vehicles for any purpose other than County business is prohibited.
- D. Use of a County vehicle for transportation to home or a restaurant, for meals, is prohibited unless the following conditions exist:
 - 1 The employee is in route while on field duty or attending a meeting on official County business; or
 - 2 The permanent or temporary retention of a County vehicle is authorized.
- E. Transportation of any person not connected with County business shall be prohibited in County vehicles except where (1) with prior approval of the department head that such transportation is in furtherance of County business, or (2) in situations imposing immediate personal danger an employee or volunteer may assist any such person to another location. This policy does not permit the transport of individuals to non-work-related destinations or for non-work purposes.
- F. Members of the Board of Supervisors and their spouses may attend local, regional or state meetings by travel in County vehicles. With the written approval of the appropriate department heads, County employees may transport their spouses to local, regional or state meetings by travel in County vehicles; provided, however, that there shall be no additional costs incurred by the County by such travel, and no County employee shall be displaced from travel in a County vehicle by the application of this Section.
- G. Seat belts shall be worn while operating or riding in County vehicles. The driver of the vehicle shall be responsible for passenger adherence to this rule.
- H. Smoking in County vehicles is prohibited.
- I. Use of cell phone while driving a County vehicle must comply with Cal. Veh. Code § 23123.5, allowing for hands free operation and specific handheld exceptions. Any other usage is prohibited. (Ord. 2005. (09/14/1999); [Ord. 2518. \(03/14/2023\)](#))
- J. Use of a County vehicle to haul any material or pull a trailer for any other purpose than County business, is prohibited.

Sec. A-II 14.4 Section 2, 21.040 Fleet Services Manager Responsibilities

The Fleet Services Manager shall plan, organize and direct all facets of the County vehicle program including, but not limited to, the following:

- A. Scheduling, coordinating and supervising all maintenance and repair activities;
- B. Establishing and maintaining a maintenance and repair cost program;
- C. Preparing recommendations and specifications for replacement and/or new

vehicles;

- D. Transferring vehicles between departments;
- E. Preparing surplus vehicles for disposal in coordination with the Purchasing Agent;
- F. Preparing new and/or replacement vehicles for service;
- G. Managing all facets of a centralized motor pool; and
- H. Performing related duties as required. (Ord. 2028. (05/02/2000); Ord. 2518. (03/14/2023))

Sec. A-II 14.5Section 2.21.050 Department Head Responsibilities

Each department head shall:

- A. Approve usage for temporary employees or volunteers;
- B. Be responsible for the enforcement of rules and regulations contained in this Chapter;
- C. Be responsible for the effective utilization of County vehicles;
- D. Support the concept of defensive driving;
- E. Review accident reports and assure corrective action is taken;
- F. Maintain a current listing of employees' and volunteers' drivers' license and vehicle insurance expiration dates;
- G. Be responsible for registration of employees and volunteers with the Department of Motor Vehicles Pull Notice System, where the employee or volunteer is required to maintain a Class A or B license for the operation of County vehicles. A Class A or B driver's license is required when employees operate passenger vans with seating capacity of 10 or more passengers, including the driver, as well as heavy truck operators (those operating vehicles with gross vehicle weight of 26,001 pounds or more);
- H. Be responsible for obtaining a completed certification as required in this Code for temporary employees and volunteers authorized to operate a county vehicle or privately-owned vehicle on County business;
- I. Department heads to whom vehicles have been assigned shall submit monthly mileage and fuel reports to the Fleet Services Manager.

Sec. A-II 14.6Section 2.21.060 -Driver's Responsibilities

All County employees and volunteers, when using any vehicle on County business, shall:

- A. Operate vehicles in a safe, reasonable manner consistent with the intended use of the vehicle, and behave or conduct oneself in a manner that is professional and in the best interests of the County.
- B. Observe all traffic laws, rules and regulations. Fines and penalties imposed for violation of traffic laws, rules and regulations while on County business, other than

those due to County equipment violations or to over-length or over-width County vehicles, are the responsibility of the driver.

- C. Whenever possible, inspect the assigned vehicle to ensure its safe operating condition.
 - 1. Inspection shall include inspection of stop, turn and taillights, head lamps, windshield wipers, tires and seat belts. In addition, engine oil and coolant levels shall be checked. Departments may designate one employee to inspect all assigned vehicles.
 - 2. If there is evidence of accident damage, it shall be reported immediately to the supervisor before leaving the parking area.
- D. County officers, employees, volunteers, and members of boards, commissions and committees, prior to using any vehicle on County business, shall certify that:
 - 1. The driver and any privately-owned vehicle to be used on County business are currently licensed, that such licenses have not been revoked or suspended, and that restrictions concerning any license will be met by the driver;
 - 2. The driver and any privately-owned vehicle used on County business are insured by a company authorized to do business in the State of California in the minimum amounts specified by law; and
 - 3. The driver has read all articles pertaining to vehicles in the Code of the County of Nevada and will faithfully abide thereby.

Said certification shall be made on a form provided by the Human Resources Department.

Sec. A-H-14.7Section 2.21.070 Temporary and/or Permanent Retention of County Vehicles

When not being used on County business, all County vehicles shall be kept on County property except as herein provided.

Temporary or permanent retention of a County vehicle may be authorized when, in the opinion of the Fleet Services Manager, storage facilities for the vehicle are not adequate due to lack of security of space, and/or the interests of the County are best served by permitting permanent or temporary retention.

- A. PERMANENT RETENTION shall constitute the ongoing retention of a County vehicle by a County employee or officer at their place of residence, as authorized under this Section. In no event shall permanent retention be authorized for any period longer than one year.
 - 1. An application for authorization for the permanent retention of each vehicle shall be submitted by the department head to the Fleet Services Manager. Justification for permanent retention shall be based on the following criteria:

~~1.~~

a. The employee must respond to emergencies requiring immediate attention during off-duty hours for the protection of persons or property specifically requiring their presence in a supervisory or technical capacity. Such emergencies must require immediate travel to the emergency scene; or

~~b.~~ Retention is necessary for programs required by State law for operation of a ~~24-hour~~24-hour Emergency Response System.

~~b.~~

2. All permanent retention applications shall be submitted on forms provided by the Fleet Services Manager.

~~3.~~ All approved permanent retention requests shall automatically terminate on the succeeding July 1st.

~~3.~~

B. TEMPORARY RETENTION

Department heads shall be authorized to grant temporary retention of vehicles to employees based on the following criteria:

1. When an employee is scheduled for standby duty outside of normal working hours due to conditions arising from adverse weather; or
2. When an employee is returning from an officially authorized trip after 5:00 p.m. or leaving before 8:00 a.m.

C. Any employee authorized to permanently or temporarily retain a County vehicle shall not use said vehicle for any private purpose while the vehicle is within their possession.

~~Sec. A-II-14.8~~Section 2.21.080 Reporting of Vehicle Accidents

A. Any employee or volunteer using a County vehicle or a private vehicle on County business who is involved in any type of a vehicle accident, whether or not visible damage is apparent, shall report the accident on the County's accident report form as soon as appropriate emergency action has been taken. The accident report form can be found in the glove compartment of each County vehicle or may be obtained from the employee's or volunteer's department head or the Risk Manager. The completed form is to be given to the employee's or volunteer's department head or the department head's designee. If the employee or volunteer involved in a vehicle accident is not physically able to complete the report form, it shall be the responsibility of the department head, or their designee, to arrange to have the employee or volunteer interviewed and the accident report form completed. When possible, pictures should be taken to accompany the report. The department head, or department head's designee, shall review the form to ensure it is properly

completed and shall forward copies of the form to the Risk Manager, the Fleet Services Manager and the Human Resources Department for inclusion in the employee's file.

- B. At no time shall an employee or volunteer discuss any accident or facets related thereto with anyone other than investigative law enforcement officers, the employee's or volunteer's immediate supervisor, department safety officer, department head, the Risk Manager or County Counsel, without approval of the Risk Manager or County Counsel. All inquiries shall be referred to the Risk Manager.

Section 2.21.090~~Sec. A-H 14.9~~ Use of Private Vehicles on County Business

- A. By mutual consent of the County and employee or volunteer, the use of privately-owned vehicles on County business may be allowed when such use is determined to be in the best interest of the County. However, prior to use of a private vehicle on County business, all of the following conditions must be met:
 - 1. Use of the privately-owned vehicle shall be authorized by the individual's department head;
 - 2. A valid driver's license shall be in the driver's possession at all times;
 - 3. Vehicles shall be adequately insured. The liability insurance coverage on any private vehicle used in County business must conform to the minimum requirements for financial responsibility, as set forth in Cal. Veh. Code § 1602;
 - 4. The vehicle shall be in a sound mechanical condition adequate for providing required transportation in a safe manner;
 - 5. The vehicle shall be equipped with, and each occupant will be required to use, seat belts;
- B. The cost of damage and/or wear and tear to a privately owned vehicle used on County business is the responsibility of the owner of the vehicle. (Ord. 2005. (09/14/1999); ~~Ord. 2518. (03/14/2023)~~)
- C. Only conventional automobiles equipped with four or more wheels and steel or fiberglass doors shall be used on County business. Motorcycles, mopeds, scooters, bicycles, or similar vehicles may not be used to conduct County business.

Section 2.21.100~~Sec. A-H 14.10~~ Violations

A violation of this Article shall not be a misdemeanor or infraction but may be cause for disciplinary action pursuant to the Nevada County Personnel Code.

ARTICLE II

~~Section 16~~

RESERVE

D

→

CHAPTER 22~~ARTICLE 36~~: MOTOR VEHICLE IN LIEU FEES

Sections:

<u>Section 2.22.010</u> See. A-II 36.1	Segregation of Funds-
<u>Section 2.22.020</u> See. A-II 36.2	Dedication of Funds
<u>See. A-II 36.3</u> Section 2.22.030	Intent; Reduction in Road Funding Prohibited
<u>See. A-II 36.4</u> Section 2.22.040	—Reporting Requirements
<u>See. A-II 36.5</u> Section 2.22.050	Commencement of Limitation

Section 2.22.010 ~~See. A-II 36.1~~ Segregation of Funds

All funds received by the County of Nevada from the State of California from the various motor vehicle in-lieu taxes (Vehicle License Fee Law “VLF”) as defined in California Constitution Article XI section 15 and Cal. Rev. & Tax. Code §§ 10701– 11053, shall be segregated into a separate accounting fund.

Section 2.22.020 ~~See. A-II 36.2~~ Dedication of Funds

One-half, or more, of such funds received in each fiscal year shall be expended only upon public roads, ways and highways (as defined in Cal. Sts. & High. Code §§ 23, 23.5 and 25) for the following purposes: maintenance (as defined in Cal. Sts. & High. Code § 27), repair, circulation enhancement, general road safety, and fire access.

Section 2.22.030 ~~See. A-II 36.3~~ Intent; Reduction in Road Funding Prohibited

The people of the County of Nevada declare that their intention is to increase the funds available for the maintenance, upkeep and safety of our County road system. Therefore, the Board of Supervisors shall not reduce other funding for roads without an express finding that said reduction will not negatively impact the public road system of the County of Nevada.

Section 2.22.040 ~~See. A-II 36.4~~ Reporting Requirements

Within ninety (90) days after the end of each fiscal year, the County Executive Officer, or such other County official as the Board of Supervisors may from time to time designate, shall prepare a report showing income received from the State of California from motor vehicle in lieu taxes and the County expenditures thereof, by budget category, showing the percentage of each. Said report shall be available for public scrutiny for at least five (5) years thereafter.

Section 2.22.050 ~~See. A-II 36.5~~ Commencement of Limitation

This limitation shall commence with the next fiscal year beginning after the adoption of this initiative Ordinance.

CHAPTER 23V: PARCEL CHARGES AND PROCEDURE FOR COLLECTION IN COUNTY SERVICE AREAS

Sections:

<u>Section 2.23.010</u> See. A-V 1.1	Parcel Charge Established
<u>Section 2.23.020</u> See. A-V 1.2	Responsibility of the Director of Public Works
<u>Section 2.23.030</u> See. A-V 1.3	Hearing for Filing Objections or Protests
<u>Section 2.23.040</u> See. A-V 1.4	Board of Supervisors' Hearing Charges
<u>Section 2.23.050</u> See. A-V 1.5	Costs Incurred
<u>Section 2.23.060</u> See. A-V 1.6	

Section 2.23.010~~See. A-V 1.1~~ **Parcel Charge Established**

There is hereby established a parcel charge within each County Service Area within the County of Nevada. Said parcel charge may vary by reason of the nature of the use or the month in which the service is rendered to correspond to the cost and value of the service. The nature and extent of service to be furnished shall be established during August of each fiscal year and an appropriate parcel charge shall be determined to cover the cost of said services.

Section 2.23.020~~See. A-V 1.2~~ **Responsibility of the Director of Public Works**

The Director of Public Works shall, each year prior to August 1, prepare a written report which shall contain a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year computed in conformity with this Ordinance. The report shall be filed with the Clerk of the Board of Supervisors. (Ord. 2237. (05/29/2007); ~~Ord. 2518. (03/14/2023)~~)

Section 2.23.030~~See. A-V 1.3~~ **Hearing for Filing Objections or Protests**

Upon receiving the report ~~referred to in 2.23.020, containing a description of each parcel of real property~~, the Clerk of the Board of Supervisors shall fix a time, date and place for hearing therein and for filing objections or protests thereto. The Clerk shall publish notice of such hearing. prior to the date set for hearing, in a newspaper of general circulation printed and published in the County of Nevada.

Section 2.23.040 ~~See. A-V 1.4~~ **Board of Supervisors' Hearing**

At the time, date and place stated in the notice, the Board of Supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the Board of Supervisors may revise, change, reduce, or modify any charge and shall make its determination upon each charge as

described in the report and thereafter, by Resolution, shall confirm the report.

Section 2.23.050~~Sec. A-V 1.5~~ Charges

The charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill.

The charge shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and same procedures and sale in case of delinquency as provided for such taxes.

All laws applicable to the receiving, collection and enforcement of county ad valorem property taxes shall be applicable to such charge.

Section 2.23.060~~Sec. A-V 1.6~~ Costs Incurred

All costs incurred for the preparation of all reports and other services herein shall be charged to the particular service area receiving said services as provided and authorized by Cal. Government Gov't Code.

~~EXHIBIT D~~ **CHAPTER 24: PURCHASES**

Sections:

- ~~Section 2.24.010~~ **Sec. A-IV 1.1** Purchasing Agent - Office Established
- ~~Section 2.24.020~~ **Sec. A-IV 1.2** Consolidation of Information and General Services and Office of Purchasing Agent
- ~~Section 2.24.030~~ **Sec. A-IV 1.3** Purchasing Agent - Duties-
- ~~Section 2.24.040~~ **Sec. A-IV 1.4** _____ Emergency Purchases
- ~~Section 2.24.050~~ **Sec. A-I_V 1.5** Purchasing Policies, Rules, Regulations, and Procedures-
- ~~Section 2.24.060~~ **Sec. A-IV 1.6** _____ Delegation of Purchasing Agent Authority
- ~~Section 2.24.070~~ **Sec. A-IV 1.7** _____ Local Vendor Preference
- ~~Section 2.24.080~~ **Sec. A-IV 1.8** _____ Acceptance of _____ Gratuities, _____ Prohibited, Removal or Other Disciplinary Action Against Officer, Irresponsible Bidder

~~Section 2.24.010~~ **Sec. A-IV 1.1** Purchasing Agent - Office Established

Pursuant to the provisions of Cal. Gov't Code §§ 25500-25509, the Office of Purchasing Agent of the County is hereby established. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))}

~~Sec. A-IV 1.2~~ **Section 2.24.020** Consolidation of Information and General Services and Office of Purchasing Agent

The Purchasing Division is a subpart of the Department of Information and General Services Agency, and all references herein to the Purchasing Agent shall also include the Information and General Services Director. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))}

~~Sec. A-IV 1.3~~ **Section 2.24.030** Purchasing Agent - Duties

The Information and General Services Director ("Director"), acting as the ex-officio Purchasing Agent, or their designee, shall have the duties and powers prescribed for county purchasing agents by the provisions of Cal. Gov't Code §§ 25500-25509 the Public Contracts Code, this Chapter and by such policies or procedures as established by the Nevada County Board of Supervisors. The Director, or designee, shall administer the

Purchasing Division Information and General Services Agency in an efficient and economical manner. The Purchasing Agent, or designee, shall have the authority to:

- A. Purchase, rent, or lease for the County all personal property pursuant to Cal. Gov't Code §§ 25501, 25502 when the annual aggregate cost does not exceed Two Hundred Fifty Thousand Dollars (\$250,000).
- B. Sell, lease, trade or otherwise dispose of personal property that has been found not to be required for public use in accordance with Cal. Gov't Code §§ 25503, 25504, 25504.5 and 25505.
- C. Engage independent contractors to perform services for the county and its offices when the annual aggregate cost does not exceed Fifty Thousand Dollars (\$50,000).
- D. Employ bidding procedures in accordance with Cal. Pub. Cont. Code §§ 20150–20150.14.
- E. Negotiate and execute in the name of the County of Nevada as lessee all rentals of real property for a term not to exceed five years and for a rental not to exceed Ten Thousand Dollars (\$10,000) per month pursuant to Cal. Gov't Code § 25350.51.
- F. Perform such other services as the Board of Supervisors or County Executive Officer may direct.
- G. The Purchasing Agent shall also be empowered to exercise the authority set forth in this Section on behalf of the Nevada County Sanitation District; any County Service Areas, Permanent Road Divisions, or special districts under the direct control of the Board of Supervisors; and any other special districts as specifically authorized by the Board of Supervisors. Unless expressly prohibited by law, the Purchasing Agent shall charge for any services provided to any special districts or other government agencies. (Ord. 2468. (06/11/2019); ~~Ord. 2518. (03/14/2023)~~)

~~Sec. A-IV 1.4~~ **Section 2.24.040 Emergency Purchases**

- A. In the event of a local emergency as proclaimed by the Emergency Services Director and/or the Board of Supervisors, or a state or federal emergency declared by the Governor or President respectively, the Purchasing Agent is authorized to purchase or rent supplies, materials, equipment, and other personal property of whatever kind or nature, and may engage independent contractors to perform services, with or without the furnishing of materials, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000) or in such other maximum contract amounts as may be established by said emergency proclamation. Such emergency purchases shall be approved and confirmed by the Board of Supervisors when required by law.
- B. Emergency purchases of goods and materials may be made by any person or official authorized to sign requisitions when the Purchasing Agent, or any of their Deputies are not immediately available, and the item or items so purchased are immediately necessary for the continued operation of the office or department involved or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent, or if the Purchasing Agent refuses or is unable to perform such a confirmation, the

Board of Supervisors may subsequently approve and confirm such purchases by a four-fifths vote of the entire Board. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board of Supervisors, the costs thereof shall not constitute a legal charge against the County. (Ord. 2468. (06/11/2019); ~~Ord. 2518. (03/14/2023))~~;

~~Sec. A-IV 1.5~~Section 2.24.050 Purchasing Policies, Rules, Regulations, and Procedures

The Board of Supervisors may, by resolution, establish such policies, rules, or regulations as the Board deems necessary to effectuate the purposes of this Chapter. The Purchasing Agent may develop purchasing procedures consistent with this Chapter and any policies, rules, and regulations as may be adopted by the Board of Supervisors from time to time or as necessary. (Ord. 2468. (06/11/2019); ~~Ord. 2518. (03/14/2023))~~;

~~Sec. A-IV 1.6~~Section 2.24.060 Delegation of Purchasing Agent Authority

The Purchasing Agent may delegate purchasing authority for small dollar purchases to Department Heads or their designees for individual purchases of products and services with an estimated total cost of Four Thousand Dollars (\$4,000) or less, including tax, installation, and freight, if in the opinion of the Purchasing Agent such direct purchases would be in the best interest of the County. (Ord. 2468. (06/11/2019); ~~Ord. 2518. (03/14/2023))~~;

~~Sec. A-IV 1.7~~Section 2.24.070 Local Vendor Preference

Pursuant to Cal. Pub. Cont. Code § 2002, and in recognition of the sales tax that is apportioned to Nevada County as a result of sales made by businesses located within the County, a local preference credit of five percent (5.0%) but not cumulatively greater than Five Thousand Dollars (\$5,000) for Nevada County businesses shall be permitted when evaluating competitive solicitations for supplies, equipment and materials that are not part of a public project, unless otherwise prohibited by law.

For purposes of this Section, a local business qualifying for local vendor preference must meet all of the following criteria:

- A. The local business shall have established a lawful place of business within Nevada County at least six months prior to the close of the bids.
- B. If state sales tax is applicable to the purchase, the local business must possess a valid resale license from the State Franchise Tax Board evidencing the business' local address within Nevada County.

Local businesses who wish to receive this preference shall be required to submit a statement which demonstrates compliance with the provisions of this Section. The statement shall be in a format prescribed by the Office of County Purchasing Division Agent and shall be signed under penalty of perjury. Any person, firm, corporation, or entity who submits a false statement or other information to the County in an attempt to qualify for local preference may be prohibited from bidding to provide products and services to the County of Nevada. (Ord. 2468. (06/11/2019); ~~Ord. 2518. (03/14/2023))~~;

~~Sec. A-IV 1.8~~ Section 2.24.080 Acceptance of Gratuities Prohibited, Removal or Other Disciplinary Action Against Officer, Irresponsible Bidder

- C. The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the County from any vendor or contractor, or prospective vendor or contractor, shall be deemed to be a violation of this Chapter and shall be cause for removal or other disciplinary action.

The offer of any such gratuity to any official or employee of the County by any vendor or contractor, or prospective vendor or contractor, shall be cause for declaring such individual or firm to be an irresponsible bidder and for debarring them from bidding. (Ord. 246. (06/11/2019); Ord. 2518. (03/14/2023))

CHAPTER 25: ASSESSMENT APPEALS BOARD ~~14~~ ARTICLE 30

Sections:

<u>Section 2.25.010</u>	<u>Sec. A-H 30.1</u>	<u>Selection</u>
<u>Section 2.25.020</u>	<u>Sec. A-H 30.2</u>	<u>Duties of the Assessment Appeals Board</u>
<u>Section 2.25.030</u>	<u>Sec. A-H 30.3</u>	<u>Term</u>
<u>Section 2.25.040</u>	<u>Sec. A-H 30.4</u>	<u>Vacancies</u>
<u>Section 2.25.050</u>	<u>Sec. A-H 30.5</u>	<u>Continuing Business</u>
<u>Section 2.25.060</u>	<u>Sec. A-H 30.6</u>	<u>Eligibility</u>
<u>Section 2.25.070</u>	<u>Sec. A-H 30.7</u>	<u>Meetings</u>
<u>Section 2.25.080</u>	<u>Sec. A-H 30.8</u>	<u>Selection of Chairperson</u>
<u>Section 2.25.090</u>	<u>Sec. A-H 30.9</u>	<u>Quorum</u>
<u>Sec. A-H 30.10</u>	<u>Reserved</u>	
<u>Section 2.25.100</u>	<u>Sec. A-H 30.11</u>	<u>Conflict of Interest</u>
<u>Section 2.25.110</u>	<u>Sec. A-H 30.12</u>	<u>Objection to Board Member</u>
<u>Section 2.25.120</u>	<u>Sec. A-H 30.13</u>	<u>Removal of Member</u>
<u>Section 2.25.130</u>	<u>Sec. A-H 30.14</u>	<u>Clerk</u>
<u>Section 2.25.140</u>	<u>Sec. A-H 30.15</u>	<u>Fees for Finding of Facts – Assessment Appeals Board Hearings</u>
		<u>Sec. A-H 30.15 – Fees for Finding of Facts – Assessment Appeals Board Hearings</u>
<u>Section 2.25.150</u>	<u>Sec. A-H 30.16</u>	<u>Fee for Processing of an Application for Changed Assessment</u>

Section 2.25.010 Sec. A-H 30.1 Selection

There is hereby created an Assessment Appeals Board of the County of Nevada which shall consist of three regular members, with two alternates, appointed directly by the Board of Supervisors. Approval of each member and alternate shall be by majority vote of the Board of Supervisors. Whenever any member of the Board is temporarily unable to act as a member of the Board, an alternate member may sit on the Board and shall have the same authority to act as a regular member on matters before it and on continuations of hearings commenced when said alternate was serving. (Cal. Rev. & Tax. Code §1601) (Ord. 1931. (01/21/1997); Ord. 2302. (09/22/2009); Ord. 2317. (07/8/2010); Ord. 2509. (6/14/22))

Section 2.25.020 Sec. A-H 30.2 Duties of the Assessment Appeals Board

The duties of the Assessment Appeals Board shall be to equalize the valuation of taxable property within the County of Nevada for purposes of taxation. Said Board shall have all the powers and duties and shall be governed by the same statutes and rules as would the County Board of Equalization.

The Assessment Appeals Board is specifically authorized to hear applications for reduction in assessments in cases in which the issue is whether property has been subject to a change of ownership, or has been newly constructed, pursuant to Cal. Rev. & Tax. Code §1605.5.

Section 2.25.030 Sec. A-H 30.3 Term

The term of each regular member serving on the Assessment Appeals Board shall be for three years, arranged in a manner that the term of each office expires in a different year. The term

of the alternate shall be for one year. Said terms shall begin on the first Monday in September. The term of the members selected to serve on the first Board shall be pursuant to [Cal. Rev. & Tax. Code § 1623](#). (Ord. 1931. (01/21/1997); ~~Ord. 2509. (6/14/22)~~)

Section 2.25.040 ~~Sec. A-II 30.4~~ Vacancies

A person selected to fill a vacancy on the Assessment Appeals Board shall serve for the remainder of the unexpired term of the person being replaced. The Board of Supervisors shall appoint the members and alternates upon the expiration of any term or the occurrence of a vacancy.

Upon the expiration of a term, the member whose term has expired shall continue to serve until a new member has taken office. (Cal. Rev. & Tax. Code §1623)

Section 2.25.050 ~~Sec. A-II 30.5~~ Continuing Business

Notwithstanding the replacement of a member whose term has expired, that member may continue to serve for up to 60 days after the expiration of such term with respect to matters on which the Assessment Appeals Board had commenced hearing prior to the expiration of the member's term. (Cal. Rev. & Tax. Code §1623)

Section 2.25.060 ~~Sec. A-II 30.6~~ Eligibility

Each member appointed to the Assessment Appeals Board shall have a minimum of five years' professional experience in any of the following:

Certified public accountant or public

accountant; Licensed real estate broker;

Attorney;

Property appraiser accredited by a nationally recognized professional organization;

A person that the nominating member of the Board of Supervisors has reason to believe possesses competent knowledge of property appraisal and taxation; (Cal. Rev. & Tax. Code § 1624.05)

No person who has been an employee of an assessor's office within the three years immediately pre-ceding appointment shall be qualified. (Cal. Rev. Tax. Code § 1624.1)

Section 2.25.070 ~~Sec. A-II 30.7~~ Meetings

The Assessment Appeals Board shall meet annually, on the third Monday in July, and shall continue to hold regular meetings on the third Wednesday of every month until the business of equalization is disposed of. Said meetings shall be held at the Rood Administrative Center, 950 Maidu Avenue, Nevada City, California 95959. Meetings may be held remotely

as per Cal. Rev. & Tax. Code § 1616. The Board may set special meetings at such time and place as may be necessary. The date, time and place of the regular meetings of the Board may be changed by resolution adopted by the Assessment Appeals Board. (Cal. Rev. & Tax. Code § 1604). The meetings of the Assessment Appeals Board shall be open and public except that, upon conclusion of taking evidence, the Board may deliberate in private in reaching a decision and as required by law. (Cal. Rev. & Tax. Code § 1605.4)

Section 2.25.080 ~~Sec. A-II 30.8~~ Selection of Chairperson

At the first meeting of each year, to be held on the third Monday in July, the Assessment Appeals Board members shall elect a chair to conduct meetings for a period of one year. The Chairperson shall conduct all meetings for the ensuing year.

Section 2.25.090 ~~Sec. A-II 30.9~~ Quorum

A quorum of the Assessment Appeals Board shall be two members. However, for any action to be taken by the Board, a like vote of two members shall be required. (Ord. 1931. (01/21/1997); ~~Ord. 2509. (6/14/22)~~)

~~Sec. A-II 30.10~~ — Reserved

Section 2.25.100 ~~Sec. A-II 30.11~~ Conflict of Interest

No member shall knowingly participate in any assessment appeal proceeding wherein the member has an interest either in the subject matter of the hearing or in a party to the proceeding of such nature that it could reasonably be expected to influence the impartiality of the member's judgment. Each member shall be subject to the Conflict of Interest Code for the County of Nevada and shall be deemed to be designated employees thereunder. Full financial disclosure shall be required.

Section 2.25.110 ~~Sec. A-II 30.12~~ Objection to Board Member

The party affected by an equalization proceeding, or ~~his or her~~ their agent, or the assessor, may make and file with the Clerk of the Assessment Appeals Board in which the proceeding is pending a written statement objecting to the hearing of a matter before a member of the Board, and setting forth the facts constituting the ground of the disqualification of such member. Copies of such written statement shall be served by the presenting party on each party in the proceeding and on the Board Member alleged in such statement to be disqualified.

Within ~~ten~~ (10) days after the filing of any such statement, or ~~ten~~ (10) days after the service of such statement as above provided, whichever is later in time, the Board member alleged to be disqualified may file with the Clerk ~~his or her~~ their consent in writing that the action or proceeding be tried before another member, or may file with the Clerk ~~his or her~~ their written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of ~~his or~~

~~he~~their dis-qualifications. The Clerk shall forthwith transmit a copy of such consent or answer to each party who shall have appeared in such proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Code of Civil Procedure ~~§Section~~ 446 for the verification of pleadings. The statement of a party objecting to the member on the ground of ~~his or her~~their disqualification shall be presented at the earliest practical opportunity, after ~~his or her~~their appearance and discovery of the facts constituting the ground of the member's disqualification, and in any event before the commencement of the hearing of any issue of fact in the proceeding before such member. No member of the Board, who shall deny ~~his or her~~their disqualification, shall hear or pass upon the question of ~~his or her~~their own disqualification; but in every such case, the question of the member's disqualification shall be heard and determined by some other member agreed upon by the parties who have appeared in the proceeding, or, in the event of their failing to agree, by a member assigned to act by the Board of Supervisors. If the parties fail to agree upon a member to determine the question of the disqualification, within five ~~(5)~~ days after the expiration of the time allowed herein for the member to answer, it shall be the duty of the Clerk to notify the Board of Supervisors of that fact; and it shall be the duty of the Board of Supervisors forthwith, upon receipt of notice from the Clerk, to assign some other member, not disqualified, to hear and determine the question. (Cal. Rev. & Tax. Code § 1624.4)

Section 2.25.120~~Sec. A-H 30.13~~ Removal of Member

The Board of Supervisors may remove any member of the Assessment Appeals Board for cause. (Cal. Rev. & Tax. Code § 1625). Three consecutive absences shall be grounds for automatic termination unless a reasonable excuse is presented to the Board of Supervisors.

Section 2.25.130~~Sec. A-H 30.14~~ Clerk

The Clerk of the Board of Supervisors shall be the Clerk of the Assessment Appeals Board and shall keep records of all proceedings. The Clerk shall perform the same duties in connection with the Assessment Appeals Board as is required by law to be performed in connection with the proceedings of the County Board of Equalization. (Cal. Rev. & Tax. Code § 1628)

Section 2.25.140~~Sec. A-H 30.15~~ Fees for Finding of Facts - Assessment Appeals Board Hearings

A minimum fee shall be assessed to the applicant for each parcel for the preparation of findings of fact. If the expense to the County in preparing the findings exceeds such cost, then the applicant shall bear the additional cost to the County in preparing the findings, calculated at the same rate. No request for written findings of fact shall be valid unless accompanied by the minimum fee, and no findings shall be provided until the applicant has paid all the costs associated therewith.

Section 2.25.150~~Sec. A-II-30.16~~ Fee for Processing of an Application for Changed Assessment

Pursuant to Section 16 of Article XIII of the California Constitution and ~~California-Cal. Government-Gov't~~ Code ~~§Section~~ 54985, the Board of Supervisors hereby adopts a nonrefundable fee in the amount of \$30.00 for the Clerk's service associated with the processing of each Application for Changed Assessment filed with the Nevada County Assessment Appeals Board. This fee will take effect July 2, 2010. Filing fees are not refunded, but may be waived where the applicant would qualify for a waiver of Court fees and costs pursuant to Cal. Gov't Code § 68632. (Ord. 2316. (05/25/2010); Ord. 2317.(07/08/2010); Ord. 2379.(05/13/14); Ord. 2509. (6/14/22))

~~Sec. A-II-19.4 — Reserved~~

~~Sec. A-II-19.5 — Reserved~~

~~Sec A-II-33.5 Reserved~~

~~ARTICLE H~~

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~~ARTICLE H~~

~~Section 20~~

~~RESERVED~~

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~~ARTICLE H~~

~~ARTICLE H~~

~~Section 27 RESERVED~~

~~ARTICLE 28 CHAPTER 13: COUNTY OFFICERS ELECTED~~

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~~Section 2.13.1 Sec. A-II 28 — Elected Officers~~

~~Section 2.13.2 Sec. A-II 28.1 — Assessor~~

~~Section 2.13.3 Sec. A-II 28.2 — Auditor and Controller~~

~~Section 2.13.4 Sec. A-II 28.3 — County Clerk-Recorder and Elections-
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~~Section 2.13.6 Sec. A-II 28.5 — Sheriff-Coroner-Public-
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ARTICLE II

~~Section 31 RESERVED~~

ARTICLE II

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COUNTY CODE

CHAPTER II: ADMINISTRATION EXHIBIT B

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TREASURER AND TAX COLLECTOR

Sec. A-II 37.1 — Reserved

Sec. A-II 37.2 — Reserved

EXHIBIT B

EXHIBIT B

**ARTICLE II Section 2.17.6.2 Planning Commission Established, Composition and
Member Appointment**

Pursuant to the provisions of the Planning and Zoning Law of the Cal. Gov't Code, §§
65000 — 66499.58, there is hereby established a Planning Commission in and for the County
of Nevada. The Nevada County Planning Commission shall consist of five (5) members of
the Nevada County Planning Agency; one (1) to be appointed by each Supervisor from their
supervisory district. Such appointee shall serve at the pleasure of the appointing
Supervisor.

Section 2.17.5.2 Sec. A-II 42.5.1 — Planning Commission Jurisdiction, Powers and Duties
The Nevada County Planning Commission shall have jurisdiction over and shall review and

consider and make recommendations to the Board of Supervisors to approve or disapprove all of the following:

All General Plan amendments;

All amendments to the Nevada County Zoning Ordinance;

All subdivisions requiring the approval and filing of a final map and parcel maps creating more than four lots and all major use permits and site plans as provided in the zoning ordinance. (Ord. 2484. (12/15/2020))

Sec. A II 42.8 Housing and Community Services Established

There is hereby created in the County a Department of Housing and Community Services.

Sec. A II 42.8.1 Responsibilities and Duties

The duties and services to be furnished and performed by the Department of Housing and Community Services shall include the following:

The administration and overview of a wide range of programs designed to assist low and moderate income families;

The identification and acquisition of grant funding and community resources for the maintenance and expansion of services;

The development and implementation of extensive housing support programs;

— The administration of contracts relating to community programs supported by grant funding; and

— The performance of any other related services as may be directed by the County Executive Officer or Board of Supervisors. (Ord. 1712. (05/28/1991))

Sec. A II 42.9.4 Section 2.17.9.1 The Agricultural Advisory Commission

The Agricultural Advisory Commission shall consist of nine (9) members and shall be appointed by the Board of Supervisors.

Membership shall include a balanced representation of the industries within the County.

Representatives from the following industries are preferred and include:

Forest and related industries;

The cattle industry;

The equine industry;

Livestock other than the cattle and equine industries;

The farming industry;

The viticulture industry, or

Other agricultural interests.

No more than two (2) members from any single industry listed above shall serve at the same time to maintain a balanced industry representation. (Ord. 2490. (04/27/2021); Ord. 2148. (05/25/2004); Ord. 2211. (07/11/2006); (Ord. 2417. (08/09/2016))

Sec. A II 42.9. 5 Section 2.17.9.2 Ex Officio Members

One (1) member of the Board of Supervisors appointed by the Chair of the Board of Supervisors, as well as the Nevada County Farm Advisor and the Nevada County Agricultural Commissioner shall serve as ex officio members of the Nevada County Agricultural Advisory Commission. (Ord. 2490. (04/27/2021))

Sec. A II 42.9. 6 Section 2.17.9.3 Terms, Appointments, Vacancies

The term of office of each member of the Agricultural Advisory Commission shall be four

years and until the appointment and qualification of their successor. The first members of the Advisory Commission shall classify themselves by lot so that the terms of office of one member is one year, of one member two years, of one member three years, and of two members four years. Any member may be removed by the Board of Supervisors at any time without cause. Any vacancy that is created during a term shall be filled by the Board of Supervisors for the remainder of the unexpired term. All vacancies on the Advisory Commission shall be immediately reported to the Board of Supervisors.

Sec. A II 42.9.7 Section 2.17.9.4 Regular Meetings

The Agricultural Advisory Commission shall hold regular monthly meetings, plus such additional meetings as may be called by the Chair of the Advisory Commission. (Ord. 2076-02/12/2002))

Sec. A II 42.9.8 Section 2.17.9.5 Members Compensation

All members of the Agricultural Advisory Commission shall serve without compensation.

Sec. A II 42.9.9 Section 2.17.9.6 Staff Functions

The County Agricultural Commissioner may provide staff service for the Agricultural Advisory Commission in the conduct of its business as hereinafter designated.

Sec. A II 42.9.10 Section 2.17.9.7 Purpose, Powers and Duties

The Agricultural Advisory Commission shall be an advisory body to and for the Board of Supervisors on all matters pertaining to agriculture. The Commission shall advise the Board of Supervisors of procedures and techniques requiring legislative and policy actions that will encourage, promote and protect agricultural activities that are conducive to the continued well being of the County of Nevada. The Agricultural Advisory Commission shall formulate and recommend to the Board general policies related to the purposes for which this Commission is created. The Commission shall also recommend approval or disapproval of development and use permits and subdivision applications for projects on, or adjacent to, agricultural zoned lands pursuant to such policies as may be adopted by Resolution by the Board. (Ord. 2076(02/12/2002))

~~Sec. A-II 39.12~~ — Reserved

~~Sec. A-II 39.13~~ — Reserved

~~Sec. A-II 39.14~~ — Reserved

~~Sec. A-II 39.15~~ — Reserved
~~Sec. A-II 40.5~~ — Reserved

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CHAPTER 26H:—FRANCHISES

ARTICLE 1-5

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<u>Section 2.26.</u> See. G-H 020	Application for New Franchise, or Renewal, Extension, or
	Transfer
<u>Section 2.26.030</u> See. G-H	Hearing on Application
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<u>Section 2.256.050</u> See. G-H	Franchise Fees, and Verification Procedures
<u>Section 2.256.060</u> See. G-H	Possessory Interest in Public Property
<u>Section 2.256.070</u> See. G-H	Bond or Other Security
<u>Section 2.256.080</u> See. G-H	Insurance
<u>Section 2.256.090</u> See. G-H	Remedies: Forfeiture, Liquidated Damages and Penalties
<u>Section 2.256.</u> See. G-H 100	Indemnification
<u>Section 2.256.110</u> See. G-H	Assignment Prohibited
<u>Section 2.256.</u> See. G-H 120	Eminent Domain
<u>Section 2.256.</u> See. G-H 130	Improvements to Roads
<u>Section 2.256.</u> See. G-H 140	Conflicting Provisions and Severability
<u>Section 2.26.150</u>	<u>Captions</u>
<u>Section 2.26.160</u>	<u>Calculation of Time</u>
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<u>Section 2.256.206</u> 200	<u>-Administration of Ordinance; Adoption of Regulations</u>
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	Repair
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<u>Section 2.26.301</u>	<u>General Provisions</u>

Section 2.256.302230 Definitions for State Video Service Franchises
Section 2.256.303240 Franchise Fees for State Video Service Franchises
Section 2.256.230450 -Customer Service
Section 2.256.230560 Permits and Construction
Section 2.256.230670 -Emergency Alert System
Section 2.256.230780 Public, Educational, and Government Access
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Support, Interconnection, and Signal Carriage
Section 2.256.320890 -Notices

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Section 2.265.507450 Poles, Etc., In Good Condition
Grantee Has Right to Install, Maintain and Use Any
or All Poles, as

Necessary and Proper.

Section 2.265.508460 Grantee Shall Pay County 2% of Gross Annual
Receipts

Section 2.256.509470 Franchise Granted Under Provisions of Laws of State
of
California

Section 2.265.510480 This Franchise Shall Not Be Exclusive

Section 2.26.600 FRANCHISES FOR TRANSMISSIONS OF

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**Section 2.256, Sec. G II 5601490 — Franchise Required for Transmissions of
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~~Sec. G II 2.A.3 Franchise Fees Sec. G II 2.A.4 Customer Service~~

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ARTICLE 5

**~~FRANCHISES FOR TRANSMISSIONS OF ELECTRICITY, GAS, OIL AND
WAT~~Section 2.26.010Sec. G-II Franchise Required**

A franchise granted by the Board of Supervisors is required for any construction, operations, or activities in Nevada County for which a County franchise may be required under applicable state law, including but not limited to: cable and open video systems; solid waste collection, transfer and disposal; electrical and gas transmission; and other conduits or pipelines in County road rights-of-way, whether above or below the surface.

Unless waived by the Board of Supervisors, no person, partnership, or corporation shall engage in any construction, operations, or activities without first having applied for and been granted a franchise pursuant to this Chapter. This prohibition may be enforced by the County through injunctive relief and any other remedies or penalties provided by federal, state, and local law.

Franchises granted under this Chapter shall be non-exclusive; provided, that the Board of Supervisors may limit the number of franchises to that number which best serves the public health, safety, and welfare.

~~Section 2.26.020Sec. G-II~~ Application for New Franchise, or Renewal, Extension, or Transfer

An applicant for a new, renewed, extended, or transferred franchise shall submit a written application to the Board of Supervisors, which shall provide written confirmation to the applicant when the application is complete. To be complete, the application must address all matters referenced under applicable federal, state, and local law.

The application fee shall cover all of the County's reasonable costs in analyzing and processing the application, including costs of publication and copying. An initial fee deposit of \$5,000 shall be required to cover the initial analysis and processing of the application by County staff, and/or outside consultants, at hourly rates in effect at the time. If the deposit is not fully utilized, the balance unused shall be returned with interest. If the deposit becomes insufficient, the applicant shall be required to augment it.

The applicant may be required to submit additional information after the application is confirmed as complete, so that the Board of Supervisors may properly evaluate the following: the past experience and quality of service of the applicant; the applicant's operating policies and business objectives both short term and long term; the financial depth of the applicant, including assets, debts, and operating capital; the proposed rates to public customers or subscribers; and data on construction, operating performance, and franchise fee accounting practices.

~~Section 2.26.030Sec. G-II~~ Hearing on Application

After the application is complete, and before approving an application, the Board of Supervisors shall hold a public hearing to consider the application and all related information. Interested members of the public may appear and be heard. The Board shall

cause notice as to the time and place of the hearing to be issued, posted and published, pursuant to applicable state law. In the absence of state requirements, the notice shall be published once a week for two successive weeks, and the hearing shall be held not less than ten (10) days, nor more than thirty (30) days, after the date of the first publication of the notice. The hearing may be continued from time to time as the Board deems necessary.

Section 2.26.040~~See. G-H~~ Manner of Granting

A franchise under this Chapter may be granted by resolution or ordinance of the Board of Supervisors, as required by state law. The granting resolution or ordinance shall either include or reference the County's entering into a franchise agreement, if any.

The grant of a franchise shall include such terms and conditions as are necessary to achieve the following: protection of the public health, safety, and welfare; compliance with all relevant provisions of state and federal law; establishing standards for cost-effective service for public customers and subscribers; and providing financial and legal safeguards for the County.

Section 2.26.050~~See. G-H~~ Franchise Fees, and Verification Procedures

Every franchise granted under this Chapter shall require payment of a designated franchise fee to the County at regular intervals, once a year or more frequently. The fee shall be designated as authorized by state law, such as a percentage of gross or other formula, but it shall be described in clear and specific terms, both geographic and economic, so as to facilitate calculation and payment of the fee according to generally accepted accounting principles. The fee description shall also ensure that the payments can be verified by the responsible County departments.

As regards verification, the responsible administrative departments and the Auditor-Controller shall cooperate to ensure timely and accurate receipt of fees. This may be achieved by means of internal controls, such as review of deposits and payment history, copying and forwarding of supporting documentation, and scrutiny of overall compliance with the terms and conditions of the franchise.

The Auditor-Controller shall provide administrative departments with suggested procedures, informal guidance, and a timetable for periodic reviews and possible audits. A franchise shall be considered for possible audit at least every three (3) years, but the decision to undertake an audit shall be dependent on the specific circumstances warranting the audit from a cost-effectiveness standpoint, especially if an independent auditing firm is required.

The scheduling, performance and oversight of audits may be addressed from time to time by resolution of the Board of Supervisors. The Board shall be the final authority in any determination on the correctness of franchise fees received by the County.

Section 2.26.060~~Sec. G-H~~ Possessory Interest in Public Property

A franchise shall contain notification of the possible property tax liability arising from the holding of a possessory interest in public property. (Cal. Rev. & Tax. Code §107.6)

Section 2.26.070~~Sec. G-H~~ Bond or Other Security

A franchise shall require a bond or other security for faithful performance during the term of the franchise and/or during periods of construction affecting road rights-of-way. This is to ensure reimbursement to the County for facility removal and for restoration, and to cover losses occasioned by a default or failure to perform terms of the franchise. The type of security and the time for its submittal to the Clerk of the Board shall be set forth in the franchise. A bond shall be executed by a corporate surety authorized to do business in California. Other security may be in the nature of a cash security fund or letter of credit. Any bond or other security must be acceptable to the Board of Supervisors after review by the Risk Manager or County Counsel.

Section 2.26.080~~Sec. G-H~~ Insurance

A franchise shall require that the grantee carry workers' compensation insurance and such liability insurance as is appropriate for the franchise, including, but not limited to, comprehensive or commercial general liability, automotive liability, product and completed operations, and property damage. The type of insurance, amount of coverage, and required endorsements shall be set forth in the franchise. Endorsements shall include the following: additional insured status for the County of Nevada and its agents; thirty (30) days prior notice to the County of any cancellation or modification; franchisee's insurance as primary insurance.

Policies shall be issued by companies authorized to do business in California, and financial ratings shall be no less than "A" VII in the latest edition of "Bests Key Rating Guide", published by A.M. Best Guide, or as otherwise approved by the Board of Supervisors after review by the Risk Manager or County Counsel.

Section 2.26.090~~Sec. G-H~~ Remedies: Forfeiture, Liquidated Damages, and Penalties

A franchise shall set forth remedies for the County in the event of a material default in any performance of the franchise, including, but not limited to, the continuous coverage of bonds and insurance. Such remedies may include the following: forfeiture of the franchise; revocation or modification of the franchise; assessment of liquidated damages; imposition of penalties; or any other lawful remedy.

Prior to effectuating any remedy, the franchise shall be afforded timely written notice of the alleged default or violation, and a reasonable period of time to cure or correct. This shall be followed, if necessary, by an evidentiary hearing before the Board of Supervisors. Procedures for such notice, correction period, and hearing shall be in accordance with applicable federal, state and local law.

Section 2.26.~~Sec. G-H~~100 Indemnification

A franchise shall require that a holder of a franchise defend, indemnify, and hold harmless the County and its officers, employees, and agents from all liability for damages proximately resulting from any operations or activity under the franchise.

Section 2.26.~~Sec. G-H~~110 Assignment Prohibited

A franchise may not be assigned, or otherwise transferred without application to, and approval by, the Board of Supervisors.

Section 2.26.~~Sec. G-H~~120 Eminent Domain

Nothing in this Chapter shall impair or affect the right of the County to acquire a franchisee's property by exercise of the power of eminent domain.

Section 2.26.~~Sec. G-H~~130 Improvements to Roads

Nothing in this Chapter shall be construed to obligate the County to construct, repair, or maintain any road to any particular standard because of proximity to franchise property.

Section 2.26.~~Sec. G-H~~140 Conflicting Provisions and Severability

If any provision in this Chapter is held by a court to conflict with state or federal law and to be preempted, the remaining provisions in this Chapter shall not be invalidated. If a conflict arises between a provision in this ~~Chapter article~~ and a provision in other ~~articles~~ sections of this Chapter, the latter provision shall control. If a conflict arises between a provision in this Chapter and a provision in a franchise agreement approved by the Board of Supervisors, the latter provision shall control.

Section 2.26.15041~~Section 2.26.3010~~~~ec. G-H 2.B.1~~ Captions

The captions to Sections throughout this Chapter are intended solely to facilitate reading and reference to the sections and provisions. Such captions shall not affect the meaning or interpretation. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26.16042~~310~~~~Sec. G-H 2.B.2~~ Calculation of Time

Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required under this Chapter or any franchise, and a period of time or duration for the fulfillment of doing thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of time. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023); Ord. 2530.

(10/24/2023))

Section 2.26. ~~17043320~~ ~~Sec. G-H 2.B.4~~ Connections to Cable System; Use of Antennae

A. Subscriber Right to Attach. To the extent consistent with federal law, subscribers shall have the right to attach VCRs, receivers, and other terminal equipment to a Franchisee's cable system. Subscribers also shall have the right to use their own remote-control devices and converters, and other similar equipment.

B. Removal of Existing Antennae. A Franchisee shall not, as a condition of providing service, require a subscriber or potential subscriber to remove any existing antenna, or disconnect an antenna except at the express direction of the subscriber or potential subscriber, or prohibit installation of a new antenna, provided that such antenna is connected with an appropriate device and complies with applicable law. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26. ~~18044330~~ ~~Sec. G-H 2.B.5~~ Discrimination Prohibited

A. No Retaliatory Actions. A cable communications systems operator shall not discriminate among persons or the County of Nevada or take any retaliatory action against a person or the County of Nevada because of that entity's exercise of any right it may have under federal, state, or local law, nor may the cable communications systems operator require a person or the County of Nevada to waive such rights as a condition of taking service.

B. Employment and Hiring Practices. A cable communications systems operator shall not refuse to employ, discharge from employment, or discriminate against any person in compensation or in terms, conditions, or privileges of employment because of race, color, creed, national origin, sex, sexual orientation, age, disability, religion, ethnic background, or marital status. A cable communications systems operator shall comply with all federal, state, and local laws and regulations governing equal employment opportunities, and hiring practices, as the same may be amended from time to time. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26. ~~19045340~~ ~~Sec. G-H 2.B.6~~ Transitional Provisions

A. Persons Operating Without a Franchise. The cable communications systems operator of any facility installed as of the effective date of this Chapter, for which a franchise is required, shall have three (3) months from the effective date of this Chapter

to file one or more applications for a franchise. Any cable communications systems operator timely filing such an application under this Chapter shall not be subject to a penalty for failure to have such a franchise so long as said application remains pending; provided, however, nothing herein shall relieve any cable communications systems operator of any liability for its failure to obtain any permit or other authorization required under other provisions of the County of Nevada's Codes, and nothing herein shall prevent the County of Nevada from requiring removal of any facilities installed in violation of said Codes.

B. Persons Holding Franchises. Any person holding an existing franchise for a cable communications system may continue to operate under the existing County Code provisions to the conclusion of its present term (but not any renewal or extension thereof) with respect to those activities expressly authorized by the franchise; and provided further that, such person shall be subject to the other provisions of this Section to the extent permitted by law.

C. Persons with Pending Applications. Pending applications shall be subject to this Chapter. A person with a pending application shall have thirty (30) days from the effective date of this Chapter to submit additional information to comply with the requirements of this Chapter governing applications. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26.200 CABLE SYSTEMS AND OPEN VIDEO SYSTEMS

ARTICLE 2

CABLE SYSTEMS AND OPEN VIDEO SY

CABLE Systems and OPEN VIDEO SYSTEMS

Section 2.26.201 ~~1510~~ ~~See. G-II~~ Definitions Cable Systems and Open Video Systems

For the purposes of this ~~Article~~Chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; and words in the singular number include the plural number; and the masculine gender includes the feminine gender. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined in this Article shall have the same meaning as in Title 47 of the United States Code, and if not defined therein, the Cal. Pub. Util. Code §§ 5800-5970, and if not defined therein, their common and

ordinary meaning.

References to governmental entities or officials, whether persons or entities, refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances, or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances, and regulations now in force or hereinafter enacted or amended.

A. “Access,” “PEG access,” or “PEG use” refers to the availability of a Cable system or open video system for public, education, or government use (including Institutional Network use) by various agencies, institutions, organizations, groups, and individuals, including the County of Nevada and its designated Access providers, to acquire, create, and distribute programming not under a Franchisee’s editorial control, including, but not limited to:

~~A.~~

1. “Public Access” or “Public Use” means access where organizations, groups, or individual members of the general public, on a non-discriminatory basis, are the primary or designated programmers or users having editorial control over their communications;
2. “Education Access” or “Education Use” means access where accredited educational institutions are the primary or designated programmers or users having editorial control over their communications;
3. “Government Access” or “Government Use” means access where government institutions or their designees are the primary or designated programmers or users having editorial control over their communications;

~~3.~~

B. “Affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person.

~~B.~~

C. “Basic Service” means any service tier regularly provided to all subscribers which includes the retransmission of local television broadcast signals.

~~C.~~

D. “Cable Act” means the Cable Communications Policy Act of 1984, 47 U.S.C. §§ 521 -573, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as further amended by the Telecommunications Act of 1996, as further amended from time to time.

E. “Cable Communications System” refers to Cable systems.

~~E.~~

F. “Cable system” is defined as set forth in Section 522(7) of Title 47 of the United States Code.

~~F.~~

G. “Cable Service” as defined in Cal. Pub. Util. Code § 5830(c) means:

~~G.~~

1. The one-way transmission to subscribers of (i) video programming, or (ii) other programming service; and

2. Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

~~2.~~

H. “Channel” means a portion of the electromagnetic frequency spectrum which is used in a Cable system and which is capable of delivering a television signal

H. whether in an analog or digital format. The definition does not restrict the use of any Channel to the transmission of analog television signals or one-way transmission.

I. “County” means the County of Nevada and all departments, divisions, and agencies established by state law or by the Nevada County Code.

~~I.~~

J. “Construction, Operation, or Repair” and similar formulations of that term means the named actions interpreted broadly, encompassing, among other things, installation, extension, maintenance, replacement of components, relocation, undergrounding, grading, site preparation, adjusting, testing, make-ready, and excavation.

~~J.~~

K. “Downstream Channel” means a Channel designed and activated to carry a transmission from the headend to other points on a Cable communications system, including interconnections.

~~K.~~

L. “FCC” means the Federal Communications Commission.

~~L.~~

M. “Franchise” means an initial authorization, or renewal of an authorization, issued by a franchising entity, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the construction and operation of any network in the right-of-way capable of providing video service to subscribers, as defined in Cal. Pub. Util. Code § 5830(f).

~~M.~~

N. “Franchise Area” means the area of the County of Nevada that a Franchisee is authorized to serve by the terms of its Franchise or by operation of law.

~~N.~~

O. “Franchisee” refers to a person holding a Cable Communications System Franchise.

~~O.~~

P. “Franchise Fee” means the fee adopted pursuant to Cal. Pub. Util. Code § 5840.

~~P.~~

Q. “Gross Revenues” means all revenue actually received by the holder of a state franchise as defined in Cal. Pub. Util. Code § 5860(d).

~~Q.~~

R. “License” refers to the legal authorization, terminable at will, to use a particular,

discrete, and limited portion of the public rights-of-way to construct, operate, or repair a cable system.

~~R.~~

S. “Nevada County Administrator” means the Nevada County Executive Officer or their designee.

~~S.~~

T. “Operator” when used with reference to a system, refers to a person:

~~T.~~

1. Who directly or through one or more affiliates provide service over a Cable Communications System and directly or through one or more affiliates owns a significant interest in such facility; or

2. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a facility.

~~2.~~

U. “OVS” means an open video system. A reference to an OVS includes pedestals, equipment enclosures (such as equipment cabinets), amplifiers, power guards, nodes, cables, fiber optics, and other equipment necessary to operate the OVS, or installed in conjunction with the OVS.

~~U.~~

V. “Person” includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the County of Nevada.

~~V.~~

W. “Public Rights-of-Way” means the surface of and the space above and below any street, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, or right-of-way or easement primarily dedicated to travel, now or hereafter existing within the County of Nevada which may be properly used for the purpose of installing, maintaining, and operating a cable communications system; and any other property that a Franchisee is entitled by state or federal law to use by virtue of the grant of a franchise.

~~W.~~

X. “Public Property” means any property that is owned or under the control of the County of Nevada that is not a public rights-of-way, including, for purposes of this ~~Chapter Article~~, but not limited to, buildings, parks, poles, structures in the public rights-of-way such as utility poles and light poles, or similar facilities or property owned by or leased to the County of Nevada.

~~X.~~

Y. “Revocation” means County of Nevada’s affirmative act of terminating a franchise.

~~Y.~~

Z. “School” means any accredited primary school, secondary school, college, and university.

~~Z.~~

AA. ~~AA.~~ “Subscriber” means the County of Nevada or any person who is lawfully

~~receiving, receiving.~~ for any purpose or reason, any cable service via a cable communications system with Franchisee's express permission, whether or not a fee is paid for such service.

~~BB. BB.~~ "Termination" means the conclusion of a franchise by any means, including, but not limited to, by expiration of its term, abandonment, or revocation.

CC. "Transfer" means any transaction in which:

1. All or a portion of any facilities or any rights to use or operate facilities located in the public rights-of-way are sold, conveyed, transferred, assigned, encumbered or leased, in whole or in part, directly or indirectly, by one or more transactions to another person, whether voluntarily or by operation of law or otherwise; or
2. There is any change, acquisition, or transfer in the identity of the person in control of the Franchisee, or any person that controls Franchisee, including, without limitation, forced or voluntary sale, merger, consolidation, or receivership; or
3. The rights or obligations under the franchise are sold, conveyed, transferred, assigned, encumbered or leased, in whole or in part, directly or indirectly, by one or more transactions to another person, whether voluntarily or by operation of law or otherwise.
4. "Unaffiliated Video Programming Provider" or "UVPP" means any person who uses capacity on a franchised cable system to deliver cable service or other communications service (as that term is used in 47 U.S.C. §542(h)) to subscribers and who is not an affiliate of the Franchisee.
5. "Upstream Channel" means a channel designed and activated to carry transmissions from a point on the cable system, other than the headend, to the headend or another point on the cable system.
6. "User" means a person, or official representative, or department of the County of Nevada utilizing a channel, capacity or equipment and facilities for purposes of producing or transmitting video, voice, and data materials contrasted with receiving it in the capacity of a subscriber. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

~~Section 2.26.202160~~ **See- Franchise Required for Cable Systems and Open Video Systems**

No person may construct or operate a Cable Communications System in the County of Nevada without first obtaining a Franchise; provided that the following shall not be required to obtain a Franchise under this ~~Article~~ Chapter:

- A. County of Nevada; or

B. A UVPP that is only delivering Cable service or other communications service (as that term is used in 47 U.S.C. §542(h)) to subscribers. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.203170~~Sec. G-H~~ Possessory Interest of Public Property FOR Cable Systems and Open Video Systems

A. A Franchise granted pursuant to this ~~Chapter~~Article shall notify the Franchisee of potential tax liability for property taxes pursuant to Cal. Rev. & Tax Code §107.6. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.204180~~Sec. G-H~~ Failure to Obtain a Franchise

Consistent with the requirements of due process, a person's failure to obtain a Franchise as required by this Article may, in the County's discretion, result in:

A. Forfeiture, by operation of law, of the person's facilities located in the public Rights-of-Way that are not authorized by an existing Franchise; and/or

~~A.~~

B. A County order and/or court order that the facilities be removed, and that penalties and damages be paid as set forth in the County Code or in state law. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.205190~~Sec. G-H~~ Existing Franchises

Franchisees existing as of the effective date of this ~~article~~Chapter shall, in addition to all the obligations and duties prescribed by the terms of their existing Franchises, be subject to the substantive and procedural requirements herein, except as prohibited by applicable law. Nothing herein is intended to invalidate a lawful, existing Franchise or to waive any obligations imposed by such a Franchise. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.206~~Sec. G-H~~ **200 Administration of Ordinance; Adoption of Regulations**

A. Adoption of Regulations. The County of Nevada may from time to time adopt regulations to implement the provisions of this ordinance.

~~A.~~

B. Delegation. The Nevada County Administrator or their designees are hereby authorized to administer the provisions of this ordinance and any franchise issued pursuant thereto, and to provide any notices (including non-compliance notices) and to take any action on the County of Nevada's behalf that may be required hereunder or under applicable law.

~~B.~~

C. No Waiver. The failure of the County of Nevada, upon one or more occasions, to

exercise a right or to require compliance or performance under a franchise or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance, unless such right has been specifically waived in writing.

~~C.~~

- D. Administration of Public, Educational and Government Access. The County of Nevada may designate one or more entities, including itself, to control and manage the use of Public, Educational, and Government Access channels, facilities, and equipment. (Ord. 2415. (07/26/2016); ~~Ord. 2522. (04/18/2023)~~)

Section 2.26.20721 ~~Sec. G-H~~ General Conditions Upon Construction, Operation and Repair

A. Franchisee Must Follow Local Rules. The construction, operation, and repair of cable communications systems shall be performed in compliance with all laws, ordinances, departmental rules, regulations, and practices affecting such system. By way of example, and not limitation, this includes zoning and safety codes, construction standards, regulations for providing notice to persons that may be affected by system construction, and directives governing the time, place and manner in which facilities may be installed in the rights-of-way. Persons engaged in the construction, operation, or repair of communications facilities shall exercise reasonable care in the performance of all their activities and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public or to property.

~~A.~~

B. No Permit Without Franchise. A franchise is required before a permit may be issued for work associated with the construction of a cable communications system. Any permit issued for such work to a person that does not hold a franchise shall vest no rights in the permittee; the permit may be revoked at will, and the permittee shall remove all facilities installed under the permit upon the County of Nevada's demand.

~~B.~~

C. Permits Must Be Obtained. Construction, operation, or repair of a cable communications system shall not commence until all required permits have been obtained from the proper County of Nevada officials and all required fees have been paid. All work performed will be performed in strict accordance with the conditions of the permit. Upon order of the County of Nevada, any work and/or construction undertaken that is not completed in compliance with the County of Nevada's requirements, or which is installed without obtaining necessary permits and approvals shall be removed.

~~C.~~

D. No Interference. Interference with the use of the public rights-of-way by others, including others that may be installing cable communications systems, must be minimized. The County of Nevada may require a person using the rights-of-way to

cooperate with others through joint trenching and other arrangements to minimize adverse impacts on the rights-of-way.

~~D.~~

E. Plans for and Publicizing Work. Work shall be publicized as the County of Nevada may direct from time to time. The publication of work may be used to notify the public and operators of other communications systems, of the impending work, in order to minimize inconvenience and disruption to the public.

~~E.~~

1. Each Franchisee shall provide the County of Nevada with a plan for any initial system construction, or for any substantial rebuild, upgrade or extension of its facility, which shall show its timetable for construction of each phase of the project, and the areas of the County that will be affected.

~~+~~

2. The Administrator for the County of Nevada may from time to time, when the County receives application for a permit to use a particular route, or upon the Administrator's own initiative, designate by published order a route or proposed route for installation of communications facilities and may (1) require all persons who wish to emplace underground facilities along that route or any part thereof to install them during a specified period provided all costs are shared equitably and (2) otherwise prohibit initial emplacement of such facilities along the route or any part thereof for twenty-four (24) months or after such other, longer period as is necessary to protect the public interest.

~~2.~~

F. Existing Poles to Be Used. To the extent possible, operators of cable communications systems shall use existing poles and conduit. Additional poles may not be installed in the right-of-way, nor may pole capacity be increased by vertical or horizontal extenders, without the permission of the Administrator for the County of Nevada.

1. To minimize disruption of public passage or infrastructure, to forestall or relieve exhaustion of rights-of-way capacity, or to protect environmentally sensitive areas, the County of Nevada Administrator may require as a condition of issuing any rights-of-way permit for erection of new poles or construction of underground conduit, the installation of which requires excavation of or along any traveled way that the Franchisee, Licensee, or holder of the rights-of-way permit provide pole space or empty conduits in excess of its own present and reasonably foreseeable requirements for the purpose of accommodating the County and/or other franchisees and licensees.

~~+~~

G. Undergrounding

1. Whenever all existing utilities are located underground in an area in the County of Nevada, every cable communications systems operator in the same area must locate its cable communications system underground.

~~+~~

2. Whenever the owner of a pole locates or relocates underground within an area of

the County of Nevada, every cable communications systems operator in the same area shall concurrently relocate its facilities underground.

~~2.~~

3. The Administrator for the County of Nevada may, for good cause shown, exempt a particular system or facility or group of facilities from the obligation to locate or relocate facilities underground, where relocation is impractical, or where the County and the subscriber's interest can be protected in another manner. Nothing in 2.26 of this Code prevents the County of Nevada from ordering communications facilities to be located or relocated underground except for Franchisee's ordinary engineering practice making undergrounding impracticable or infeasible under other provisions of the Codes of the County of Nevada.

~~3.~~

H. Prompt Repairs. Any and all public rights-of-way, other public property, or private property that is disturbed or damaged during the construction, operation, maintenance or repair of a cable communications system shall be promptly repaired by the operator. Public property and public rights-of-way must be restored to the satisfaction of the County of Nevada or to a condition as good or better than before the disturbance or damage occurred.

~~H.~~

I. Movement of Facilities for Government

~~I.~~

1. A cable communications systems operator shall, by a time specified by the County of Nevada, protect, support, temporarily disconnect, relocate, or remove any of its property when required by the County of Nevada by reason of traffic conditions; public safety; public right-of-way construction and repair (including regrading, resurfacing or widening); public right-of-way vacation; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned system or utility, public work, public facility, or improvement; or for any other purpose where the work involved would be aided by the removal or relocation of the cable communications system. Collectively, such matters are referred to below as the "public work."

~~1.~~

2. Except in the case of emergency, the County of Nevada shall provide written notice describing where the public work is to be performed at least one week prior to the deadline by which a cable communications systems operator must protect, support, temporarily disconnect, relocate or remove its facilities. However, in an emergency, or where a cable communications system creates or is contributing to an imminent danger to health, safety, or property, the County of Nevada may protect, support, temporarily disconnect, remove, or relocate any or all parts of the cable communications system without prior notice, and charge the cable communications systems operator for costs incurred.

J. Movement for Others

1. To accommodate the construction, operation, or repair of the facilities of another person authorized to use the streets or public property, a Franchisee shall, by a time specified by such person, protect, support, temporarily disconnect, relocate or remove its facilities. The Franchisee must be given written notice describing where the construction, operation or repair is to be performed at least fifteen (15) days prior to the time by which its work must be completed. The County of Nevada may resolve disputes as to responsibility for costs associated with removal, relaying, or relocation of facilities among entities authorized to install facilities in the streets or on public property if such entities are unable to do so themselves.
2. A cable communications systems operator shall, on the request of any person holding a valid permit issued by a governmental authority, temporarily raise or lower its wires by a time specified to permit the moving of buildings or other objects. A cable communications systems operator shall be given not less than seven (7) days advance notice to arrange for such temporary wire changes. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same.

K. Abandonment in Place

1. A cable communications systems operator may abandon any property in place in the public rights-of-way upon written notice to the County of Nevada. However, if, within ninety (90) days of the receipt of written notice of abandonment, the County of Nevada determines, that the safety, appearance, functioning or use of the public rights-of-way and facilities in the public rights-of-way will be adversely affected, the property must be removed by a date specified by the County of Nevada.
2. A cable communications systems operator that abandons its property must, upon request, transfer ownership of the properties to the County of Nevada at no cost, and execute necessary quitclaim deeds and indemnify the County of Nevada against future costs associated with mitigating or eliminating any environmental hazard associated with the abandoned property.

L. System Subject to Inspection. Every cable communications system shall be subject to inspection and testing by the County of Nevada. Each operator must respond to requests for information regarding its system and plans for the system as the County of Nevada may from time to time issue, including requests for information regarding its plans for construction, operation and repair and the purposes for which the plant is being constructed, operated, or repaired.

~~L.~~

M. Underground Services Alert. Each operator of a cable communications system that places facilities underground shall be a member of the regional notification center for subsurface installations (Underground Services Alert) and shall field mark the locations of its underground communications facilities upon request. The operator shall locate its facilities for the County of Nevada at no charge.

~~M.~~

N. Plan for Construction. Every franchise shall specify for the County of Nevada a construction schedule that will apply to any required construction, upgrade, or rebuild of

the cable communications system. The schedule shall provide for the prompt completion of the project, shall show its timetable for construction of each phase of the project, with benchmarks for deliverables and the areas of Nevada County that will be affected. The County of Nevada shall have the right to impose penalties on the operator for a failure to meet the accepted timetable and benchmarks.

~~N.~~

O. Use of Facilities by the County of Nevada. The County of Nevada shall have the right to install and maintain, free of charge upon any poles or in any conduit owned by a Franchisee any wire and pole fixtures that do not unreasonably interfere with the cable service operations of the Franchisee. (Ord. 2415. (07/26/2016); ~~Ord. 2522. (04/18/2023)~~)

ARTICLE 2.A

Section 2.26.300 STATE VIDEO SERVICE FRANCHISES

Section 2.26.301~~2210~~Sec. G-H.2.A.1 General Provisions

A. Purpose. This Section is applicable to video service providers who have been awarded a state video franchise under the Cal. Pub. Util. Code §§ 5800 - 5970 (the Digital Infrastructure and Video Competition Act of 2006 [“DIVCA”]), to provide cable or video services in any location(s) within the unincorporated boundaries of the County. It is the purpose of this Section to implement within the unincorporated boundaries of the County the provisions of DIVCA and the rules of the California Public Utilities Commission promulgated thereunder that are applicable to a “local franchising entity” or a “local entity” as defined in DIVCA.

B. Rights Reserved.

1. The rights reserved to the County of Nevada under this ~~Chapter~~Article are in addition to all other rights of the County of Nevada, whether reserved by this ~~here~~Article or authorized by law, and no action, proceeding or exercise of a right shall affect any other rights which may be held by the County of Nevada.
2. Except as otherwise provided by DIVCA, a state franchise shall not include, or be a substitute for:
 - i. Compliance with applicable requirements for the privilege of transacting and carrying on a business within the County of Nevada, including, but not limited to, compliance with the conditions that the County of Nevada may establish before facilities may be constructed for, or providing, non- video services;
 - ii. Any permit or authorization required in connection with operations on or in public rights-of-way or public property, including, but not limited to, encroachment permits, street work permits, pole attachment permits, and street cut permits; and
 - iii. Any permit, agreement or authorization for occupying any other property of the County of Nevada or any private person to which access is not specifically granted by the state franchise.

~~iii.~~

3. No permit issued by the County of Nevada to a State Franchise Holder is itself a franchise, nor shall any permit create a vested right that would prohibit the County

of Nevada from revoking or amending the permit.

~~3.~~

~~C.~~ Compliance with County Ordinances. Nothing contained in this ~~Article~~ Chapter shall be construed so as to exempt a State Franchise Holder from compliance with all ordinances, rules or regulations of the County of Nevada now in effect or which may be hereafter adopted which are consistent with this Chapter or Cal. Pub. Util. Code §§ 5800 - 5970, or any obligations under any franchise issued by the County of Nevada insofar as those obligations may continue to be enforced under Cal. Pub. Util. Code §§ 5800 – 5970.

~~E.~~

D. Compliance with DIVCA. When a video service provider holding a state franchise provides notice to the County of Nevada pursuant to Cal. Pub. Util. Code § 5840(m) of DIVCA that it is commencing to provide video service to the County, a holder of a local franchise is entitled to seek a state franchise pursuant to Cal. Pub. Util. Code §5930(c) and upon issuance of a state franchise by the California Public Utilities Commission for the franchise area the local franchise shall terminate. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.302230Sec. G-H.2.A.2 Definitions for State Video Service Franchises

Definitions Generally—Interpretation of Language. For purposes of this ~~Article~~ Chapter, the following terms, phrases, words, and their derivations shall have the meaning as set forth in this Section. Words not defined in this Section, shall have the same meaning as established in: (1) DIVCA, and if not defined therein, (2) California Public Utilities Commission rules implementing DIVCA, and if not defined therein, (3) Title VI of Title 47 of the Communications Act of 1934, as amended, 47 USC., and if not defined therein (4) their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and “including” and “include” are not limiting. The words “shall” and “will” are always mandatory, but the use of those terms grants no private rights to any person with respect to the County of Nevada. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

A. “Gross Revenues” defined in DIVCA Cal. Pub. Util. Code § 5860(d) means all revenues actually received by the holder of a state franchise or its affiliates that are derived from the operation of the holder’s network to provide cable service or video service within the unincorporated areas of the County.

~~A.~~

B. “PEG Access,” or “PEG” means the availability of a cable or State Franchise Holder’s system for public, educational, or governmental use by various agencies, institutions, organizations, groups, and individuals, including organizations, groups, or individual members of the general public, educational institutions, and the County of Nevada and its designated access providers, to acquire, create, and distribute programming not under a State Franchise Holder’s editorial control.

~~B.~~

C. “State Franchise Holder” means a cable operator or video service provider that has been issued a franchise by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in ~~California Public Utilities Code section~~ 5830, within any portion of the unincorporated limits of the County.

~~C.~~

D. “Incumbent Cable Operator,” as defined in DIVCA Cal. Pub. Util. Code §5830(i), means a cable operator or OVS serving subscribers under a franchise in a particular city, county or city and county franchise area on January 1, 2007.

E. “Material Breach,” as defined in DIVCA Cal. Pub. Util. Code §5900(j), means any substantial and repeated failure of a video service provider to comply with service quality and other standards specified in Cal. Pub. Util. Code § 5900(a). (Ord. 2415. (07/26/2016); ~~Ord. 2522. (04/18/2023)~~)

Section 2.26.303240 ~~Sec. G-H.2.A.3~~ — Franchise Fees for State Video Service Franchises

A. Franchise Fees. Any State Franchise Holder operating within the unincorporated areas of the County shall pay to the County of Nevada a franchise fee equal to five percent (5%) of gross revenues that may be subject to a franchise fee under Cal. Pub. Util. Code § 5860.

~~A.~~

B. Payment of Franchise Fees. The franchise fee required pursuant to this Chapter shall be paid quarterly, in a manner consistent with Cal. Pub. Util. Code § California Public Utilities Code section 5860. The State Franchise Holder shall deliver to the County of Nevada, by check or other means, which shall be agreed to by the County of Nevada, a separate payment for the State franchise fee not later than forty-five

B. (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a report, detailing how the payment was calculated, and shall include such additional information on the appropriate form as designated by the County of Nevada.

C. Examination of Business Records. The County of Nevada may examine the business records of a State Franchise Holder in a manner consistent with Cal. Pub. Util. Code § 5860(i).

C.

D. Late Payments. In the event a State Franchise Holder fails to make payments required by this Article on or before the due dates specified herein, the County of Nevada shall impose, pursuant to DIVCA Cal. Pub. Util. Code § 5860(h), a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

~~D.~~
E. Lease of County-Owned Network. In the event a State Franchise Holder leases access or spectrum to a fiber network owned by the County of Nevada, the County of Nevada may set a franchise fee for access to the County-owned network separate and apart from the franchise fee charged to State Franchise Holders pursuant to this Chapter which fee shall otherwise be payable in accordance with the procedures established by this subsection. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.25.304250 ~~Sec. G-II.2.A.4~~ Customer Service

A. Customer Service Standards. A State Franchise Holder shall comply with Cal. Gov't Code §§ 53055, 53055.1, 53055.2 and 53088.2; the FCC customer service and notice standards set forth in Sections 76.309, 76.1602, 76.1603, and 76.1619 of Title 47 of the Code of Federal Regulations; Section 637.5 of the California Penal Code; the privacy standards of Section 551 of Title 47 of the United States Code; and, to the extent consistent with DIVCA, all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, including any such federal or state standards hereafter adopted. In case of a conflict, the stricter standard shall apply. All customer service and consumer protection standards under this paragraph shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

~~A.~~
B. Penalties for Violations of Standards. The County of Nevada shall enforce the compliance of State Franchise Holders with respect to the state and federal customer service and consumer protection standards set forth in this Article. The County of Nevada will provide a State Franchise Holder with a written notice of any alleged material breaches, as defined in Cal. Pub. Util. Code § 5900 and in this ~~Chapter Article~~, of applicable customer service or consumer protection standards, and will allow the State Franchise Holder thirty (30) days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied by a State Franchise Holder within the thirty (30)~~30~~-day time period, irrespective of the number of customers affected, will be subject to the following penalties to be imposed by the County of Nevada:

~~B.~~
1. For the first occurrence of a material breach, a fine of \$500 may be imposed for each day the violation remains in effect, not to exceed \$1,500 for each violation.

1.

2. For a second material breach of the same nature within twelve (12) months, a fine of \$1,000 may be imposed for each day the violation remains in effect, not to exceed \$3,000 for each violation.
- ~~3.~~ For a third material breach of the same nature within twelve (12) months, a fine of
3. \$2,500 may be imposed for each day the violation remains in effect, not to exceed \$7,500 for each violation.
4. Any penalties imposed by the County of Nevada shall be imposed in a manner consistent with Cal. Pub. Util. Code § 5900. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

~~Section 2.26.305260~~ Sec. G-H.2.A.5 Permits and Construction

A. Except as expressly provided in this ~~Article~~ Chapter, all provisions of the County of Nevada Codes and all County of Nevada administrative rules and regulations developed to any of these provisions, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a State Franchise Holder on any County public rights-of-way, public property, or County easement.

~~A.~~

B. Permits. Prior to commencing any work for which a permit is required by the County of Nevada Codes, a State Franchise Holder shall apply for and obtain a permit in accordance with the provisions of all Title 12, Zoning ~~County~~ Codes, and shall comply with all other applicable laws and regulations, including but not limited to all applicable requirements of Division 13 of Cal. Pub. Res. Code §§ 21000 - 21189.70.10. (The California Environmental Quality Act). Any work requiring County Land Use permits, building permits and/or grading permits, other than encroachment permits described below, shall be applied for and approved or denied in accordance with the provisions of County Codes including the appeal process of such an approval or denial outlined in 12.05.120 the Codes for the County of Nevada.

~~B.~~

C. The Community Development Agency Director or designee shall either approve or deny State Franchise Holder's application for an encroachment permit, as defined in DIVCA Cal. Pub. Util Code § 5885(c)(1), required under County of Nevada Code within sixty (60) days of receiving a completed permit application from the State Franchise Holder.

~~C.~~

D. If the Community Development Agency Director denies a State Franchise Holder's application for an encroachment permit, the Community Development Agency Director shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

~~D.~~

E. A State Franchise Holder that has been denied an encroachment permit by final decision of the Community Development Agency Director may appeal the denial to the

County Board of Supervisors. Upon receiving a notice of appeal, the Board of Supervisors shall take one of the following actions:

~~E.~~

~~1.~~ Affirm the action of the Community Development Agency Director without any further hearing; or

1.

2. Refer the matter back to the Community Development Agency Director for further review with or without instructions; or

3. Set the matter for a de novo hearing before the Board of Supervisors.

~~3.~~

F. In rendering its decision on the appeal, the Board of Supervisors shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the Community Development Agency Director unless the Board of Supervisors is itself conducting a public hearing on the matter.

G. The issuance of an encroachment permit is not a franchise and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the rights-of-way. Without limitation, a permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee required to place facilities underground, in accordance with applicable law. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

~~Section 2.26.306270~~ ~~Sec. G-H.2.A.6~~ **Emergency Alert System**

Each State Franchise Holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the State Franchise Holder's network. To the extent consistent with Cal. Pub. Util. Code § 5880, each State Franchise Holder shall install and maintain an audio override on all channels for transmission of emergency messages and alerts, and shall provide for character generated information to be superimposed on all channels for the hearing impaired. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

~~Section 2.26.307280~~ ~~Sec. G-H.2.A.7~~ **Public, Educational, and Government Access Channel Capacity, Support, Interconnection, and Signal Carriage**

A. PEG Channel Capacity.

1. There are currently four (4) PEG access channels activated. A State Franchise Holder shall designate a sufficient amount of capacity on its network to allow the provision of four (4) PEG channels to satisfy the requirement of Cal. Pub. Util. Code § 5870, within the time limits specified therein.

2. A State Franchise Holder shall provide an additional PEG channel when the County of Nevada satisfies the standards set forth in Cal. Pub. Util. Code § 5870(d) or any entity designated by the County of Nevada to manage one or more of the PEG channels.

3. All State Franchise Holders shall comply with the provision of DIVCA related to PEG

channels. Without limiting the foregoing, the PEG channels shall be carried on the basic service tier. To the extent feasible, the PEG channels shall not be separated from other channels carried on the basic service tier and channel numbers for the PEG channels shall be the same channel numbers used by the Incumbent Cable Operator, as defined in DIVCA Cal. Pub. Util. Code § 5830(i), unless prohibited by Federal Law and shall provide picture and sound quality, channel accessibility, and location equal to, or substantially equal to, that provided by incumbent cable providers. After the initial designation of PEG channel numbers, the channel numbers shall not be changed without the agreement of the local entity unless the change is required by federal law.

~~3.~~

B. PEG Support.

1. Amount of PEG support fee. Any State Franchise Holder shall pay to the County of Nevada—or if directed by the County of Nevada to the County's designated PEG provider—a PEG fee equal to one and four tenths percent (1.4%) of gross revenues, an amount equivalent to the level of PEG funding remitted by the Incumbent Cable Operator to the County's designated PEG provider during the period of January 1, 2006 to December 30, 2006.
2. The PEG support fee shall be used in a manner that is consistent with state and federal law.
3. A State Franchise Holder shall remit the PEG support fee quarterly, within forty-five ~~(45)~~ days after the end of each calendar quarter. Each payment made shall be accompanied by a summary, detailing how the PEG support fee was calculated.
4. In the event that a State Franchise Holder fails to pay the PEG support fee when due, or underpays the proper amount due, the State Franchise Holder shall pay interest, pursuant to DIVCA Cal. Pub. Util. Code § 5860(h), at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%), or the maximum rate specified by state law.

~~4.~~

C. Interconnection.

A. Each State Franchise Holder and each Incumbent Cable Operator shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Cal. Pub. Util. Code § 5870(h). Each State Franchise Holder and Incumbent Cable Operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a State Franchise Holder and an Incumbent Cable Operator cannot reach a mutually acceptable interconnection agreement for PEG carriage, the County of Nevada may require the Incumbent Cable Operator to allow each State Franchise Holder to interconnect its network with the Incumbent Cable Operator's network at a technically feasible point on the State Franchise Holder's network as identified by the State Franchise Holder. If no technically feasible point of interconnection is available, each State Franchise Holder shall make interconnection available to each

PEG channel originator programming a channel in the County and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by each State Franchise Holder unless otherwise agreed to by the parties. (Ord. 2415. (07/26/2016)); Ord. 2522. (04/18/2023)

→

Section 2.26.308290 ~~Sec. G-H.2.A.8~~ Notices

A-B. Each State Franchise Holder or applicant for a state franchise shall file with the County of Nevada a copy of all applications or notices that the State Franchise Holder or applicant are required to file with the California Public Utilities Commission.

C. Unless otherwise specified in this Section, all notices or other documentation that a State Franchise Holder is required to provide to the County of Nevada under this Section or the California Public Utilities Code shall be provided to both the County Manager and the County staff person in charge of cable and telecommunications, or their successors or designees. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

B. Section 2.26.400 FRANCHISES FOR SOLID WASTE SERVICES

Sections:

~~Sec. G-H 2.B.1 Captions~~

~~Sec. G-H 2.B.2 Calculation of~~

~~Time Sec. G-H 2.B.3 Reserved~~

~~Sec. G-H 2.B.4 Connections to Cable System; Use of~~

~~Antennae Sec. G-H 2.B.5 Discrimination Prohibited~~

~~Sec. G-H 2.B.6 Transitional Provisions~~

COUNTY C

CHAPTER II FRANCHISES

SECTION 3: FRANCHISES FOR SOLID WASTE Sections:

~~Sec. G-H 3.1 Franchise Required~~

~~Sec. G-H 3.2 Incorporation of Article 1 of This Chapter by Reference Sec. G-H 3.3~~

~~Authority to Use Streets, Public Easements~~

~~Sec. G-H 3.4 Duties of Franchise Holder~~

Section 2.26.350 FRANCHISES FOR SOLID WASTE

Section 2.26.4013510 ~~Sec. G-H 3.1~~ Franchise Required for Solid Waste Services

No person, partnership or corporation, without having first acquired from the Board of Supervisors a franchise, shall operate a solid waste service in any unincorporated area of the County of Nevada, where such service covers collection, transfer and disposal of garbage, trash, and other waste from residential, commercial and industrial properties.

Section 2.26.402360 ~~Sec. G-II 3.2~~ Incorporation of ~~Article 1 of this Chapter~~ by Reference

All sections of this Chapter ~~2.29.010 through 2.26.145 of the County of Nevada Code~~ are hereby incorporated by reference and made a part of this Chapter as if set forth here in full.

Section 2.26.403370 ~~Sec. G-II 3.3~~ Authority to Use Streets, Public Easements

Any garbage franchise holder shall have the right to use all public streets, highways, alleys, public properties or public easements of the County.

Section 2.26.404380 ~~Sec. G-II 3.4~~ Duties of Franchise Holder

The County of Nevada operates two distinct Franchise Area Agreements, Eastern Nevada County and Western Nevada County. Every garbage franchise grantee under this Chapter shall:

- ~~1.~~ **A.** Develop and maintain garbage collection and recycling services within the franchise area. Maintain a regular pick-up schedule for all populated areas within the franchise area as specified in the franchise agreement.
- ~~2.~~ **B.** Dispose of all collected solid waste at a fully permitted solid waste facility.
- ~~3.~~ **C.** Comply with all conditions and terms of ~~15.13.010 through 15.13.260~~ ~~this Code~~ regarding Waste Disposal.
- ~~4.~~ **D.** Operate any additional programs specified by the County of Nevada in the franchise agreement.
- ~~5.~~ **E.** Comply with all state regulations pertaining to solid waste collection, transportation, disposal, and operation of solid waste facilities.

~~6.~~ In addition, to the above requirements, the Franchise Holder for Western Nevada County shall:

1. Operate the County owned Washington and North San Juan Transfer Stations.
2. Operate the County owned McCourtney Road Recycling Facility.

COUNTY CODE

ARTICLE SECTION

Section 2.26.500 ~~Section 2.26.390~~ LIBERTY ENERGY POWER COMPANT FRANCHISE

Section 2.26.501~~3910~~ Sec. G-II 4.1 Definitions for Liberty Energy Company Franchise

Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- A. The phrase “public roads” shall mean the public highways, streets, roads, ways and places as the same now or may hereafter exist within the area now being served by Liberty Energy Power Company in the County of Nevada, including state highways and/or freeways now or hereafter established within said County of Nevada.
- B. The phrase “poles, wires, conduits and appurtenances” shall mean poles, towers, supports, wires, conductors, cables, guys, stubs, platforms, crossarms, braces, transformers, insulators, conduits, ducts, vaults, manholes, meters, cutouts, switches, and, without limitation to the foregoing, any other property, located or to be located in, upon, along, across, under or over the public roads within the County of Nevada, and used or useful in transmitting and/or distributing electricity.
- C. The phrase “installing, maintaining, and using” shall mean to construct, erect, install, lay, operate, maintain, use, repair or replace.

Section 2.26.502~~400~~ Sec. G-II 4.2 Franchise Granted to Liberty Energy Power Company

The franchise of installing, maintaining, and using poles, wires, conduits and appurtenances, including communication circuits, in so many and in such parts of the public roads within the area now being served by Liberty Energy Power Company in Nevada County as the grantee of said franchise may from time to time elect to use, subject to provisions of ~~2.26.420~~~~this Code~~, for the purpose of transmitting and distributing electricity to the public for any and all purposes, is hereby granted by said County to Liberty Energy Power Company, its successors and assigns.

Section 2.26.503~~410~~ Sec. G-II 4.3 Term of Franchise - Fifty Years

The term of said franchise shall commence with the effective date hereof, and continue and remain in full force and effect for fifty (50) years or until such time as the grantee shall surrender or abandon same or said franchise shall be forfeited for non-compliance by the possessor thereof with its terms, or the State of California, said County of Nevada, or other public corporation thereunto duly authorized, ~~shall~~

~~purchase~~ shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain in accordance with then existing law all property actually used and useful in the exercise of said franchise situate within the unincorporated area of said County of Nevada. Said franchise shall never be considered or taken into account, in fixing the value of said property, in excess of the actual cost to the grantee hereof in procuring the same.

~~Section 2.26.504.420~~ ~~Sec. G-II 4.4~~ Poles, Wires, Etc., to be Installed, Constructed, Maintained Under Supervision of County Road Commissioner

All poles, wires, conduits, and appurtenances which shall be constructed and used under and pursuant to the provisions of this ordinance, and in the exercise of said franchise shall be installed, constructed, and maintained in compliance with all valid laws and ordinances from time to time in force.

~~Section 2.26.505.430~~ ~~Sec. G-II 4.5~~ Relocation of Poles, Wires, Etc., to be Done by Grantee

Grantee of this franchise shall relocate, without expense to County, any poles, wires, conduits and appurtenances theretofore installed, and then maintained or used under this franchise, if, and when made necessary by any lawful change of grade, alignment or width of any public road by the County of Nevada, including the construction of any subway or viaduct, provided however, that the cost of any such relocation made necessary by the construction or any lawful change of grade, alignment or width of any freeway constructed by the State of California shall be divided equally between grantee and the State of California.

~~Section 2.26.506.440~~ ~~Sec. G-II 4.6~~ Grantee to Place Public Roads Damaged by Installation of Poles, Etc., In Good Condition

Grantee shall, immediately upon installing, maintaining, and using said poles, wires, conduits and appurtenances, or any part thereof, at its own cost and expense, place said public roads, or so much thereof, as may have been damaged thereby, in as good order and condition as that in which they were before being disturbed or excavated for the purpose of installing, maintaining, and using said poles, wires, conduits, and appurtenances, or any part thereof.

~~Section 2.26.507.450~~ ~~Sec. G-II 4.7~~ Grantee Has Right to Install, Maintain and Use Any or All Poles, as Necessary and Proper

Grantee shall have the right of installing, maintaining, and using any or all of such poles, wires, conduits and appurtenances from time to time as may be necessary and proper.

Section 2.26.508460~~Sec. G-H 4.8~~ Grantee Shall Pay County 2% of Gross Annual Receipts

Grantee shall, during the term for which this franchise is granted pay to the County of Nevada two percent (2%) of the gross annual receipts of applicant arising from the use, operation, or possession of the franchise provided, however, that such payment shall in no event be less than one percent (1%) of the gross annual receipts of applicant or derived from the sale within the limits of the County of Nevada of the utility service for which the franchise is awarded. Such percentage shall be payable annually from the date of the granting of the franchise, and if such payment shall not be made, such franchise shall be forfeited. The method of computing said payment shall be in accordance with that laid down by the Supreme Court of the State of California in its construction of the foregoing language, and any future modification of such method set forth in any decision of the Supreme Court hereafter rendered shall supersede the method prior to such decision.

Section 2.26.509470~~Sec. G-H 4.9~~ Franchise Granted Under Provisions of Laws of State of California

The said franchise is granted under and pursuant to the provisions of the laws of the State of California which relate to the granting of franchises by counties.

Section 2.26.510480~~Sec. G-H 4.10~~ This Franchise Shall Not Be Exclusive

This franchise shall not be exclusive.

~~FRANCHISES FOR TRANSMISSIONS OF ELECTRICITY, GAS, OIL AND WATER~~

Section 2.26.600 FRANCHISES FOR TRANSMISSION OF ELECTRICITY, GAS, OIL and WATER

Section 2.26.6014910~~Sec. G-H 5~~ Franchise Required for Transmissions of Electricity, Gas, Oil, and Water

As permitted under state law, a County franchise shall be required for operations or activities involving transmission of electricity, gas, oil, or water, above or below ground, in the unincorporated area of the County of Nevada, and the franchise shall only be granted by the Board of Supervisors under the authority of the "Franchise Act of 1937" (Cal. Pub. Util. Code §§ 6201 – 6302).

Section 2.26.602492 Incorporation of Regulations Affecting Franchises in Nevada County by Reference

All parts of Sections 2.26.010 through 2.26.145 are hereby incorporated by reference and made a part of this Section as if set forth here in full.

**CHAPTER ~~27:IV~~—GENERAL REGULATIONS ARTICLE ~~13~~— BIDDING
PROCEDURE**

Sections:

- ~~Section 2.27.010-G-IV-13.1~~ Bidding Procedure**
~~Section 2.27.020-G-IV-13.2~~ Public Projects
~~Section 2.27.030-G-IV-13.3~~ Bids
~~Section 2.27.040-G-IV-13.4~~ Informal Bidding Procedure
~~Section 2.27.050-G-IV-13.5~~ Formal Bidding Procedure
~~Section 2.27.060-G-IV-13.6~~ Rejection of Bids and Acceptance of Bids
~~Section 2.27.070-G-IV-13.7~~ Performance of Contract by County Personnel
**~~Section 2.27.080-G-IV-13.8~~ Plans, Specifications, Etc.; When Required;
Examination**
By Bidders
**~~Section 2.27.090-G-IV-13.9~~ Inapplicability of Chapter to Juvenile Forestry
Camps,
Juvenile Homes**
~~Section 2.27.100-G-IV-13.10~~ Bid and Performance Bonds
~~Section 2.27.110-G-IV-13.11~~ Emergencies
~~Section 2.27.120-G-IV-13.12~~ Change Orders on Road Projects

~~Section 2.27.010-G-IV-13.1~~ Bidding Procedure

The provisions of this Chapter shall be employed on all County of Nevada public projects.

~~Section 2.27.020-G-IV-13.2~~ Public Projects

“Public Project” means:

- A. A project for the erection, improvement, and repair of public buildings and works.
- B. Work in or about streams, bays, waterfront, embankment, or other work for protection against overflow, except maintenance, repair, or reconstruction work.
- C. Supplies and materials used in maintenance, repair or reconstruction work in or about streams, bays, waterfront, embankments, or other maintenance, repair, or reconstruction work for protection against overflow.

Except for the erection, improvement and repair of public buildings, the construction of dams, reservoirs, power plants and electrical transmission lines of 230,000 volts and higher, nothing in this Chapter shall apply to a publicly owned water, power or waste disposal system.

Expenditures for public projects shall not include the costs of:

- A. Equipment, supplies and materials acquired by a public agency to enable the timely completion of a public project.
- B. Plans, specifications, engineering and advertising required for public projects.

Section 2.27.030. ~~G-IV 13.3~~ Bids

Informal bids may be used: public projects between \$4,000 and \$10,000.

Formal bids shall be used: public projects of \$10,000 or more. (Ord. 755. (06/28/1976); ~~Ord. 2522. (04/18/2023)~~)

Section 2.27.040. ~~G-IV 13.4~~ Informal Bidding Procedure

- 1. Purchasing Agent is designated, authorized and directed to carry out the provisions of this Chapter.
- 2. Purchasing Agent shall notify interested contractor(s) of the County of Nevada of the opportunity to register with the County to be subsequently notified of informal bidding proceedings. The list shall be maintained currently and shall be a public record.
 - a. Purchasing Agent shall publish notice for informal bids in a newspaper of general circulation printed and published within the County of Nevada.
 - b. Notice shall be published in accordance with Cal. Pub. Cont. Code § 20150.7 and Cal. Gov't Code § 6061 of the and shall be completed at least 24 hours before the time scheduled for opening of bids.
 - c. Purchasing Agent may give supplemental notice by mailing notice to contractors on the list required by 2.27.040 (2) in this Chapter Code.
 - ~~d.~~ Purchasing Agent may use display advertising and may invite bids in a trade publication.
 - d.
 - e. The notice shall describe in general terms the project to be done and state a closing date for submission of such informal bids. The notice shall reserve the right to reject all bids.
 - f. The Purchasing Agent shall have the right to execute for the County all contracts for public projects not in excess of Ten Thousand Dollars (\$10,000) when properly budgeted.

Section 2.27.050. ~~G-IV 13.5~~ Formal Bidding Procedure

- 1. Notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly state the project to be done.
- 2. First publication of notice shall be at least ten (10) days before the date of opening the bids. Notice shall be published at least twice, not less than five (5) days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the County. Notice may also be published in trade publications.

Section 2.27.060.~~G-IV 13.6~~ Rejection of Bids and Acceptance of Bids

In its discretion, the County may reject any bids presented. If, after the first invitation for bids, all bids are rejected, after re-evaluating its cost estimates of the project, the County shall abandon the project or shall re-advertise for bids in the manner prescribed by this Chapter. If after re-advertising, the County rejects all bids presented, the County may proceed with the project by use of County personnel or may re-advertise. If two or more bids are the same and the lowest, the County may accept the one it chooses. If no bids are received, the County may have the project done without further complying with this Chapter.

Section 2.27.070.~~G-IV 13.7~~ Performance of Contract by County Personnel

If, after the first invitation for bids, all bids are rejected, the County may, after reevaluating its cost estimates of the project, pass a resolution by a four-fifths vote of its board of supervisors declaring that the project can be performed more economically by County personnel, or that in its opinion a contract to perform the project can be negotiated at a lower price in the open market. Upon adoption of the resolution, it may have the project done in the manner stated without further complying with this Chapter.

Section 2.27.080.~~G-IV 13.8~~ Plans, Specifications, Etc.; When Required; Examination by Bidders

The Board of Supervisors of the County shall adopt plans, specifications, and working details for all public projects the expenditure for which exceeds \$10,000.

All bidders on public projects which exceed \$10,000 in cost, shall be afforded the opportunity to examine the plans, specifications, and working details for the project.

Section 2.27.090.~~G-IV 13.9~~ Inapplicability of Chapter to Juvenile Forestry Camps, Juvenile Homes

The provisions of this Chapter shall not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches, or camps established under Article 15 (commencing with section 880) of Chapter 2, Part 1, Division 2 of the California Welfare & Institutions Code, if a major portion of the construction work is to be performed by wards of the juvenile court assigned to such camps, ranches, or homes; or to public projects employing prisoners pursuant to Cal. Gov't Code § 25359, and public projects involving persons engaged in Federal, State or County job or work training programs.

Section 2.27.100 ~~.G-IV 13.10~~ Bid and Performance Bonds

A. On any public project subject to the provisions of this Chapter, or to the provisions of the California Public Contracts Code, and requiring the solicitation of

formal bids where the bids are in excess of \$25,000, the County shall require the posting of 1) bid bonds and 2) performance bonds and labor and materials bonds as a prerequisite to the entering into a contract as follows:

1. For contracts less than \$5,000,000, the performance bond and labor and material bond shall each be in an amount equal to 100% of the value of the contract.
2. For contracts of \$5,000,000 to \$10,000,000 or more, the performance bond and labor and material bond shall each be in an amount equal to 50% of the value of the bid.
3. For contracts over \$10,000,000, the performance bond and labor and material bond shall each be in an amount equal to 25% of the value of the contract.
4. Where bid bonds are required, they shall be in an amount equal to 10% of the value of the contract.

Section 2.27.110-G-IV-13.11 Emergencies

A. Pursuant to Cal. Pub. Cont. Code §20134, in cases of emergency, when repair or replacement or other action is necessary to permit the continued conduct of County operations or services, or to avoid danger to life or property, the Board of Supervisors, by majority consent, may proceed at once to replace or repair any and all facilities without adopting the plans, specifications, strain sheets, or working details or giving notice for bids to let contracts.

B. The Board of Supervisors may authorize any such work to be done by day labor, by contract, or by a combination of the two. If the work is done wholly or in part by contract, the contractor shall be paid the actual cost of the use of machinery and tools and of material, and labor and of worker's compensation insurance expended by them in doing the work, plus not more than fifteen (15%) percent to cover all profits and administration. Any such contract shall include a requirement for the payment of prevailing wages in accordance with the provisions of State law. No more than the lowest current market prices shall be paid for materials whenever possible.

C. For the purpose of this Section, an "Emergency" shall be defined as follows:

1. Time of war, siege or attack *or* threat of war, siege or attack.
2. Conditions of disaster or of imminent peril to safety of persons or property caused by such conditions as severe air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, earthquake or other such conditions.
3. Time of work stoppage or labor controversy or conditions which by reason of magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County.
4. Whenever an order, notice, demand or lawsuit or threat of order, notice, demand or lawsuit is filed against the County of Nevada by a regulatory or enforcement

agency, either state or federal, having jurisdiction over the County which order, notice, demand or lawsuit poses an immediate threat of fine, closure of a facility or interruption of vital or mandatory service.

5. Any other threat to a function of government which is conducted for the protection of the public health, safety and/or welfare, the interruption of which would pose a severe threat of harm to the public health, safety and/or welfare.

D. A determination that an emergency exists shall be made by the Board of Supervisors prior to the making of any repairs or replacements under this Section or taking any other authorized action. When the emergency is of such a nature that immediate action is necessary, the Board of Supervisors shall hold an emergency meeting pursuant to the provisions of the Brown Act, Cal. Gov't Code § 54956.5. In the event that it is not possible to conduct a meeting due to the nature of the emergency or disaster, the County Executive Officer or, in their absence or incapacity, the Assistant County Executive Officer, or in both of their absences or incapacity, the Director of the Nevada County Office of Emergency Services, may authorize the necessary work or direct the repair or replacement and their actions shall be reported to the Board of Supervisors at its next meeting. Said actions shall only be those necessary to protect people and property from injury until a meeting of the Board of Supervisors may be convened.

E. Notwithstanding the ability to let contracts under this Section without bidding and wherever it is feasible to do so, informal bids shall be obtained from contractors by telephonic solicitation prior to the award of any contract for emergency repairs or replacements.

Section 2.27.120-G-IV 13.12 Change Orders on Road Projects

The Director of the Department of Public Works is authorized to order changes or additions in any work being performed on County Highways which work is being performed pursuant to Article 25 of the California Public Contract Code (commencing with Cal. Pub. Cont. Code § 20390) whenever the Board of Supervisors has authorized a contingency fund to cover such changes or additions. When so ordered, any change or addition to the work shall not exceed ten percent (10%) of the original contract price or the amount of the contingency, whichever is less. Any change orders exceeding the above limits shall be brought to the Board of Supervisors for approval. The Board may authorize such changes where the Board makes a finding that it is in the public interest to do so, may deny the change or may require that the work be publicly bid.

CHAPTER 28: ALTERNATIVE PROCEDURES FOR LEASING OF COUNTY PROPERTY

Sections:

- ~~Section 2.28.010-G-IV-13.A.1~~ Legislative Intent**
~~Section 2.28.020-G-IV-13.A.2~~ Leases for Property in Excess of \$10,000 Per Month
~~Section 2.28.030-G-IV-13.A.3~~ Leases for Property Less Than \$10,000 Per Month
~~Section 2.280.040-G-IV-13.A.4~~ Lease as Taxable Interest

~~Section 2.28.010-G-IV-13.A.1~~ Legislative Intent

It is the intent of the Board of Supervisors in adopting this Chapter to provide an alternative procedure for the leasing of any real property belonging to the County of Nevada, which property is found (at the time of the lease and through the term thereof) to have a fair market rental value which shall be \$10,000 per month or less, all as is allowed pursuant to Cal. Gov't Code § 25537.

~~Section 2.28.020-G-IV-13.A.2~~ Leases for Property in Excess of \$10,000 Per Month

Any real property belonging to the County of Nevada which is found to have a fair market rental value in excess of \$10,000 per month (at any time during the term of the proposed lease) shall be let to the highest responsible bidder and in accordance with all of the procedures specified in Cal. Gov't Code §§ 25520 to 25539.10.

~~Section 2.28.030-G-IV-13.A.3~~ Leases for Property Less Than \$10,000 Per Month

A. The Board of Supervisors may lease any real property belonging to the County of Nevada to any person, corporation or entity as it deems prudent without complying with the procedures specified where the following conditions are met:

1. The term of the lease is for not more than ten (10) years; and
2. The Board finds that the fair market rental value of the property (at the time of the execution of the lease and through the term thereof) will not exceed _____ \$10,000 per month.

B. Notice of the lease shall be published one (1) time in a newspaper of general circulation and shall be posted in the office of the Clerk of the Board of Supervisors. The notice shall describe the property proposed to be leased, the terms of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed, and any county officer authorized to execute the lease. Any lease entered into pursuant to this Section shall not be renewable. The lease shall specify that the lessee shall

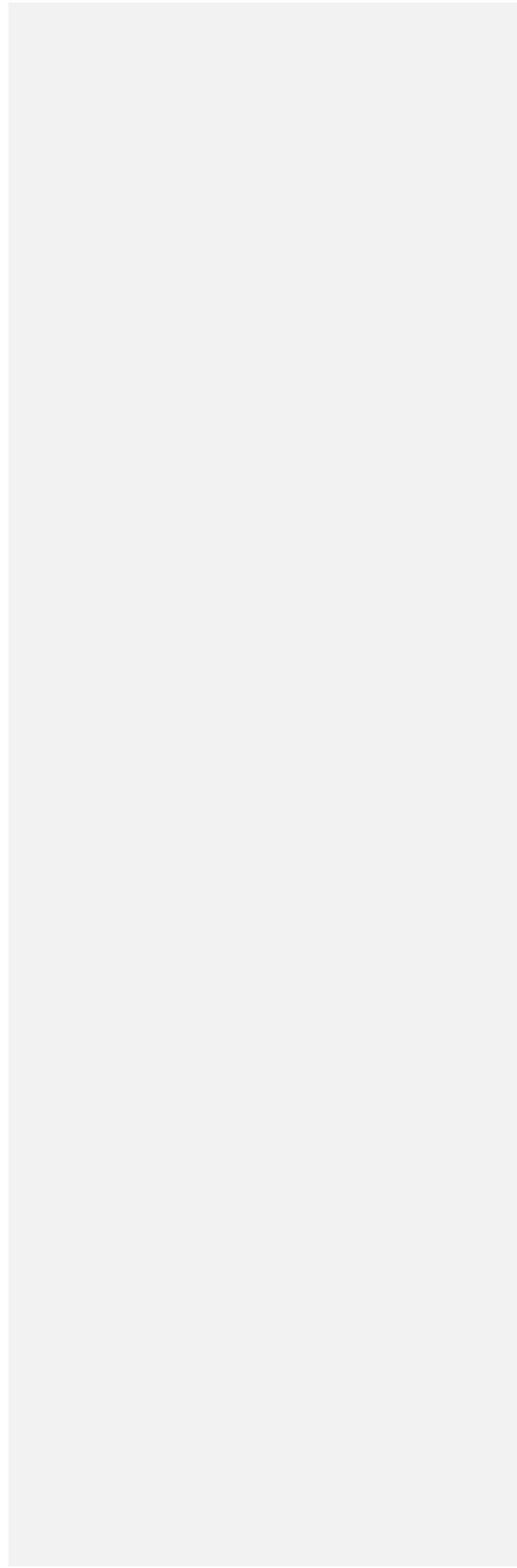
not be allowed to hold over at the end of the lease term. Any subsequent lease for the same property or any part thereof which lease is executed within one (1) year from the date of the expiration of the lease executed pursuant to this Section shall be let in accordance with the procedures specified in ~~2.28.020, this Code~~.

C. The County of Nevada Information and General Services Agency Director and the Purchasing Agent, or their designee, are hereby delegated the authority to execute all leases authorized under this Chapter, provided that such officers shall report any such action to the Board of Supervisors within thirty (30) days following the execution of any lease by them.

~~Section 2.28.040-G-IV-13.A.4~~ Lease as Taxable Interest

All leases of any real property belonging to the County of Nevada shall specify, in accordance with Cal. Rev. & Tax. Code § 107.6 that the lessee will be subject to taxation for the possessory interest in the property.

| _____



~~ARTICLE 42 COMMUNITY DEVELOPMENT AGENCY~~

~~Sections:~~

~~...~~

~~Sec. A II 42.9.1 — Creation of the County of Nevada Department of Agriculture~~

~~Sec. A II 42.9.2 — Creation of the County of Nevada Office of County Sealer of Weights and Measures~~

~~Sec. A II 42.9.3 — Consolidation of the Department of Agriculture and the Office of County Sealer of Weights and Measures~~

~~Sec. A II 42.9.4 — Department of Agriculture/Weights and Measures~~

~~Sec. A II 42.9.5 County Agricultural Commissioner / County Sealer of Weights and Measures Duties and Responsibilities Ex Officio Members~~

~~Sec. A II 42.9.6 Department of Agriculture/Weights and Measures Fees Sec.~~

~~A II 42.9.7 Reserved~~

~~Sec. A II 42.9.8 Reserved Sec. A II 42.9.9 Reserved Sec. A II 42.9.10~~

~~Reserved Sec. A II 42.9.11 — Reserved~~

~~...Sec. A II 42.9.1 Creation of the County of Nevada Department of Agriculture There is hereby created the County of Nevada Department of Agriculture.~~

~~Sec. A II 42.9.2 — Creation of the County of Nevada Office of County Sealer of Weights and Measures~~

~~There is hereby created the County of Nevada Office of County Sealer of Weights and Measures.~~

~~Sec. A II 42.9.3 — Consolidation of the Department of Agriculture and Office of the County Sealer of Weights and Measures~~

~~The Department of Agriculture and the Office of County Sealer of Weights and Measures shall be consolidated as per Cal. Gov't Code § 24300(p).~~

~~The Department of Agriculture and the Office of County Sealer of Weights and Measures is hereinafter referred to as Department of Agriculture/Weights and Measures.~~

~~Sec. A II 42.9.4 — Department of Agriculture/Weights and Measures~~

~~The Department of Agriculture /Weights and Measures shall be administered by the County Officer known as the County Agricultural Commissioner / County Sealer of Weights and Measures. This position is appointed for a four (4) year term by the Board of Supervisors and is under the general administrative direction of the Director of Community Development Agency.~~

~~Sec. A II 42.9.5 County Agricultural Commissioner / County Sealer of Weights and Measures Duties and Responsibilities~~

~~The County Agricultural Commissioner /County Sealer of Weights and Measures, and their designees, act as a county enforcing officer and shall perform all duties as provided for in the California Food and Agriculture Code, Business and Professions Code, and any other applicable state and federal laws.~~

~~The County Agricultural Commissioner / County Sealer of Weights and Measures, and their designees, shall also carry out any programs which are obligated by resolution or ordinance of the County of Nevada.~~

~~Sec. A II 42.9.6 Department of Agriculture/Weights and Measures Fees
The County Agricultural Commissioner/ County Sealer of Weights and Measures is hereby authorized to charge and collect fees for services provided by the Department of Agriculture/Weights and Measures' staff, including wildlife services, formerly referred to as predatory animal damage control. A schedule of fees shall be adopted by Resolution of the Board of Supervisors, unless otherwise provided for under State or Federal law.~~

~~Sec. A II 42.9.7 — Reserved~~

~~Sec. A II 42.9.8 — Reserved~~

~~Sec. A II 42.9.9 — Reserved~~

~~Sec. A II 42.9.10 — Reserved~~

~~Sec. A II 42.9.11 — Reserved~~

~~...~~

EXHIBIT C TITLE 3 CHAPTER III: EMERGENCY OPERATIONS AND SERVICES

CHAPTER ARTICLE 1: IN GENERAL IN GENERAL

Sections:

- Section 3.01.010 ~~Sec. A III 1.1~~ Definitions**
- Section 3.01.020 ~~Sec. A III 1.2~~ Purposes of Chapter**
- Section 3.01.030 ~~Sec. A III 1.4~~ Expenditures Deemed for Protection of Inhabitants and Property-**
- Section 3.01.040 ~~Sec. A III 1.4~~ Succession of Members of the Board of Supervisors in a Declared Emergency**
- Section 3.01.050 ~~Sec. A III 1.5~~ Succession as Emergency Services Director**

Section 3.01.060~~Sec. A-III 1.6~~ Conformance to Federal and State Emergency Services Policies

Sec. A-III 1.1~~Section 3.01.010~~ Definitions

For the purposes of this Chapter, the following words and phrases shall, when used in this Chapter the meanings respectively ascribed to them by this Section:

- A. STATE OF WAR EMERGENCY means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this State or nation is attacked by an enemy of the United States, or upon receipt by the State of a warning from the Federal government indicating that such an enemy attack is probable or imminent.
- B. STATE OF EMERGENCY means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake or other conditions, other than conditions resulting from a labor controversy or conditions causing a "State of War Emergency," which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat.
- C. LOCAL EMERGENCY means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat. (Ord. 1958. (01/20/1998))

Sec. A-III 1.2~~Section 3.01.020~~ -Purposes of Chapter

The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the Emergency Services required for persons and property within the County in the event of an emergency or disaster and to provide for the coordination of the emergency functions of the County with all other public agencies and affected private persons, corporations and organizations. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Sec. A-III 1.3~~Section 3.01.030~~ -Expenditures Deemed for Protection of Inhabitants and Property

Any expenditures made in connection with emergency activities, including mutual-aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

~~Sec. A-III-1.4~~Section 3.01.040 -Succession of Members of the Board of Supervisors in a Declared Emergency

If a declared emergency as per 3.01.010, is of a catastrophic event of such magnitude and the emergency results in a Board member being killed, missing, or so seriously injured as to be unable to perform their duties, each member of the Board may designate, pursuant to Cal. Gov't Code § 8635, in advance, such standby Officers to serve when that Board member is unable to serve. Such standby Officers shall serve with compensation. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

~~Sec. A-III-1.5~~Section ~~Succession~~ 3.01.050 Succession as Director of Emergency Services

In the event of the death, serious injury, incapacity, or unavailability of the Emergency Services Director, during an emergency, the following officers shall assume the duties, powers, and responsibilities of the Emergency Services Director in the following order:

- A. Assistant Emergency Services Director or designee.
- B. County Executive Officer or designee.
- C. Community Development Agency Director or designee. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

~~Sec. A-III-1.6~~Section 3.01.060 -Conformance to Federal and State Emergency Services Policies

The Emergency Services organization of Nevada County shall conform to the policies and procedures of the Federal Emergency Management Agency and Governor's Office of Emergency Services, and their successors, as those policies and procedures mandate the organizational use of the Standardized Emergency Management System (SEMS) and/or National Incident Management System (NIMS), Operational Area, Multi-Agency Command System (MACS), and Incident Command System (ICS). (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

**CHAPTER ARTICLE 2: EMERGENCY SERVICES COUNCIL; DIRECTOR;
ASSISTANT DIRECTOR**

Sections:

- See. A-III 2.1Section 3.02.010** Nevada County - Operational Area Emergency Services Council
- Created
- See. A-III 2.2Section 3.02.020** Composition; Appointment of Members; Officers
- See. A-III 2.3Section 3.02.030** Meetings
- See. A-III 2.4Section 3.02.040** Powers and Duties of Emergency Services Council
- See. A-III 2.5Section 3.02.050** Emergency Services Director—Office
Created; Designated
- See. A-III 2.6Section 3.02.060** Powers and Duties of Emergency Services Directors Generally
- See. A-III 2.7Section 3.02.070** Powers in Event of Proclamation of Disaster
- See. A-III 2.8Section 3.02.080** Duties of Emergency Services Assistant Director

Section 3.02.010See. A-III 2.1 Nevada County – Operational Area Emergency Services Council – Created

Nevada County – Operational Area Emergency Services Council is hereby created. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

See. A-III 2.2Section 3.02.020 Composition; Appointment of Members; Officers

The local Emergency Services Council, created under the provisions of the preceding Section, shall consist of the following:

- A. The Chair of the Board of Supervisors, who shall be Chair of the Operational Area Emergency Services Council.
- B. The Emergency Services Director, who shall be Vice-Chair, of the Operational Area Emergency Services Council.
- C. The Office of Emergency Services Program Manager.
- D. Such service chiefs of operating Emergency Services and disaster departments, services or divisions as are provided for by Resolution pursuant to this Chapter.
- E. Representatives of civic, business, labor, veteran, professional or other organizations having an official group or organized emergency services and disaster responsibility, as may be appointed by the Board of Supervisors. (Ord. 175. (03/01/1951); Ord. 2518. (03/14/2023))

~~Sec. A-III 2.3~~**Section 3.02.030 Meetings**

The Emergency Services Council shall meet upon the call of the Chair of the Board of Supervisors, or upon the call of the Vice-Chair. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

~~Sec. A-III 2.4~~**Section 3.02.040 Powers and Duties of Emergency Services Council**

It shall be the duty of the Emergency Services Council, and it is hereby empowered, to review and recommend for adoption by the Board of Supervisors, emergency services plans and agreements, and such Ordinances and Resolutions, rules, and regulations as are necessary to implement such plans and agreements; conduct critiques of emergency response actions and recommend improvements as required.

~~Sec. A-III 2.5~~**Section 3.02.050 Emergency Services Director —Office Created; Designated**

There is hereby created the office of Emergency Services Director. Said Director shall be appointed by the Information and General Services Agency Director. The Emergency Services Director shall serve without additional compensation for the performance of additional duties as assigned. (Ord. ~~1958.~~1958. (01/20/1998); Ord. ~~2233.~~2233. (04/10/2007); Ord. 2518. (03/14/2023))

Section 3.02.060 See A-IPowers and Duties of Emergency Services Director Generally

The Emergency Services Director is hereby empowered:

- A. To request that the Board of Supervisors proclaim the existence or threatened existence of a local emergency or disaster and the termination thereof, if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session, subject to confirmation by the Board of Supervisors within seven (7) calendar days;
- B. To request that the Chair of the Board of Supervisors task the Governor to proclaim a state of emergency when, in the opinion of the Director, the resources of the areas or region are inadequate to cope with the disaster;
- C. Through the Emergency Operations Center and/or Multi-Agency Command structure to control and direct the effort of the Emergency Services organization of the County for the accomplishment of the purposes of this Chapter;
- D. To direct coordination and cooperation between divisions, services, and staff of the Emergency Services organization of the County and to resolve questions of authority and responsibility that may arise between them;
- E. To appoint liaison(s) to such other jurisdictions as may be necessary;
- F. To represent the Emergency Services organization of the County in all dealings with public or private agencies pertaining to Emergency Services. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.02.070 ~~Sec. A-III 2.7~~ Powers in Event of Proclamation of Disaster

In the event of the proclamation of a local emergency, or the proclamation of a state of emergency by the Governor or the State Director of the Office of Emergency Services, the Director is hereby empowered:

- A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency or disaster; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors within seven (7) calendar days;
- B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use;
- C. To require Emergency Services of any County officer or employee and, in the event of the proclamation of a State of Emergency or war emergency by the Governor in the region in which the County is located, to command the aid of as many citizens of the County as they think necessary in the execution of their duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered disaster service workers as per Cal. Gov't Code §§3100-3109. All County of Nevada employees are designated as Disaster Service Workers as per Cal. Gov't Code §§ 3100–3109. Disaster Service Workers are issued the oath of office and may be called upon to support unmet needs in the community during a declared disaster
- D. To requisition necessary personnel or material of any County department or agency;
- E. To execute all of their ordinary powers, all of the special powers conferred upon them by this Chapter or by Resolution adopted pursuant hereto, all powers conferred upon them by any statute, regulation or agreement approved by the Board of Supervisors, or by any other lawful authority, and in conformity with Chapter 7, of Division 1, Title 2 of the Government Code, (commencing with Section 8550), to exercise complete authority over the County and to exercise all police power vested in the County by the Constitution and general laws. (Ord. 1958. (01/20/1998); ~~Ord. 2518. (03/14/2023)~~)

Section 3.02.080 ~~Sec. A-III 2.8~~ Duties of Emergency Services Assistant Director

The Emergency Services Assistant Director shall, under the supervision of the Director, develop Emergency Service plans and organize the Emergency Service program of the County and shall have such other duties as may be assigned by the Director. (Ord. 1958. (01/20/1998); ~~Ord. 2518. (03/14/2023)~~)

CHAPTERARTICLE 3: ORGANIZATION

Sections:

- Sec. A-III 3.1Section 3.03.010 Emergency Services Organization - Composition**
- Sec. A-III 3.2Section 3.03.020 Resolution Establishing Organization and Prescribing Duties**
- ~~Sec. A-III 3.3~~ ~~Reserved~~Sec. A-III 3.4Section 3.03.030**
- Punishments of Violations – Acts Prohibited During Emergencies**
- Sec. A-III 3.5Section 3.03.040 Emergency Operations Center**

Sec. A-III 3.1Section 3.03.010 -Emergency Services Organization - Composition

All officers and employees of the County, together with those volunteer forces enrolled to aid them during an emergency or disaster, and all groups, organizations and persons who may, by agreement or operation of the law, including persons pressed into service under ~~3.02070~~~~the provisions of this Code~~, shall constitute the Emergency Services organization of the County, and shall be charged with duties incident to the protection of life and property in the County during such emergency or disaster. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Sec. A-III 3.2Section 3.03.020 Resolution Establishing Organization and Prescribing Duties

The functions and duties of the County Emergency Services organization shall be distributed among such divisions, services, and special staff as the Board of Supervisors shall prescribe by Resolution.

The Board of Supervisors shall, concurrently with the adoption of this Chapter, set forth the form of organization, establishment, and designation of divisions and services, the assignment of functions, duties, and powers, and the designation of officers and employees. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the federal government. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

~~Sec. A-III 3.3~~ Reserved

Section 3.03.030 ~~Sec. A-III 3.4~~ Punishment of Violations - Acts Prohibited During Emergencies

- A. Any person who violates any of the provisions of this Section or who refuses or willfully

neglects to obey any lawful order or regulation promulgated or issued as provided in this Section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine or by imprisonment to the extent authorized by state or local law.

- B. Beginning on the date the existence of a State of War Emergency, State of Emergency, or Local Emergency is declared or proclaimed by the President of the United States, Governor of the State of California, the County of Nevada Emergency Services Director or successor, as described in this Chapter, and/or the Board of Supervisors, and within the area to which the declaration applies, no person, contractor, corporation, business, or other entity during an emergency shall:
1. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Section or in the performance of any duty imposed upon them by virtue of this Section;
 2. Do any act forbidden by any lawful rule or regulation issued pursuant to this Section, if the act is of such a nature as to give or be likely to give assistance to the enemy, during a State of War Emergency, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof;
 3. Wear, carry, or display, without authority, any means of identification specified by any Emergency Service agency of the State of California, the County of Nevada, any special district, or any city or town in the County of Nevada;
 - ~~4.~~ Sell or offer to sell, any consumer food items; repair, construction, or reconstruction services; emergency or medical supplies; housing; transportation; freight; storage services; or gasoline for an amount which is ten (10) or more percent greater than the price charged by a person, contractor, corporation, business, or other entity for said goods or services immediately prior to the proclamation of emergency, unless said person, contractor, corporation, business, or other entity can prove that the increase was directly attributable to additional costs imposed on it by the supplier of the goods or for labor and materials used to provide the service;
- ~~4.~~
- a. A business offering an item for sale at a reduced price immediately prior to the proclamation or declaration of the emergency may use the price at which it usually sells the item to calculate the price pursuant to this subsection.
 - b. Notwithstanding the time period set forth herein, for a period of thirty (30) days following a proclamation or declaration referred to in this Section, it is unlawful for an owner or operator of a hotel or motel to increase the hotel's or motel's regular rates, as advertised immediately prior to the proclamation or declaration of emergency, by more than ten (10) percent, unless an owner or operator of a hotel or motel can prove that the increase in price is due to seasonal adjustments in rates that are regularly scheduled, or to previously contracted rates.
 - c. A violation of this subsection is a violation of Cal. Penal Code § 396 and shall constitute an unlawful business practice and an act of unfair competition within the meaning of Cal. Bus. & Prof. Code § 17200. The remedies and penalties provided by this Section are cumulative with the remedies and penalties under Cal. Penal Code § 396, Cal. Bus. & Prof. Code § 17200, and the remedies and penalties available under all other laws of this State.
 - d. The District Attorney, or the County Counsel with agreement of the District Attorney, may bring a civil action pursuant to Cal. Bus. & Prof. Code § 17206 to enforce this subsection.

~~e.~~ Subsection 4 is to end no more than 180 days after the initial declaration of emergency.

~~e.~~

5. Buy, sell, remove, deface, cover, hide, destroy, or tamper with any sign, tag or placard posted by a member of the County Emergency Services Organization on a building or structure damaged in an emergency;

6. Post any sign, tag or placard not authorized by the County Emergency Services Organization on a building or structure damaged in an emergency;

7. For purposes of this subsection, the following definitions shall apply:

~~7.~~

a. A consumer food item is any article, which is used or intended for use for food, drink, confection, or condiment by humans or animals except for alcoholic beverages,

b. Repair, construction, or reconstruction services are those contractor services for repairs to residential and commercial property of any type, which are damaged as a result of the disaster. This includes, but is not limited to, the removal of debris (including a damaged tree), towing services, and waste disposal,

c. Emergency supplies shall mean those goods and services required to sustain the health, safety, and welfare of a person or animal, including, but not limited to, water, heating oil, propane, firewood, flashlights, radios, batteries, blankets, soaps, and diapers,

d. Medical supplies shall mean those medical goods and services required to sustain the health, safety, and welfare of a person or animal, including, but not limited to, prescription and nonprescription drugs, bandages, gauzes, and disinfectants. (Ord. 2503. (01/25/2022); ~~Ord. 2518. (03/14/2023)~~)

~~Sec. A-III 3.5~~ **Section 3.03.040 -Emergency Operations Center**

The primary Nevada County Emergency Operations Center shall be such appropriate space as designated by the Emergency Services Director. The Emergency Services Director, or designee, is authorized to activate the Emergency Operations Center as circumstances require. Backup Emergency Operations Center(s) shall be designated in the Departments Continuity of Operations Plans (COOP). The Director may designate such other facility or facilities as may be appropriate to the emergency. The Director of Emergency Services is authorized to expend such funds as appropriated by the Board of Supervisors to maintain and provision the Emergency Operations Center including, but not limited to, providing such meals as may be necessary for the health and welfare of the Emergency Operations Center staff, and may require assignment of staff resources from County departments as may be necessary if verified and approved by the County Executive Officer, or their designee. Such employees shall be on temporary emergency assignment and their personnel costs shall remain the cost of the parent department. Such employees shall be entitled to compensation as required by State and Federal law and the Nevada County Personnel Code. The Emergency Services Director shall endeavor to recover associated costs on behalf of the County and its departments and to apportion such recovered costs as appropriate. (Ord. 1958, (01/20/1998); ~~Ord. 2518. (03/14/2023)~~)

TITLE 4CHAPTER XVI: FIRE SAFETY REGULATIONS
CHAPTER 1: HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL
ABATEMENT

Sections:

Section 4.015.010 - G-IV 7.1	Findings
Section 4.015.020 - G-IV 7.2	Application of Article
Section 4.015.030 - G-IV 7.3	Definitions
Section 4.015.040 - G-IV 7.4	Nuisance Declared; Duty to Abate Hazardous
Vegetation and Combustible	
Material	
Section 4.01.05.50 - G-IV	Enforcement
Section 4.01.060 - G-IV 7.6	Notice to Abate
Section 4.01.070 - G-IV 7.7	Service of Notices
Section 4.01.080 - G-IV 7.8	Enforcement Process
Section 4.01.090 - G-IV 7.9	Appeals Process
Section 4.01.100 - G-IV 7.10	Hazardous Vegetation Abatement Hearing Body
Section 4.01.110 - G-IV 7.11	Abatement by Public Official
Section 4.01.120 - G-IV 7.12	Abatement Penalties and Costs
Section 4.01.130 - G-IV 7.13	Hearing on Proposed Lien
Section 4.01.140 - G-IV 7.14	Notice of Lien; Recordation of Lien; Collection of
Lien	
Section 4.01.150 - G-IV 7.15	Violations
Section 4.01.160 - G-IV 7.16	Penalties for Violations
Section 4.01.170 - G-IV 7.17	Authority to Promulgate Reasonable Rules and
Regulations	
Section 4.01.180 - G-IV 7.18	No Duty to Enforce

Section 4.01.010 ~~5 - G-IV 7.1~~ Findings

- A. The Nevada County Board of Supervisors supports the improved parcel defensible space obligations found in Cal. Pub. Res. Code § 4291 and as adopted in the County of Nevada's local amendments to the California Building Standards Code. However, PRC 4291 does not address hazardous vegetation and combustible material abatement beyond the property line of a parcel on which a protected building or structure is located or the potential impact that

hazardous vegetation beyond a property line could have on an adjacent improved parcel. This ~~Chapter Article~~ extends and supplements state law, utilizing the same treatment requirements as provided by PRC 4291, to ensure defensible space is maintained on parcels adjacent to improved parcels and along emergency access and evacuation routes and fire access easements so that landowners benefit from defensible space on adjacent parcels where appropriate.

- B. During the fire season, County of Nevada generally has a dry, arid climate conducive to wildfires. Nevada County also has a very diverse and complex land scape, which includes dry, brush-covered and grass--covered wildlands, mountainous areas, dense heavily forested properties and other terrains which are home to many sensitive plant and animal species. Many of the County's native and non-native plant species can be highly combustible during normal dry periods and have contributed to significant wildfires within the County. Difficult topography and terrain exacerbate the fire danger and the difficulty of fighting wildfires, and have resulted in catastrophic fire losses to life, property and the environment.
- C. Of paramount importance to the Nevada County Board of Supervisors and the citizens of Nevada County are the protection of lives and structures from the threat of wildfire, and the safety of firefighters and law enforcement during wildfires. The proper establishment of defensible space benefits property owners, public safety personnel and all citizens of the County of Nevada by dramatically increasing the likelihood that structures will survive a wildfire, provides for firefighter safety during a firestorm and generally aids in the protection of lives.
- D. The purpose of this ~~Chapter Article~~ is to provide for the removal of hazardous vegetation and combustible material from around the exterior of improvements situated in the unincorporated areas of the County to reduce the potential for fire and to promote the public health, safety and welfare of the community. It is the further purpose of this ~~Chapter Article~~ to establish a hazardous vegetation reduction program that provides a process to identify and abate hazardous vegetation on parcels and protects the lives and property of the citizens of the County of Nevada, while at the same time protecting sensitive plant and animal species and protecting against significant erosion and sedimentation. The removal of hazardous vegetation in the areas subject to this ~~Article Chapter~~ is recognized as an essential action homeowners and property owners can take to increase the chances that homes, structures and other property will survive a wildfire, while protecting the natural

environment. Regular fuels management and modifications consistent with the requirements of this Article-Chapter are necessary to ensure adequate defensible space is achieved. The defensible space required by this Article-Chapter is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structures, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to structures on adjacent improved parcels.

The Nevada County Board of Supervisors does not provide fire protection or suppression services within the County. Such services within the County of Nevada are provided by CAL FIRE and numerous independent local fire protection districts, the United States Forest Service, and the Bureau of Land Management.

A. —

~~Service, and the Bureau of Land Management.~~

This Article is enacted by ordinance pursuant to the powers granted to the Board of Supervisors concerning the abatement of hazardous vegetation and combustible material as contained in Cal. Health & Safety Code §§ 14930 and 14931. Additional authority for the abatement of nuisances, establishment of procedures, and establishment of real property liens through the Board of Supervisors is provided in Cal. Gov' t Code §§ 25845 and 25845.5. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); ~~Ord. 2521. (04/18/2023))~~)

Section 4.01.020~~5-G-IV-7.2~~ Application of Article

This ~~Article-Chapter~~ shall apply to:

- A. This ~~Article-Chapter~~ shall be applicable to all unincorporated areas of the ~~Ce~~ounty of ~~Nevada~~.
- B. All Parcels adjacent to Improved Parcels where: (a) the owner/occupant of the Improved Parcel is unable to obtain the required Defensible Space, as delineated in adopted County Codes; and (b) the current condition of fuels on the subject Parcel is assessed by the Public Official as a hazardous fire condition. The owner of the subject Parcel shall provide the fuel modifications to meet the Defensible Space requirements of the adjacent Improved Parcel subject to applicable law including the finding that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the Structure.
- C. All Parcels where:
 1. The parcel is adjacent to a roadway which is determined by the Public Official to be necessary for the safe ingress and egress to the area served by the roadway or fire access easement; and
 2. The current condition of fuels on the adjacent Parcel is assessed by the Public Official as a hazardous fire condition.
- D. This ~~Article-Chapter~~ may be enforced within those unincorporated areas by independent fire districts having governing bodies other than the Board, provided the governing body acts to enforce this ~~Article-Chapter~~ by adopting an appropriate resolution authorizing the fire chief of the district to enforce the requirements of this ~~Article-Chapter~~.
- E. If any part of this ~~Article-Chapter~~ is in conflict with any other part of this code the more restrictive provision(s) shall control. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2381. (06/10/2014); Ord. 2380. (05/13/2014); ~~Ord. 2521. (04/18/2023))~~)

Section 4.01.030~~5-G-IV-7.3~~ Definitions

As used in this ~~Article-Chapter~~, the following definitions shall apply:

- A. " Abate" or "Abatement" shall mean an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.
- B. "Abatement costs" shall mean any and all costs incurred by the County of Nevada or a local independent fire district to enforce this ~~Article-Chapter~~ and to abate the hazardous

vegetation or combustible material on any property pursuant to this ~~Article~~Chapter, including physical abatement costs, administration fees and any additional actual costs incurred for the abatement proceeding(s), including attorney's fees, if applicable.

~~A.C.~~ "Biomass" shall mean all green waste material generated during the fuel's treatment project. Biomass includes, without limitation, all grass, weeds, vegetation and tree trimmings.

~~B.D.~~ "Board of Supervisors" or "Board" shall mean the Board of Supervisors for the County of Nevada.

~~C.E.~~ "Citation" or "-Administrative Citation" shall mean a ci-vi-l citation issued pursuant to the ~~Article~~Chapter stating there has been a violation of one or more provisions and setting the amount of the civil penalty to be paid by the responsible party.

~~C.F.~~ "Combustible material" shall mean all rubbish, litter or material of any kind other than hazardous vegetation that is combustible and endangers the public safety by creating a fire hazard.

~~D.G.~~ "County" shall mean the County of Nevada, a political subdivision of the State of California.

~~E.H.~~ "Days" shall mean calendar days.

I. "Defensible space" means that area described in Cal. Pub. Res. Code § 4291 and as otherwise described in this Code, which is adjacent to each side of a building or Structure and must be cleared of brush, Hazardous Vegetation, or Combustible Material, as set forth in this Code.

J. "Ember Resistant Zone" means an area free of combustible material, hazardous vegetation, or vegetative debris located close to a Structure that can result in either radiant heat or a direct flame contact exposure to the Structure.

K. "Fire hazard" shall mean any condition, arrangement, act or omission which:

1. Increases, or may cause an increase of hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or
2. May obstruct, delay, hinder or interfere with the operations of a fire department or the egress of occupants in the event of fire.

L. "Fuel Modification Area" shall mean a strip of land in which the following fuel reduction activities are required to occur:

1. Cut and remove all weeds and grasses down to four (4") inches or lower;
2. Prune and remove "ladder fuels" up to ten (10') feet or higher;
3. Remove all dead or decaying trees and tree limbs; and
4. Perform any other fire protection or maintenance activities within the Fuel Modification Area(s) consistent with the standards and requirements contained in Cal. Pub. Res. Code § 4290 or as required by a Public Official.

M. "Hazardous vegetation" shall mean any vegetation that is combustible and endangers the public safety by creating a fire hazard. Hazardous vegetation includes material that in its natural state will readily ignite, burn and transmit fire from native or landscape plants to any Structure or other vegetation. Hazardous vegetation includes, but is not limited to, dry grass and leaves, brush, weeds, green waste, dead or dying trees, low-hanging branches,

litter or other flammable vegetation that create a fire hazard. Hazardous vegetation shall not include a commercial agricultural crop that is being actively grown and managed by the property owner or their legal tenant.

N. "Improved Parcel" shall mean a portion of real property on which a Structure is located, the area of which is determined by the Assessor's maps and records and which may be identified by an Assessor's Parcel Number.

~~Q.~~ "Ladder fuels" shall mean fuels that can carry a fire vertically between or within Combustible Material or Hazardous Vegetation.

P. "Public Official " shall include the County of Nevada Fire Marshal, the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, company officers and trained prevention staff as may be designated by a Fire Chief to enforce the provisions of this ~~Chapter~~~~Article~~, Office of Emergency Services staff. Public Officials include County Code Compliance officers.

Q. "Parcel" shall mean a portion of real property of any size, the area of which is determined by the Assessor 's maps and records and which may be identified by an Assessor's Parcel Number.

R. "PRC 4291" shall mean California Public Resources Code section 4291, and any amendments thereto.

S. "Responsible Party" shall mean an individual, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, firm, organization, partnership, joint venture or any other person or entity whatsoever whose act or omission caused or contributed to a violation of this ~~Article~~~~Chapter~~.

T. "Structure" shall mean any structure with some sort of foundation such as concrete or piers and/or vehicles meeting at least one of the following:

- Is occupied and used as a business or residence three (3) months of the year or more in any combination of days;
- Has one (1) or more utilities connected to it, including but not limited to, natural gas, propane, or electricity. This includes any means of connection, permitted or otherwise;
- Has three (3) or more walls, and a roof, and is greater than 119 square feet in size; or
- Is used for mechanical processing.

The definition of a structure shall not include recreational vehicles with tires in good repair, not standing on leveling jacks or posts, and not otherwise meeting the above criteria.

U. "Unimproved parcel" shall mean a portion of land of any size, the area of which is determined by the Assessor 's maps and records and may be identified by an Assessor 's Parcel Number (APN) upon which no Structure is located. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); ~~Ord. 2521. (04/18/2023)~~)

Section 4.01.040~~5~~-G-IV-7.4 Nuisance Declared; Duty to Abate Hazardous Vegetation and Combustible Material

A. Hazardous Vegetation and Combustible Materials within one hundred (100') feet of a

Structure (or greater as determined by the Public Official) or along roadways that serve as primary ingress and egress routes, are hereby declared to be a public nuisance that may be abated in accordance with this Article, and by any other means available by law.

- B. It shall be the duty of every owner, occupant, and person in control of any Parcel or any interest there in, which is located in the unincorporated territory of the County of Nevada to abate there from, and from all sidewalks and roadways on or immediately adjacent thereto (except for those roads accepted into the County maintained system), all Combustible Material, and Hazardous Vegetation which constitutes a fire hazard and public nuisance which may endanger or damage neighboring property or forestland.
- C. The requirements of this Section shall be satisfied if the Parcel and all sidewalks and roadways on or immediately adjacent thereto (except for those roads accepted into the County maintained system) are cleared in accordance with a Notice to Abate by cutting brush, trimming trees, thinning trees, disking, mowing, plowing or any other method described in a Notice to Abate, or, if no Notice to Abate is issued, by removing all Hazardous Vegetation and Combustible Materials as follows:
1. Maintain a Defensible Space of one hundred (100') feet from each side and from the front and rear of a Structure, but not beyond the property line except as provided by law. The amount of fuel modification necessary may consider the flammability of the Structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the Structure. The intensity of fuels management may vary within the one hundred (100') foot perimeter of a Structure, the most intense being with the first thirty (30') feet around a Structure. Consistent with fuels management objectives, steps should be taken to minimize erosion;
 2. Maintain a one hundred (100') foot wide area of land around Structure(s) located on an adjacent Improved Parcel (some or all of this Defensible Space requirement may be required on an adjacent Parcel depending upon the location of the Structure on the Improved Parcel);
 3. Maintain free of Ladder Fuels a minimum of a ten (10')-foot wide strip of land beyond the edge of the driving surface including the shoulder of the roadway serving as primary ingress and egress to the parcel, or the primary ingress and egress of other parcels, to a height of fifteen (15') feet along the boundary of a Parcel;
 4. Remove the portion of a tree that extends within ten (10') feet of the outline of a chimney, stovepipe, or roofline of all Structures;
 5. Climbing vines must be removed from trees and Structures within the one hundred (100')-foot defensible space zone around Structure(s);
 6. Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood;
 7. Maintain the roof of a Structure free of leaves, needles, or other vegetative materials;
 8. Maintain the Parcel free of ladder fuels within the one hundred (100') foot Defensible Space area around Structure(s).
 9. Provide a minimum of ten (10') feet clearance of all combustible material and hazardous vegetation surrounding propane tanks, generators, privately owned power poles, and fuel storage tanks.

10. Maintain a five (5')-foot ember-resistant zone around Structures and underneath decks, stairs, porches or other combustible material attached to Structures.
 11. Improved and Unimproved parcels less than or equal to one acre in size may be treated as a Fuel Modification Area for the entirety of the parcel within the discretion of the public official.
- D. The Public Official may mandate additional fuels management of an area more or less than the above--referenced widths or height on a Parcel and all sidewalks and roadways on or immediately adjacent thereto (except for those roads accepted into the County maintained system), for the protection of public health, safety or welfare or the environment if the Public Official finds that the additional fuels management is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to a Structure on an Improved Parcel. The Public Official shall determine appropriate defensible space distances based upon a visual inspection of the Parcel and shall consider all factors that place the Structure(s) on the adjacent Improved Parcel at risk from an approaching fire. These factors shall include, but are not limited to, local weather conditions, fuel type(s), topography, and the environment where the adjacent Parcel or the Structure(s) is located;
- A-E. When a Structure is less than one hundred (100') feet from a property line and Combustible Material or Hazardous Vegetation on an adjacent Parcel presents a fire hazard for the Structure the owner of the Parcel where the fire hazard exists shall be responsible for clearing the area on that owner's land which is within one hundred (100') feet of the Structure and is needed to provide the necessary fire protection in the manner and to the extent required by the Public Official. The owner, occupant or other person in control of the Structure shall be responsible for fifty (50%) percent of the abatement cost on the adjacent Parcel if the owner of said adjacent Parcel consents in writing to the abatement. If the owner of the Structure is not willing to pay the fifty (50%) percent abatement cost on the adjacent property, no further action will be taken. In the event the adjacent parcel owner is not willing to participate in the fifty (50%) percent cost share they may be held responsible for one hundred (100%) percent of the abatement costs on their property should the County proceed with abatement.
- E-F. Where the terrain, condition or environment on the adjacent Parcel is such that it cannot or should not be disked or mowed, the Public Official may require, or authorize, other means of hazardous vegetation or combustible material removal.
- F-G. No Parcel owner may allow any portion of vegetation on ~~their~~his or her property to interfere with street and emergency vehicle access, regardless of whether the access is along a public street or along a private residential access road. The Public Official may provide written notice to the property owner requiring vegetation to be trimmed for a specified additional distance when the Public Official determines the vegetation would otherwise interfere with street or emergency vehicle access.
1. If the Parcel Owner fails to maintain these clearance requirements, the Public Official may abate this nuisance without further notice and at the Parcel Owner's expense. This subsection shall not apply to cultivated groundcover such as green grass, ivy,

succulents, or similar plants used as groundcovers, provided they do not constitute a fire hazard.

2. Pursuant to Cal. Health & Safety Code §14930 and Cal. Gov't Code §25845, as amended, a Public Official may summarily abate weeds or hazardous growth on private property that in any way hinders emergency access and may charge the Parcel Owner for the costs of the abatement. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023)))

Section 4.01.050~~5-G-IV-7.5~~ Enforcement

- A. The Public Official shall be the primary authority for enforcement of this ~~Article~~ Chapter and shall administer and enforce the requirements as provided in this ~~Article~~ Chapter.
- B. The Public Official shall have the following responsibilities and authorities in the enforcement and administration of the provisions of this ~~Article~~ Chapter:
 1. Receive and respond to complaints through planning and conducting inspections within the limits of available resources.
 2. Review the requirements of this ~~Article~~ Chapter with property owners and/or occupants found to be out of compliance, to support voluntary compliance with the provisions of this ~~Article~~ Chapter.
 3. The determination for appropriate clearance distances will be made based upon a visual inspection of the Parcel and shall consider all factors that place the Parcel or adjoining Structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the Parcel or adjoining Structure(s) is located.
 4. Prepare and issue Notices to Abate, and such other notices as may be necessary to encourage voluntary compliance with the provisions of this ~~Article~~ Chapter.
 5. Carry out all enforcement and abatement proceedings as described in this ~~Article~~ Chapter.
 6. Conduct post-notice/pre-abatement inspections and documentation and conduct post-abatement inspections and documentation.
 7. The Public Official may, at their discretion, issue an administrative citation for violations of this ~~Article~~ Chapter, in lieu of abating a Parcel.
 8. Within local fire district boundaries, inspections established by this ~~Article~~ Chapter may be performed by designated fire district personnel.
 9. Conduct abatements and handle accounting, assessment and collection of costs, including recordation of liens.
- C. Nothing herein shall limit the ability of a Public Official, to enforce the provisions of this ~~Article~~ Chapter, from making initial inspections or independent compliance checks without first receiving a complaint. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023)))

Section 4.01.060~~5-G-IV-7.6~~ Notice to Abate

Whenever the Public Official determines, based on a planned inspection, that a Parcel is in

violation of this ~~Article~~ Chapter and requires abatement, the Public Official shall send the owner of record for the Parcel a Notice to Abate. The Notice to Abate shall be in writing and shall:

- A. Identify the owner(s) of the Parcel upon which the violation exists, as named in the records of the County Assessor, and identify the occupant(s) or person in control of the property, if other than the owner(s) and if known or reasonably identifiable.
- B. Describe the location of the Parcel by its commonly used street address, if any; and identify the Parcel by reference to the Assessor's Parcel Number, if any.
- C. Briefly describe the violation(s) on the Parcel and identify the Fuel Modification Area(s) which are required to abate the violation(s) and bring the Parcel into compliance with this ~~Article~~ Chapter.
- D. Contain a statement that the legal owner or occupant is required to correct the violation and allow at least thirty (30) calendar days from the date the Notice is served for the work to be completed.
- E. Outline the appeal process as provided in this ~~4.01.090.Chapter~~ Article.
- F. Contain a statement that, unless the legal owner or occupant abates the violation(s) and brings the Parcel into compliance with this ~~Chapter~~ Article or seeks an appeal within the time prescribed in the Notice, the violation may be abated at the legal owner and/or occupant's expense. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the County assessment roll and become a lien on the real ~~property, or property or~~ be placed on the unsecured tax roll.
- G. Contain a statement that this ~~Chapter~~ Article provides that the Parcel owner and any person in possession of the Parcel upon which the Hazardous Vegetation or Combustible Material is found to exist shall be jointly and severally liable for all abatement costs incurred by the County. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); ~~Ord. 2521. (04/18/2023))~~)

~~Section 4.01.070~~ 5-G-IV-7.7 Service of Notices

All notices required by this ~~Chapter~~ Article shall be served in the following manner:

- A. By delivering it personally to the legal owner(s) of the Parcel(s) and to the occupant(s), or by mailing it by first-class United States mail to the legal owner(s) of the Parcel at their address as it appears on the last equalized assessment roll and to any non-owner occupant(s), if known, at the street address for the Parcel.
 1. If the records of the Nevada County Assessor show that the ownership has changed since the last equalized assessment roll was completed, the Notice shall also be mailed to the new owner(s) at ~~his or her~~ their address as it appears in said records; or
 2. In the event that, after reasonable effort, the Public Official is unable to serve the notice as set forth above, service shall be accomplished by posting copies of the notice along the frontage of the subject Parcel(s), and at such other locations on the Parcel(s) as are reasonably likely to provide notice to the owner(s) and any person known by the Public Official to be in possession of the Parcel(s). At least two (2) copies of the notice shall be posted on a Parcel pursuant to this Section.

- B. The date of service for the notice is deemed to be the date of personal delivery or posting, or three (3) days after deposit in the U.S. mail. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.080~~5~~-G-IV-7.8 Enforcement Process

- A. Not less than thirty (30) days after the Notice to Abate is served, the Public Official shall conduct a post-notice/pre-abatement inspection on the Parcel and, if the required Fuel Modification Area(s) have not been performed, the Public Official may require that the required Fuel Modification Area(s) be completed by the County, and the cost of enforcement and the abatement with administrative fee be attached to the property tax as a lien.
- B. For Parcels owned or controlled by public agencies, the Public Official, or designee, may provide a Notice of Nuisance and include the project area in the local community wildfire protection plan and request the hazardous vegetation or combustible material be abated in accordance with the Healthy Forest Restoration Act of 2003 (H.R. 1904) or the PRC. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26-/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.090~~5~~-G-IV-7.9 Appeals Process

- A. Any person upon whom a Notice to Abate has been served may appeal the determination of the Public Official by delivering a written request for hearing to the Clerk of the Board's office within ten (10) calendar days of the date of the Notice to Abate, together with payment of any appeal fee as may be duly adopted by the Board of Supervisors. The written request shall include a statement of all facts supporting the appeal. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived.
- B. If a timely appeal is filed with the Clerk of the Board, no further enforcement action will be taken until after the Hazardous Vegetation Abatement Hearing Body has made a determination on the appeal. In the absence of a timely filed written request that complies fully with the requirements of this Section, the determination of the Public Official as set forth in the Notice to Abate shall become final and conclusive on the thirty-first (31st) day following service of the Notice.
- C. The hearing on the appeal shall occur not more than thirty (30) days after receipt of a timely appeal and shall provide written notice of the hearing date and time to the appellant at least ten (10) days prior to the date of the hearing, unless such time limits are waived in writing by the Public Official and the appellant. Continuances of the hearing will only be granted on a showing of good cause. Unavailability of an attorney does not constitute "good cause." (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2381. (06/10/2014); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.100~~5~~G-IV-7.10 Hazardous Vegetation Abatement Hearing Body

A Hazardous Vegetation Abatement Hearing Body is hereby established to hear appeals on any Notice to Abate issued by a Public Official. The Hazardous Vegetation Abatement Hearing

Body shall consist of the County Fire Marshal, or designee, the County's Emergency Services Director, or designee, and a Fire Chief from a local fire protection district selected by the Nevada County Fire Chiefs' Association; provided, however, that if the Notice to Abate being appealed was issued by the County Fire Marshal or designee, then the Hazardous Vegetation Abatement Hearing Body shall consist of the County's Emergency Services Director or designee, and two (2) Fire Chiefs from a local fire protection district selected by the Emergency Services Director. The Hazardous Vegetation Abatement Hearing Body shall have the authority to amend, dismiss, or uphold a Notice to Abate by a majority vote. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2381. (06/10/2014); Ord. 2380. (05/13/2014); [Ord. 2521. \(04/18/2023\)](#))

Section 4.01.110 ~~5-G-IV 7.11~~ Abatement by Public Official

- A. If, at the end of the time allowed for compliance in the original Notice to Abate, or as extended in cases of appeal, or as specified by the Hazardous Vegetation Abatement Hearing Body, compliance has not been accomplished, the Public Official issuing the notice, or the agency of which they are an officer, may pursue a lawful abatement. The Public Official may proceed with the abatement of the Hazardous Vegetation or Combustible Material and provide that it be removed by Public Official or by employees of the agency or by a private contractor selected by the agency in accordance with applicable statutes. The cost of such removal and enforcement accompanied by a reasonable administrative charge may be imposed as an assessment in the County tax roll.
- B. The costs so assessed shall be limited to the actual costs incurred by the Public Official and the County in enforcing the violation and abatement upon the subject Parcel. Such costs may include, but are not limited to, the costs of all prior inspections, appeal hearings and other enforcement actions leading up to the abatement, payments to the contractor, costs of site inspection, costs of notice, boundary determination and measurement, costs for material disposal and all clerical, personnel, consultant, and other administrative costs. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); [Ord. 2521. \(04/18/2023\)](#))

Section 4.01.120 ~~5-G-IV 7.12~~ Abatement Penalties and Costs

Upon expiration of the time limits and appeal processes established by this ~~Chapter Article~~, the Public Official shall acquire jurisdiction to abate the nuisance, and may carry out the following as appropriate:

- A. Disposal of Materials. Any materials abated may be disposed of as a part of the removal process to include, as appropriate, recycling or as a part of a Biomass utilization program.
- B. Cost Accounting, Receipts and Notice of Assessment. The Public Official shall keep an itemized account of the costs of enforcing the provisions of this ~~Chapter Article~~, and of the proceeds of the sale of any materials connected therewith. Upon completion of the abatement, the Public Official shall prepare a notice to be served on the affected Parcel(s) as provided in [4.01.070](#), "Service of Notice" in this Code and specifying:
1. The work done (supported by before and after pictures);
 2. An itemized account of the costs and receipts of performing the work;
 3. An address, legal description, or other description sufficient to identify the Parcel that was

subject to abatement and/or lien;

4. The amount of the assessment proposed to be levied against the Parcel(s), or the amount to be refunded, if any, due to excess proceeds over the expenses;
5. The time and place where the Public Official will submit the account to the Hazardous Vegetation Abatement Hearing Body for confirmation. The time and place specified shall be no less than fifteen (15) days after service of the notice;
6. A statement that the Hazardous Vegetation Abatement Hearing Body will hear and consider objections and protests to the account and proposed assessment or refund. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05 /10/2016); Ord. 2380. (05 /13/14); ~~Ord. 2521. (04/18/2023)~~)

Section 4.015.130 -G-IV 7.13 Hearing on Proposed Lien

At the time and place fixed in the notice, the Hazardous Vegetation Abatement Hearing Body will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Hazardous Vegetation Abatement Hearing Body may make such modifications and revisions of the proposed account and assessment as deemed just and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised, and shall issue a written recommendation regarding the proposed lien to the Board of Supervisors. The Board of Supervisors may summarily adopt the recommendation

of the Hazardous Vegetation Abatement Hearing Body without further notice of hearing or may set the matter for a *de novo* hearing in accordance with Cal. Gov't Code § 25845(h). The determination of the Board of Supervisors as to all matters contained therein shall be final and conclusive. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); ~~Ord. 2521. (04/18/2023)~~)

Section 4.015.140 -G-IV 7.14 Notice of Lien; Recordation of Lien; Collection of Lien

- A. Upon confirmation of an assessment by the Board of Supervisors, the Public Official shall notify the affected Parcel owners by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board of Supervisors, and advise them that they may pay the account in full within thirty (30) days in order to avoid the lien being recorded against the Parcel(s). If the lien amount is not paid by the date stated in the letter, the Public Official shall prepare and have recorded a Notice of Lien with the Nevada County Clerk-Recorder's office. The Notice of Lien shall contain:
 1. A legal description, address and/or other description sufficient to identify the Parcel(s) to be liened;
 2. A description of the proceeding under which the special assessment was made, including the order of the Board of Supervisors under this code confirming the assessment;
 3. The amount of the assessment;
 4. A claim of lien upon the described Parcel(s).
- B. Upon the recordation of a Notice of Lien, the amount claimed shall constitute a lien upon the described Parcel(s), pursuant to Cal. Gov't Code § 25845. Such lien shall be at parity with the liens of State and County taxes, to the extent allowed by applicable law.
- C. After recordation, the Notice of Lien shall be delivered to the County Auditor-Controller,

who shall enter the amount of the lien on the assessment roll as a special assessment. The amount set forth shall be subject to the same penalties and interest as ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment to the extent allowed by applicable law. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); ~~Ord. 2521. (04/18/2023)~~)

Section 4.015.150- G-IV 7.15 Violations

Pursuant to Nevada County Code, it shall be an infraction or misdemeanor for any person, natural or corporate, owning, possessing, occupying, or controlling any lands or premises to fail to perform the duty set forth in this ~~Chapter Article~~, or to fail to comply with the requirements in the Notice to Abate as specified in this ~~Chapter Article~~, or to interfere with the performance of the duties herein specified for any of the Public Officials named in this part, or to refuse to allow any such Public Official, or approved private contractors, to enter upon any Parcel for the purpose of lawfully inspecting and/or as ordered, removing any Hazardous Vegetation and Combustible Material hereinbefore described as a public nuisance, or to interfere in any manner whatever with the Public Officials or contractors in the work of a lawful inspection and ordered removal herein provided. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13 /2014); ~~Ord. 2521. (04/18/2023)~~)

Section 4.015.160- G-IV 7.16 Penalties for Violations

- A. This ~~Chapter Article~~ is a local safety code. Every violation of this ~~Chapter Article~~ which is determined to be an infraction, or an administrative violation shall be punishable in accordance with Cal. Gov't Code §§ 53069.4 and 25132, as may be amended from time to time.
- B. Any person violating or failing to comply with the provisions of this ~~Chapter Article~~ shall be guilty of a misdemeanor, except that when the District Attorney or County Counsel shall elect to charge such violation as an infraction, it shall be an infraction. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ~~Chapter Article~~ is committed, continued or permitted by such person and shall be punishable accordingly.
- C. Notwithstanding any other law, a violation of local building and safety codes that is an infraction is punishable under Cal. Gov't Code § 25132, as may be amended from time to time, by the following:
 1. A fine not exceeding one hundred thirty dollars (\$130) for a first violation.
 2. A fine not exceeding seven hundred dollars (\$700) for a second violation of the same ordinance within one year of the first violation.
 3. A fine not exceeding one thousand three hundred dollars (\$1,300) for each additional violation of the same ordinance within one year of the first violation.
 4. Upon a subsequent violation within a two (2) year period the violator shall be liable to the County for treble the abatement costs, including, but not limited to, costs incurred by local independent fire districts, in accordance with ~~Cal. Government Gov't Code §Section~~ 25845.5.
 5. Unless a violation creates an immediate danger to health and safety, a Responsible Party shall be provided with notice and an opportunity to correct the violation prior to

the imposition of the administrative penalty.

6. Acts, omissions, or conditions in violation of this ~~Chapter Article~~ that continue to exist, or occur on more than one day, constitute separate violations on each day. Fines may be levied.
- D. Pursuant to Cal. Gov't Code § 25132 (f), if the County levies a fine pursuant to subsections ~~of 4.01.060 (C), (b) or (c) of section "C," governing "Penalties for Violations,"~~ the County shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.
- E. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by imprisonment in the county jail not exceeding six ~~(6)~~ months, or by fine not exceeding one thousand dollars (\$1,000), or by both.
- F. The administrative penalty, or any portion thereof, for a first-time violation which has become effective following the corrective period, may be waived by the Public Official in their sole discretion only if the Responsible Party corrects the violation in accordance with all conditions established by the Public Official.
- G. If after a third inspection, a Parcel owner continues to be noncompliant, the Public Official may issue a noncompliance citation. This can be waived by the Public Official if the Parcel owner is cooperating, performing best efforts, and mitigation progress is visible.
- H. Whenever a notice has been issued, the Public Official may record a notice of

noncompliance with the office of the County Recorder of Nevada County and shall notify the Parcel owner of such action. The notice of noncompliance shall describe the Parcel, shall set forth the noncomplying conditions, and shall state that any abatement costs incurred by the County as a result of the violations of this ~~Chapter Article~~ may be specially assessed as a lien on the property and that the Parcel owner has been so notified.

- I. Alternatively, the Public Official may prosecute violations of this ~~Chapter Article~~ by civil action, including, without limitation, issuance of administrative citations. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); ~~Ord. 2521. (04/18/2023)~~)

~~Section 4.015.170 - G-IV 7.17~~ Authority to Promulgate Reasonable Rules and Regulations

The Board of Supervisors reserves its right to adopt reasonable rules, regulations, and resolutions consistent with this ~~Chapter Article~~ to enforce, interpret, and carry out the provisions of this ~~Chapter Article~~. Such rules, regulations and resolutions may vary between different areas within the County of Nevada. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); ~~Ord. 2521. (04/18/2023)~~)

~~Section 4.015.180 - G-IV 7.18~~ No Duty to Enforce

Nothing in this ~~Chapter Article~~ shall be construed as imposing on a Public Official or the County

of Nevada any duty to issue a Notice to Abate, nor to abate any Hazardous Vegetation or Combustible Material within a Parcel's Defensible Space, nor to take any other action with regard to any unlawful Hazardous Vegetation or Combustible Material, and neither the Public Official nor the County shall be held liable for failure to issue a Notice to Abate any unlawful Hazardous Vegetation or Combustible Material, nor for failure to abate any unlawful Hazardous Vegetation or Combustible Material, nor for failure to take any other action with regard to any unlawful Hazardous Vegetation or Combustible Material. (Ord. 2477. (05/12/2020); Ord. 2521. (04/18/2023))

CHAPTERSECTION 2: WILDFIRE PROTECTION STANDARDS, GENERAL REQUIREMENTS

Sections:

<u>Section 4.0</u> Sec. L XVI 2.010	Purpose and Intent of Chapter
<u>Section 4.0</u> Sec. L XVI 2.020	Scope
<u>Section</u> Sec. L XVI 4.02.030	Project Consultation and Review
<u>Section 4.02.040</u> Sec. L XVI	Violations
<u>Section 4.02.050</u> Sec. L XVI	Inspection Authority
<u>Section 4.02.060</u> Sec. L XVI	Exceptions to Standards
<u>Section 4.02.070</u> Sec. L XVI	Appeals
<u>Section 4.02.080</u> Sec. L XVI	Distance Measurements
<u>Section 4.02.090</u> Sec. L XVI	Maintenance of Defensible Space Measures
Sec. L XVI 1.1 Reserved <u>Section 4.02</u> Sec. L XVI 1.1, 1002	Definitions

~~Sec. L XV~~Section 4.02.010 Purpose and Intent of Chapter

The regulations contained in this Chapter and the provisions in [Title 12, Zoning Regulations](#), [Title 13, Subdivision Regulations](#), [Title 16, Roads including Street Addressing and Naming](#), and [Title 14, Buildings](#), and County adopted road standards collectively provide the necessary minimum wildfire protection standards that will minimize public safety effects with the establishment of land uses and buildings within State Responsibility Areas (SRA) lands within the County of Nevada. These regulations are intended to mitigate effects of wildland fire exposure to such land uses within the State Responsibility Areas and they are further adopted to equal, exceed, or provide the same practical effect contained in the California State Board of Forestry's Fire Safe Regulations adopted on November 7, 1990.

The fire safety regulations contained in these Chapters provide measures for emergency access, street name and building address signage, water reserves for emergency fire use, and vegetation modification.

These regulations are not to be applied retroactively to existing dwelling units as reflected on the official tax rolls as of October 10, 1991, or to any approved and unexpired entitlements (tentative maps, use permits, site plans, building permits, etc.). They shall be applied to all activities set forth in Sec. ~~4.020202.2~~. (Ord. 1734. (09/10/1991); [Ord. 2531. \(10/24/2023\)](#));

Section 4.02.020~~Sec. L XVI~~ **Scope**

Activities affected by this Chapter include, but are not limited to:

- A. Subdivisions.
- B. Application for mobile home set-up permits and building permits for new construction, not related to an existing structure, filed on or after October 10, 1991.

- C. Application for a use permit and all ministerial and discretionary site plans.
- D. Road construction, including construction of a road that does not currently exist, or extension of an existing road, not including roads for agricultural or mining use solely on one ownership, and roads used solely for the management and harvesting of wood products. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023));→

Section 4.02.030 ~~Sec. L XVI~~ **Project Consultation and Review**

- A. All projects subject to this Chapter shall be sent for review and comment to the appropriate fire district, to the California Department of Forestry Director (or designee) and/or any other designated fire official having expertise in wildland fire mitigation. Any conditions imposed by said fire agencies shall not be a substitute for or be less restrictive than the minimum requirements contained in these Chapters of the Nevada County Code.
- B. All projects located on SRA lands shall be reviewed for compliance with all regulations in the Nevada County Code that provide fire safety requirements. No project may be authorized until the decision-making body or County agent has verified that all appropriate requirements have become a condition of project approval. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023));→

Section 4.02.040 ~~Sec. L XVI~~ **Violations**

Any permittee or applicant who violates any provision contained in this Chapter shall be guilty of an infraction, as per 12.05.120. (Ord. 1734.(09/10/1991); Ord. 2531. (10/24/2023));→

Section 4.02.050 ~~Sec. L XVI~~ **Inspection Authority**

- A. Inspections of the various fire safety regulations on SRA lands shall be completed by the County department under whose jurisdiction the fire safety standard exists and which has inspection authority. The Board of Supervisors may, by Resolution, authorize a different County department, division or officer with fire protection responsibility to perform all or part of such inspection duties.
- B. Within local fire district boundaries, inspections established by this Chapter may be performed by district personnel with the approval of the California Department of Forestry Unit Chief. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023));→
- C. All necessary inspections must be performed and approval obtained prior to final occupancy, map recordation or other authorization to occupy as applicable to the use or permit being finalized. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023));→

Section 4.02.060 ~~Sec. L XVI~~ **Exceptions to Standards**

A. Unless otherwise provided in this Chapter, all exceptions or modifications to the stated standards not contained in the Title 12,12.05.070 ~~Chapter governing~~ Zoning, 'Variances' in this Code shall be considered by the planning agency having jurisdiction over the land use entitlement. The planning agency shall consider all the facts associated with the requested exception and request for mitigated practices. In approving same, the hearing body must find that the substituted mean(s) provide the same overall practical effect. Such evidence shall be supported by the Director.

Exceptions or modifications to any portion of the Zoning Chapter shall be considered pursuant to

Section governing Variances. In addition to the findings required to approve an area variance, any exception or substitution to the stated standards shall have the same practical effect as supported by the Director and by finding of the appropriate hearing body. (Ord. 2323. (07/13/2010); [Ord. 2531. \(10/24/2023\)](#));→

B. All requests for exceptions and area variances shall include the following information:

1. The specific Section of the applicable Chapter of the Nevada County Code that is being sought to be modified.
2. Material facts and reasons supporting the request.
3. Details of the exception and substitute standard being proposed along with a demonstration that the same practical effect is being achieved.
4. Site plan and/or other supporting documentation showing the location of the exception, proposed modifications and any mitigating factors that contribute to the exception request. (Ord. 1734. (09/10/1991); [Ord. 2531. \(10/24/2023\)](#));→

~~Section 4.02.070~~ ~~Sec. L-XVI~~ Appeals

All appeals from this Chapter pursuant to [12.05.120](#), Administration and Enforcement Sections, within this Code. Appeals may only be filed from actions taken by the appropriate hearing body. No appeal may occur without first having it considered as an exception or an area variance. (Ord. 1734. (09/10/1991); [Ord. 2531. \(10/24/2023\)](#));→

~~Section 4.0~~ ~~Sec. L-XVI~~ 2.080 Distance Measurements

All specified or referenced distances as to road lengths and vegetative clearing areas are measured along the ground, unless otherwise stated. (Ord. 1734. (09/10/1991); [Ord. 2531. \(10/24/2023\)](#));→

~~Section 4.02.090~~ ~~Sec. L-XVI~~ Maintenance of Defensible Space Measures

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the defensible space provided for in these standards during a wildfire, provisions for continued annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval, in an emergency access covenant or similar binding agreement. The persons or entity responsible for maintenance must be designated in the development plans. (Ord.

2474. (01/14/2020); Ord. 1734. (09/10/1991); [Ord. 2531. \(10/24/2023\)](#));→

~~Sec. L-XVI 1.1 Reserved~~ ~~Section 4.02.1.100~~ ~~Sec. L-XVI 1.12~~ Definitions

- A. ACCESSORY BUILDING: Any building used as an accessory to residential, commercial, recreational, industrial or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter II, Group M, Division 1, Occupancy that requires a building permit.
- B. AGRICULTURE: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

- C. ALL WEATHER SURFACE: An asphalt or concrete surface designed and certified by a registered professional engineer to carry the imposed weight load of a legally loaded 40,000 pound vehicle. (Ord. 2323. (07/13/2010); ~~Ord. 2531. (10/24/2023))~~).
- D. BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy that is defined in the California Building Code, 1989 Amendments, Chapter II, except Group M, Division 1, Occupancy. For the purposes of this Section, building includes mobile homes and manufactured homes, churches and ~~day-care~~ Daycare facilities. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))→
- E. CAL FIRE: California Department of Forestry and Fire Protection. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))→
- F. CALIFORNIA FIRE CODE (CFC): California Code of Regulations, Title 24, Part 9, or as amended.
- G. DEFENSIBLE SPACE: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter, as used in this Chapter, is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.
- H. DEVELOPMENT: As defined in Cal. Gov't Code § 66418.1.
- I. DIRECTOR: The Director of the Department of Forestry and Fire Protection or their designee.
- J. DRIVEWAY: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.
- K. EXCEPTION: As alternative to the specified standard, requests by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites to provide mitigation of the problem.
- L. FIRE VALVE: See hydrant.
- M. FUEL MODIFICATION AREA: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.
- N. GATE: A means of vehicular entrance or exit to a parcel or dwelling, including an opening in a wall, fence, or driveway abutments. A security gate is defined as a gate that is manually or electronically secured.
- O. GREENBELT: A facility or land use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.
- P. HAMMERHEAD/T: A road or driveway that provides a "T"-shaped, three- point turnaround space for emergency equipment, being no narrower than the road that serves it.

- Q. **HYDRANT:** A valved connection on a water supply or storage system having one two-and-a-half (~~2.5"2¼~~) inch outlet with a cap for pressurized systems or a four and a half (~~4.5"½~~) inch to two and a half (~~2.5"½~~) inch reducer with a cap. Outlets shall be male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.
- R. **LOCAL JURISDICTION:** Any county, city/county agency or department or any locally authorized district that issues or approves building permits, use permits, parcel maps or tentative parcel maps or has authority to regulate development and construction activity.
- S. **OCCUPANCY:** The purpose for which a building, or part thereof, is used or intended to be used.
- T. **ONE-WAY ROAD:** A minimum of one (1) traffic lane width designed for traffic flow in one direction only.
- U. **RESIDENTIAL UNIT:** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in Cal. Code Regs. tit. 14 § 1270.01 (c).
- V. **ROADS:** Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes private streets and lanes.
- W. **ROADWAY:** Any surface designed, improved, or ordinarily used for vehicle travel.
- X. **ROADWAY STRUCTURES:** Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.
- Y. **SAME PRACTICAL EFFECT:** As used in this Chapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics and provisions for fire fighter safety including:
1. Access for emergency wildland fire equipment.
 2. Safe civilian evacuation.
 3. Signing that avoids delays in emergency equipment response.
 4. Available and accessible water to effectively attack wildfire or defend a structure from wildfire.
 5. Fuel modification sufficient for civilian and fire fighter safety.
- Z. **SHOULDER:** Roadbed or surface adjacent to the traffic lane.
- AA. **STATE BOARD OF FORESTRY (SBOF):** A nine (9) member board, appointed by the Governor, which is responsible for developing the general forest policy of the State, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the State's interest in federal land in California.
- BB. **STATE RESPONSIBILITY AREAS (SRA):** As defined in Cal. Pub. Res. Code §§ 4126-4127.
- CC. **STRUCTURE:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

DD. SUBDIVISION: As defined in Cal. Gov't Code § 66424.

EE. TRAFFIC LANE: The portion of a roadway that provides a single line of vehicle travel.

FF. TURNAROUND: A roadway, -unobstructed by parking, which allows for a -safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

GG. TURNOUTS: A widening in a roadway or driveway to allow vehicles to pass. Minimum twelve (12') feet wide and thirty (30') feet long with a twenty-five (25') foot taper on both ends.

HH. VERTICAL CLEARANCE: The minimum specified height of a bridge or overhead projection above the roadway.

II. WILDFIRE: As defined in Cal. Pub. Res. Code §§ 4103 & 4104.

EXHIBIT
LAND USE CODE

EXHIBIT
CHAPTER 3 SECTION 3: DRIVEWAYS

Sections:

<u>Section 4.03.010</u> Sec. L XVI	Purpose
<u>Section</u> Sec. L XVI 4.03.020	Private Driveway Construction Standards
Sec. L XVI Section 4.03.030	Exception to Driveway Permit Requirement
<u>Section</u> Sec. L XVI 4.03.040	Petition for Exception to Driveway Standards

Section ~~Sec. L XVI~~ **4.03.010** **Purpose**

Proper emergency access providing all season, all-weather evacuation and access by emergency response vehicles is of paramount importance in order to assure that the spread of a wildland fire can be retarded. (Ord. 1734. (09/10/1991); Ord. 2323. 07/13/2010); Ord. 2531. (10/24/2023))→

Section ~~Sec. L XVI~~ **4.03.020** **Private Driveway Construction Standards**

All newly constructed single-family residences shall be served by a driveway. Any subdivision proposing that two (2) lots be served by a common driveway shall have the driveway constructed prior to the map recordation. The driveway shall meet the following construction standards as administered by the Building Department through a driveway permit when a grading permit is not applicable.

A. Driveway Grade.

1. Below 4,000 feet elevation, driveway grade shall not exceed sixteen (16%) percent unless a Petition for Exceptions is supported by the County Fire Marshal or their appointed designee and granted by the planning agency having jurisdiction over the land use entitlement. Notwithstanding 4.02.060, Sec. 2.6, Exceptions to Standards, there shall be no exceptions granted for grades in excess of twenty-five (25%) percent.
2. At or above 4,000 feet elevation, driveway grade shall not exceed sixteen (16%) percent maximum. Notwithstanding 4.02.060, Sec. 2.6, Exceptions to Standards, there shall be no exceptions granted for grades in excess of sixteen (16%) percent where elevations range above 4,000 feet.

B. Driveway Surface.

1. Driveway surfaces shall be capable of supporting a 40,000 pound legally-loaded vehicle as outlined below:
 - a. Driveways and segments thereof that are between zero (0%) percent and sixteen (16%) percent grade shall be capable of supporting a 40,000 pound legally loaded vehicle as certified by a registered civil engineer, or a minimum of four (4") inch Class II aggregate base.

b. Driveways and segments thereof that are sixteen and one-tenth (16.1%) percent grade and above, shall be designed and certified by a registered civil engineer. Prior to foundation inspection, the engineer shall provide stamped and signed written verification to the County Fire Marshal or their appointed designee that the rough grade complies with the site plan. Prior to, or concurrent with, final inspection, the engineer shall provide stamped and signed written verification that the final driveway complies with the site plan.

2. Driveways between sixteen and one-tenth (16.1%) percent and twenty (20.0%) percent grade shall be engineered with an all-weather surface.

C. Driveway Design.

1. At least the first thirty (30') feet of the driveway encroachment from the edge of pavement of the primary roadway shall be paved and shall conform to the design standards for driveway encroachments as illustrated in the Nevada County Department of Public Works Standards Drawings, available from the Department of Public Works.
2. The driveway must be built to within fifty (50') feet of the nearest point of each dwelling unit.
3. Surface width shall be ten (10') feet minimum with one (1') foot shoulders and fourteen (14') feet unobstructed horizontal clearance for driveway grades up to sixteen (16%) percent. For grades between sixteen and one-tenth (16.1%) percent and twenty (20%) percent, a twelve (12') foot minimum surface width with additional one (1') foot shoulders is required.
4. Vertical clearance shall be fifteen (15') feet minimum, measured from the outside edge of the shoulder.
5. Curve radius shall be fifty (50') feet minimum from centerline. For all driveway radii less than one hundred (100') feet, an additional four (4') feet of surfacing shall be provided on said curves. For all driveway radii between one hundred (100') and two hundred (200') feet, an additional two (2') feet surfacing shall be provided on said curves. All driveways shall also comply with 16.10.040, Road Design Standards regarding Curve Widening and Design Geometrics: Curve Widening.
6. Back-out maneuvering area in front of parking garages and open parking stalls shall be twenty-four (24') feet.
7. Turnouts and Turnarounds.
 - a. For driveways that are three hundred (300') feet or more in length, a turnaround or hammerhead with a maximum grade of twelve (12%) percent shall be provided within fifty (50') feet of the dwelling.
 - b. Driveways exceeding one hundred fifty (150') feet in length, but less than eight hundred (800') feet in length, shall provide a turnout near the midpoint of the driveway.
 - c. Driveways exceeding eight hundred (800') feet shall provide turnouts no more than four hundred (400') feet apart.
 - d. Turnaround: The terminus bulb shall have a minimum forty _____ (40') foot radius.
 - e. Hammerhead T: The long axis shall be a minimum of sixty

____ (60') feet and the leg shall be a minimum of forty (40') feet.

- f. Turnouts shall be a minimum of twelve (12') feet wide and thirty (30') feet long with a minimum twenty-five (25') foot taper on each end.
8. All bridge and culvert portions of the driveway shall support a 40,000 pound legally loaded vehicle.
9. Roadside vegetation: A fuel modification area shall be provided for a distance of ten (10') feet on each side of the driveway measured from the shoulder.
10. All appropriate grading, drainage and erosion control shall be included pursuant to Title 14, Building Codes.
11. Lateral slopes must be designed and installed to accommodate a minimum two percent (2%) and maximum four percent (4%) cross slopes, taking topography into consideration. (Ord. 1748. (10/22/1991); Ord. 1919. (11/05/1996); Ord. 2323. 07/13/2010); Ord. 2531. (10/24/2023))→

D. Gates on Driveways.

1. Gate entrances shall be at least two (2') feet wider than the width of the traffic lanes serving the gate and shall provide a minimum width of fourteen ____ (14') feet unobstructed horizontal clearance.
2. All gates providing access from a road to a driveway, or another road shall be located at least thirty (30') feet away from the edge of pavement of the primary roadway and shall open to allow a vehicle to stop without obstructing traffic on that primary road. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))→
3. Security gates shall not be installed without approval of the Fire Marshal's Office of the fire authority having jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. (Ord. 2474. (01/14/2020); Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))→

Section 4.03.030~~Sec. L-XVI~~ Exception to Driveway Permit Requirement

A driveway permit pursuant to this Section shall not be required for a driveway legally constructed prior to November 21, 1991. (Ord. 1773. (05/12/1992); Ord. 2531. (10/24/2023))→

Section 4.0~~Sec. L-XVI~~3.040 Petition for Exception to Driveway Standards

A. All exceptions or modifications to the Driveway Standards shall be considered by the Planning Director in consultation with the Fire Marshal. The Planning Director shall consider all the facts associated with the requested exception and request mitigations as deemed appropriate by the Planning Director and Fire Marshal. In approving the same, the Planning Director shall find that the mitigations provide the same overall practical effect as strict compliance with the Driveway Standards. In addition, the Planning Director shall make the following findings:

1. That there are special circumstances or conditions affecting said property;

2. That the exception is necessary for the preservation of a substantial property right of the petitioner;
3. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
4. That the granting of the exception will not constitute a grant of special privileges inconsistent with the limitations upon similar property; and
- ~~5.~~ That the exception will provide the same practical effect of fire protection and is supported by an entity responsible for assuring compliance with Cal. Code Regs. tit. 14; Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles
- ~~5.~~ 1-5, §§ 1270-1276.05. (Ord. 2474. (01/14/2020); Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))→

EXHIBIT
CHAPTER SECTION 4: EMERGENCY WATER SUPPLY

Sections:

- Section 4.0~~Sec. L-XVI~~ 4.010** **Purpose and Intent**
- Section ~~Sec. L-XVI~~ 4.04.020** **Application**
- Section ~~Sec. L-XVI~~ 4.04.030** **General Standards**
- Section ~~Sec. L-XVI~~ 4.04.040** **Standards for Hydrants/Fire Valves**

~~Sec. L-XVI~~

Section 4.04.010 Purpose and Intent

To provide available and accessible emergency water for wildfire protection on SRA lands, in specified quantities and locations to attack a wildfire or defend property from a wildfire. Such emergency water may be provided in a fire agency mobile water tender or naturally occurring or manmade containment structure, as long as the specified quantity is immediately available. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))→

~~Sec. L-XVI~~ Section 4.04.020 Application

A. Subdivisions, Use Permits, Site Plans. The provisions of this Section shall apply when new parcels, use permits or site plans are approved. The water supply shall be available on-site prior to map recordation in the case of subdivisions or building construction in the case of use permits or site plans.

Remote Single-Family Residential Buildings. The provisions of this Section shall apply when building permits are approved for residential structures that are in excess of eight (8) miles from the closest fire department water tender and which otherwise do not meet the requirements of 4.04.030~~Sec. 4.3~~. The stored amount of on-site water available for fire protection shall be compliant with the National Fire Protection Association (NFPA) 1142, “Standard on Water Supplies for Suburban and Rural Firefighting.” The minimum amount of stored water required is 2500 gallons and may be higher dependent on the size of the structures to be protected and will be exclusive of domestic requirements. The water shall be available on-site at the time of the framing inspection. Construction of the water storage facility shall be in compliance with the drawings kept on file in the Office of the Fire Marshal. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))→

Section ~~Sec. L-XVI~~ 4.04.030 General Standards

Each subdivision shall install a water supply system as provided in the following chart. All emergency water to meet fire flow requirements is in addition to the domestic water source.

LAND USE	DENSITY AC/DU	SYSTEM TYPE	FIRE FLOW REQ. (GPM)	HYDRANT SPACING

SINGLE- FAMILY	0-.5	Public (Note 1)	1,000	500
	.5-1.0	Public (Note 1)	500	500
	1.01-1.5	Public (Note 1)	500	1,000
	1.51-3	Public (Note 1)	500	1,000
		Community (Note 2)	500	1,000
	3-5*	Public (Note 1)	500	2,000
		Community (Note 2)	500	2,000
		Class 8 (Note 3)		1 mile
	5+*	Public (Note 1)	500	2,000
		Community (Note 2)	500	1 mile
		Class 8 (Note 3)	500	1 mile
MULTIPLE-FAMILY DWELLINGS		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		
COMMERCIAL		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		
INDUSTRIAL		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		

*NOTE: Subdivisions using Class 8 may require installation of strategic water supply with storage volumes based on the formula for community water systems.

Note 1. PUBLIC WATER SYSTEM - Nevada Irrigation District or other public water purveyor

standards.

Note 2. COMMUNITY WATER SYSTEM - Centrally located water storage system maintained by property owners.

In no case shall the water storage quantity be less than 4,000 gallons regardless of the number of parcels served. All such systems shall be designed to avoid contamination of potable water supplies in accordance with Environmental Health Standards.

The minimum water supply shall be determined by using the Formula $Q=1500F$ when Q=quantity of water storage and F=the number of units or parcels served.

Note 3. CLASS 8 - Those areas within a fire jurisdiction where the Insurance Services Office (ISO) has issued a dwelling Class 8 rating, typically within five (5) miles of a fire station and within eight (8) miles of a water tender, the stored water requirement for fire protection of single-family residences may be waived.

The minimum water supply shall be determined by using the Formula $Q=1500F$ when Q=quantity of water storage and F=the number of units or parcels served. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991); [Ord. 2531. \(10/24/2023\)](#))→

Section ~~Sec. L XVI~~ 4.04.040 Standards for Hydrants/Fire Valves

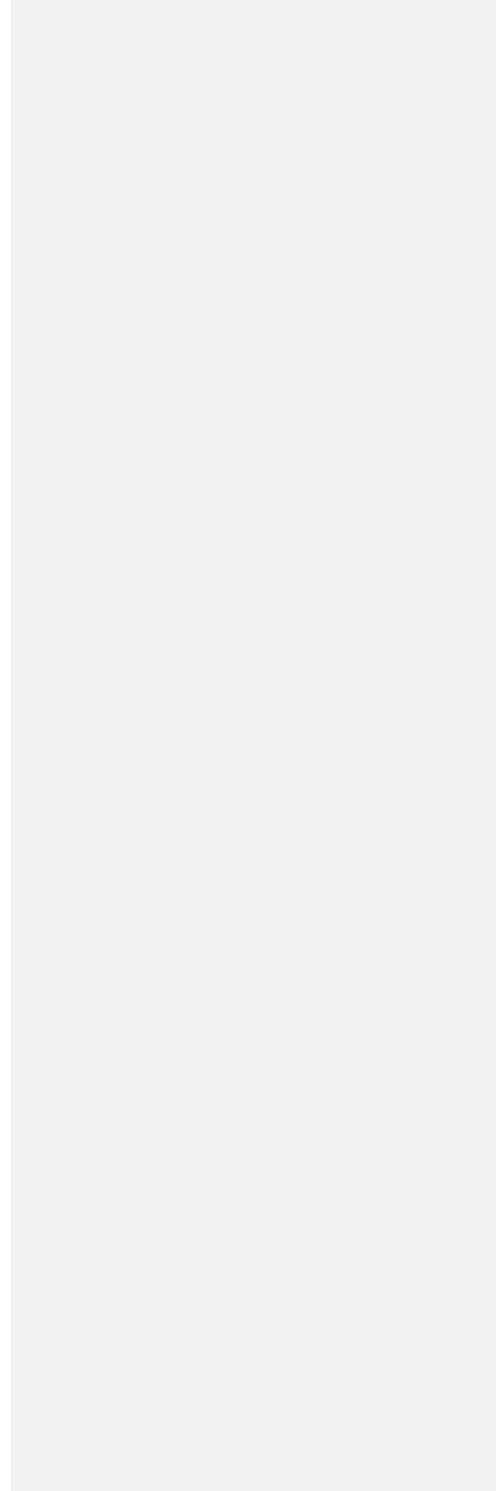
A. The hydrant shall be located eighteen (18") inches above grade in a turnout/turnaround or other approved location, not less than fifty (50') feet from any building. Flammable vegetation shall be removed within eight (8') feet of the hydrant.

B. The hydrant shall be: (1) brass or anodized aluminum with two and a half (2.5") inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4.5") inch National Hose male thread with a four and a half (4.5") inch to two and a half (2.5") inch National Hose reducer with cap for draft systems; or (2) any hydrant approved by the American Water Works Association. Such hydrants shall be an insulated wet barrel or dry barrel as required by the delivery system. It shall have suitable crash protection if required by the local jurisdiction.

C. Signing of Water Sources - Each hydrant/fire valve or access to water shall be identified as follows:

1. If located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3") inches shall be located on the driveway address sign and mounted on a fire-retardant post, or
- ~~2.~~ If located along a street or road, it shall be marked/signed to the satisfaction of the fire agency with fire protection responsibility or the hydrants located along state highways shall be as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991); [Ord. 2531. \(10/24/2023\)](#))→

EXHIBIT



CHAPTERSECTION 5: FUEL MODIFICATION

Sections:

Section See. L-XVI 4.05.010 Purpose and Intent

Section See. L-XVI 4.05.020 Disposal of Flammable Vegetation and Fuels

See. L-XVI Section 4.05.030 Fuel Modification/Greenbelts

Section 4.0 See. L-XVI 5.010 Purpose and Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, these areas shall provide (1) increased safety for emergency fire equipment and evacuating civilians; and (2) a point of attack or defense from a wildfire; and (3) strategic siting of fuel modification and greenbelts. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))→

Section See. L-XVI 4.05.020 Disposal of Flammable Vegetation and Fuels

Disposal of flammable vegetation and fuels caused by site development and construction, road and driveway construction and fuel modification, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, shall be completed prior to completion of road construction or final inspection of a building permit or subdivision, whichever is appropriate. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))→

Section See. L-XVI 4.05.030 Fuel Modification/Greenbelts

- A. All structures within the State Responsibility Area are required to comply with the defensible space regulations in Cal. Code Regs. tit. 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.
- B. All parcels shall provide a minimum thirty (30') foot setback for all buildings from all property lines and/or the center of a road.
- C. When a thirty (30') foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect, which reduce the likelihood of home-to-home ignition. Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5') feet of noncombustible material horizontally around the structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30') foot setback; or additional structural hardening such as those required in the California Building Code, Cal. Code Regs. tit. 24, Part 2, Chapter 7A.
- D. As determined by the Director, a fuel modification zone or greenbelt may be required along all or some subdivision exterior boundaries. All subdivisions in excess of ten (10) lots with a density of one residence per 1-1/2 acres or greater shall provide greenbelts or fuel modification areas as a separation between wildland fuels and the lots within the subdivision. In all cases, the minimum width of a greenbelt or fuel modification zone shall be determined by the Director.
- E. Depending on the fire hazard severity classification and other factors, those subdivisions providing a greenbelt may reduce or otherwise eliminate the setbacks required in the base zoning district in Title 12, Zoning Ordinance, requiring thirty

(30') feet to interior side and rear yards. The less setbacks provided for may be used in lieu of the thirty (30') feet. Such reduction or elimination of setbacks must be determined as part of the review of the tentative map and shall be incorporated as notes on the final map. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))→

EXHIBIT

CHAPTERSECTION 6: SOUTH YUBA RIVER CORRIDOR BURN PROHIBITION

Sections:

<u>Section 4.0</u>Sec. L-XVI 6.010	Findings and Purpose
<u>Section 4.0</u>Sec. L-XVI 6.020	South Yuba River Corridor Burn Prohibitions

~~Sec. L-XVI~~ Section 4.06.010 Findings and Purpose

A. The State of California has designated the South Yuba River, from Lang Crossing to its confluence with Kentucky Creek below Bridgeport as a designated component of the California Wild and Scenic River System that contains extraordinary scenic, recreational, fishery, and wildlife values of statewide significance that deserve to be preserved in their free-flowing state for the benefit and enjoyment of the people of the state as provided in the California Wild and Scenic Rivers Act, pursuant to Cal. Pub. Res. Code §§ 5093.50 – 5093.71.

B. In 2001, the Nevada County Board of Supervisors adopted Resolution 01- 355 to join the Memorandum of Understanding (MOU) between the United States Department of Agriculture (USDA) Forest Service, Bureau of Land Management and the California Department of Parks and Recreation on the management of the South Yuba River to develop a comprehensive, coordinated management plan called the South Yuba River Comprehensive Management Plan to coordinate a cohesive management strategy to manage public land resources and uses with the planning area of the South Yuba River Wild and Scenic System designation.

C. The South Yuba River Wild and Scenic System designated corridor covers the lower thirty-nine (39)-mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet).

D. As stated in the South Yuba River Comprehensive Management Plan, the “South Yuba River corridor, with its local weather and steep topography, can produce wildfires with the potential to quickly and intensely spread

across ownership boundaries and human-caused fires are the primary concern both in the corridor and in the watershed. Human-caused fires have created the most damage, per event, of all wildfires within the watershed.

Lightning fires are of secondary concern.” (p. 24)

E. As further stated in the South Yuba River Comprehensive Management Plan, “Open campfires on public lands are not allowed anywhere within the corridor year-round. Where camping is allowed, gas camp stoves are allowed unless fire restrictions are in effect. Fires

are allowed only in agency-provided pedestal grills and fire rings in designated sites.” (p. 42)

F. As further stated in the South Yuba River Comprehensive Management Plan, “Land ownership in the South Yuba River corridor is a patchwork of private and public lands. As a result, visitors have the potential to pass through private lands when accessing and recreating on public lands within the corridor. Some property owners welcome visitors to share their land. Others prohibit public access. There are conflicts at times between the visiting public and private property owners. Private property has been misused and occasionally damaged by thoughtless (and sometimes malicious) recreation visitors.” (p. 27)

G. The Yuba River Public Safety Cohort, a multi-agency workgroup that includes federal, state and local public, fire and law enforcement agencies, as well as community private and nonprofit organizations and representatives, are in support of banning open fire on private property within the South Yuba River Wild and Scenic System designated corridor during fire season to mitigate severe high-fire risk from human-caused fires. The corridor contains thick dry brush and flammable vegetation along steep slopes as well as limited and/or restricted access of the topography and the potential for high wind, making it very difficult to fight fires in this area, due to the potential speed of a fire to spread.

H. Per Board Resolution 18-062, a Nevada County 2018 Priority Objective is to “Prioritize the implementation of existing County policies and programs to reduce the risk of wildfire and the effects of wildfire on life, property and the environment. Pursue hazard vegetation mitigation funding sources and support related community partners with their efforts. Explore other ways to reduce the threat and damage from wildfires.”

I. For purposes of consistency of public policy, should the County of Nevada consider implementing a ban on open fire on private property during fire season, the South Yuba River Public Safety Cohort recommends using the boundaries of the South Yuba River Wild and Scenic designated corridor

that covers the lower **thirty-nine (39)**-mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet) as the boundaries for a ban on open fire given the increased risk of human caused fire from the restricted access of the topography and potential for high wind events and dangers thereof.

J. Any ban on open fire on private property considered and/or implemented by the County of Nevada shall not be considered an action from the MOU Comprehensive Management Plan party between the County of Nevada, USDA Forest Service, Bureau of Land Management and the California Department of Parks and Recreation but rather shall be considered an action of the sole discretion of the County of Nevada with input and support from the South Yuba River Public Safety Cohort.

K. Given the concerns regarding the restrictions on private property rights, it is recommended that any ban on open fire on private property considered and/or implemented by the County of Nevada be implemented as a pilot program in order to gain public input and feedback following the 2018- 2019 fire seasons for future fire restrictions and/or consideration of a permanent ordinance.

L. For purposes of consistency, upon the adoption of ordinance codified in this Section, all outdoor burning regulations shall be located in this Chapter and any outdoor burning regulations shall be removed from other sections of the Nevada County Codes.

M. Northern California is experiencing a destructive fire season and catastrophic wildfires have already resulted in massive structural damage and deaths. It is necessary to take immediate action to mitigate the hazards of human caused wildfire that would have devastating impacts on the watershed, the surrounding community and the County as a whole.

N. The proposed ordinance is an urgency measure, which if adopted by 4/5ths vote, will become effective immediately. The Board of Supervisors is authorized to adopt an urgency ordinance “for the immediate preservation of the public peace, health, or safety” as per Cal. Gov’t Code § 25123(d).

O. Per Board Resolution 20-041, a Nevada County 2020 Priority Objective is to “Reduce the loss of life during a wildfire by improving evacuation routes and early warning systems; creating more defensible space around private properties and driveways, building a network of maintained fuel breaks, engaging residents in emergency preparedness and fire-safe stewardship, and enhancing critical infrastructure.”

P. Given the concerns on the catastrophic impact that a wildfire within the South Yuba River Corridor would have on the watershed and surrounding area, as well as the restrictions on private property rights, it is recommended that a one-year (1) extension prohibiting open fire on private property within the South Yuba River Wild and Scenic Corridor will provide an additional year to gain public input and feedback following the 2021 fire season for future fire restrictions and/or consideration of a permanent ordinance.

Q. Per Board Resolution 22-092, a Nevada County 2022 Priority Objective is to “Lead the community in all hazards planning, preparedness, response, and recovery with a focus on wildfire. Do this by focusing on improving countywide evacuation routes and safety, continuing to strengthen early alert and critical communication systems, partnering closely with residents in emergency preparedness, defensible space, home hardening, green waste disposal and fire-safe land stewardship.”

R. Given the concerns on the catastrophic impact that a wildfire within the South Yuba River Corridor can have on the watershed and surrounding area, as seen during the Jones Fire in 2020 that burned 705 acres, destroyed twenty-one (21) structures, injured seven (7) people, resulted in evacuation of thousands of people and directly threatened the cities of Nevada City and the City of Grass Valley between August 17th to 28th, it is recommended that a prohibition of open fire on private property within the South Yuba River Wild and Scenic Corridor be extended.

S. And given the major risks of wildfire due to human causes that can result in catastrophic impact on wildfire and surrounding area, as seen in the River Fire in 2021 that burned 2,619 acres, destroyed 142 structures, injured four (4) people, and resulted in the evacuation of thousands of people between August 4th to 13th within both Placer County and Nevada County, it is recommended that a prohibition of open fire on private property within the South Yuba River Wild and Scenic Corridor be extended in perpetuity on an annual basis.

T. And given the impacts due to the restrictions on private property rights, it is noted that the Board of Supervisors retains the right to review, amend or repeal its permanent ordinance at its sole discretion at any time within applicable law. (Ord. 2506. (04/26/2022); Ord. 2485. (12/15/2020); Ord. 2472. (11/12/2019); Ord. 2454. (09/11/2018); Ord. 2506. (05/26/2022); Ord. 2531. (10/24/2023));

Section 4.0 ~~Sec. L XVI~~ 6.020 South Yuba River Corridor Burn Prohibitions

A. This prohibition is immediately from the start of declared fire restrictions (fire season) to the end of fire season as declared by the California Department of Forestry and Fire Protection (CAL FIRE) on an annual basis.

B. Every firm, person or corporation is prohibited from conducting any and all outdoor burning on private property within the portion of the South Yuba River corridor that covers the lower thirty-nine (39) mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet), as described and shown in Attachment A, attached hereto and incorporated herein by reference, with the following exceptions:

1. Wood and charcoal fires in permanent provided pedestal grills and fire rings in a designated developed recreation site (i.e. organized campground) in an area that is cleared of all non-structural flammable material in all directions at least ten (10') feet in diameter from the fire's edge.
2. Wood, charcoal, gas, jellied petroleum or pressurized liquid fuel fires inside:
 - a. Enclosed stove, grill, barbecue or portable brazier that is located in a designated developed recreation site (i.e. organized campground) or improved parcel with

readily available access to an emergency water supply system within thirty (30') feet of the fire, that meets the general standards provided in ~~4.06.030.4.3~~ and California Fire Code, Cal. Code Regs. Tit 24, §§ 307-308, in an area that is cleared of all non-structural flammable material at least ten (10') feet, in all directions, from the fire's edge with an occupying resident or owner present on the property.

~~b.~~ A permanent fire ring or pit no larger than five (5') feet in diameter on an improved parcel that is located more than twenty-five (25') feet away from a combustible structure with readily available access to an emergency water supply system within thirty (30') feet of the fire, that meets the general standards provided in ~~4.06.030.4.3~~ and California Fire Code sections 307-308, in an area that is cleared of all non-structural flammable material in all directions at least ten (10') feet in diameter from the fire's edge, with an occupying resident or owner present on the property.

~~b.~~

3. Smoking within an enclosed vehicle or building, or while stopped in an area that is cleared of all non-structural flammable material in all directions at least (5') five feet in diameter.
- C. The foregoing shall not apply to any individual, firm or corporation who obtains a special permit from the U.S. Forest Service, Bureau of Land Management or California Department of Forestry which shall be necessary for the preservation of the public health, public safety or general welfare. This section shall apply to any and all outdoor burning of any kind, nature or description except campfires and cooking fires in designated allowable locations as outlined in Section II Subsection B above.
- D. Persons who violate any provision of this Code or fail to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1000.00) or imprisonment not exceeding ninety (90) days in the County Jail, or both such fine and imprisonment.
- E. The ordinance codified in this article will remain in effect in perpetuity on an annual basis during fire season as declared by California Department of Forestry and Fire Protection (CAL FIRE). (Ord. 2506. (04/26/2022); Ord. 2485. (12/15/2020); Ord. 2472. (11/12/2019); Ord. 2454. (09/11/2018); Ord. 2506. (05/26/2022)→)

ARTICLE V
Section 2 RESERVED
EXHIBIT F

CHAPTER II TITLE 5: REVENUE AND FINANCE ADMINISTRATION
CHAPTER 1: FEES

Sections:

Section 5.01.010 See A-H 24	Consolidated Fee Schedule-
See. A-H 24.1 Section 5.01.020	Coroner Fees
See. A-H 24.2 Section 5.01.030	Elections Department Fees
See. A-H 24.3 Section 5.01.040	Concealed Firearm License Fee-
See. A-H 24.4 Section 5.01.050	Fingerprinting Fee Required
See. A Section 5.01.060	Fees for Transportation of Trees, Shrubs and
Boughs See. A-H 24.6 Reserved	
See. A-H 24.7 —Reserved	
See. A-H 24.8 Section 5.01.070	County Clerk-Recorder Fee See. A-H
24.9 Reserved	
See. A-H 24.10 —Reserved	See. A-H 24.11 —Reserved
See. A-H 24.12 Section 5.01.080	Probation Department Fees See. A-H
24.13 —Reserved	
See. A-H 24.14 —Reserved	
See. A-H 24.15 Section 5.01.090	Fee for Explosives Permit
See. A-H 24.16 Section 5.01.100	Identification Photographs See. A-H
24.17 —Reserved	
See. A-H 24.18 Section 5.01.110	Geographic Information System
See. A-H 24.19 —Credit Cards Accepted	
See. A-H 24.20 Section 5.01.120	Library Fines and Fees
See. A-H 24.24 Section 5.01.130	—Transcription and Duplication
Fees by the Clerk of the	
	Board of Supervisors
Section 5.01.140	See. A-VH Property Tax Administration Fee
Section 5.01.141	See. A-VH 1.2 —Definitions
Section 5.01.142	See. A-VH Calculation and Charging of Property Tax
Administration	
	Fee
Section 5.01.143 See. A-VH 1.4	Responsibilities and Duties
See. A-VH 2.1 Section 5.01.150	Authority
Section 5.01.151	See. A-VH 2.2 Definitions
Section 5.01.152	See. A-VH 2.3 Criminal Justice Administration Fee
Section 5.01.153	See. A-VH 2.4 Effective Date

~~See. A-H 24~~~~Section 5.01.010~~ Consolidated Fee Schedule

The Board of Supervisors, shall, from time to time, adopt by resolution, fees. To provide greater transparency and ease of accessibility, fees may be listed within a County consolidated fee schedule. Additional fees may be established as permissible by state law

and passed by Resolution of the Board of Supervisors.

~~Sec. A-H 24.1~~Section 5.01.020- Coroner Fees

In accordance with Cal. Gov't Code §§ 27472, 54985, the Coroner of the County of Nevada shall charge and collect a fee, the amount which reflects the actual expense incurred by the Coroner, for the removal of a body from the place of death and/or the keeping of a body until its release or interment. Such fee shall be set by resolution of the Board of Supervisors and shall be imposed in accordance with the Cal. Gov't Code § 27472. (Ord. 2244. (06/26/2007); Ord. 2413. (06/28/2016); ~~(Ord. 2518. (03/14/2023))~~)

~~Sec. A-H 24.2~~Section 5.01.030 Elections Department Fees

A. The Elections Department is hereby authorized to charge and collect fees for the following services, the amount of which shall be adopted by Resolution of the Board of Supervisors of the County of Nevada.

1. Voter registration index.
2. Voter registration/street list by district (digital or printed).
3. Voter registration/street list County-wide (digital or printed).
4. Voter registration list proposed territory/district.
5. Absentee ballot voter list (digital or printed).
6. Absentee voter mailing labels.
7. Certified copy of voter's affidavit of registration.
8. Election results digital (County-wide only); 1999 on or available online; pre-1999 printed (County-wide or a portion thereof).
9. Filing a County initiative (fee is refundable if measure qualifies for the ballot).
10. Maps: 8 1/2" x 11"; 11" x 14"; 34" x 44".
11. Preprinted supervisorial district maps.
12. Other such fees as are adopted by Resolution of the Board of Supervisors or allowable by state or federal law.

B. The fee for certifying a copy of any paper, record or document, the original of which is on file in the County Elections Office. (Ord. 2056. (05/08/2001); Ord. 2108. (02/11/2003); Ord. 2346. (01/24/2012); ~~(Ord. 2518. (03/14/2023))~~)

~~Sec. A-H 24.3~~Section 5.01.040 Concealed Firearm License Fee

The Sheriff is authorized and directed to charge and collect a fee for each concealed firearm license issued by the Sheriff's Office, and a sum for each renewal of said permit, in an amount to be determined by resolution of the Board of Supervisors. (Ord. 2413. (06/28/2016); ~~(Ord. 2518. (03/14/2023))~~)

~~Sec. A-H 24.4~~Section 5.01.050 Fingerprinting Fee Required

Any person desiring to be fingerprinted by the Sheriff's Office shall pay a fee in an amount set by the Board of Supervisors, which the Sheriff shall deposit in the General

Fund of the County. Said fee shall be in addition to any amount required by the State of California.

~~Sec. A-II 24.5~~Section 5.01.060 Fees for Transportation of Trees, Shrubs and Boughs

The Sheriff is authorized and directed to collect a fee in an amount set by the Board of Supervisors for each application filed with the Sheriff's Office for tags for the transportation of trees, shrubs, and boughs as required by California Penal Code. The Sheriff is also authorized and directed to collect an additional fee in the amount to be set by the Board of Supervisors for each transportation tag issued.

~~Sec. A-II 24.6~~ — Reserved

~~Sec. A-II 24.7~~ — Reserved

~~Sec. A-II 24.8~~Section 5.01.070 -County Clerk-Recorder Fees

The Clerk-Recorder is hereby authorized to charge and collect, as provided by Cal. Gov't Code §§ 27366, 27397, and 54985, and the Cal. Fish & Game § 711.4, fees for the following services, and others, in the amount of which shall be adopted by Resolution of the Board of Supervisors of the County of Nevada:

1. Application for and issuance of a marriage license.
2. Application for and issuance of a confidential marriage license.
3. Duplicate marriage license.
4. Keepsake marriage license.
5. Issuance of authorization to marry and oath.
6. Marriage ceremony (in-house, on-duty); wedding ceremony witness.
7. Marriage ceremony solemnization.
8. Environmental impact report, clerk's fee.
9. Filing of a fictitious business name statement; first fictitious name; each additional fictitious name; each additional owner; abandonment; withdrawal.
10. Power of attorney for an admitted surety insurer; each subsequent name.
11. Bond of a notary public.
12. Notary signature certification, first signature and subsequent signatures.
13. Involuntary liens (mailed notice); 20-day preliminary notice.
14. Official records duplication, first page and subsequent pages.
15. Official records recordation, first page per document for social security number truncation program.
16. Records search, archival and files search.
17. Maps, first page and subsequent pages.
18. Certification; conformed copies.
19. Mailing and packaging (plus actual postage costs).
20. Fax charge, first page and subsequent pages.

21. Internet subscription service.
22. CD-ROM with one day's images.
23. CD-ROM with one week's images.
24. CD-ROM with one month's images.
25. CD-ROM with archival images.
26. CD-ROM with map images.
27. Complete set of Nevada County recorded maps on electronic format (1865-).
28. Quarterly update map in electronic format.
29. Clerk's filing fee for California Environmental Quality Act documents.
30. Official Records Recordation, First Page Per Document Recording Fee, Submitter Agreement Fee, and Vendor Fee for Electronic Recording Delivery Act of 2004.

*You cannot purchase just the electronic update without first purchasing the complete set.

~~Sec. A-H 24.9 Reserved Sec.~~

~~A-H 24.10 Reserved Sec. A-H~~

~~24.11 Reserved~~

~~Sec. A-H 24.1~~ **Section 5.01.080 2-Probation Department Fees**

The Probation Department is hereby authorized to charge and collect fees for the investigation and preparation of presentencing reports for the Superior Courts, and for probation supervision services, in accordance with the provisions of Cal. Penal Code §1203.1(b). The amount of such fees shall be adopted by Resolution of the Board of Supervisors of the County of Nevada. (Ord. 1763. (03/17/1992); ~~(Ord. 2518. (03/14/2023))~~)

~~Sec. A-H 24.13 Reserved~~

~~Sec. A-H 24.14 Reserved~~

~~Sec. A-H 24.1~~ **Section 5.01.0905- Fee for Explosives Permit**

In accordance with Cal. Health & Safety §§ 12101-12401, the Sheriff's Office is hereby authorized to charge and collect a fee or fees for the application for, and issuance of, an explosives permit. Such fees shall be set by Resolution of the Board of Supervisors and shall be imposed in accordance with the provisions of Cal. Health & Safety §§ 12101- 12401. (Ord. 1847. (10/26/1993); Ord. 2413. (06/28/2016); ~~(Ord. 2518. (03/14/2023))~~)

~~Se~~ **Section 5.01.100e. A-H 24.16 Identification Photographs**

The Sheriff's Office is hereby authorized to charge and collect a fee in an amount to be determined by Resolution of the Board of Supervisors upon request for and receipt of an

identification photograph. (Ord. 1847. (10/26/1993); ~~(Ord. 2518. (03/14/2023))~~)

~~Sec. A-II 24.17 Reserved~~

~~Section 5.01.11~~ **Section 5.01.18- Geographic Information System**

In accordance with Cal. Gov't Code §6254.9, the County of Nevada shall charge and collect fees for maps, data, analyses, reports, and other such related information services and/or use of the Geographic Information System (GIS). A schedule of such fees shall be adopted by Resolution of the Board of Supervisors provided, however, that only the actual cost associated with the copying of any map or report shall be charged with regard to any such map or report that was originally provided by the GIS system for any County purpose. (Ord. 1898. (03/26/1996); ~~(Ord. 2518. (03/14/2023))~~)

~~Sec. A-II 24.19 Credit Cards Accepted~~

~~In accordance with Cal. Gov't Code § 6159 and Cal. Rev. & Tax. § 2511.1, the Board of Supervisors hereby authorizes County departments to accept credit cards as payment. However, no credit card shall be accepted as payment until a contract between the County of Nevada and the card issuer has been executed which contains the terms and provisions set forth in subdivision (d) of Cal. Gov't Code § 6159. Upon execution of such a contract, credit cards will be accepted as payment for the following purposes:~~

- ~~A. Payment for the deposit of bail or for any fine for any offense not declared to be a felony.~~
- ~~B. Payment of any towage or storage costs for a vehicle that has been removed from a highway, or from public or private property, as a result of parking violations.~~
- ~~C. Payment of child, family, or spousal support, including reimbursement of public assistance, related fees, costs, or penalties.~~
- ~~D. Payment for services rendered by the County.~~
- ~~E. Payment of any fee, charge, or tax.~~

~~No officer or employee of the County of Nevada who has or had access to credit card information provided to the County under this section shall disclose such information or use such information for any unauthorized purpose. Any violation of this section shall be a misdemeanor. (Ord. 2012. (01/11/2000); ~~(Ord. 2518. (03/14/2023))~~)~~

~~Sec. A-II 24.20~~ **Section 5.01.120- Library Fines and Fees**

In accordance with Cal. Educ. Code §§ 18700-18767, and Cal. Gov't Code § 54985, the Nevada County Community Library is authorized to charge and collect fees and fines to ensure adequate services are provided. Such fees and fines shall be set by resolution of the Board of Supervisors. (Ord. 2438. (06/27/17; Ord. 2294. (08/11/2009); ~~(Ord. 2518. (03/14/2023))~~)

~~Sec. A-II 24.21~~ **Section 5.01.130 -Transcription and Duplication Fees by the Clerk of the Board of Supervisors**

The Clerk of the Board of Supervisors shall be the custodian of all recordings of the official proceedings of the Board of Supervisors. Most current proceedings are available online. The general public shall have the right to listen to or view these recordings and to request a written transcription or digital recording, or accessibility to recordings to create their own

transcription of the proceedings recorded thereon subject to the following conditions:

- B. That the transcribing, or reproduction of the proceedings recorded shall only be done at a time which is reasonably convenient to the Clerk of the Board of Supervisors.
- C. That only the Clerk of the Board of Supervisors, or their designee, shall be allowed to operate said equipment for the purpose of producing a certified transcription or reproduction of the proceedings.
- D. That the person requesting the transcription or recording of the proceedings shall pay to the Clerk of the Board of Supervisors an advance deposit in an amount to be established by Resolution of the Board of Supervisors, which sum shall be applied to the total cost of preparing the transcript. The cost of transcribing the proceedings as set forth herein shall be calculated at the rate established by Resolution of the Board of Supervisors.
- E. The Clerk of the Board of Supervisors shall be responsible for and collect the advance deposit and all fees authorized herein. All proceeds derived therefrom shall be paid to the County General Fund. (Ord. 1658. (08/07/1991); Ord. 2389. (10/28/2014); ~~Ord. 2518. (03/14/2023))~~)

~~Sec. A-VII-1.1~~ **Section 5.01.140** Property Tax Administration Fee

All local agencies shall be assessed for their full proportionate cost of the property tax administration fees for 1989-90 fiscal year and for each subsequent year as same may be allowed by State law. (Ord. 1705. (04/16/1991); Ord. 1723. (06/25/1991); ~~Ord. 2518. (03/14/2023))~~)

~~Section 5.01.141~~ ~~Sec. A-VII-1.2~~ **Definitions**

For purposes of this Chapter, the following definitions shall apply:

- A. **PROPERTY TAX ADMINISTRATION COSTS** shall be defined as those costs incurred by the County Assessor, Tax Collector, and Auditor-Controller related to the administration of the property tax assessment, collection, and allocation, less any reimbursements collected pursuant to other State or County provisions which defray a portion of the property tax administration expenses. "Property Tax Administration Costs" shall include both direct and overhead costs as permitted by Federal 2 C.F.R. §200 (2022).
- B. **PROPERTY TAX ADMINISTRATION FEE** shall be defined as the fee charged to a local jurisdiction for its proportionate share of Property Tax Administration Costs.
- C. **LOCAL JURISDICTION** shall be defined as a city, county, special district, or redevelopment agency. (Ord. 1705. (04/16/1991); ~~Ord. 2518. (03/14/2023))~~)

~~Section 5.01.142~~ ~~Sec. A-VII-1.3~~ **Calculation and Charging of Property Tax Administration Fee**

A property tax administration fee to reimburse the County of Nevada for property tax administration costs shall be charged to each local jurisdiction receiving a share of property taxes collected by the County of Nevada to the extent authorized by law.

The County Auditor-Controller shall calculate, in a manner consistent with law, the property

tax administration costs proportionately attributable to each city for each fiscal year commencing with the 1989-1990 fiscal year, which costs shall, commencing in the 1990-1991 fiscal year, be withheld from each city for property tax administration services rendered in the prior fiscal year.

The County Auditor-Controller shall calculate, in a manner consistent with law, the property tax administration costs proportionately attributable to each school district, community college district, County Superintendent of Schools, special district and redevelopment agency for each fiscal year commencing with the 1989-1990 fiscal year and for each fiscal year thereafter, which costs shall, commencing in the 1990-1991 fiscal year be billed to each such special district and redevelopment agency for services rendered in the prior fiscal year, and which shall be due and payable 30 days after receipt of the billing.

To the extent that the County Auditor-Controller has previously issued any bills for fees, it is the intent of this Section that such billing be validated (if necessary) by the adoption of this Section. (Ord. 1705. (04/16/1991); ~~Ord. 2518. (03/14/2023)~~)

Section 5.01.143 ~~Sec. A-VII-1.4~~ Responsibilities and Duties

At least once each fiscal year, the County Auditor-Controller shall, upon request, report the amount of actual costs and allowable overhead costs to the Board of Supervisors and to any other jurisdiction or person.

The revenue received by the County pursuant to this Chapter shall be used only to fund the actual costs of assessing, collecting, and allocating property taxes. (Ord. 1705. (04/16/1991); ~~Ord. 2518. (03/14/2023)~~)

Section 5.01.150 ~~Sec. A-VII-2.1~~ Criminal Justice Administration Fee Authority

A criminal justice administration fee is hereby established in accordance with the provisions of Cal. Gov't Code § 29550. (Ord. 1723. (06/25/1991); ~~Ord. 2518. (03/14/2023)~~)

Section 5.01.151 ~~Sec. A-VII-2.2~~ Definitions

For purposes of this Chapter, the following definitions shall apply:

A. ACTUAL ADMINISTRATIVE COSTS include only those costs for functions that are performed in order to receive an arrestee into a county detention facility, as further described in Cal. Gov't Code § 29550(c).

B. LOCAL AGENCY shall be defined as a city, special district, school district, community college district, college or university. (Ord. 1723. 06/25/1991); Ord. 1866. (07/26/1994); ~~Ord. 2518. (03/14/2023)~~)

~~Sec. A-VII-2.3~~ Section 5.01.152 -Criminal Justice Administration Fee

A fee in the amount of \$155.00 shall be charged to any local agency for reimbursement to the County of Nevada for expenses incurred with respect to the booking and/or processing of persons arrested by an employee of such local agency where the arrested persons are brought to the Nevada County Jail for booking, processing or detention. The County of

Nevada shall not charge a criminal justice administration fee for those bookings specifically excluded in Cal. Gov't Code § 29550(b). The criminal justice administration fee described herein shall not exceed the actual administrative costs, including overhead costs as permitted by Federal Circular A-87 standards incurred in booking or otherwise processing arrested persons.

The Sheriff's Office of the County of Nevada shall notify the Nevada County Auditor-Controller of the amount due to the County pursuant to the provisions of this Chapter. Such fee shall be due and payable to the County within 30 days from the date an invoice is transmitted from the Nevada County Auditor-Controller's office to the responsible local agency. (Ord. 1723. (06/25/1991); Ord. 1866. (07/26/1994); Ord. 2120. (06/10/2003); Ord. 2518. (03/14/2023));

See. A-VII 2.4Section 5.01.153 -Effective Date

The County of Nevada Auditor-Controller's office may submit an invoice to a local agency for costs incurred in accordance with this Chapter on or after July 1, 1990. (Ord. 1723. (06/25/1991); Ord. 2518. (03/14/2023));

CHAPTER ~~2V~~: REAL PROPERTY REVENUE TRANSFER TAX

Sections:

- ~~Section 5.02.010-G-V 1.1~~ _____ Short Title; Adoption Authority
~~Section 5.02.020-G-V 1.2~~ _____ Imposition; Rate
~~Section 5.02.030-G-V 1.3~~ _____ Payment
~~Section 5.02.040-G-V 1.4~~ _____ Exemptions from Tax - Instruments to Secure Debt
~~Section 5.02.050-G-V 1.5~~ _____ Exemptions from Tax - Public Agencies
~~Section 5.02.060-G-V 1.6~~ _____ Exemptions from Tax - Plans of Reorganization or Adjustment
~~Section 5.02.070-G-V 1.7~~ _____ Exemptions from Tax - Orders of Securities and Exchange
Commission
~~Section 5.02.080-G-V 1.8~~ _____ Exemptions from Tax - Partnerships
~~Section 5.02.090-G-V 1.9~~ _____ City Tax Credited Toward County Tax
~~Section 5.02.100-G-V 1.10~~ _____ Repurchase of Unused Stamps; Stamps to be Accepted in
Payment of Tax
~~Section 5.02.110-G-V 1.11~~ _____ Administration; Allocation and Distribution of Taxes
~~Section 5.02.12-G-V 1.120~~ _____ Refusal to Record Deed, Instrument, etc., Until Tax is Paid
~~Section 5.02.130-G-V 1.13~~ _____ Refunds
~~Section 5.02.140-G-V 1.14~~ _____ Other Laws Considered in Administration of Tax
~~Section 5.02.150-G-V 1.15~~ _____ Insufficient Tax; Notice by Recorder; Presentation of
Records
~~Section 5.02.160-G-V 1.16~~ _____ Misrepresentation to Avoid Tax a Misdemeanor
~~Section 5.02.170-G-V 1.17~~ _____ Operative Date
~~Section 5.02.180-G-V 1.18~~ _____ Tax Roll Parcel Number and Location

Section 5.02.010-G-V 1.1 Short Title; Adoption Authority

This Chapter shall be known as the “Real Property Transfer Tax Ordinance of the County of Nevada”. It is adopted pursuant to Cal. Tax. & Rev. Code §§ 11901 – 11935.

Section 5.02.020-G-V 1.2 Imposition; Rate

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the County shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers or any other person or persons by their direction when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceed an amount to be set by Resolution of the Board of Supervisors.

Section 5.02.030-~~G-V1.3~~ Payment

The tax imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the County shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers or any other person or persons by their direction when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) shall be paid by any person who makes, signs, or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued.

Section 5.02.040 ~~-G-V1.4~~ Exemptions from Tax - Instruments to Secure Debt

The tax imposed pursuant to this Chapter shall not apply to any instrument in writing given to secure a debt.

Section 5.02.050-~~G-V1.5~~ Exemptions from Tax - Public Agencies

Any deed, instrument, or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this Chapter when the exempt agency is acquiring title.

Section 5.02.060 ~~-G-V1.6~~ Exemptions from Tax - Plans of Reorganization or Adjustment

The tax imposed pursuant to this Chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment.

- A. Confirmed under the Federal Bankruptcy Act, as amended;
- B. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of sec. 205 of Title 11 of the United States Code, as amended;
- C. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of sec. 506 of Title 11 of the United States Code, as amended; or
- D. Whereby a mere change in identity, form or place of organization is effected.

Subdivisions (A) to (D), inclusive, of this ~~S~~section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five ~~(5)~~ years from the date of such confirmation, approval or change.

Section 5.02.070-~~G-V1.7~~ Exemptions from Tax - Orders of Securities and Exchange Commission

The tax imposed pursuant to this Chapter shall not apply to the making or delivery of conveyances to make effective any court or regulatory body mandate or order if any.

- A. The order, in obedience to which such conveyance is made, recites that such

conveyance is necessary or appropriate to effectuate the provisions of state and federal laws;

- B. Such order specifies the property which is ordered to be conveyed; and
- C. Such conveyance is made in obedience to such order.

Section 5.02.080-G-V 1.8 Exemptions from Tax - Partnerships

A. In the case of any realty held by a partnership, no tax shall be imposed pursuant to this Chapter by reason of any transfer of an interest in the partnership or otherwise, if

- 1. Such partnership (or other partnership) is considered a continuing partnership within the meaning of Sec. 708 of the Internal Revenue Code of 1954; and
- 2. Such continuing partnership continues to hold the realty concerned.

B. If there is a termination of any partnership within the meaning of Sec. 708 of the Internal Revenue Code of 1954, for purposes of this Chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

C. Not more than one (1) tax shall be imposed pursuant to this Chapter by reason of a termination described in subdivision (b), and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

Section 5.02.090-G-V 1.9 City Tax Credited Toward County Tax

If the legislative body of any city in the County imposes a tax pursuant to Cal. Rev. & Tax. Code §§ 11901 – 11935 equal to one-half the amount specified in this Chapter, a credit shall be granted against the taxes due under this Chapter in the amount of the city's tax.

Section 5.02.100-G-V 1. Repurchase of Unused Stamps; Stamps to be Accepted in Payment of Tax

The County Clerk -Recorder shall repurchase any unused adhesive stamps or unused Documentary Tax Stamps sold prior to July 1, 1968. The County Clerk -Recorder shall accept in payment of the tax any such stamps affixed to a document offered for recordation and shall cancel the stamps so affixed.

Section 5.02-G-V 1.110 Administration; Allocation and Distribution of Taxes

The County Clerk - Recorder shall administer this Chapter and shall also administer any ordinance adopted by any city in the County pursuant to Cal. Rev. & Tax. Code §§ 11901 – 11935 imposing a tax for which a credit is allowed by this Chapter.

On or before the fifteenth day of the month the County Clerk - Recorder shall report to the County Auditor the amounts of taxes collected during the preceding month pursuant to this Section and each such city ordinance.

Section 5.02-G-V-1.120 Refusal to Record Deed, Instrument, etc., Until Tax is Paid

The Recorder shall not record any deed, instrument or writing subject to the tax imposed by this Chapter unless the tax is paid. If the party submitting the document so requests, the amount of tax due shall be shown on a separate paper which shall be affixed to the document by the Recorder after the permanent record is made and before the original is returned as specified in Cal. Gov't Code § 27321.

Every document subject to tax hereunder which is submitted for recordation shall show on the face of the document or in a separate document the amount of taxes due under this Chapter and the County Clerk - Recorder may rely thereon.

Every document subject to tax hereunder which is submitted for recordation shall show on the face of the document, or in a separate document, the location of the lands, tenements or other realty described in the document. If such lands, tenements or other realty are located within a city in the County, the name of the city shall be set forth. If such lands, tenements or other realty are located in the unincorporated area of the County of Nevada, that fact shall be set forth.

Section 5.02-G-V-1.130 Refunds

Claims for refunds of taxes imposed pursuant to this Chapter shall be governed by the provisions of Cal. Rev. & Tax. Code §§ 5096 – 5170.

Section 5.02-G-V-1.140 Other Laws Considered in Administration of Tax

In the administration of this Chapter the Recorder shall interpret its provisions consistently with those Documentary Stamp Tax regulations adopted by the Internal Revenue Service of the United States Treasury Department which relate to the tax on conveyances and identified as Sections 47.4361-1, 47.4361-2 and 47.4362-1 of Part 47 of Title 26 of the Code of Federal Regulations, as the same existed on November 8, 1967, except that for the purposes of this Chapter, the determination of what constitutes “realty” shall be determined by the definition or scope of that term under State law.

Section 5.02-G-V-1.150 Insufficient Tax; Notice by Recorder; Presentation of Records

Whenever the County Clerk - Recorder has reason to believe that the full amount of tax due under this Chapter has not been paid, they may, by notice served upon any person liable therefor, require them to furnish a true copy of their records relevant to the amount of the consideration or value of the interest or property conveyed.

Section 5.02-G-V-1.160 Misrepresentation to Avoid Tax a Misdemeanor

Any person or persons who makes, signs, issues or accepts or causes to be made, signed, issued or accepted and who submits or causes to be submitted for recordation any deed, instrument or writing subject to the tax imposed by this Chapter and makes any material misrepresentation of fact for the purpose of avoiding all or any part of the tax imposed by this Chapter shall be guilty of a misdemeanor.

Section 5.02-G-V1.170 Operative Date

This Chapter shall become operative at 12:01 a.m. on January 1, 1968.

Section 5.02-G-V1.180 Tax Roll Parcel Number and Location

Each deed, instrument or writing by which lands, tenements or other realty is sold, granted, assigned, transferred, or otherwise conveyed, shall have noted upon it the tax roll parcel number. The parcel number will be used only for administrative and procedural purposes and will not be proof of title and in the event of any conflicts, the stated legal description noted upon the document shall govern. The validity of such a document shall not be affected by the fact that such parcel number is erroneous or omitted, and there shall be no liability attaching to any person for an error in such number or for omission of such number.

If said lands, tenements, or other realty are located within a city in the County, the name of the city shall be set forth. If said lands, tenements, or other realty are located in the unincorporated area of the County, that fact shall be set forth.

The County Clerk - Recorder shall not record any deed, instrument or writing in this **Section** until such information is provided.

CHAPTER 3~~ARTICLE 2~~; SALES AND USE TAX

Sections:

Section <u>5.03.010</u> -G-V 2.1	Short Title Sec. G-V 2.2 Reserved
Section <u>5.03.020</u> -G-V 2.3 2	Operative Date; Contract with State
Section <u>5.03.030</u>	4-Sales Tax
Section <u>5.03.040</u> -G-V 2.5 4	Use Tax
Section <u>5.03.050</u> -G-V 2.6 5	Credit Against Payment of Taxes Amount Due Any City
Section <u>5.03.060</u> -G-V 2.7 6	Preventing or Enjoining Collection of Tax
Section <u>5.03.070</u>	-G-V 2.8 7 Amendments to State Revenue and Taxation Code
Section <u>5.03.080</u>	-G-V 2.88.1 When Chapter May be Made Inoperative (County)
Section <u>5.03.090</u>	-G-V 2.9.9 When Chapter May Be Made Inoperative (City)

Section 5.03~~-G-V 2.010~~ **Short Title**

This Chapter shall be known as the Nevada County Uniform Local Sales and Use Tax Ordinance.

~~Sec. G-V 2.2 Reserved~~

Section 5.03.020~~-G-V 2.23~~ **Operative Date; Contract with State**

This Chapter shall become operative on April 1, 1958, and prior thereto this County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax Chapter.

Section 5.03.030~~-G-V 2.34~~ **Sales Tax**

A. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the County at the rate of one percent (1%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the County of Nevada on and after April 1, 1958 to and including June 30, 1972, and at the rate of one and one-quarter percent (1-1/4%) thereafter.

~~B.~~—For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or their agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are

consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031, all of the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031 as amended and in force and effect on April 1, 1958, applicable to sales taxes are hereby adopted and made a part of this Chapter as though fully set forth herein.
2. Wherever, and to the extent that, in Cal. Rev. & Tax Code §§ 6025 – 6031, the State is named or referred to as the taxing agency, the County of Nevada shall be substituted therefore. Nothing in this subsection shall be deemed to require the substitution of the name of the County of Nevada for the word “state” when that word is used as part of the title of the State Controller, State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State; nor shall the name of the County be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the County, or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the provisions of that Code; and, in addition, the name of the County shall not be substituted for that of the State in in Cal. Rev. & Tax Code §§ 6701, 6702, except in the last sentence thereof in Cal. Rev. & Tax. Code §§ 6711, 6715, 6737, 6797, and 6828, as adopted.
3. If a seller’s permit has been issued to a retailer under the California Revenue and Taxation Code, an additional seller’s permit shall not be required by reason of this Section.
4. There shall be excluded from the gross receipts by which the tax is measured:
 - a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
 - b. Eighty percent (80%) of the gross receipts from the sale of property to operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this County.
- 4.5 There shall be excluded from the gross receipts by which the tax is measured:
 - a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
 - b. Eighty percent (80%) of the gross receipts from the sale of tangible personal

property to operators of aircraft to be used or consumed principally outside of the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

NOTE: The following language will become operative on the date of any act of the Legislature of the State of California, which amends or repeals and reenacts Cal. Rev. & Tax. Code §§ 7202 and 7203 to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on October 1, 1983.

- 4.5 There shall be excluded from the gross receipts by which the tax is measured:
- a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
 - b. Eighty percent (80%) of the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.
 - c. Eighty percent (80%) of the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

Section 5.03.040-G-V-2.45 Use Tax

A. An excise tax is hereby imposed on the storage, use or other consumption in the County of Nevada of tangible personal property purchased from any retailer on or after April 1, 1958, for storage, use or other consumption in the County at the rate of one percent (1%) of the sales price of the property to and including June 30, 1972, and at the rate of one and one-quarter percent (1-1/4%) thereafter. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

B. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031 , all of the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031-, as amended and in force and effect on April 1, 1985, applicable to use taxes, are hereby adopted and made a part of this Chapter as though fully set forth herein.

1. Wherever, and to the extent that, in Cal. Rev. & Tax Code §§ 6025 – 6031, the State is named or referred to as the taxing agency, the name of this County shall be substituted therefore. Nothing in this subsection shall be deemed to require the substitution of the name of this County for the word “state” when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State; nor

shall the name of the County be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the County, or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter ; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the provisions of that Code; and in addition, the name of the County shall not be substituted for that of the State in sections 6701, 6702, except in the last sentence thereof, Cal. Rev. & Tax. Code §§ 6711, 6715, 67347, 6797 and 6828, as adopted, and the name of the County shall not be substituted for the word “State” in the phrase “retailer engaged in business in this State” in Cal. Rev. & Tax. Code §§ 6203 and 6203.

2. There shall be exempt from the tax due under this Section:
 - a. The amount of any sales or use tax imposed by the State upon a retailer or consumer.
 - b. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Cal. Rev. & Tax Code §§ 6025 – 6031 by any Ceity and County, County, or Ceity in this State.
 - c. Provided, however, that the storage or use of tangible personal property in the transportation or transmission of persons, property, or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California shall be exempt from eighty (80%) percent ~~(80%)~~ of the tax due under this Chapter.
3. There shall be exempt from the tax due under this section:
 - a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
 - b. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to sales tax under a sales and use tax ordinance enacted in accordance with Cal. Rev. & Tax Code §§ 6025 – 6031 by any Ceity and County, County, or Ceity in this state, shall be exempt from the tax due under this ordinance.
 - c. In addition to the exemptions provided in Cal. Rev. ax. Code §§ 6366 and 6366.1, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for

hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempt from eighty (80%) percent of the tax.

NOTE: The following language will become operative on the date of any act of the Legislature of the State of California, which amends or repeals and reenacts Cal. Rev. & Tax. Code §§ 7202 and 7203 to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on October 1, 1983.

- 3.5. a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
- b. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to sales tax under a sales and use tax ordinance enacted in accordance with Cal. Rev. & Tax Code §§ 6025 – 6031 by any Ceity and County, County, or Ceity in this state, shall be exempt from the tax due under this ordinance.
- c. Provided, however, that the storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes is exempted from eighty (80%) percent ~~80%~~ of the tax.
- d. In addition to the exemptions provided in Cal. Rev. & Tax. Code §§ 6366 and 6366.1, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempt from eighty (80%) percent of the tax.

Section 5.03.050-G-V-2.56 Credit Against Payment of Taxes Amount Due Any City

Any person subject to a sales or use tax or required to collect a use tax under this ordinance shall be entitled to credit against the payment of taxes due under this ordinance the amount of sales and use tax due any city in this County, provided that the city sales and use tax is levied under an ordinance including provisions substantially conforming to the provisions of subdivisions (1) to (8), inclusive, of subdivision (h) of Cal. Rev. & Tax. Code § 7202, and other applicable provisions of Cal. Rev. & Tax Code §§ 6025 – 6031.

NOTE: The following language will become operative on the date of any act of the Legislature of the State of California, which amends or repeals and reenacts Cal. Rev. & Tax. Code §§ 7202, 7203 to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on

October 1, 1983. ~~Sec. G-V 2.6 Credit Against Payment of Taxes Amount Due Any City~~

~~Any person subject to a sales or use tax or required to collect a use tax under this ordinance shall be entitled to credit against the payment of taxes due under this ordinance the amount of sales and use tax due any city in this County, provided that the city sales and use tax is levied under an ordinance including provisions substantially conforming to the provisions of subdivision and other applicable provisions of Cal. Rev. & Tax Code §§ 6025—6031.~~

Section 5.03.060-G-V 2.67 Preventing or Enjoining Collection of Tax

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or this County or against any officer of the State or this County to prevent or enjoin the collection under this Chapter or Cal. Rev. & Tax Code §§ 6025 – 6031, or of any tax or any amount of tax required to be collected.

Section 5.03.070 - ~~G-V 2.78~~ Amendments to State Revenue and Taxation Code

All amendments of the Revenue and Taxation Code enacted subsequent to the effective date of this Chapter which relate to the sales and use tax and which are not inconsistent with Cal. Rev. & Tax Code §§ 6025 – 6031. Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this Chapter. (Ord. 220. (03/13/1958); Ord. 2526. (06/13/2023));

Section 5.03.080- ~~G-V 2.8.1~~ When Chapter May be Made Inoperative (County)

A. Sections 4.4(b), 4.5(3.5) and 4.6(6.5) of this Chapter shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Cal. Rev. & Tax. Code § 401, at which time Sections 4.4(b), 4.5(2) and 4.6 shall become inoperative.

B. In the event that Sections 4.4(b)(4.5), 4.5(3.5) and 4.6(6.5) of this Chapter become operative and the State Board of Equalization subsequently adopts an assessment ratio for state-assessed property which is higher than the ratio which is required for local assessments by Cal. Rev. & Tax. Code § 401, Sof the, sections 4.4(b)(4), 4.5(2) and 4.6 shall become operative on the first day of the month next following the month in which such higher ratio is adopted, at which time Sections 4.4(b)(4.5), 4.5(3.5) and 4.6(6.5) of this Chapter shall be inoperative until the first day of the month following the month in which the Board of Supervisors again adopts an assessment required for local assessments by Section 401 of the California Revenue and Taxation Code at which time Sections 4.4(b) (4.5, 4.5(3.5) and G-V 4.6(6.5) shall again become operative and Sections 4.4(b)(4), 4.5(2) and 4.6 shall become inoperative.

Section 5.03.090- ~~G-V 2.9~~ When Chapter May Be Made Inoperative (City)

The provisions of this Chapter may, by a subsequent ordinance, be made inoperative not less than sixty (60) days, but not earlier than the first day of the calendar quarter, following an increase by any City within this County of the rate of its sales or use tax above the rate in effect at the time this Chapter was enacted

**CHAPTER 4ARTICLE 3: UNIFORM TRANSIENT OCCUPANCY TAX
(Lodging and Short-Term Rental Tax)**

Sections:

Section 5.04.010-G-V 3.1	Authority; Title
Section 5.04.020	-G-V 3.2 Definitions
Section 5.04.030-G-V 3.3	Tax Imposed
Section 5.04.040-G-V 3.4	Exemptions
Section 5.04.050-G-V 3.5	Operator's Duties
Section 5.04.060-G-V 3.6	Annual Registration Certificate
Section 5.04.070-G-V 3.7	Reporting and Remitting
Section 5.04.080-G-V 3.8	Penalties and Interest
Section 5.04.090-G-V 3.9	Failure to Collect and Report Tax
Determination of	Tax-by
	Tax Administrator
Section 5.04.100-G-V 3.10	Appeal
Section 5.04.110-G-V 3.11	Records to be Retained
Section 5.04.120-G-V 3.12	Refunds

Section 5.04.130 ~~-G-V 3.13~~ **Actions to Collect**
Section 5.04.14 ~~-G-V 3.13.10~~ **Tax Lien**
Section 5.04.150 ~~-G-V 3.14~~ **Violations; Misdemeanor**

Section 5.04.010 ~~-G-V 3.1~~ **Authority; Title**

This Chapter shall be titled the “Uniform Transient Occupancy Tax.” The provisions of this Chapter are adopted pursuant to, and consistent with, Cal. Rev. & Tax. Code §§ 7280 – 7283.51.

Section 5.04.020 ~~-G-V 3.2~~ **Definitions**

Except where the context otherwise requires, the definitions given in this Section govern the construction of this ordinance.

- A. PERSON means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- B. LODGING FACILITY means any space or shelter or structure, or any portion of any space or shelter or structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes, but is not limited to, any hotel, inn, condominium, house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, non-exempt campground, or other similar space or shelter or structure, or portion thereof, as provided for pursuant to Cal. Rev. & Tax. Code § 7280, or as that section may be amended. “Lodging facility” shall not include an “organized camp” as defined in Cal. Health & Safety Code § 18897(a).
- C. OCCUPANCY means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.
- D. TRANSIENT means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this ordinance may be considered.
- E. RENT means the consideration charged, whether or not received for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.
- F. OPERATOR means the person who is proprietor of the hotel, lodging or short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession,

licensee, or any other capacity. Where the operator performs ~~his~~-~~their~~ functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this ordinance and shall have the same duties and liabilities as ~~his~~-~~their~~ principal. Compliance with the provisions of this ordinance by either the principal or the managing agent shall, however, be considered to be compliance by both.

G. TAX ADMINISTRATOR means the Revenue and Collections Officer of the Nevada County Collections Division.

Section 5.04.030 ~~-G-V-3.3~~ Tax Imposed

For the privilege of occupancy in any hotel, each transient is subject to, and shall pay a tax in the amount of, ten (10%) percent (~~10%~~) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the County which is extinguished only by payment to the operator or to the County. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transients' ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

Section 5.04-~~G-V-3.040~~ Exemptions

No tax shall be imposed upon:

- A. Any federal or State of California officer or employee when on official business;
- B. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator.

Section 5.04-~~G-V-3.050~~ Operator's Duties

Each operator shall collect the tax imposed by this ordinance to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

Section 5.04-~~G-V-3.060~~ Annual Registration Certificate

In order that the County will have an accurate record of parties collecting transient occupancy tax, each operator will be required to register as hereinafter provided.

A. Prior to commencing business and annually thereafter during the month of January of each year, each operator of any hotel renting occupancy to transients shall register such hotel with the Tax Administrator and obtain from them an Annual Registration Certificate to be at all times posted in a conspicuous place on the premises. Registration shall be on a calendar year basis, i.e., from January 1 through December 31, or balance of calendar year in the instance of a mid-year registration. Such Annual Registration Certificate shall, among other things, state the following:

1. Name and address of the hotel.
2. Name of the operator.
3. Name and address of owners.
4. Registration Certificate number and date issued.

B. Failure to register prior to commencement of business, or failure to re-register in the month of January in any year of continued operation, as above provided, shall be a misdemeanor.

C. The Registration Certificate shall not be transferable and shall be returned to the Tax Administrator upon sale of property or cessation of business along with the final remittance of transient taxes due.

D. The operator named on the face of this Registration Certificate shall be responsible to collect from transients the transient occupancy tax and remitting such tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department, or office in this County.

E. Notwithstanding the provisions of section ~~5.6(a)~~ governing Transactions Tax Rate of this Code, the Tax Administrator may waive the registration requirement for any year where the operator has filed its initial registration during the last six (6) calendar months of the immediately preceding year.

Section ~~5.04-G-V~~ 3.070 Reporting and Remitting

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Tax Administrator, make a return to the Tax Administrator, on forms provided by ~~him~~ them, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the Tax Administrator. The Tax Administrator may establish shorter reporting periods for any certificate holder if they deem it necessary in order to ensure collection of the tax and they may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this ordinance shall be held in trust for the account of the County until payment thereof is made to the Tax Administrator.

Section 5.04.080-G-V3 Penalties and Interest

A. ORIGINAL DELINQUENCY. Any operator who fails to collect and remit any tax imposed by this ordinance within the time required shall pay a penalty of ten (10%) percent of the amount of the tax in addition to the amount of the tax.

B. CONTINUED DELINQUENCY. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten (10%) percent of the amount of the tax in addition to the amount of the tax and the ten (10%) percent penalty first imposed.

C. FRAUD. If the Tax Administrator determines that the nonpayment of any remittance due under this ordinance is due to fraud, a penalty of twenty-five (25%) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs (a) and (b) of this section.

D. INTEREST. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this ordinance shall pay interest at the rate of one and one-half percent (~~1 1/2%~~ 1.5%) per month on the unpaid balance of the tax, including penalties, from the date on which the remittance first became delinquent until paid.

E. PENALTIES MERGED WITH TAX. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

Section 5.04.090-G-V3 Failure to Collect and Report Tax. Determination of Tax-by-Tax Administrator

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this ordinance, any report and remittance of said tax or any portion thereof required by this ordinance, the Tax Administrator shall proceed in such manner as they may deem best to obtain facts and information on which to base ~~his~~ their estimate of the tax due. As soon as the Tax Administrator shall procure such facts and information as ~~he~~ they are ~~is~~ able to obtain upon which to base the assessment of any tax imposed by this ordinance and payable by any operator who has failed or refused to collect the same and to make such report and remittance, they shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this ordinance. In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by serving it personally or depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at ~~his~~ their last known place of business. Such operator may within twenty (20) days after the serving or mailing of such notice make application in writing to the Tax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than fifteen (15) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest

and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the Tax Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in section 5.10 governing Limitations on Adoption of State Law and Collection of Use Taxes in this code.

Section 5.04.100-G-V3 Appeal

Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors within fifteen (15) days of the serving or mailing of the determination of tax due. The Board of Supervisors shall fix a time and place for hearing such appeal, and the Clerk of the Board of Supervisors shall give not less than fifteen (15) days written notice to such operator at their last known place of address. The findings of the Board of Supervisors shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

Section 5.04.110-G-V3 Records to be Retained

It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this Chapter to keep and preserve, for a period of five (5) years, all records that may be necessary to determine the amount of such tax as they may have been liable for the collection of and payments to the County under this ordinance. As a minimum, the records deemed necessary for this determination shall be a chronological cash journal showing tax and room rates separately, or other comparable means of summarizing the operator's monthly or quarterly revenue, supported by room registrations, which may, with reasonable effort, be identified with the revenue summary. These records shall be available, at all reasonable times, for inspection by the County Tax Collector or Auditor-Controller. Performance of an audit does not waive the County's right to any tax or the five (5)-year requirement of preserving records.

Section 5.04.120-G-V3 Refunds

A. Whenever the amount of any tax, interest or penalty has been overpaid, ~~or~~ paid more than once, or has been erroneously or illegally collected or received by the county under this ordinance, it may be refunded as provided in subsections B and C of this Section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three (3) years of the date of payment. The claim shall be on forms provided by the Tax Administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been

refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the County by filing a claim in the manner provided in subsection A of this Section, but only when the tax was paid by the transient directly to the Tax Administrator, or when the transient having paid the tax to the operator, establishes to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this ~~S~~ection unless the claimant establishes their right thereto by written records showing entitlement thereto.

Section 5.04.130-G-V3 Actions to Collect

Any tax required to be paid under the provisions of this Chapter shall be deemed a debt owed by the operator who was responsible for the collection and remittance thereof. Any person owing money to the County under the provisions of this Chapter shall be liable to an action brought in the name of the County of Nevada for the recovery of such tax and subsequent penalties.

Section 5.04.140-G-V3.13.1 Tax Lien

A. The Tax Administrator is authorized to record a Certificate of Delinquency of Transient Occupancy Tax Lien with the Nevada County Clerk-Recorder against an operator who fails to remit taxes, penalties, or interest due under this Chapter within the times required herein. The Certificate of Delinquency of Transient Occupancy Tax Lien may be filed by the Tax Administrator:

1. Twenty (20) days after the serving or mailing of the notice required by Sections ~~5.9~~ of this Code governing Adoptions of Provisions of State Law (5.9), if the operator does not file the application for a hearing permitted to be filed ~~by section 5.9~~.
2. If the operator files the application permitted to be filed ~~by Section 5.9~~, twenty (20) days after the Tax Administrator's determination of the amount of tax to be remitted pursuant to section 5.9, unless the operator files an appeal pursuant to ~~Section 5.10~~ Limitations on Adoption of State Law and Collections of Use Taxes within this Code.
3. If the operator files an appeal pursuant to ~~Section 5.10~~ governing Limitations on Adoption of State Law and Collection of Use Taxes, twenty (20) days after service of the Board of Supervisor's findings pursuant to ~~that Section 5.10~~.

The Certificate of Delinquency of Transient Occupancy Tax Lien shall be filed within three

(3) years after the tax becomes due. The Certificate of Delinquency of Transient Occupancy Tax Lien shall specify the amount of tax and penalties due, the name and last known address of the operator liable for the same, and a statement that the Tax Administrator has complied with all provisions of this Chapter with respect to the computation and levy of the tax owed by the operator. From the time of the recording of

the Certificate of Delinquency of Transient Occupancy Tax Lien, the amount required to be paid, together with penalties, constitutes a lien upon all real property in the County owned by the operator or thereafter acquired before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) years from the filing of the Certificate of Delinquency of Transient Occupancy Tax Lien, unless sooner released or otherwise discharged. Within ten (10) years of the date of the recording of the Certificate of Delinquency of Transient Occupancy Tax Lien (or within ten (10) years of the date of the last extension of the lien), the Tax Administrator may extend the lien by filing for record a new certificate in the office of the Nevada County Clerk-Recorder, and, from the time of filing, the lien under the original Certificate of Delinquency of Transient Occupancy Tax

Lien shall be extended for an additional ten (10) years, unless sooner released or otherwise discharged. The lien shall not be removed until the delinquent taxes, penalties for delinquency, and costs of collection are fully paid, or the property is sold for payment of the delinquent taxes, penalties for delinquency, and costs of collection.

B. At any time within three (3) years after the recording of a Certificate of Delinquency of Transient Occupancy Tax Lien under Subsection (A) above, the Tax Administrator may issue a warrant directed to any sheriff for the enforcement of the lien and the collection of any tax and penalties required to be paid the County under this Chapter. The warrant shall have the same effect as a writ of execution and be executed in the same manner and with the same effect as a levy and sale pursuant to a writ of execution. The Tax Administrator may pay or advance to the sheriff such fees, commission, and expenses for services as are provided by law for similar services pursuant to a writ of execution.

C. In lieu of issuing a warrant under Subsection (B), at any time within the three (3) years after a Certificate of Delinquency of Transient Occupancy Tax Lien was recorded under Subsection (A), the Tax Administrator may collect the delinquent amount by seizing, or causing to be seized, any property, real or personal, of the operator and sell any non-cash or non-negotiable property, or a sufficient part of it, at public auction to pay the amount of tax due, together with any penalties, interest, and any costs incurred on account of the seizure and sale. Any seizure made to collect taxes due shall only be of property of the operator not exempt from execution under the provisions of the California Code of Civil Procedure. (Ord. 2204. (05/23/2006); Ord. 2526. (06/13/2023))

Section 5.04.150-G-V-3.14 Violations; Misdemeanor

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable therefore by a fine or by imprisonment in the County jail, or by both such fine and imprisonment.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Tax Administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as aforesaid. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this

ordinance to be made, is guilty of a misdemeanor and is punishable as aforesaid.

**CHAPTER 5:ARTICLE 4- REASSESSMENT OF DAMAGED OR DESTROYED
PROPERTY OR POSSESSORY INTEREST**

Sections:

<u>Section 5.05.010-G-V 4.1</u>	Reassessment in Event of Damage by Misfortune or Calamity
<u>Section 5.05.020-G-V 4.2</u>	Application
<u>Section 5.05.030-G-V 4.3</u>	Assessor's Duties
<u>Section 5.05.040-G-V 4.4</u>	Appeal
<u>Section 5.05.050-G-V 4.5</u>	Tax Adjustment
<u>Section 5.05.060-G-V 4.6</u>	Tax Refunds
<u>Section 5.05.070-G-V 4.7</u>	Assessed Value Prior to Restoration and Reconstruction
<u>Section 5.05.080-G-V 4.8</u>	Procedure If No Application Filed
<u>Section 5.05.090</u>	-G-V 4.9Alternative Procedure If No Application Filed
<u>Section 5.05.100-G-V 4.10</u>	Assessment Upon Completion of Repair, Restoration or Reconstruction
<u>Section 5.05.110-G-V 4.11</u>	Implementation of Chapter

**Section 5.05.010-G-V 4.1 Reassessment in Event of Damage by Misfortune or
Calamity**

Every assesses of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed without their fault, may apply for reassessment of that property in accordance with the provisions of Cal. Rev. & Tax. Code §§ §§ 170 – 198.1. The Assessor may initiate the reassessment where the assessor determines that within the preceding twelve (12) months taxable property located in the county was damaged or destroyed.

To be eligible for reassessment the damage or destruction to the property must be at least \$5,000 and must have been caused by any of the following:

- A. A major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster. As used in this paragraph “damage” includes a diminution in the value of property as a result of restricted access to the property where such restricted access was caused by the major misfortune or calamity.
- B. A misfortune or calamity.
- C. A misfortune or calamity which, with respect to a possessory interest in land owned by the state or federal government, has caused the permit or other right to enter upon the land to be suspended or restricted. As used in this paragraph, “misfortune or calamity” includes a drought condition such as existed in this state in 1976 and 1977. Such suspension or restriction shall be considered to be damage to property for purposes of this Chapter.

Section 5.05.020-G-V4 Application

The application for reassessment may be filed within six ~~(6)~~ months of such misfortune or calamity by delivering to the assessor a written application requesting reassessment showing the condition and value, if any, of the property immediately after the damage or destruction, and the dollar amount of the damage. The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

Section 5.05.030-G-V4 Assessor's Duties

A. Upon receiving a proper application, the Assessor shall appraise the property and determine separately the full cash value of land, improvements and personality immediately before and after the damage or destruction. If the sum of the full cash values of the land, improvements and personality before the damage or destruction exceeds the sum of the values after the damage by five thousand dollars (\$5,000) or more, the Assessor shall also separately determine the percentage reductions in value of land, improvements and personality due to the damage or destruction. The Assessor, in that event, shall reduce the values appearing on the assessment roll by the percentages of damage or destruction computed pursuant to this section.

B. The Assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the Nevada County Assessment Appeals Board within ~~fourteen (14)~~ days of the date of mailing the notice.

Section 5.05.040-G-V4 Appeal

An appeal of the proposed reassessment to the Nevada County Assessment Appeals Board may be requested within ~~fourteen (14)~~ days of the mailing of the notice of reassessment. If an appeal is requested within the ~~fourteen-day (14)-day~~ period, the ~~B~~board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the ~~B~~board regarding the damaged value of the property shall be final, provided that a decision of the Nevada County Assessment Appeals Board regarding any reassessment made pursuant to this ~~S~~ection shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

Those reassessed values resulting from reductions in full cash value of amounts, as determined above, shall be forwarded to the Auditor-Controller by the Assessor or the Clerk of the Nevada County Assessment Appeals Board, as the case may be. The Auditor – Controller shall enter the reassessed values on the roll. After being entered on the roll, such reassessed values shall not be subject to review, except by a court of competent jurisdiction.

Section 5.05.050-G-V4 Tax Adjustment

When an assessment reduction is entered on the assessment roll as provided in this Chapter, the taxes due on the property shall be adjusted as follows; provided, however, that the

amount of the reduction shall not exceed the actual loss:

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of the misfortune or calamity, shall be applied to the amount of the reassessment as determined in accordance with this Chapter and the assessee shall be liable for: (1) a prorated portion of the taxes that would have been due on the property for the current fiscal year had the misfortune or calamity not occurred, such proration to be determined on the basis of the number of months in the current fiscal year prior to the misfortune or calamity; plus, (2) a proration of the tax due on the property as reassessed in its damaged or destroyed condition, such proration to be determined on the basis of the number of months in the fiscal year after the damage or destruction, including the month in which the damage was incurred. If the damage or destruction occurred after March 1 and before the beginning of the next fiscal year, the reassessment shall be utilized to determine the tax liability for the next fiscal year provided, however, if the property is fully restored during the next fiscal year, taxes due for that year shall be prorated based on the number of months in the year before and after the completion of restoration.

Section 5.05.060-G-V4 Tax Refunds

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Cal. Rev. & Tax. Code §§ 5096 – 5107 as an erroneously collected tax or by order of the Board of Supervisors without the necessity of a claim being filed pursuant to Cal. Rev. & Tax. Code.

Section 5.05.070-G-V4 Assessed Value Prior to Restoration and Reconstruction

The assessed value of the property in its damaged condition, as determined pursuant to this Chapter, compounded annually by the inflation factor specified in subdivision (a) of Section 51 of the California Revenue and Taxation Code, shall be the taxable value of the property until it is restored, repaired, reconstructed or other provisions of the law require the establishment of a new base year value.

If partial reconstruction, restoration, or repair has occurred on any subsequent lien date, the taxable value shall be increased by an amount determined by multiplying the difference between its factored base year value immediately before the calamity and its assessed value in its damaged condition by the percentage of the repair, reconstruction, or restoration completed on that lien date.

Section 5.05.080-G-V4 Procedure If No Application Filed

If no such application has been made and the Assessor determines that within the preceding six (6) months a property has suffered damage caused by misfortune or calamity, which may qualify the property owner for relief under an ordinance adopted under this section, the Assessor shall provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within thirty (30) days of notification by the Assessor but in no case more than six (6) months after the occurrence of said damage. Upon receipt of a properly completed, timely filed application, the property shall be reassessed in the same manner as required in subsection 46.3 above.

Section 5.05.090-G-V4 Alternative Procedure If No Application Filed

In lieu of section 46.8 above, if no such application is made and the assessor determines that within the preceding six (6) months a property has suffered damage caused by misfortune or calamity, which may qualify the property owner for relief under an ordinance adopted under this Section, the assessor may, with the approval of the Board of Supervisors, reassess the property as provided in section 46.3 and notify the last known owner of the property of the reassessment.

Section 5.05.100-G-V4 Assessment Upon Completion of Repair, Restoration or Reconstruction

When the property is fully repaired, restored or reconstructed, the Assessor shall make an additional assessment or assessments in accordance with this Section upon completion of the repair, restoration or reconstruction.

A. If the completion of the repair, restoration, or reconstruction occurs on or after March 1, but on or before May 31, then there shall be two (2) additional assessments. The first additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value on the current roll. The second additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value to be enrolled on the roll being prepared.

B. If the completion of the repair, restoration, or reconstruction occurs on or after June 1, but before the succeeding March 1, then the additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value on the current roll.

C. On the lien date following completion of the repair, restoration, or reconstruction, the Assessor shall enroll the new taxable value of the property as of that lien date.

D. For purposes of this subdivision, “new taxable value” shall mean the lesser of the property’s: (1) full cash value; or (2) factored base year value or its factored base year value as adjusted pursuant to subdivision (c) of Cal. Rev. & Tax. Code § 70.

Section 5.05-G-V4.110 Implementation of Chapter

The Assessor may apply Cal. Rev. & Tax. Code §§ 75 – 75.80 in implementing this Chapter, to the extent that chapter is consistent with this Chapter.

CHAPTER 6:ARTICLE 5: LIBRARY TRANSACTIONS AND USE TAX

Sections:

<u>Section 5.06.010</u>	Title Sec. G-V 5.2 Reserved
<u>Section 5.06.020</u>	G-V 5.3 2 Use of the Tax; Annual Report
<u>Section 6.06.030</u>	Expenditure Plan
<u>Section 5.06.040</u>	G-V 5.5 4 Contract with State
<u>Section 5.06.050</u>	G-V 5.6 5 Transactions Tax Rate
<u>Section 5.06.060</u>	G-V 5.7 6 Place of Sale
<u>Section 5.06.070</u>	G-V 5.8 7 Use Tax Rate
<u>Section 5.06.080</u>	G-V 5.9 8 Adoptions of Provisions of State Law
<u>Section 5.06.090</u>	G-V 5.10 9 Limitations on Adoption of State Law and Collection of Use
	Taxes
<u>Section 5.06.100</u>	G-V 5.11 10 Permit Not Required
<u>Section 5.06.110</u>	G-V 5.12 11 Exemptions and Exclusions
<u>Section 5.06.120</u>	G-V 5.13 12 Amendment
<u>Section 5.06.130</u>	G-V 5.14 13 Enjoining Collection Forbidden
<u>Section 5.06.140</u>	G-V 5.15 14 Use of the Taxes
<u>Section 5.06.150</u>	G-V 5.16 15 Implementing Policies and Regulations
<u>Section 5.06.160</u>	G-V 5.17 16 Effective and Operative Dates
<u>Section 5.06.170</u>	G-V 5.18 17 Termination Date Sec. G-V 5.19 Reserved
<u>Section 5.06.180</u>	G-V 5.20 18 Actions to Determine Validity of Ordinance, Tax or Related

Proceedings

Section 5.06-G-V 5.010 Title

This Chapter shall be known as the Nevada County Public Library Transactions and Use Tax Chapter of the County of Nevada. The transactions and use tax provisions of this Chapter shall be applicable in the incorporated and unincorporated territory of the County of Nevada. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023))~~)

~~Sec. G-V 5.2 Reserv~~

Section 5.06.020-G-V 5.3 2 Use of the Tax; Annual Report

A. All revenues from the tax shall be deposited into a special fund and used exclusively to fund projects and purposes described in the Expenditure Plan set forth in ~~Section 7-45.3~~. Such revenues shall be used only to supplement existing Library funding and shall not be used to supplant existing funding for the support of County of Nevada library services.

B. Pursuant to Cal. Gov't Code § § 50075.1 – 50077.5, the County's Chief Fiscal Officer shall file a report annually with the Board of Supervisors regarding the amount of tax revenue collected and expended, and the status of any project funded by the tax revenue pursuant to the Expenditure Plan. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023))~~)

Section ~~5.06.030-G-V-5.43~~ Expenditure Plan

The Expenditure Plan is designed to provide and continue to improve library services by accomplishing the specific projects listed below with the revenues from the transactions and use tax generated over the voter-approved period. The expenditure plan preserves the existing libraries, enhances services and collections at the libraries, and extends branch library services to the served and unserved areas of the County. An annual expenditure plan for the use of funds allocated to library services shall be reviewed and adopted by the Board of Supervisors prior to July 1 of each year.

The specific projects for which the revenues from the transactions and use tax shall be expended are contingent upon total revenue received and allocated as follows:

- A. OPEN HOURS: Extend hours at Library locations in response to needs and desires of Library users.
- B. PROGRAMS AND SERVICES FOR CHILDREN AND TEENS: Increase children's services at all age levels and at all circulating library branches, including for the Summer Reading Program. Provide after school programs, homework help, and reference services for students at circulating branches in response to needs and desires of Library users.
- C. LIBRARY MATERIALS: Increase books and other materials for all ages and replace worn and out-of-date items at all library locations. Continue to include a variety of formats, such as DVDs, audiobooks, eBooks, and online resources.
- D. INFORMATION AND TECHNOLOGY ACCESS: Provide current information services and products in libraries and for remote access. Keep pace with changing and emerging technologies. Increase and improve public access to computers, high-speed broadband, and other technologies such as 3D printers, tablets, video conferencing, software, etc. Provide technology and digital literacy based educational classes for all ages.
- E. SERVICES FOR SENIORS AND LIBRARY USERS WITH DISABILITIES: Improve the accessibility of library locations, services, and materials for seniors and library users with disabilities. Offer a variety of library materials and services in order to be inclusive of the needs of all library users.
- F. LIBRARY SERVICE LOCATIONS: Establish, move, or add library service locations in areas where the demand for services and cost effectiveness is warranted. Improve and enhance current service locations to meet community needs and the objectives listed in this expenditure plan.
- G. CITIZENS OVERSIGHT COMMITTEE: A Citizens Oversight Committee will be appointed by the Board of Supervisors consisting of members of the public interested in the continued operation of the public libraries. The purpose of the Committee will be to ensure that the proceeds of the library sales tax are appropriated in accordance with the Expenditure Plan set forth in this Section. Such Committee shall serve without compensation.
- H. The County Librarian will meet with representatives of the County's Eastern and Western Friends of the Library organizations to develop and propose an equitable and fair fiscal plan for the operation of the libraries and the proceeds of the tax. (Ord. 2414.

(06/28/2016); [Ord. 2526. \(06/13/2023\)](#))

Section 5.06.040. G-V 5.45 Contract with State

Before the Operative Date, the County of Nevada will contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Chapter; provided, that if the Nevada County Library has not contracted with the State Board of Equalization before the Operative Date, it will nevertheless reach an agreement, with the operative date to be the first day of the first calendar quarter following the execution of the contract. (Ord. 2414. (06/28/2016); [Ord. 2526. \(06/13/2023\)](#))

Section 5.06.050. G-V 5.56 Transactions Tax Rate

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-quarter of one percent (0.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the territory on and after the Operative Date. (Ord. 2414. (06/28/2016); [Ord. 2526. \(06/13/2023\)](#))

Section 5.06.060. G-V 5.67 Place of Sale

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or their agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, despite the place to which delivery is made. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 2414. (06/28/2016); [Ord. 2526. \(06/13/2023\)](#))

Section 5.06.070. G-V 5.78 Use Tax Rate

An excise tax is imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this Chapter for storage, use or other consumption in the territory at the rate of one-quarter of 1 percent (0.25%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax despite the place to which delivery is made. (Ord. 2414. (06/28/2016); [Ord. 2526. \(06/13/2023\)](#))

Section 5.06.080. G-V 5.89 Adoptions of Provisions of State Law

Except as otherwise provided in this Chapter and to the extent that they are inconsistent with the provisions of Cal. Rev. & Tax. Code §§ 6001 – 7176 are adopted and incorporated by this reference. (Ord. 2414. (06/28/2016); [Ord. 2526. \(06/13/2023\)](#))

~~Section 5.06.090. G-V 5.910~~ Limitations on Adoption of State Law and Collection of Use Taxes

A. In adopting the provisions of Cal. Rev. & Tax. Code §§ 6001 - 7176, wherever the State of California is named or referred to as the taxing authority, the name of this County shall be substituted for it. However, the substitution shall not be made when:

1. The word “State” is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California.
2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee of it rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.
3. In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the substitution would be to:
 - a. ~~Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Cal. Rev. & Tax. Code §§ 6001_~~
~~a. _~~ – 7176.
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the provisions of that code.
4. In Cal. Rev. & Tax. Code §§ 6701, 6702 (except in the last sentence), 6711, 6715, 6737, 6797 or 6828.

B. The word “County” will be substituted for the word “State” in the phrase “retailer engaged in business in this State” in Cal. Rev. & Tax. Code § 6203 and in the definition of that phrase in Cal. Rev. & Tax. Code § 6203. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023)~~)

~~Section 5.06.100. G-V 5.101~~ Permit Not Required

If a seller’s permit has been issued to a retailer under Cal. Rev. & Tax. Code § 6067, this Chapter shall not require an additional transactor’s permit. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023)~~)

~~Section 5.06.110. G-V 5.112~~ Exemptions and Exclusions

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law

of the amount of any state administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property other than fuel or petroleum products to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of California, the United States, or any foreign government.
2. Sales of property to be used outside the County of Nevada, which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or their agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this subsection, delivery to a point outside the County will be satisfied:
 - a. With respect to vehicles, other than commercial vehicles subject to registration under of the Cal. Veh. Code §§ 4000 - 5506, aircraft licensed according to Cal. Pub. Util. Code § 21411 and undocumented vessels registered under Cal. Veh. Code §§ 9840 -9880, by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, their principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, stating that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price under a contract entered into before the Operative Date.
4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease before the Operative Date.
5. For the purposes of subsections B.3 and B.4 of this Section, the sale or lease of tangible personal property will be deemed not to be obligated under a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There is exempted from the use tax imposed by this Chapter, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state administered transactions and use tax ordinance.
2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operations directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued under the laws of California, the United States or any foreign government. This exemption is in addition to the

exemptions provided in Cal. Rev. & Tax. Code §§ 6366 and 6366.1.

3. If the purchaser is obligated to purchase the property for a fixed price under a contract entered into before the Operative Date.
4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease before the Operative Date.
5. For the purposes of subsections C.~~23~~ and C.~~34~~ of this ~~S~~section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property will be deemed not to be obligated under a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
6. Except as provided for in subsection C.~~67~~ of this ~~S~~section, a retailer engaged in business in the County will not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.
7. "A retailer engaged in business in the County" will also include any retailer of the following: vehicles subject to registration under Cal. Veh. Code §§ 4000 - 4023, aircraft licensed according to Cal. Pub. Util. Code § 21411, or undocumented vessels registered under the California Vehicle Code. This retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel or aircraft at an address in the County.

D. Any person subject to use tax under this Chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or a retailer liable for a transactions tax under Cal. Rev. & Tax. Code §§ 7251 – 7279.6 with respect to the sale to the person of the property, the storage, use or other consumption of which is subject to the use tax. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023)~~)

Section ~~5.06.120-G-V-5.123~~ Amendment

All amendments after the Operative Date to Part I of Division 2 of the Revenue and Taxation Code relating to sale and use taxes which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, will automatically become a part of this Chapter-; provided however, that no such amendment will operate to affect the rate of tax imposed by this Chapter-. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023)~~)

Section 5.06.130-~~G-V 5.134~~ Enjoining Collection Forbidden

No injunction or writ of mandate or other legal or equitable process will issue in any suit, action or proceeding in any court against the State of California or the County, or against any officer of the State of California or the County, to prevent or enjoin the collection under this Chapter, or Cal. Rev. & Tax. Code §§ 7251 – 7279.6 of any tax or any amount of tax required to be collected. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023))~~)

Section 5.06.140 5 Use of the Taxes

Any and all transactions and use taxes shall be used exclusively for County-wide library programs and operations as such is set forth in the Expenditure Plan established by ~~section 7.4-this Chapter~~. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023))~~)

Section 5.06.150-~~G-V 5.156~~ Implementing Policies and Regulations

Upon approval of this Chapter, or any amendments thereto, by two-thirds of the voters, the public libraries within Nevada County may adopt policies and regulations and take such other action as may be necessary for the implementation of the transactions and use tax authorized by this Chapter. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023))~~)

Section 5.06.160-~~G-V 5.167~~ Effective and Operative Dates

B. This Chapter shall relate to the levying and collecting of a County Transactions and Use tax and shall take effect as provided by law. This Chapter shall take effect according to law only if at least two-thirds of the electors voting on the measure at the June 2, 1998, election approve the enactment of the Chapter. If approved, the provisions of this Chapter authorizing the levy of the one-eighth of 1 percent (0.125%) transactions and use tax will become operative on October 1, 1998.

C. The amendment to this Chapter shall take effect according to law only if at least two-thirds of the electors voting on the measure at the November 5, 2002, election approve the amendment of this ~~Section 7.17~~. If approved, the amendment of this Chapter authorizing the continuation of the one-eighth of ~~one+~~ percent (0.125%) transactions and use tax through September 30, 2018, shall become effective immediately.

D. The 2016 amendment to this Chapter shall take effect according to law only if at least two-thirds of the electors voting on the measure at the November 8, 2016, election approve the proposed Ordinance adjusting the tax rate to one-quarter of ~~one+~~ percent (0.25%) and extending the tax for an additional ~~fifteen~~ (15) years. If approved by the voters, the adjusted tax rate will replace and supersede the existing tax rate as of the Operative Date.

E. The “Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the election approving the imposition of the tax imposed by this Chapter, such election to be held on November 8, 2016. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023))~~)

Section 5.06.170-~~G-V 5.178~~ Termination Date

This Chapter shall expire fifteen (15) years from the Operative Date. (Ord. 2414.

(06/28/2016); ~~Ord. 2526. (06/13/2023))~~

~~Sec. G-V-5.19 Rese~~

Section 5.06.180- ~~G-V-5.1820~~ Actions to Determine Validity of Ordinance, Tax or Related Proceedings

Any action or proceeding wherein the validity of the adoption of the retail Transactions and Use tax ordinance provided for in this Chapter, or any amendments hereto, or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced pursuant to Cal. Civ. Proc. §§ 860 – 870.5. Otherwise, the tax, and all proceedings in relation thereto, including the adoption and approval of this Chapter by ordinance, shall be held to be valid and in every respect legal and uncontestable. (Ord. 2414. (06/28/2016); ~~Ord. 2526. (06/13/2023))~~

**CHAPTER 7: WILDFIRE PREVENTION, EMERGENCY SERVICES, AND
DISASTER READINESS TRANSACTION AND USE TAX**

Sections:

Section 5.07.010	Title
Section 5.07.020	General Purpose
Section 5.07.030	Operative Date
Section 5.07.040	Purpose
Section 5.07.050	Contract with State
Section 5.07.060	Transactions Tax Rate
Section 5.07.070	Place of Sale
Section 5.07.080	Use Tax Rate
Section 5.07.090	Adoption of Provisions of State Law
Section 5.07.100	Limitations on Adoption of State Law and Collection of Use Taxes
Section 5.07.110	Permit Not Required
Section 5.07.120	Exemptions and Exclusions
Section 5.07.130	Amendments
Section 5.07.140	Enjoining Collection Forbidden
Section 5.07.150	Severability
Section 5.07.160	Effective Date
Section 5.07.170	Election Costs
Section 5.07.180	Termination Date

Section 5.07.010 Title

This Section shall be known as the "Nevada County Wildfire Prevention, Emergency Services, and Disaster Readiness Transactions and Use Tax." The County of Nevada, hereinafter shall be called "County." This Section shall be applicable in the incorporated and unincorporated territory of the County. (Ord. 2513. (08/09/2022))

Section 5.07.020 General Purpose

- A. To provide countywide emergency services in order to save lives, reduce the threat of wildfires, and improve all-hazards disaster readiness and evacuation safety; and B. To provide sustainable funding to support emergency services in the categories of planning, preparedness, prevention, mitigation, response, and recovery, in addition to other general government services. (Ord. 2513. (08/09/2022))

Section 5.07.030 Operative Date

Operative Date means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Section, the date of such adoption being as set forth below. (Ord. 2513. (08/09/2022))

Section 5.07.040 Purpose

This Section is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Cal. Rev. & Tax. Code § 7285, which authorizes the County to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Cal. Rev. & Tax. Code §§ 7251 – 7279.6.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Cal. Rev. & Tax. Code §§ 7251 – 7279.6, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Section. (Ord. 2513. (08/09/2022))

Section 5.07.050 Contract with State

Prior to the operative date, the County shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the County shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract. (Ord. 2513. (08/09/2022))

Section 5.07.060 Transactions Tax Rate

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-half percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Section. (Ord. 2513. (08/09/2022))

Section 5.07.070 Place of Sale

For the purposes of this Section, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or their agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such

charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration. (Ord. 2513. (08/09/2022))

Section 5.07.080 Use Tax Rate

An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this Section for storage, use or other consumption in said territory at the rate of one-half percent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Ord. 2513. (08/09/2022))

Section 5.07.090 Adoption of Provisions of State Law

Except as otherwise provided in this Article and except insofar as they are inconsistent with the provisions of Cal. Rev. & Tax. Code §§ 7251-7279.6, all of the provisions of Cal. Rev. & Tax. Code §§ 6001 – 61050 are hereby adopted and made a part of this Section as though fully set forth herein. (Ord. 2513. (08/09/2022))

Section 5.07.100 Limitations on Adoption of State Law and Collection of Use Taxes

In adopting the provisions of Cal. Rev. & Tax. Code §§6001 - 7176:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:
 - 1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California.
 - 2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Section.
 - 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Cal. Rev. & Tax. Code §§6001 - 7176; or b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provision of that code.

4. In Revenue and Taxation Code §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828.B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Cal. Rev. & Tax. § 6203 and in the definition of that phrase in § 6203.1." A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this State or for delivery in the State by the retailer and all persons related to the retailer that exceeds \$500,000.00. For purposes of this Section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder. (Ord. 2513. (08/09/2022))

Section 5.07.110 Permit Not Required

If a seller's permit has been issued to a retailer under Cal. Rev. & Tax. § 6067, an additional transactor's permit shall not be required by this Section. (Ord. 2513. (08/09/2022))

Section 5.07.120 Exemptions and Exclusions

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

~~B.~~ There are exempted from the computation of the amount of transactions tax the gross receipts from:

B.

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
2. Sales of property to be used outside the County, which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or their agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Cal. Veh. Code §§ 4000 – 5506 , aircraft licensed in compliance with Cal. Pub. Util. Code § 21411, and undocumented vessels registered under Cal. Veh. Code §§9840 – 9928by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, their principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the property for

a fixed price pursuant to a contract entered into prior to the operative date of this Section.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Section.

5. For the purposes of subparagraphs (3) and (4) of this Section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Section, the storage, use or other consumption in this County of tangible personal property:

1. ~~1.~~ The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. ~~2.~~ Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Cal. Rev. & Tax Code §§ 6366 and 6366.1.3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Article.4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Section.

35. For the purposes of subparagraphs (3) and (4) of this Section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

46. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.7."A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Cal. Veh. Code §§4000 – 5506, aircraft licensed in compliance with Cal. Pub. Util. Code § 21411, or undocumented vessels registered under Cal. Veh. Code §§ 9840 – 9928.That retailer shall be required

to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this Section may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Cal. Rev. & Tax. Code §§ 7251 – 7279.6 with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax. (Ord. 2513. (08/09/2022))

Section 5.07.130 Amendments

All amendments subsequent to the effective date of this Section to Cal. Rev. & Tax Code §§ 6001 - 7176, relating to sales and use taxes and which are not inconsistent with Cal. Rev. & Tax. Code §§ 7251- 7279.6 and Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Section, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Section. (Ord. 2513. (08/09/2022))

Section 5.07.140 Enjoining Collection Forbidden

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this Section, or Cal. Rev. & Tax. Code §§ 7251 – 7279.6, of any tax or any amount of tax required to be collected. (Ord. 2513. (08/09/2022))

Section 5.07.150 Severability

If any provision of this Section or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. (Ord. 2513. (08/09/2022))

Section 5.07.160 Effective Date

This Section relates to the levying and collecting of the County transactions and use taxes and shall take effect immediately. (Ord. 2513. (08/09/2022))

Section 5.07.170 Election Costs

Payment for the costs of the election shall be the responsibility of the County. If the election results in the approval of this Section by a majority of the those voting on the ordinance, the County shall be reimbursed for the cost of the election from the proceeds of the tax. (Ord. 2513. (08/09/2022))

Section 5.07.180 Termination Date

The authority to levy the tax imposed by this Section shall expire ten years from the operative date. (Ord. 2513. (08/09/2022))

CHAPTER: 8: CANNABIS BUSINESS TAX

Sections:

Section 5.08.010	Title.
Section 5.08.020	General Tax.
Section 5.08.030	Purpose.
Section 5.08.040	Definitions.
Section 5.08.050	Tax imposed.
Section 5.08.060	Reporting and remittance of tax.
Section 5.08.070	Registration and Business Tax Certificates.
Section 5.08.080	Payments and communications – timely remittance.
Section 5.08.090	Payment - when taxes deemed delinquent.
Section 5.08.100	Notice not required by the County.
Section 5.08.110	Penalties and interest.
Section 5.08.120	Waiver of Penalties.
Section 5.08.130	Refunds and credits.
Section 5.08.140	Refunds and procedures.
Section 5.08.150	Personal Cultivation and Non-Remunerative/Compassion Care Cultivation Not Taxed.
Section 5.08.160	Administration of the tax.
Section 5.08.170	Appeal procedure.
Section 5.08.180	Enforcement - action to collect.
Section 5.08.190	Apportionment.
Section 5.08.200	Constitutionality and legality.
Section 5.08.210	Audit and examination of premises and records.
Section 5.08.220	Other licenses, permits, taxes, fees or charges.
Section 5.08.230	Payment of tax does not authorize unlawful business.
Section 5.08.240	Change of Ownership.
Section 5.08.250	Deficiency determinations.
Section 5.08.260	Failure to report—nonpayment, fraud.
Section 5.08.270	Tax assessment - notice requirements.
Section 5.08.280	Tax assessment - hearing, application and determination.
Section 5.08.290	Conviction for violation - taxes not waived.
Section 5.08.300	Violation deemed misdemeanor.
Section 5.08.310	Remedies cumulative.
Section 5.08.320	Amendment or repeal.

Section 5.08.010 Title.

This Chapter shall be known as the “Cannabis Business Tax”. This Chapter shall be applicable in the unincorporated area of the County of Nevada, which shall be known as the “County”.

Section 5.08.020 General Tax.

The Cannabis Business Tax is a general tax enacted solely for general governmental purposes of the County and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the County’s general fund and be available for

any legal County purpose.

Section 5.08.030 Purpose.

This Ordinance is adopted to achieve the following purposes, among others, and directs that the provisions hereof be interpreted to accomplish these purposes:

- A. To impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, distributing, transporting or engaging in any other commercial business activity related to medical and nonmedical cannabis or cannabis products in the unincorporated area of the County, pursuant to Cal. Bus. & Prof. Code § 19348, Rev. & Tax. Code § 34021.5, or other enabling legislation, notwithstanding if state law uses the term “marijuana” or “cannabis”; and
- B. To impose a tax on all cannabis business in accordance with the authority granted by Cal. Rev. & Tax. Code § 7284 to impose a business license tax; and
- C. To specify the type and rate of tax to be levied, the method of apportionment and the method of collection; and
- D. To comply with all requirements for imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in an election on the issue.

Section 5.08.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter:

- A. “Base Rate” shall mean (a) the initial cannabis business tax rate in effect as of January 1, 2019, and (b) any adjusted cannabis business tax rate in effect as of on July 1 of each calendar year.
- B. “Business” shall include all activities engaged in or caused to be engaged in within the unincorporated area of the County, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to their employer.
- C. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means marijuana as defined by Cal. Health & Safety Code § 11018, and industrial hemp as defined by Cal. Health & Safety Code § 11018.5, and is not limited to medical cannabis.
- D. “Cannabis Accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body. “Cannabis accessories” also means cannabis accessories as defined by Cal. Health & Safety Code § 11018.2, and is not limited to medical cannabis accessories.

- E. “Cannabis Product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means marijuana products as defined by Cal. Health & Safety Code § 11018.1 and is not limited to medical cannabis products.
- F. “Cannabis Business” means any business activity relating to cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, possessing, processing, preparing, storing, packaging, labeling, delivering, testing, dispensing, and selling (retail or wholesale sales) of cannabis, of cannabis products or of any ancillary products and accessories, whether or not carried on for gain or profit. Cannabis business does not include any donation, for no consideration whatsoever, of medical cannabis or medical cannabis product to a compassion care patient (as defined by the Compassionate Use Act of 1996) for personal use in accordance with a Compassion Care or non-remunerative use license as contemplated by SB 829 or similar state legislation and/or any similar County Permit as may be required by Nevada County Codes.
- G. “Cannabis Business Tax”, “Business Tax” or “Commercial Cannabis Tax” means the tax due pursuant to this Chapter for engaging in cannabis business in the unincorporated area of the County.
- H. “Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants), each plane shall be counted as a separate canopy area. The plant canopy does not need to be continuous on any premise in determining the total square footage.
- I. “Commercial Cannabis Cultivation” means cultivation conducted by, for, or as part of a cannabis business.
- J. “County Permit” means a permit issued by the County to a person or entity to authorize that person or entity to operate or engage in a cannabis business. The term “County Permit” includes a commercial cannabis permit, or any other permit as the County may require to operate or engage in cannabis activity, issued pursuant to the provisions of the Nevada County Codes including ~~Land Use and Development Codes~~, Business Regulations, or any other provisions of the Nevada County Codes which may be adopted or amended from time to time to authorize any cannabis activity.
- K. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or storage of cannabis, or any combination of these activities.
- L. “Cultivation Area” shall mean the sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation, excluding immature plant areas, areas used for cultivation of plants not for sale, or used for research and development, on a single premise, as defined herein. Area of cannabis cultivation is the physical space where cannabis is grown and includes, without limitation, garden beds or plots, the exterior dimensions of hoop houses or green houses, and the total area of each of the pots and bags containing cannabis plants on the premises.
- M. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner’s family, partner, associate, agent, manager, or solicitor, and each and every other person employed or working in such

business for a wage, salary, commission, barter or any other form of compensation.

N. “Engaged in Business as a Cannabis Business” means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the unincorporated area of the County or coming into the unincorporated area of the County from an outside location to engage in such activities. A person shall be deemed engaged in business within the unincorporated area of the County if:

1. Such person or person’s employee maintains a fixed place of business within the unincorporated area of the County for the benefit or partial benefit of such person;
2. Such person or person’s employee owns or leases real property within the unincorporated area of the County for business purposes;
3. Such person or person’s employee regularly maintains a stock of tangible personal property in the unincorporated area of the County for sale in the ordinary course of business;
4. Such person or person’s employee regularly conducts solicitation of business within the unincorporated area of the County;
5. Such person or person’s employee performs work or renders services in the unincorporated area of the County;
6. Such person or person’s employee utilizes the streets within the unincorporated area of County in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of “engaged in business.”

O. “Evidence of Doing Business” means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the unincorporated area of the County.

P. “Fiscal Year” means July 1 through June 30 of the following calendar year.

Q. “Gross Receipts,” except as otherwise specifically provided, means the total amount or compensation (including all receipts, cash, credits and property of any kind or nature) actually received or receivable for the sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed, whether or not such act or service is done as part of or in connection with the sale of materials, goods, wares, or merchandise and any discounts, rents, royalties, fees, commissions, dividends, and gains realized from trading in stocks or bonds, however designated. Included in “gross receipts” shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property

sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:

1. Cash discounts where allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold, at which time the sales price shall be included as gross receipts;
3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
4. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
5. Receipts from investments where the holder of the investment receives only interest and/or dividends, royalties, annuities and gains from the sale or exchange of stock or securities solely for a person's own account, not derived in the ordinary course of a business;
6. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;
7. Cash value of sales, trades or transactions between departments or units of the same business;
8. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;
9. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar (\$1.00);
10. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Treasurer-Tax Collector with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

R. "Growing Cycle" means the life of cannabis plant from seed, clone or start to maturity, at which point the plant is harvested for flower or byproducts to dry, cure grade, trim or package for retail or wholesale.

S. "Immature Plant" – A cannabis plant which is not flowering.

T. "Immature Plant Area" – An area designated for the production of only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis on and solely for the use of a licensed Cannabis Cultivation Promises.

U. "Indoor" shall mean cultivation of cannabis using artificial light or mixed light within a detached fully enclosed and secure structure using artificial light at a rate

above twenty-five (25) watts per square foot and that complies with the California Building Code (Title 24, California Code of Regulations) for that specific occupancy type, as adopted by the County of Nevada.

V. “Medicinal Cannabis”, “Medical Cannabis”, “Medicinal Cannabis Product” or “Medical Cannabis Product” means cannabis or a cannabis product recommended by a licensed physician, in accordance with Cal. Health & Safety Code §§ 11362.5 - 11362.83 and intended to be sold for use pursuant to Cal. Health & Safety Code §§ 11362.5 – 11362.9, by a medicinal cannabis patient in California who possess a physician’s recommendation or intended to be donated to or used by a compassion care patient.

W. “Microbusiness” means an operation that engages in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.

X. “Mixed-light” means cultivation of cannabis which involves the use of a combination of natural and supplemental artificial lighting. Can be classified as Mixed Light Tier 1 or Mixed Light Tier 2.

Y. “Mixed Light Tier 1” – The use of artificial light at a rate of six (6) watts per square foot or less.

Z. “Mixed Light Tier 2” - The use of artificial light at a rate of above six (6) watts and below or equal to twenty-five (25) watts per square foot. “Mixed Light” cultivation must take place in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation.

AA. “Non-Remunerative Cultivation” or “Compassion Care Cultivation” means the cultivation of medical cannabis only by a Primary Caregiver on behalf of a Qualified Individual for no monetary compensation as contemplated by SB 829 or similar state legislation and/or any similar permit required by Nevada County Codes. Non-remunerative cultivation or compassion care cultivation activities must be permitted under applicable State law and County codes and must comply with all applicable state and local Commercial Cannabis Cultivation regulations but are not considered Cannabis Businesses for the purposes of this Chapter.

BB. “Nursery” means a facility or part of a facility that is used primarily for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

CC. “Outdoor” shall mean cultivation of cannabis in any location that is not “Indoors” nor “Mixed Light” and which does not involve the use of artificial lighting of any kind.

DD. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

EE. “Personal Use” means cannabis cultivated at the cultivator’s primary place of residence in accordance with all other provisions of Nevada County Codes, not for any commercial purpose and not for sale, donation, gifting, or any other purpose other than the personal use of the individual who cultivates the cannabis. Personal Use does not include non-remunerative/compassion care cultivation.

“Premise” refers to the site where Cultivation occurs and includes at least one (1) legal

parcel but may include multiple parcels if such parcels are under common ownership or control and at least one parcel contains a legally permitted and occupied primary place of residence.

FF. "Sale" means and includes any sale, exchange, trade or barter.

GG. "State" means the State of California.

HH. "State License", "license", or "registration" means a state license issued pursuant to Cal. Bus. & Prof. Code §§ 26000-26325, or other applicable state law.

II. ~~II.~~ "Treasurer-Tax Collector" means the Treasurer-Tax Collector of the County of Nevada, their deputies or designees, or any other County officer charged with the administration of the provisions of this Chapter.

JJ. "Testing Laboratory" means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state, and (v) is registered with the State Department of Public Health.

Section 5.08.050 Tax imposed.

A. Beginning January 1, 2019, there is established and imposed a cannabis business tax at the rates and methods set forth in this Chapter. Every person who is engaged in a cannabis business in the unincorporated area of the County shall pay a cannabis business tax in accordance with the requirements of this Chapter.

B. Tax on Permitted Commercial Cannabis Cultivation Excluding Nurseries

1. Every person who is engaged in commercial cannabis cultivation, excluding nurseries, in the unincorporated area of the County shall pay a cannabis business tax either:

- a. At a rate of up to ten dollars (\$10.00) per square foot of commercial cannabis cultivation area per growing cycle;
- b. At a rate of up to eight dollars (\$8.00) per ounce of cannabis or cannabis product sold, bartered, exchanged or otherwise transferred between a cultivator and other persons with State licenses and County Permits, per fiscal year;

~~c.~~ c. At a rate of up to ten percent (10%) of the Gross Receipts per fiscal year.

~~e.~~

2. The initial cannabis business tax base rate effective January 1, 2019, shall be set at two and one-half percent (2.5%) of the Gross Receipts per fiscal year; provided, however, that persons engaged in permitted commercial cannabis cultivation shall not pay less than the following amounts per annum, if tax is based on gross receipt or gross weight:

- a. Persons cultivating, for sale, a combined total of all growing cycles of less than or equal to two thousand five hundred (2,500) square feet of cannabis canopy shall pay a cannabis business tax of no less than twelve hundred fifty dollars (\$1250.00).
- b. Persons cultivating, for sale, a combined total of all growing cycles of more than two thousand five hundred (2,500) square feet but less than or equal to a combined total of all growing cycles of five thousand (5,000) square feet of cannabis canopy shall pay a cannabis business tax of no less than twenty-five

hundred dollars (\$2500.00)

- c. Persons cultivating, for sale, more than a combined total of all growing cycles of five thousand (5,000) square feet of cannabis canopy shall pay a cannabis business tax of no less than five-thousand dollars (\$5,000.00).

These set annual minimums may be periodically adjusted during periods of economic or disaster related hardships. Any reductions are not considered permanent and will be re-evaluated annually, as necessary.

3. Beginning July 1, 2023 each person engaged in legally authorized commercial cannabis cultivation within the unincorporated area of Nevada County shall pay an initial annual tax of \$0.16 per square foot per cycle of outdoor or mixed light tier 1 cultivation area or \$0.32 per square foot per cycle of mixed-light tier 2 or indoor cultivation area.

C. Tax on all other Cannabis Businesses Including Nurseries

1. Every person who is engaged in all other commercial cannabis business, including but not limited to as a retailer, distributor, distribution facility, testing laboratory, transporter, manufacturing facility, nursery, dispensary or engaging in the delivery of cannabis or operating as a microbusiness, in the unincorporated area of the County shall pay a cannabis business tax at a rate of up to ten percent (10%) of the Gross Receipts per fiscal year.
2. The initial cannabis business tax rate effective January 1, 2019, through June 30, 2021, shall be set at two and one-half percent (2.5%) of the Gross Receipts, but no less than twenty-five hundred dollars (\$2,500.00) per fiscal year.

D. Adjustments and Increases to Tax Rates and Methodology

1. Beginning on July 1, 2021, and on July 1 of each succeeding fiscal year thereafter, the cannabis business tax rates imposed by this Section 8.5 shall be automatically increased by the annual Consumer Price Index (CPI) for all urban consumers in the San Francisco-Oakland-San Jose areas as published by the United States Government Bureau of Labor Statistics as published for February of each calendar year. For example, a two percent (2%) CPI on the initial two and one-half percent (2.5%) tax rate under this subsection would result in an adjusted tax rate of 2.55%. However, no CPI adjustment resulting in a decrease of any tax rate imposed by this subsection shall be made.
2. As of July 1, 2021, the Board of Supervisors may, by ordinance, increase the cannabis business tax base rate in increments of up to two percent (2%) per year, not to exceed the maximum tax rates set forth in this subsection. For example, a two percent (2%) discretionary increase in the initial base rate under this subsection would result in a four and one-half percent (4.5%) base tax rate. Such increases shall be at the discretion of the Board of Supervisors. Incremental increases in the base tax rate shall not occur more than once per fiscal year, following the approval by the Board of Supervisors of such increase at a regularly scheduled meeting of the Board of Supervisors; provided, however, that if the Board of Supervisors does not increase the base tax rate for a period of three years or longer, then there shall be no limit on the percentage of discretionary increase that may be imposed by the Board of Supervisors. Said discretionary increases in the

base tax rate may be made in addition to any automatic CPI increase as provided above.

- ~~3.~~ Notwithstanding the maximum tax rates established in Subsections of this Chapter, the Board of Supervisors may, in its discretion, at any time by ordinance, implement a lower tax rate for all persons engaged in commercial cannabis activity in the unincorporated area of the County or establish different tax rates for differing categories of commercial cannabis businesses, to be defined by the Board of Supervisors, subject to the maximum tax rates set forth in Subsections 8.5 B and 8.5 C of this Chapter. The Board of Supervisors may, by ordinance, also increase any such tax rate from time to time, not to exceed the maximum tax rates set forth in Subsections 8.5.B and 8.5.C of this Chapter. Notwithstanding the methodology used for the initial cannabis business tax set forth in Subsection 8.5.B, the Board of Supervisors may, in its discretion, at any time by ordinance, implement a change in the methodology or rate structure for commercial cannabis cultivation businesses, subject to the maximum tax rates and consistent with the tax methodologies set forth in Subsection 8.5.B. The Board of Supervisors may also, in its discretion, create a tiered rate structure based on State license or County Permit .

3. type so long as the highest tier in the rate structure does not exceed the maximum tax rate, per fiscal year.

Section 5.08.060 Reporting and remittance of tax.

A. The cannabis business tax imposed by this Chapter shall be imposed on a fiscal year basis and shall be due and payable as follows:

- ~~A.~~
1. If the cannabis business tax is collected on gross receipts or by gross weight, each person engaged in a cannabis business and subject to the cannabis business tax shall, on or before the last day of the month following the close of each quarter, prepare and submit a tax return on the form prescribed by the Treasurer- Tax Collector with the total gross receipts and the balance of the tax due, if any. The full amount of the tax due shall be remitted to the Treasurer- Tax Collector at the time the return is filed. The tax due shall be no less than the quarterly installment due, but the Treasurer- Tax Collector may permit the taxpayer to pay the tax due for the entire fiscal year. Each cannabis business shall pay on or before the last day of the month following the close of each quarter.
 2. If the cannabis business tax is owed on commercial cannabis cultivation and if the Board of Supervisors has implemented a square footage methodology for taxing cannabis cultivation, the square footage tax due shall be paid based on the square footage and number of growing cycles of cultivation authorized by the County Permit and reported annually on the annual tax registration. Based on the above information reported, the tax collector will, on an annual basis,

mail to each authorized legal cannabis business a statement of taxes owed to be due in two (2) equal installments with due dates specified on the tax statement. Should a license and/or permit (state or County) be issued after annual tax statements are mailed, a prorated statement of taxes due will be sent and due as specified on the tax statement. The tax statement may include a request for adjustment of the tax due to square footage authorized but not utilized for cultivation, and/or crop loss, along with evidence substantiating the square footage utilized and/or crop loss. The decision to prorate or adjust the tax will be made at the sole discretion of the County. A fee may be adopted by the Board of Supervisors and collected by the agency having jurisdiction or the Treasurer-Tax Collector to pay for the cost of investigating, verifying and opining on such request for adjustment of the tax. If the cannabis cultivation begins in the middle of the fiscal year, the Treasurer-Tax Collector shall prorate, in monthly increments, the amount due for the fiscal year.

3. All tax statements shall be completed on forms prescribed by the Treasurer-Tax Collector.
4. Tax statements and payments for all outstanding taxes owed the County are immediately due to the Treasurer-Tax Collector upon cessation of business for any reason.
5. The Treasurer-Tax Collector may, at their discretion, establish shorter report and payment periods for any taxpayer, as the Treasurer-Tax Collector deems necessary to ensure collection of the tax.
6. The Treasurer-Tax Collector may, as part of administering the tax and in their discretion, modify the form of payment and take such other administrative actions as needed to facilitate collection of the tax.

~~6.~~

Section 5.08.070 Registration and Business Tax Certificates.

- A. In order that the Treasurer-Tax Collector shall have an accurate record of persons required to collect, report and remit the cannabis business tax in the unincorporated area of the County, prior to conducting business each person engaged in commercial cannabis cultivation or other cannabis business shall register such cannabis business with the Treasurer-Tax Collector, submit any information deemed necessary by the Treasurer-Tax Collector, and obtain a business tax certificate. Separate business tax certificates may be required for each business location.
- B. The issuance of a business tax certificate shall not entitle any person to engage in any cannabis business without first complying with the requirements of the Nevada County Codes and all other applicable laws.
- C. Business tax certificates issued under this Chapter are nontransferable.
- D. The Treasurer-Tax Collector may, as part of administering this Registration requirement and in their discretion, develop such registration forms, tax certificates, posting requirements and implementing regulations, and take such other administrative actions as needed to facilitate and ensure compliance with the registration process.

~~D.~~

Section 5.08.080 Payments and communications – timely remittance.

A. Whenever any payment, statement, report, request or other communication is due, it must be received by the Treasurer-Tax Collector on or before the final due date. A postmark cancellation made by the United States Postal Service will be accepted as timely received. If the due date for the tax would fall on a Saturday, Sunday, County holiday or a United States Post Office closure date, the due date shall be the next regular business day on which the County is open to the public.

~~B.~~ For the purposes of this section, “on or before” shall be interpreted as: (1) hand delivery to, and receipt by, the Treasurer-Tax Collector, or (2) postal delivery of a properly stamped and addressed envelope containing the return and full amount of the tax to the United States Postal Service. Delivery to the Postal Service must be verified by cancellation by the Postal Service showing a postmark date no later than midnight on the date that the tax is due.

~~B.~~

Section 5.08.090 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Treasurer-Tax Collector postmarked on or before the due date as specified in Sections 8.7 and 8.8 of this Chapter.

Section 5.08.100 Notice not required by the County.

The County may as a courtesy send a tax notice to the business. However, the Treasurer-Tax Collector is not required to send a notice of assessment, delinquency, or any other tax notice or bill to any person subject to the provisions of this Chapter. Failure to

send any such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

Section 5.08.110 Penalties and interest.

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this Article on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one and one-half percent (1.5%) per month.
2. If the tax remains unpaid for a period exceeding one (1) calendar month beyond the due date, an additional penalty equal to ten percent (10%) of the amount of the tax, plus interest at the rate of one and one-half percent (1.5%) per month on the unpaid tax and on the unpaid penalties.
- ~~3.~~ Interest shall be applied at the rate of one and one-half percent (1.5%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

~~3.~~

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and

interest as provided for in Section 8.11, and any other amount allowed under state law.

C. The commercial cannabis business tax due shall be that amount due and payable from the first date on which the person was engaged in commercial cannabis business in the unincorporated area of the County of Nevada, together with applicable penalties and interest calculated in accordance with Section 8.11.A, above.

D. Any person whose commercial cannabis business tax is delinquent by at least sixty (60) calendar days may be subject to revocation of the County Permit associated with that cannabis business activity.

~~E.~~ The Treasurer-Tax Collector is authorized to make an assessment in the manner provided for in Sections 8.25 and 8.26 of the anticipated tax liability for up to the following four (4) quarters for any person who has failed to file one (1) or more returns or payments, or who has filed one (1) or more delinquent returns or payments, in any twelve (12) month period, without curing the failure or delinquency within sixty (60) days of the original due date after written notice by the Treasurer-Tax Collector of the failure or delinquency. Failure to remit the anticipated tax within sixty (60) days of the notice of assessment shall be grounds for revocation of the County Permit associated with the subject cannabis business or, in the case of an unpermitted cannabis business, may be grounds for denial of a permit application for said cannabis business.

~~E.~~

Section 5.08.120 Waiver of Penalties.

The Treasurer-Tax Collector may waive the first and second penalties of ten percent (10%) each imposed upon any person if:

- A. The person provides evidence satisfactory to the Treasurer-Tax Collector that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent business tax and accrued interest owed the County prior to applying to the Treasurer-Tax Collector for a waiver.
- B. The waiver provisions specified in this subsection shall not apply to interest accrued on the delinquent tax and a waiver shall be granted only once during a twenty-four (24) month period.

Section 5.08.130 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 8.14.

~~B.~~ No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

~~B.~~

Section 5.08.140 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the County under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Treasurer-Tax Collector within one (1) year of the date the tax was originally due and payable. The claimant shall state, under penalty of perjury under the laws of the State of California, the specific grounds upon which the claim is founded. The claim shall be on forms furnished by the Treasurer-Tax Collector.

B. The Treasurer-Tax Collector, the County Auditor-Controller, their respective designees, or any other County officer charged with the administration of this Chapter

shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Treasurer-Tax Collector to do so. The Treasurer-Tax Collector may collect a fee approved by the Board of Supervisors to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the Treasurer-Tax Collector to make a determination on the claim for refund.

C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the County, the County shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

~~C.~~

Section 5.08.150 Personal Cultivation and Non-Remunerative/Compassion Care Cultivation Not Taxed.

- A. The provisions of this Chapter shall not apply to personal cannabis cultivation.
- B. This Chapter shall not apply to personal use of cannabis that is specifically exempted from State and County licensing or permitting requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.
- C. This Chapter shall not apply to non-remunerative/compassion care cultivation as defined in this Chapter.

Section 5.08.160 Administration of the tax.

- A. ~~12~~It shall be the duty of the Treasurer-Tax Collector to collect the taxes, penalties, fees, and perform the duties required by this Chapter.
- B. For purposes of administration and enforcement of this Ordinance generally, the Treasurer-Tax Collector may, from time to time, promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Ordinance as they deem necessary to implement or clarify such provisions or aid in enforcement.
- C. The Treasurer-Tax Collector may take such administrative actions as needed to administer the tax, including but not limited to:
 - 1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
 - 2. Implement all tax adjustments in accordance with this Chapter;
 - 3. Provide information to any taxpayer concerning the provisions of this Chapter;
 - 4. Receive and record all taxes remitted to the County as provided in this Chapter;
 - 5. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
 - 6. Assess penalties and interest to taxpayers pursuant to this Chapter;
 - 7. Determine amounts owed and enforce collection pursuant to this Chapter.

~~7.~~

Section 5.08.170 Appeal procedure.

- A. Any taxpayer aggrieved by any decision of the Treasurer-Tax Collector with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter

may appeal to the County Board of Supervisors by filing a notice of appeal with the Clerk of the Board within fifteen (15) calendar days of the serving or mailing of the notice of deficiency pursuant to Section 8.25 or notice of assessment pursuant to Section 8.27. If a timely notice of appeal is not filed, the tax, interest and penalties determined by the Treasurer-Tax Collector shall become final and conclusive.

B. The Clerk of the Board, or their designee, shall fix a time and place for hearing such appeal, and the Clerk of the Board, or their designee, shall give notice in writing to such operator at the last known place of address. The Treasurer-Tax Collector shall present the matter to the Board of Supervisors and include the evidence submitted by the taxpayer. The Treasurer-Tax Collector shall also submit proposed findings and a resolution of the appeal. At the hearing, both the Treasurer-Tax Collector and the taxpayer shall have an opportunity to explain their cases and introduce other statements and evidence. The Board of Supervisors may impose reasonable time limits on each party's presentation. The determination of the County Board of Supervisors shall be final and conclusive, and the notice of decision shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice of decision.

Section 5.08.180 Enforcement - action to collect.

A. Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the County. Any person owing money to the County under the provisions of this Chapter shall be liable in an action brought in the name of the County for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the County to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

B. In addition to any other remedies available under Federal, State, or local law, if any amount required to be paid to the County under this Chapter is not paid when due, the Treasurer-Tax Collector may, within three (3) years after the amount is due, record a certificate of lien specifying the amount of taxes, fees, interest and penalties due, and the name and address of the person as it appears on the records of the Treasurer-Tax Collector. The lien shall also specify that the Treasurer-Tax Collector has complied with all provisions of this Chapter in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with penalties, fees and interest thereon, constitutes a lien upon all real property in the County owned by the person, or subsequently acquired by the person before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) years from filing of the certificate of lien unless sooner released or otherwise discharged. A fee may be adopted by the Board of Supervisors and collected by the Treasurer-Tax Collector to pay for the cost of recording and administering the lien.

C. At any time within three (3) years after any person is delinquent in the payment of any amount required to be paid under this Chapter or within three (3) years after the last recording of a certificate of lien under Subsection B of this Section, the Treasurer-Tax Collector may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the County under this Chapter. The warrant shall be directed to the Sheriff and shall have the same effect as a writ of

execution. The warrant shall be levied, and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The Treasurer-Tax Collector may pay or advance to the Sheriff, the same fees, commissions and expenses for service provided by law for similar services pursuant to a writ of execution.

D. At any time within three (3) years after recording a lien against any person, if the lien is not discharged and released in full, the Treasurer-Tax Collector may forthwith seize any asset or property, real or personal (including bank account), of the person and sell at public auction the asset or property, or a sufficient part of it to pay the amount due, together with any penalties and interest imposed for the delinquency and any cost incurred on account of the seizure and sale. Assets or property of the person subject to seizure and sale subject to this Chapter shall not include any assets or property, which is exempt from execution under the provisions of the California Code of Civil Procedure.

E. The following shall constitute grounds for terminating any County Permit which authorizes cannabis business activity:

1. Failure to pay any cannabis business tax due under this Chapter within sixty (60) days of the due date.
2. Failure to cooperate with the Treasurer-Tax Collector, or designee, as determined by the Treasurer-Tax Collector, or their designee, during an audit pursuant to this Chapter.
3. Underpaying any business tax due under this Article in any reporting period by fifty (50%) percent more.
4. If the County determines that the nonpayment or underpayment of any cannabis business license tax due under this Chapter is due to fraud.

~~4.~~

Section 5.08.190 Apportionment.

If a business subject to the tax is operating both within and outside the unincorporated area of the County, it is the intent of the County to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the unincorporated area of the County. For purposes of apportionment as may be required by law, the Treasurer-Tax Collector may promulgate such administrative procedures for apportionment as they find useful or necessary.

Section 5.08.200 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law.

Section 5.08.210 Audit and examination of premises and records.

A. The correctness of any tax return filed pursuant to this Chapter shall be subject to audit and verification by the Treasurer-Tax Collector, the County Auditor-Controller or their respective designees, who are authorized and empowered to inspect and audit the books and records of any commercial cannabis business. No cannabis business shall refuse or fail to allow the Treasurer-Tax Collector, the County Auditor-

Controller or their respective designees, to inspect and audit such books and records, or shall refuse or fail to provide such additional information as requested by the Treasurer-Tax Collector, the County Auditor-Controller, or their respective designees.

B. The Treasurer-Tax Collector, the County Auditor-Controller, or their respective designees, shall have the power to inspect any location where commercial cannabis business occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, state tax returns, bank statements and other evidence documenting the gross receipts of the business) of persons engaged in cannabis businesses in the County, for the purposes of ascertaining the amount of commercial cannabis business tax, if any, required to be paid by the provisions hereof, and for the purpose of verifying any statements or items thereof when filed by any person pursuant to this Chapter. In conducting such investigation, the Treasurer-Tax Collector shall have the power to inspect any equipment, such as computers or point of sale machines that may contain such records.

~~C.~~ If any person engaged in a commercial cannabis business, after written demand by the Treasurer-Tax Collector, refuses to make available for audit, examination or verification such books, records or equipment as the Treasurer-Tax Collector requests, the Treasurer-Tax Collector may, after full consideration of all information within their knowledge concerning the cannabis business and activities of the person so refusing, make an assessment in the manner provided by Sections 8.26 and 8.27 of any taxes estimated to be due. The Treasurer-Tax Collector may collect a fee adopted by the Board of Supervisors to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the Treasurer-Tax Collector to make a determination of the tax due.

~~C.~~

D. It shall be the duty of every person liable for the collection and payment to the County of any tax imposed by this Chapter to keep and preserve, for a period of at least four (4) years, all records as may be necessary to determine the amount of such tax as they may have been liable for the collection of and payment to the County, which records the Treasurer-Tax Collector, the County Auditor-Controller, or their respective designees shall have the right to inspect at all reasonable times.

~~D.~~

Section 5.08.220 Other licenses, permits, taxes, fees or charges.

Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title, chapter or article of County Codes or any other ordinance or resolution of the County, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title, chapter or article of County Codes or any other ordinance or resolution of the County. Any references made or contained in any other title, chapter or article of County Codes to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other titles, chapters or articles of County Codes.

Section 5.80.230 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this Chapter, and its

acceptance by the County, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of County Codes, including but not limited to any and all permit requirements, and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

Section 5.08.240 Change of Ownership.

- A. In the event that there is a change of ownership of any cannabis business, the new owner is required to submit an updated registration form to the Treasurer-Tax Collector.
- B. Unless otherwise provided by law, upon the sale of any cannabis business:
 - 1. It is the joint and several liability of both the seller and the buyer to remit any cannabis business tax owed up until the date of the sale; and
 - 2. A Certificate of Delinquent Cannabis Business Tax Lien may be filed against both the buyer and/or the seller in an amount determined by the Treasurer- Tax Collector.
- C. Following any change of ownership, the new owner is subject to an audit by the Treasurer-Tax Collector, the Auditor-Controller or their designees.
- D. Any owner of a cannabis business required to collect or pay the cannabis business tax may apply for and receive, within ninety (90) days of application, a Tax Clearance Certificate, provided that all taxes, penalties and interest are paid in full for the time period specified.

~~D.~~

Section 5.08.250 Deficiency determinations.

If the Treasurer-Tax Collector is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, they may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in their possession or that may come into their possession within three (3) years of the date the tax was originally due and payable. One (1) or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice of deficiency shall be given to the person concerned in the same manner as notices of assessment are given under Section 8.27.

Section 5.08.260 Failure to report—nonpayment, fraud.

- A. Under any of the following circumstances, the Treasurer-Tax Collector may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:
 - 1. If the person has not filed a complete statement required under the provisions of this Chapter;
 - 2. If the person has not paid the tax due under the provisions of this Chapter;
 - 3. If the person has not, after demand by the Treasurer-Tax Collector, filed a corrected statement, or furnished to the Treasurer-Tax Collector adequate substantiation of the information contained in a statement already filed, or paid

- any additional amount of tax due under the provisions of this Chapter; or
4. If the Treasurer-Tax Collector determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Treasurer-Tax Collector to be due or estimated by the Treasurer-Tax Collector, after consideration of all information within the Treasurer-Tax Collector's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

Section 5.08.270 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as they shall register with the Treasurer-Tax Collector for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Treasurer-Tax Collector for such purpose, then to such person's last known address. For the purposes of this Section, a service by mail is complete at the time of deposit in the United States mail.

Section 5.08.280 Tax assessment - hearing, application and determination.

Within ten (10) days after the date of service of the notice of assessment, the person may apply in writing to the Treasurer-Tax Collector for a hearing on the assessment. If application for a hearing before the County is not made within the time herein prescribed, the tax assessed by the Treasurer-Tax Collector shall become final and conclusive. Upon receipt of any such application for hearing, the Treasurer-Tax Collector shall cause the matter to be set for hearing before them no later than forty-five (45) business days after the receipt of the application, unless a later date is agreed to by the Treasurer-Tax Collector and the person requesting the hearing. Notice of such hearing shall be given by the Treasurer-Tax Collector to the person requesting such hearing not later than five (5) calendar days prior to such hearing. At such hearing, said applicant may appear and offer evidence why the assessment as made by the Treasurer-Tax Collector should not be confirmed and fixed as the tax due. After such hearing the Treasurer-Tax Collector shall determine and, if applicable, reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 8.27 for giving notice of assessment. The amount determined to be due shall be payable thirty (30) calendar days after written notice of the decision has been given, unless it is appealed to the Board of Supervisors in accordance with Section 8.17.

Section 5.08.290 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required cannabis business tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law

requiring the payment of all taxes.

Section 5.08.300 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punishable therefore as provided for in the Nevada County Code and the California Penal Code.

Section 5.08.310 Remedies cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Nevada County Codes and any other provision of law or equity are cumulative. The use of one or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Ordinance.

Section 5.08.320 Amendment or repeal.

This Chapter may be repealed or amended by the County Board of Supervisors without a vote of the people to the extent allowed by law. However, as required by Article XIIIIC of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Ordinance above the maximum rates established by this Chapter. The people of the County of Nevada affirm that the following actions shall not constitute an increase of the rate of a tax:

- A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the County Board of Supervisors has acted to reduce the rate of the tax;
- B. An action that interprets or clarifies the methodology of the tax, or that interprets, clarifies or adds any definition applicable to the tax, so long as interpretation, clarification or addition (even if contrary to some prior interpretation, clarification or addition) is not inconsistent with the language and purposes of this Chapter;
- C. The collection of the tax imposed by this Chapter even if the County had, for some period of time, failed to collect the tax;
- D. The Board of Supervisors adoption of an ordinance, as authorized by Section 8.5 to increase or decrease the tax rate or to modify the method for assessing and collecting the tax provided the tax rate is not increased to a rate higher than the maximums established herein and the method of assessment is consistent with the methodologies established herein.

TITLE 6 CHAPTER III: BUSINESS REGULATIONS and LICENSES
**CHAPTER ARTICLE 1: INSTALLATION OF AUTOMOTIVE TIRE-
CHAINS CHAIN CONTROL REGULATIONS**

Sections:

Section 6.0-~~G-III~~1.010 Short Title “Chain Control Regulations”

Section 6.0-~~G-III~~1.020 ~~_____~~ Permit Required

Section 6.0-~~G-III~~1.030 ~~__~~ Permit Required - Application Fees

Section 6.0-~~G-III~~1.040 ~~__~~ Installation and Removal Standards

Section 6.0-~~G-III~~1.050 ~~__~~ Suspension or Revocation of Permit

Section 6.0-~~G-III~~1.060 ~~__~~ Permit Required - Minimum Age of Applicant

Section 6.0-~~G-III~~1.070 ~~__~~ Penalty

Section 6.0-~~G-III~~1.080 ~~__~~ Appeal

Section 6.0-~~G-III~~1.010 Short Title “Chain Control Regulations”

This Section shall be known and referred to in all proceedings as the “Chain Control Regulations”.

Section 6.0-~~G-III~~1.020 Permit Required

It shall be unlawful for any person to engage in the installation or removal of automotive chains for compensation on any vehicle for use upon any state highway or other public roadway within the boundaries of the County of Nevada without having first obtained a permit issued by the Nevada County Sheriff’s Department and providing proof of a valid chain installation and removal permit issued by the California Department of Transportation.

Section 6.0-~~G-III~~1.030 Permit Required – Application; Fees

A. Application

Any person desiring to engage in the business of removing or installing automotive tire chains for compensation during the winter months for use upon those public roadways specified in 6.02.120, must be over the age of eighteen (18) years and shall first apply to the Sheriff’s Office of the County by completing a chain installation permit application.

All applicants are required to be fingerprinted and photographed by Sheriff personnel at the applicant’s expense. Sheriff personnel shall process completed applications and render a decision within ten (10) calendar days of receiving the fingerprint report from the Department of Justice. The Sheriff is authorized to deny a permit application upon a finding of good cause, including, but need not be limited to, the applicant having submitted an incomplete

application, having falsified information on the permit application, having been convicted of a crime (other than an infraction) involving dishonesty, fraud, deceit, violence, illegal sale/distribution or possession of a controlled substance, or any other crime involving moral turpitude within the last ten (10) years, or having otherwise failed to meet the requirements set forth in this ~~Article~~Chapter.

B. Application Fee

D. The fee for such a permit shall be set by resolution of the Board of Supervisors. The Sheriff shall deposit the fee so collected in the County treasury. The permit issued shall expire June 30th of each year. (Ord. 2377. (01/28/2014)); Ord. 2522. (04/18/2023)

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Section 6.01.040 ~~Sec. G-III~~ Installation and Removal Standards

A. Unless otherwise approved by the Sheriff, chain installation and removal locations within the County shall be limited to installation and removal locations authorized in accordance with the terms and conditions of the permit issued to the individual by the California Department of Transportation.

B. Conduct and Workmanship

Permit Holders shall be required at all times to comply with the chain installer conduct and workmanship conditions set forth by the California Department of Transportation.

Section 6.01.050 ~~Sec. G-III~~ Suspension or Revocation of Permit

The Sheriff is authorized to suspend or revoke the County-issued chain installation or removal permit for non-compliance with any of the permit terms and/or conditions.

Section 6.01.060 ~~Sec. G-III~~ Permit Required - Minimum Age of Applicant

Any person desiring to engage in the business of removing or installing automotive tire chains for compensation during the winter months for use upon those public roadways must be over the age of eighteen years.

Section 6.01.070 ~~Sec. G-III~~ Penalty

Whenever any provision of this Section is violated by any person, such person shall be deemed guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment in the County jail not to exceed six (6) months, or by both such fine and imprisonment. Each day's violation of this Section shall constitute a separate and punishable offense.

Section 6.01.080 ~~Sec. G-III~~ Appeal

An applicant or permittee may appeal a denial of a permit application or the suspension or revocation of a permit issued under this ~~Article~~Chapter by submitting a written appeal to the Nevada County Undersheriff within twenty-one (21) days after such action is taken. The appeal shall set forth the reason(s) why the individual believes the action taken was improper. The Undersheriff shall complete a neutral and impartial analysis of the individual's appeal within fourteen (14) days of receipt of the appeal and may affirm, overturn, or modify the action based on the information presented. Upon request of the individual, the Sheriff may, at their discretion, review the decision of the Undersheriff and

render their own decision on the merits of the appeal.

CHAPTER 2 SECTION 4: REGULATION OF MEDICAL TRANSPORTATION SERVICES

Sections:

<u>Section 6.02.010</u> Sec. G-III 4.1	Purpose
<u>Section 6.02.020</u> Sec. G-III 4.2	Definitions
<u>Section 6.02.030</u> Sec. G-III 4.3	Service Requirements
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	License
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<u>Section 6.02.120</u> Sec. G-III 4.12	Vehicle Equipment
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	Dimensions of Ground Units
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<u>Section 6.02.190</u> Sec. G-III 4.19	Enforcement
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<u>Section 6.02.210</u> Sec. G-III 4.21	Appeal Hearing Process
<u>Section 6.02.220</u> Sec. G-III 4.22	Circumstances for Revocation and/or Suspension of Nevada
	County Service Permit Authorized by Local EMS Agency
<u>Section 6.02.230</u> Sec. G-III 4.23	Grounds for Immediate Revocation or Suspension
<u>Section 6.02.240</u> Sec. G-III 4.24	Notice of Violation
<u>Section 6.02.250</u> Sec. G-III 4.25	Complaints
<u>Section 6.02.260</u> Sec. G-III 4.26	Compliance
<u>Section 6.02.270</u> Sec. G-III 4.27	Exemptions from Requirements for Permit
<u>Section 6.02.280</u> Sec. G-III 4.28	Miscellaneous Requirements
<u>Section 6.02.290</u> Sec. G-III 4.29	Special Events
<u>Section 6.02.300</u> Sec. G-III 4.30	Ambulance Rates

Section 6.02.310~~Sec. G-III 4.31~~

Interfacility Transfers

Section 6.02.320~~Sec. G-III 4.32~~

Disaster Operations ~~Sec. G-III 4.33~~

~~Reserved~~

Section 6.02.330~~Sec. G-III 4.34~~

Prohibited Acts

Section 6.02.010 ~~Sec. G-III 4.1~~ Purpose

The purpose of this Section is to enact formal policies and regulations for licensing and regulating the operation of medical transportation services with the County of Nevada, to protect the public by assuring that medical transportation services operate safely and to assure that adequate medical transportation services will be provided in all areas of the County.

Section 6.02.020~~Sec. G-III 4.2~~ Definitions

The following terms are defined as set forth below for the purposes of this Section:

A. ADVANCED LIFE SUPPORT (ALS) means special services designed to provide definitive pre-hospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorized personnel under supervision of a base hospital as part of a local EMS system at the scene of an emergency, during transport to an acute care hospital, during inter-facility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

~~B.~~ AGENCY VEHICLE means a vehicle, which responds to an emergency, the attendants of which may treat but not transport patients and is operated and equipped at the ALS level by a provider agency under a permit issued pursuant to this Section.

~~B.~~

C. AMBULANCE means a vehicle, permitted by the local EMS Agency, specially constructed, modified, equipped, and used for the purpose of transportation of sick, injured, convalescent, infirm, or otherwise incapacitated persons who may require measures to prevent loss of life or worsening of a traumatic injury or illness, or have sudden need of medical attention.

~~D.~~ AMBULANCE SERVICE means the operation of any ambulance within the County of Nevada.

~~D.~~

~~E.~~ APPLICANT means any person, organization, or service provider who applies for a permit under this Section.

~~E.~~

~~F.~~——BASIC LIFE SUPPORT (BLS) means emergency first aid and cardiopulmonary resuscitation procedures which, at a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until advanced life support is available.

~~F.~~_____

~~G.~~——BOARD means the Governing Board of Directors of the Local EMS Agency.

~~G.~~_____

~~H.~~——COUNTY means The County of Nevada, California and its agencies, departments, committees, boards and commissions.

~~H.~~_____

I. DEPARTMENT OF PUBLIC HEALTH means the Nevada County Department of Public Health.

~~J.~~——EMERGENCY MEDICAL SERVICES SUBCOMMITTEE (EMSS) means the Nevada County subcommittee of the Nevada County Operational Area Emergency Services Council established pursuant to Cal. Health & Safety § 1797.270. ~~of the~~

~~California~~

~~J.~~_____

~~K.~~——EMERGENCY MEDICAL SERVICES means the services utilized in responding to a medical emergency.

~~K.~~_____

L. EQUIPMENT means the equipment required in an ambulance, air ambulance or agency vehicle pursuant to this Section and equipment standards established by the Local EMS Agency.

~~M.~~——LOCAL EMS AGENCY means the agency, department, or office having primary responsibility for administration of emergency medical services in the County of Nevada or Local EMS Agency or region.

~~M.~~_____

~~N.~~——MEDICAL TRANSPORT VEHICLE means a vehicle, not an ambulance, specifically constructed, modified, equipped, or arranged to accommodate a stretcher or wheelchair and operated for the purpose of transporting sick, injured, convalescent, infirmed, or otherwise incapacitated persons not requiring urgent transportation.

~~N.~~_____

O. PATIENT means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless and who may be transported in an ambulance, air ambulance

or medical transport vehicle.

P. PERMIT means the document authorized/issued by the local EMS Agency on behalf of the Board which issues a permit for a service to provide emergency care and/or medical transportation in the County of Nevada.

Q. PERMITTEE means a person who holds a permit.

R. PERSON means an individual, trust, firm, partnership, association, corporation or public entity.

S. PILOT means a person who is certified as a commercial pilot by the Federal Aviation Administration.

T. PUBLIC ENTITY SERVICE means a service which is provided primarily as a public service by an agency of local government.

~~A.~~—REPORTS means records upon such forms as may be provided or prescribed by the Local EMS Agency concerning the dispatch, emergency care, or transportation of any patient within or beyond the limits of Nevada County. Such reports shall be available for inspection at any reasonable time and copies of such records shall be filed upon written request of the Local EMS Agency within two (2) working days.

~~U.~~_____

~~U.~~—SERVICE means the operation of an ambulance, air ambulance, agency or medical transport vehicle to provide medical care or patient transportation within the County of Nevada.

~~V.~~_____

~~V.W.~~_____ STATE means the State of California.

~~W.~~—STATION means a facility from which an ambulance, air ambulance or medical transport vehicle is operated.

~~X.~~_____

~~X.Y.~~_____ SUBSTATION means a subsidiary facility from which an ambulance, air ambulance or medical transport vehicle is operated.

~~Y.~~ TRANSFER means the movement of a patient by ambulance, air ambulance or medical transport vehicle, from one hospital to another hospital, a medical facility, a home or other location.

~~Z.~~

~~6.~~ TRANSPORT means the movement of a patient by ambulance, air ambulance or medical transport vehicle.

~~AA.~~

~~6.BB.~~ VOLUNTEER means an individual who:

1. Acts as a driver or attendant of an ambulance or medical transport vehicle;
2. Does not receive more than fifty percent (50%) of their annual income from the EMS provider that is claiming volunteer status.

CC. VOLUNTEER SERVICE means a service which:

1. Transports patients without compensation, other than reimbursements to defray the actual expenses of providing such service and;
2. Is either wholly or partly subsidized or otherwise operated under the auspices of some governmental or public agency, body or group, or any industrial or nonprofit corporation and;
3. Uses volunteers.

Section 6.02.030 ~~Sec. G-III 4.3~~ Service Requirements

A. Except as provided in this Section, no person may furnish, operate, conduct, maintain, advertise or otherwise be engaged in, or profess to operate an ambulance, air ambulance or medical transport vehicle within the County of Nevada unless they hold a valid permit authorized/issued by the local EMS Agency pursuant to this Section.

B. A permit will be issued only when the permittee is in compliance with all applicable federal, state, and County codes and regulations, and County policies and procedures.

C. For the purpose of determining whether a service meets the requirements of this Section, the local EMS Agency may require the following information:

1. Location of storage, supply, or re-supply of drugs and controlled substances;
2. Station or substation location;
3. Location of business as listed on any business license;

4. Advertised business location, telephone number, and mailing address;
5. Site to which on-call employees respond when a request for service is received;
6. Location of back-up equipment supply or re-supply; and
7. Any additional information that may be required by the County or Local EMS Agency.

D. Whenever a service based outside ~~the Nevada County~~County of Nevada, but within the State of California, initiates a transport within ~~the County of Nevada~~ County must hold a valid permit as described in this Section, unless otherwise exempted in this Section.

E. No permit is required if a valid provisional permit, issued by the local EMS Agency, to operate pursuant to 6.02.050, exists.

F. A service permitted in accordance with this Section must provide emergency care to and transport any emergency patient regardless of the patient's ability to pay.

G. No permittee, under this Section shall cause or allow its ambulances, or air ambulances to respond to a location without receiving a specific request for that response, unless otherwise exempt.

Section 6.02.040Sec. G-III 4.4 Initial Permit Application Procedures and Endorsement Levels

A. Application for a permit must be made upon forms prescribed by the local EMS Agency in accordance with this Section. The local EMS Agency, after receipt of the completed application shall:

1. Confirm the applicant's approval as an ALS provider;-
2. Cause an investigation to be made of the applicant, the applicant's proposed service and the information contained on the application and;
3. Upon completion of the investigation, either issue the permit or reject the application in writing on any grounds prescribed in this Section. The written rejection must set forth the reasons therefor and must notify the applicant of ~~their~~his right to appeal per 6.02.210.

B. In accordance with the provision of this ~~S~~section, the local EMS Agency shall prepare an application form and shall require each applicant to furnish information as it deems necessary to determine the applicant's ability to meet the requirements of this Section.

C. The applicant must provide proof of insurance coverage as required by 6.02.110~~this Section~~.

D. The applicant must provide a statement of financial worth of the proposed ambulance service.

E. When the applicant is a firm or corporation, the officers, owners and managers shall provide their fingerprints for the purpose of identification and criminal background screening.

F. A permit expires on July 1, following the date of issuance, and must be renewed before that date. A renewal application must be submitted at least thirty (30) days prior to the permit expiration date with the same requirements, limitations, terms and conditions applicable to issuance of a permit. A modified application form approved by the local EMS Agency shall be used for renewal applications for a permit.

G. The local EMS Agency shall not approve an application for operation unless that application is in compliance with the policies of the Local EMS Agency. The application shall include, at a minimum, a description of:

1. The name, current address, and certification level of the attendants who the service proposes to utilize;
2. How the service or agency proposes that its attendants will comply with requirements under this Section for continuing training and periodic certification;
3. Communications and twenty four (24)-hour dispatch capabilities, including recording of telephone and radio communications of the service, recording maintenance and retrieval system, response times and the protocols used for dispatching the service;
4. How the equipment, supplies and drugs which the service uses on each BLS, ALS, or medical transport unit comply with Local EMS Agency policy; ambulances or air ambulances shall be removed from service if the unavailability of supplies/drugs interferes with the delivery of clinically necessary patient care.
5. How the service or agency proposes to maintain adequate medical records on the treatment of patients, and a general description of their internal quality assurance process and the individuals responsible;
6. The name of each base hospital to which patients will be transported;
7. The staffing necessary for the number of units to be operated by the service;
8. The service's plan for drug storage, supply and re-supply, including procedures to meet federal, state and local requirements;
9. The service's plan for handling and disposal of Biohazardous Materials;
10. The service's plan for Infection Control and;
11. The service's plan for the Incident Command System (ICS), and disaster training, equipment and supplies;
12. The schedule of proposed rates under which applicant will operate. Such rates may be based on a flat rate, or zone basis, time, mileage, or special service, or a combination thereof.

~~12.~~

Section 6.02.050 ~~Sec. G-III-4.5~~ Provisional Permits

A. The local EMS Agency may authorize/issue a provisional permit to operate an ambulance, air ambulance, or medical transportation service which is limited as to time, place and purpose, based on public need.

B. No provisional permit may be issued for a period of time longer than six (6) months.

C. A provisional permit may be authorized for reissue at the discretion of the local EMS Agency, but in no case may more than one (1) reissue be made.

D. A provisional permit may be issued when the applicant is deemed by the local EMS Agency Medical Director to be ineligible for a regular permit because of an inability to meet, in the opinion of the local EMS Agency, any requirement of this Section and the service is deemed necessary for the safety of the public and not detrimental to patient care.

Section 6.02.060~~Sec. G-III 4.6~~ General Requirements Pertaining to the Display and Use of Permits

A. Any permit or provisional permit issued pursuant to this Section shall be prominently displayed in the principal place of business of the permittee and shall not be altered or defaced in any way. If any official entry on any such permit is defaced, removed, obliterated or altered in any way, the permit shall be rendered immediately null and void and of no force and effect whatever.

B. No permit issued pursuant to this Section is transferable.

C. Each permitted vehicle shall display the issued permit decal in plain sight on each vehicle in the area deemed appropriate by the local EMS Agency.

Section 6.02.070~~Sec. G-III 4.7~~ Grounds for Disapproval of Permit Application/Endorsement of Service Level

A. The local EMS Agency may refuse to issue a permit for one or more of the following reasons:

1. Failure to provide a complete application or a determination by the local EMS Agency that the applicant fails to meet the requirements of this Section;
2. If the provider's owners, officers and managers have previously had an applicable permit revoked or the status is directly at issue, which effects its present ability to serve;
3. If the provider's owners, officers and managers have a criminal record, as verified by the FBI and/or the Criminal Intelligence and Investigation, which is substantially related to the qualifications, functions, and duties of operating a service;
4. If there is reasonable cause to believe that the provider's owners, officers and managers will not provide emergency medical services or medical transport in a manner that will promote the health and general welfare of persons within the County who may need to utilize the applicant's proposed services;
5. If the provider's owners, officers and managers do not have the required equipment

for the units;

6. If the provider's owners, officers and managers have not demonstrated, utilizing standard accounting practices and principles, sufficient financial stability or capitalization of a service to assure that the service will be run in an efficient and business-like manner for a period of at least one (1) year or cannot meet the insurance requirements ~~of in~~ Section 6.02.110, G-III-4.11;
7. If the provider's owners, officers and managers propose to operate a service within a service area where another ambulance service or entity has been granted an exclusive operating area;
8. If the applicant for a permit to operate an air ambulance does not meet the Federal Aviation rules for certification under FAR Part 91 or Part 135, or both, as published in the Federal Register, January 1, 1985, as may be amended from time to time;
9. If the provider's owners, officers and managers commit fraud or deception in the completion of the application and/or;
10. Failure to comply with all applicable federal, state and County codes and regulations and Local EMS Agency policies/procedures.

B. If an application for a permit to operate a service, or an endorsement authorizing services at the ALS level is denied by the local EMS Agency for failure to meet the requirements of this Section, the applicant shall be notified by personal service or by certified mail within ten (10) working days of that fact, stating the reason or reasons therefore and the applicant's right of appeal as provided for in this Section. No right of appeal exists if the permit is denied pursuant to the provisions of this Section.

Section 6.02.080 ~~See. G-III-4.8~~ County Approval Prerequisite to Obtaining Business License

Receipt of business license issued by any local governmental entity does not constitute a permit to operate an ambulance or medical transport service until a permit as required by this Section has been authorized/issued by the local EMS Agency.

Section 6.02.090 ~~See. G-III-4.9~~ Operation Standards and Procedures

A. Any unit, unless exempt, in order to be placed into service, must be inspected by the California Highway Patrol and the Local EMS Agency and must have a current "Statement of Safe Operating Condition" issued by the California Highway Patrol to determine if it complies with this Section.

B. Each unit must be maintained in a safe operating condition, including all engine parts, body parts, and all other operating parts and equipment used in and on the unit. (Note: In this connection the local EMS Agency shall periodically, and at least annually, require each permittee to certify that they have had inspected every unit under their control and supervision and that, in the opinion of a professional mechanic, the unit is in safe operating

condition. Successful completion of an annual California Highway Patrol Ambulance Inspection is acceptable. A written copy of this certificate shall be submitted to the local EMS Agency within ten (10) days of the inspection.) In the case of an air ambulance, maintenance must be in accordance with Federal Aviation Rules parts 43, 91 and 135 as applicable.

C. Each ambulance shall be equipped with at least one (1) primary mobile two-way radio capable of establishing and maintaining communication with the base hospital on the UHF designated MED NET 1-10 frequencies and the local fire authority. Each ambulance shall also be equipped with at least one portable back up communication device (cellular telephone is acceptable.) All communications equipment must meet manufacturer's specifications for power, output and antenna.

D. Units shall be equipped with such lights, sirens, and special marking to designate it as an ambulance as are required by the regulations of the California Highway Patrol covering operation and equipment of ambulances used for emergency services.

E. Every unit operated in the County of Nevada shall currently comply with all applicable laws and local ordinances relating to health, sanitation and safety.

F. Relatives of a patient and other persons may ride in an ambulance or medical transport vehicle at the discretion of the attendant(s). Restraints for utilization by each passenger riding in an ambulance or medical transport vehicle must be available in ambulances or medical transport vehicles. Attendants shall require that all persons utilize such restraints.

G. An ambulance service or entity granted an exclusive operating area as part of the local EMS Agency plan, may adopt dispatch protocols and procedures which must be approved by the local EMS Agency.

Section 6.02.100 ~~Sec. G-III 4.10~~ Required Personnel

A. In addition to any other requirements contained herein, no service may utilize a driver or pilot to operate a unit unless:

- ~~1.~~ They are familiar with the geographic area of the organization's service area;
1.
2. They have adequate knowledge of all the hospitals within the organization's service area;
3. They can operate a two-way radio and;
4. They can drive a unit under emergency conditions.

The service provider shall keep on file confirmation of demonstrated knowledge/ability of A.1 through 4, signed by the employee and management.

B. Each service or agency must provide written notice to the local EMS Agency

within ten (10) days of any change in units unless an alternate plan has been approved by the local EMS Agency.

C. Services may utilize only those drivers and attendants who are appropriately licensed, certified and accredited by California and/or the local EMS Agency.

D. Every advanced life support transport unit when in operation must be staffed, at a minimum, by two personnel, one of whom must be State licensed and locally accredited as an EMT-P and one of whom must be certified in the State of California as an EMT-I.

E. Every Basic Life Support transport unit when in operation must be staffed, at a minimum, by two personnel, both of whom must be certified in the State of California as an EMT-I.

F. An agency vehicle approved at the ALS level must have at least one California licensed and locally accredited EMT-P.

G. An operational air ALS unit should be staffed by two EMT-P's or two registered nurses and, as a minimum, must be staffed by no fewer than one EMT-P or authorized registered nurse and one EMT-I.

H. No person, service or agency shall be out of compliance with Cal. Gov't Code § 8355, in matters relating to providing a drug-free workplace.

I. Air ambulance attendants used by a service must have training in aeromedical physiology, aircraft safety, emergency aeromedical procedures, and any other specialized training required by the Local EMS Agency based on current Association of Air Medical Services (AAMS) national standards.

Section 6.02.110 ~~Sec. G-III 4.11~~ Insurance Requirements

A. The permittee shall obtain and keep in force during the term of said permit the following insurance coverage issued by a company authorized to do business in the State of California. The required insurance coverage may be revised as deemed necessary by the local EMS Agency, Nevada County Risk Manager or the County Administrative Officer.

1. Comprehensive General Liability Insurance to include coverage for bodily injury, property damage, blanket contractual, and personal injury.
2. Workers' Compensation Insurance for Statutory Compensation Coverage.
3. Comprehensive Auto Liability, combined Single Limit Bodily Injury and Property Damage; minimum coverage for medical transport vehicles and coverage for all permittees must include owned auto, non-owned auto, hired auto, and cross liability or severability of interest clause in policy.

4. Professional Liability for all employees providing service. Error or omission and failing to render professional services coverage, and minimum limits for medical transport vehicles and all other permittees.

B. Said insurance shall contain coverage expressly recognizing the indemnification obligations assumed by the ambulance business or applicant in accordance with this Section but shall not be construed to limit in any manner the amount of ambulance business or applicant's liability thereunder; providing further, where permitted by the carrier, said insurance shall expressly name County and local EMS Agency, its governing board, agents, officers and employees as additional insured.

C. Said insurance shall not be subject to cancellation or reduction without sixty (60) days prior written notice to County and local EMS Agency. The insurance carrier shall serve written notice to the Nevada County Risk Manager and local EMS Agency.

D. Each unit placed in operation shall be included within the scope of the required insurance coverage and limits and shall be operated pursuant to the permit issued in accordance with this Section.

E. Certificate(s) of insurance satisfactory to the ~~Nevada~~ County of Nevada Risk Manager and local EMS Agency must be approved before ambulance service commences.

F. The provisions of this ~~S~~section regarding liability insurance do not apply to services provided by the State of California or its departments, divisions or agencies.

G. Upon receipt of any notice of cancellation or non-renewal of an insurance policy, the ~~Nevada~~ County of Nevada Risk Manager or local EMS Agency shall either (1) confirm that the provider immediately reinstates insurance coverage prior to cancellation; (2) In the absence of substitute provider coverage, order the permittee to cease service in the County of Nevada and to surrender any permit issued pursuant to this Section; (3) see that the insurance is reinstated at the provider's expense; or (4) obtain substitute provider coverage until the matter is resolved at provider's expense.

Section 6.02.120 ~~Sec. G-III-4.12~~ Vehicle Equipment

A. All services must adhere to the Local EMS Agency equipment inventory list.

B. All medical equipment and supplies on an agency vehicle must be stored to promote security and protection from the elements.

Section 6.02.130 ~~Sec. G-III-4.13~~ Requirements for Interior Configuration, Design and Dimensions of Ground Units

A. Each ground ambulance unit placed in service after July 1, 1991, must, when purchased, be configured to meet the mechanical and electrical standards established by the United States Department of Transportation in its specifications designated Docket KKK A 1822, as amended from time to time.

B. In addition to meeting the requirements in this Section, ALS units must, where noted:

1. Have space as required by Docket KKK-A-1822, as amended from time to time;
2. Have additional shelf and other storage space sufficient for controlled substances, including locked storage in accordance with 6.02.160;
3. Have proper storage of other medical equipment and supplies to prevent patient injury in transit and;
4. Have a system which will control temperature adequately to maintain the integrity of the medical supplies and drugs as well as the health and safety of the patients and attendants.

Section 6.02.140Sec. G-III-4.14 Station Requirements

A. Every station and substation used in a commercial or public entity service must meet the following requirements:

1. Local Building, Fire, Health, Sanitation and CalOSHA Codes;
2. Every station and substation must be properly located to permit any ambulance operating therefrom rapid and safe egress to a main thoroughfare;
3. Every station and substation must have adequate off-street parking space for all units operating therefrom;
4. Every station shall be in compliance with all applicable OSHA and ADA requirements;
5. Every station and substation must be in clean and sanitary condition and have suitable sleeping quarters for attendants who are scheduled to work a twenty-four (24)-hour shift which are private and separate from operational areas.

B. Every station and substation shall be inspected prior to the issuance of any permit and, thereafter, shall be inspected at least once yearly by County Risk Manager or local EMS Agency for the purpose of determining whether or not the station or substation is in compliance with this Section and any other Nevada County Department of Public Health regulations.

Section 6.02.150Sec. G-III-4.15 General Requirements Regulating Air Ambulances

An air ambulance must, in addition to other requirements in this Section, comply with Local EMS Agency policies and procedures.

Section 6.02.160Sec. G-III-4.16 Drugs and Controlled Substances

All administration, supply, re-supply, documentation, storage and security measures and destruction of drugs, controlled substances and hypodermic devices must be in compliance with all laws and regulations of the state and federal government, federal and state pharmacy regulations and the local EMS Agency. As used in this Section, drugs and controlled substances have the meaning ascribed to them in State Board of Pharmacy Regulations. Any provider agency that stockpiles drugs shall have a medical director

and/or a clinical pharmacist.

Section 6.02.170~~Sec. G-III-4.17~~ Required Reporting

A. Any change in a service's ambulance fleet must be filed by the permittee with the local EMS Agency within ten (10) days of its occurrence.

B. Each service shall submit such additional operational information as required by local EMS Agency within ten (10) days.

C. Whenever a unit is involved in a crash and/or experiences mechanical problems resulting in a mission failure, the local EMS Agency shall be notified immediately.

D. Any alleged violation of this Section must be reported by the service provider, to the local EMS Agency.

Section 6.02.180~~Sec. G-III-4.18~~ Inspections

A. The Local EMS Agency shall inspect, or cause to be inspected, every unit before it is placed into use, and annually thereafter. Such inspections do not duplicate, and shall not be in lieu of, inspections performed or required by the California Highway Patrol.

B. After inspection, a written report shall be prepared indicating every violation or omission of any requirements, standards or provisions contained in this Section with respect to the unit inspected. The report shall set a time period for correction of each violation or omission. A copy of the report shall be given to the permittee of the service concerned.

C. In addition to the routine inspections required in this Section, the County and/or Local EMS Agency may make unannounced non-routine inspections of any ambulance, air ambulance or medical transport vehicle, station or substation regulated hereunder, for the purpose of determining whether or not any aspect of a service subject to this Section is, or is not, in compliance with this Section. A written report shall be prepared pursuant to 6.02.220 (B)~~this Section~~.

Section 6.02.190~~Sec. G-III-4.19~~ Enforcement

A. Enforcement of this Section is the primary responsibility of the local EMS Agency.

B. An appeal process is established by the local EMS Agency.

Section 6.02.200~~Sec. G-III-4.20~~ Unprofessional Conduct

A. A person exhibits unprofessional conduct if they fail to maintain that standard of performance, exercise that degree of skill, care, diligence and expertise, or manifests that professional demeanor and attitude which is ordinarily exercised and possessed by other persons in similar positions in California. Unprofessional conduct includes, without limitation:

1. The use of obscene, abusive, slanderous or threatening language;

2. The use of unreasonable force which unnecessarily increases or inflicts pain upon a patient;
 3. Conviction of an offense, a diversion status, a nolo contendere guilty plea if the acts involved have a direct bearing on entrusting the person to serve the public;
 4. Disclosing the contents of examinations for certification or re-certification;
 5. Violation of the confidentiality of health records except as allowed or required by law or regulation;
 6. Possessing, diverting or using medical supplies, equipment or drugs for personal or unauthorized use; and
 7. Possession of any firearms or other weapons while on duty or engaged in the performance of pre-hospital care duties per local EMS Agency policy.
- B. All incidents listed above shall be reported to the Local EMS Agency.

Section 6.02.21~~Sec. G-III 4.21~~ Appeal Hearing Process

An appeal process shall be established and administered by the local EMS Agency. Providers shall be provided with a copy of this appeal process.

Section 6.02.22~~Sec. G-III 4.22~~ Circumstances for Revocation and/or Suspension of County of Nevada Service Permit Authorized by Local EMS Agency

A. Any permit may be revoked after inspection by the local EMS Agency, the service provider to whom the permit or endorsement was issued does not comply fully with this Section within a reasonable period of time after receiving any request or order of the local EMS Agency to do so. "Reasonable period of time" as used herein, is that period of time necessary to take immediate action with due regard for the public interest and for the ordering of necessary supplies and/or parts.

B. If a permit or endorsement to operate a service is suspended or revoked, the local EMS Agency may request that the business licensing authorities immediately institute proceedings to revoke any business license or permit issued to the person operating the service.

C. If an exclusive operating area is granted, the permits of existing ambulance services within the exclusive operating area not granted such exclusive operating area or not determined to be part of an entity granted such exclusive operating area, shall be revoked upon written notice of the local EMS Agency. Such notice shall indicate the date and time when the permit is revoked.

Section 6.02.23~~Sec. G-III 4.23~~ Grounds for Immediate Revocation or Suspension

A. The local EMS Agency may take any immediate disciplinary action set forth in 6.02.220 and 6.02.230 when the local EMS Agency has reason to believe that a permitted service has violated any Section of this Code ~~Section~~, or any applicable statute, regulation or code.

B. Written notice will be furnished to the permittee specifying the reasons for the proposed disciplinary action and informing the permittee of their right to file an appeal with

the local EMS Agency as required by 6.02.210; except that such hearing, if the permit is revoked for the reasons stated in 6.02.210, shall not delay any immediate suspension ordered by the local EMS Agency.

C. A Notice of Revocation or Suspension issued in accordance with 6.02.240 ~~may~~6.02.240 may state that the effective date of the revocation or suspension is:

1. Immediate if the local EMS Agency has determined through investigation that such suspension or revocation is in the best interest of the public or;
2. Stayed pending formal appeal and review of the proposed action.

D. Any ambulance or medical transport service who is served a notice of proposed suspension or revocation, other than under 6.02.110, for Insurance issues, or 6.02.240,~~a~~ Notice of Violation-, has ten (10) working days from the date of the notice to appeal that action in writing to the local EMS Agency. Upon receipt of the appeal, the County or local EMS Agency shall conduct an appeal hearing. In case of immediate suspension or revocation, the decision of the local EMS Agency is final.

Section 6.02.240Sec. G-III 4.24 Notice of Violation

A. Whenever the local EMS Agency has reasonable cause to believe that any ~~S~~section of these regulations other than 6.02.110,~~S~~sections concerning insurance coverage, has been violated, the local EMS Agency shall cause written notice to be served upon the person or persons responsible for the alleged violation. Such notice shall be sent to the person or person's address of record and a copy to the employer of record.

B. The notice shall specify:

1. The ~~S~~section or ~~S~~sections of this ~~Section-Code~~ alleged to be violated;
2. The facts alleged to constitute the violation; and
3. An order to take corrective action within a specified time.

C. Such an order becomes final unless, within ten (10) working days from the date of the notice, it is appealed in writing to the local EMS Agency. Upon receipt of an appeal, the local EMS Agency shall refer it to the appeal process.

D. Failure to comply with a Notice of Violation shall result in the issue being referred to the local EMS Agency.

Section 6.02.250Sec. G-III 4.250 Complaints

A. Complaints regarding alleged violations of this Section shall be made in writing. The local EMS Agency may require the complainant to specify:

- ~~1.~~ The ~~section of the~~Section alleged to have been violated;
- 1.

~~2.~~ The date, time and location of the alleged violation;

~~2.~~

~~F.3.~~ The person and/or service involved and;

~~3.4.~~ The circumstances or details which support the allegation of a violation.

~~B.~~ The complainant may be requested to personally present additional information to substantiate the complaint.

~~B.~~

C. Based upon information obtained from the complainant, the local EMS Agency shall make a determination whether to proceed with the investigation and to set a priority for conducting the investigation.

D. The person and service alleged to be in violation shall be notified by the local EMS Agency.

E. The complaint investigation may include a review of any applicable records, tapes, personal statements, affidavits or other items deemed relevant by the local EMS Agency. A summary report detailing the findings of the investigation shall be prepared.

F. At the conclusion of the investigation, the complainant shall be afforded the opportunity to receive copies of all appropriate documents associated with the complaint investigation.

G. The local EMS Agency shall determine if permit suspension or other any disciplinary action should be taken at any time during the complaint investigation process.

H. When the Local EMS Agency is separate from County of Nevada Government, complaints received by the Nevada County Public Health Director that are potential violations of Cal. Health & Safety Code § 1798.200, shall be referred to the Local EMS Agency for necessary action.

Section 6.02.260 ~~Sec. G-III-4.26~~ Compliance

Except as otherwise provided herein, every service must be in compliance with this Section within ninety (90) days after its adoption by the County of Nevada Board of Supervisors.

Section 6.02.270 ~~Sec. G-III-4.27~~ Exemptions from Requirements for Permit

The following shall be exempt from the provisions of this Section:

1. The occasional (not to exceed twice annually unless previously authorized by the local EMS Agency) use of a vehicle or aircraft not ordinarily used in the business of transporting persons who are sick or injured when an authorized form of approved medical transportation is not available in a critical care situation;
2. A vehicle or aircraft not ordinarily used in case of a major catastrophe or emergency, when services with permits are insufficient to render the services required;
3. Persons rendering service as attendants or air attendants in case of a major catastrophe or emergency when permitted attendants cannot be secured;

4. An ambulance or medical transport vehicle based and properly permitted outside the County shall be authorized to transport a patient to or through the County but shall not be authorized to transport patients originating in the County;
5. Volunteer attendants based outside the County of Nevada;
6. Units owned and operated by search and rescue organizations chartered by the State as corporations not for profit or compensation, or otherwise existing as nonprofit associations which are not regularly used to transport patients except as part of rescue operations; or
7. Units owned and operated by an agency of the United States Government or the State of California.

Section 6.02.28~~Sec. G-III 4.280~~ Miscellaneous Requirements

The following miscellaneous provisions on the operation of units within the County of Nevada apply with respect to any permit:

1. No one within the County of Nevada may operate a medical transportation service in violation of this Section.
2. Personnel records of all certified or permitted personnel are confidential and may only be made available to the person who is the subject of the records, the Local EMS Agency, or as provided by law. Investigation of personnel complaints shall be coordinated with the local EMS Agency.
3. A registered nurse employed by a service is subject to this Section. Any violation of this Section by a registered nurse may result in investigation by the local EMS Agency and possible referral to the California State Board of Registered Nurses.
4. It is the responsibility of the employer of record to forward any notice issued under this Section to a person or persons in their employ, which is undeliverable to the address of record, to that person or persons at their next work shift.
5. Public Entity services and ambulance services shall demonstrate availability of mutual and/or automatic aid agreements, with adjacent ambulance service areas, which ensure dispatch of the nearest appropriate ambulance. Mutual and/or automatic aid agreements must be reviewed by the Nevada County Operational Area Emergency Services Council and the local EMS Agency.

Section 6.02.29~~Sec. G-III 4.29~~ Special Events

A. Permit applicants of high-risk and/or high-exposure events will be required to notify, in writing, the Office of Emergency Services (OES), the responsible law enforcement agency and the responsible fire protection agency thirty (30) days prior to the event and have County of Nevada permitted ambulances with appropriate personnel and equipment present. Notification shall include:

1. Nature of the event;
2. Anticipated attendance;
3. Nature of the crowd;
4. Geography and physical characteristics of the event site;
5. Use of alcoholic beverages;
6. Use of fireworks or other pyrotechnics;
7. Amplified sound system; and
8. Additional information pertinent to the event

The OES shall notify appropriate law and fire agencies upon receipt of the event notification.

B. All permit applicants for special events expecting 2,500 participants and/or attendees shall submit appropriate medical plans, in a format established by the County, for approval by the County Public Health Officer, or their designee. Public health and sanitation plans shall be submitted for approval to the Nevada County Public Health Officer, or their designee. A copy of each of those plans shall be submitted to the responsible local law enforcement and fire protection authorities.

C. Guidelines for the public health plans will be promulgated and approved by the Public Health Officer, or their designee, and guidelines for medical plans will be promulgated and approved by the County.

Section 6.02.300~~Sec. G-III 4.30~~ Ambulance Rates

A. The Board of Supervisors may adopt procedures for reviewing and regulating ambulance rates in the County. If regulated, ambulance permittees shall not charge more than the rates adopted by the Board of Supervisors. Alternatively, the Board of Supervisors may allow the marketplace to set rates subject to subsections B and D of this Section.

B. No charge shall be made for transporting uninjured or well persons who accompany a patient to an emergency care facility.

C. If regulated, the schedule of rates may be adjusted by the Board of Supervisors upon the receipt of a permittee request addressed to the Clerk of the Board of Supervisors. Upon request by the Board of Supervisors, the local EMS agency shall submit a written report and recommendation to the Board of Supervisors within thirty (30) calendar days of the request. If rates are regulated, the Board of Supervisors shall conduct a public hearing regarding the requested rate increase.

D. Any rate change, even those approved by the Board of Supervisors, as applicable, shall be effective thirty (30) days from the date of approval, if by the Board of Supervisors, and first publication, as a display public notice, in a daily newspaper of general circulation within the County at least two (2) times and not less than five (5) calendar days apart.

E. Current rate categories and charges shall be posted at each permittee's place of business.

Section 6.02.310~~Sec. G-III 4.31~~ Interfacility Transfers

A. Each ambulance provider participating in the transfer of patients with an ambulance will conform to all laws, rules and regulations, including but not limited to, set forth in the California Health and Safety Code and Local EMS Agency policies applicable to inter-facility transfer of patients, and pursuant to any formal transfer agreements, including mutual aid agreements, between transferring and receiving facilities involved.

B. Treatment performed by ambulance personnel for the patient in transport, shall be provided with appropriate medical care, including personnel and equipment, according to the California Health and Safety Code and applicable Local EMS Agency policies.

Section 6.02.320~~Sec. G-III 4.32~~ Disaster Operations

A. Each permittee shall make ambulances available, when resources allow, to the Nevada County Office of Emergency Services during times of disaster or large scale system emergencies in accordance with the Multi-Casualty Incident Plan. Ambulances shall report to a designated staging area via radio for direction. A designated dispatch center shall coordinate all dispatch functions for said ambulances during the event. All ambulances shall remain under the control of the Incident Commander until released.

B. Permittee shall make every effort to call in off-duty personnel to staff additional ambulances as necessary to meet system demands.

~~C.~~ Permittee shall have on file with the Nevada County Office of Emergency Services and local EMS Agency, its disaster response and personnel call-back plan.

~~E.~~

~~C-D.~~ All management and field personnel of permittee shall follow the guidelines and directions of the OES Region IV Multi-Casualty Incident Plan and the Nevada County Emergency Action Plan during the incident.

~~D-E.~~ At least once a year, permittee shall participate in an interagency organized disaster exercise. All of permittee's costs associated with their participation in the disaster exercise shall be the sole responsibility of the permittee.

~~Sec. G-III 4.33 Reserved~~

Section 6.02.330~~Sec. G-III 4.34~~ Prohibited Acts

A. No person or service may represent, advertise or imply that it is authorized to provide ambulance or medical transport services unless the service has a current, valid permit issued by the local EMS Agency.

B. No service or agency may use EMT-Ps and/or registered nurses unless the service or agency has a current, valid permit issued by the local EMS Agency and the service operates in accordance with all provisions of this ~~Article~~ Section.

C. No person, service or agency shall be out of compliance with Cal. Gov't Code § 855, in matters relating to providing a drug-free workplace.

CHAPTER ~~35~~: ENVIRONMENTAL HEALTH CERTIFICATE OF
OPERATION

Sections:

- ~~Section 6.03.010~~ ~~Sec. G-III 5.1~~ Title
~~Section 6.03.020~~ ~~Sec. G-III 5.2~~ Authority
~~Sec. G-III 5.3~~ Reserved
~~Section 6.03.030~~ ~~Sec. G-III 5.4~~ Authorization of Fees
~~Section 6.03.040~~ ~~Sec. G-III 5.5~~ Cities
~~Section 6.03.050~~ ~~Sec. G-III 5.6~~ ~~Definitions~~ ~~Scope~~
~~Sec. G-III 5.7~~ ~~Restaurant~~ ~~Definitions~~
~~Sec. G-III 5.8~~ ~~Retail Food Production and Marketing Establishment~~ ~~Sec. G-III~~
~~5.9~~ ~~Food Processing Establishment~~
~~Sec. G-III 5.10~~ ~~Mobile Food Preparation Units~~ ~~Sec. G-III 5.11~~ ~~Reserved~~
~~Sec. G-III 5.12~~ ~~Vending Machine~~ ~~Sec. G-III 5.13~~ ~~Food Vehicle~~
~~Sec. G-III 5.14~~ ~~Roadside Stands~~
~~Sec. G-III 5.15~~ ~~Public Swimming Pool~~ ~~Section 6.03.060~~ ~~Sec. G-III 5.16~~ Permits
Required
~~Section 6.03.070~~ ~~Sec. G-III 5~~ Violations of Conditions
~~Section 6.03.080~~ ~~Sec. G-III 5.18~~ Change in Conditions
~~Section 6.03.090~~ ~~Sec. G-III 5.19~~ Revoked Certificate
~~Section 6.03.100~~ ~~Sec. G-III 5.20~~ Application
~~Section 6.03.110~~ ~~Sec. G-III 5.21~~ Investigation: Issuance: Denial
~~Section 6.03.120~~ ~~Sec. G-III 5.22~~ Form
~~Section 6.03.130~~ ~~Sec. G-III 5.23~~ Term
~~Section 6.03.140~~ ~~Sec. G-III 5.24~~ ~~Application~~ Fees
~~Section 6.03.150~~ ~~Sec. G-III 5.25~~ Appeal
~~Section 6.03.160~~ ~~Sec. G-III 5.26~~ Decisions of the Health Director: Finality & Validity
~~Section 6.03.170~~ ~~Sec. G-III 5.27~~ Appeals Procedure
~~Section 6.03.180~~ ~~Sec. G-III 5.28~~ Appeals: Hearing and Determinations
~~Section 6.03.190~~ ~~Sec. G-III 5.29~~ ~~Environmental~~ ~~Public~~ Health Certificates of
Operation Non-
Transferrable
~~Section 6.03.200~~ ~~Sec. G-III 5.30~~ Certificate: Revocation
~~Section 6.03.210~~ ~~Sec. G-III 5.31~~ Certificate: Revocation Petitions
~~Section 6.03.220~~ ~~Sec. G-III 5.32~~ Certificates: Revocation Hearings & Determination
~~Section 6.03.230~~ ~~Sec. G-III 5.33~~ Scope
~~Section 6.03.240~~ ~~Sec. G-III 5.34~~ Standards
~~Section 6.03.250~~ ~~Sec. G-III 5.35~~ Restaurant
~~Section 6.03.260~~ ~~Sec. G-III 5.36~~ Retail Food Production & Marketing Establishment
~~Section 6.03.270~~ ~~Sec. G-III 5.37~~ Food Processing Establishment
~~Section 6.03.280~~ ~~Sec. G-III 5.38~~ Mobile Food Preparation Units
~~Sec. G-III 5.39~~ ~~Itinerant Restaurant~~ ~~Section 6.03.290~~ ~~Sec. G-III 5.40~~ Vending
Machines
~~Section 6.03.300~~ ~~Sec. G-III 5.41~~ Vending Machine or Vehicle Identification
~~Section 6.03.310~~ ~~Sec. G-III 5.42~~ Food Vehicle
~~Sec. G-III 5.43~~ ~~Roadside Stands~~

Section 6.03.320~~See. G-III 5.44~~ **Public Swimming Pool**
Section 6.03.330~~See. G-III 5.45~~ **Violations: Penalties**
Section 6.03.340~~See. G-III 5.46~~ **Violations: Nuisance and Abatement**
Section 6.03.350~~See. G-III 5.47~~ **Permits to Distribute: Granting: Expiration Fees**

Section 6.03.010 ~~See. G-III~~ Title

This Section may be known and may be cited and referred to as the Environmental Health Certificate of Operation Ordinance of the County of Nevada.

Section 6.03.020~~See. G-III 5.2~~ **Authority**

This Section is enacted pursuant to authority conferred by Cal. Health & Safety Code §§ 106500 – 119406.

See. G-III 5.3 Reserved

Section 6.03.030~~See. G-III 5.4~~ **Authorization of Fees**

It is the purpose of this Ordinance to authorize the prescription of such fees as will pay the reasonable expenses of the Environmental Health Director incurred in such enforcement as to the establishments, businesses or activities for which an environmental health certificate of operation is required by this Section.

Section 6.03.040 Cities

The provisions of this Section shall apply within any City in the County when the Governing Body thereof consents to County Environmental Health administration for that City pursuant to Cal. Health & Safety Code §101375. ~~and~~ The schedule of fees authorized by this Section shall be applicable in the area in which the Environmental Health Director of this County enforces any statute, order, quarantine, rule or regulation prescribed by a State Health Director or Department relating to Public Health.

Section 6.03.050 ~~See. G-III 5.6~~ ScopeDefinitions

For the purposes of this Section, unless the provisions or the context indicates otherwise, the terms and words defined in this Section shall have the meaning set forth in this Section.

See. G-III 5.7 RestaurantDefinitions

RESTAURANT

“Restaurant” shall mean any restaurant as defined by 21 CFR 1.328.

See. G-III 5.8 RETAIL FOOD PRODUCTION AND MARKETING ESTABLISHMENT

“Retail Food Production and Marketing Establishment” means any such establishment as defined by Cal. Health & Safety Code § 28802.

See. G-III 5.9 FOOD PROCESSING ESTABLISHMENT

“Food Processing Establishment” shall mean any establishment as defined by Section Cal. Health & Safety Code § 111955.

~~Sec. G III 5.10~~ MOBILE FOOD FACILITY

“Mobile Food Facility” shall mean that term as defined by CCR tit. 17 Section 13601(a) of the California Administrative Code.

~~Sec. G III 5.11 Reserved~~

~~Sec. G III 5.12~~ VENDING MACHINE

“Vending Machine” shall mean that term as defined by Cal. Health & Safety Code §113938.

~~Sec. G III 5.13 Mobile F~~ FOOD VEHICLE ~~facility~~

“Food Vehicle” shall mean any “vehicle” as defined by Cal. Health & Safety Code § 113831.

~~Sec. G III 5.14~~ ROADSIDE STANDS

“Roadside Stands” shall mean that term as defined by CCR tit. 17 Section 13640(k).

~~Sec. G III 5.15~~ PUBLIC SWIMMING POOL

“Public Swimming Pool” shall mean that term as defined by Cal. Health & Safety Code § 115921.

Section 6.03.060 Permits Required

No person shall maintain any of the following establishments, business or activities without a valid Public Health Certificate of Operation:

- A. Restaurant;
- B. Retail Food Production and Marketing Establishment;
- C. Food Processing Establishment;
- D. Mobile Food Preparation Unit;~~Reserved;~~
- ~~C.~~
- E. Vending Machine;
- F. Mobile Food Facility-;
- G. Roadside Stand;
- H. Public Swimming Pool;
- I. Centralized Wastewater Collection, Treatment, and Disposal Systems.

Section 6.03.070~~Sec. G III 5.17~~ Violations of Conditions

No person shall maintain any of the establishments or businesses or activities listed in violation of the conditions of an Environmental Health Certificate of Operation.

Section 6.03.080~~Sec. G III 5.18~~ Change in Conditions

No person shall make a material change in any establishment, business, or activity listed

above, without making application for a new Environmental Health Certificate of Operation.

Section 6.03.090~~Sec. G-III 5.19~~ Revoked Certificate

No person shall maintain any of the establishments, businesses, or activities listed above with a revoked Environmental Health Certificate of Operation.

Section 6.03.100~~Sec. G-III 5.20~~ Application

Any person required to apply for and obtain a certificate under the provisions of this Section shall prepare and submit to the Environmental Health Department an application for such certificate on forms provided for the purpose by the County.

Section 6.03.110~~Sec. G-III 5.21~~ Investigation: Issuance: Denial

The Environmental Health Director shall cause an investigation to be made of the facts stated in the application, and of the establishment, business, or activity for which the application is made. If the Environmental Health Director finds that the applicant is in compliance with the standards specified by this Section, the Environmental Health Director, or their designee, shall order the issuance of the Environmental Health Certificate of Operation. If they find that compliance with such standards can be obtained by the applicant, the Environmental Health Director, or their designee, may issue a Certificate subject to reasonable conditions. If they find that the applicant cannot comply with the standards specified by the Section, the Environmental Health Director shall deny the Certificate of Operation.

Section 6.03.120~~Sec. G-III 5.22~~ Form

All certificates issued pursuant to this Section shall be in the form approved by the Board of Supervisors.

Section 6.03.130 Term~~Sec. G-III 5.23~~ Term

The term of an Environmental Health Certificate of Operation is one (1) year from July 1 of each year to June 30 of each succeeding year; every Environmental Health Certificate of Operation issued pursuant to the provisions of this Section shall terminate on June 30 following the date of issuance.

Section 6.03.140~~Sec. G-III 5.24~~ Application Fees

Each application shall be accompanied by the fees prescribed by resolution of the Board of Supervisors. Said fees shall in no event exceed the actual cost to the County to conduct the services required to satisfy the requirements of this Section for issuance of an Environmental Health Certificate of Operation.

Section 6.03.150~~Sec. G-III 5.25~~ Appeal

All decisions, determinations, and actions of the Environmental Health Director as to applications for Environmental Health Certificates of Operation may be appealed by the applicant to the Board of Supervisors.

Section 6.03.160~~Sec. G-III-5.26~~ Decisions of the Environmental Health Director: Finality & Validity

The decision of the Environmental Health Director rendered pursuant to the provisions of this Section shall be final, unless appealed within thirty (30) days after such decision is rendered in writing and notice of the same is given to the applicant by certified mail.

Section 6.03.170~~Sec. G-III-5.27~~ Appeals Procedure

Appeals from decisions of the Environmental Health Director shall be made in writing and shall specify and set forth the grounds for the appeal and shall be filed by the appellant with the Clerk of the Board. The matter shall be set for hearing no later than thirty (30) days after such filing, and shall give the appellant and the Environmental Health Director no less than fifteen (15) days' written notice of such date of hearing.

Section 6.03.180 ~~Sec. G-III-5.28~~ Appeals: Hearing and Determinations

Upon hearing the appeal, an Environmental Health Certificate of Operation shall be granted or granted upon conditions, if it is found that the establishment, business, or activity applied for meets the standards prescribed by this Section. In the event that such establishment, business or activity fails to meet the standards prescribed by this Section, the application shall be denied. Other conditions or requirements may be imposed, on a showing of good cause, for issuance of an Environmental Health Certificate of Operation.

Section 6.03.190 ~~Sec. G-III-5.29~~ Environmental Health Certificates of Operation Non- Transferrable

Environmental Health Certificates of Operation issued under the provisions of this Section shall not be transferred, assigned, or set over by the Certificate to any other person. All Environmental Health Certificates of Operation issued under the provisions of this Section shall refer to and be limited to the establishment, business, or activity applied for. If such establishment, business, or activity is conducted upon a particular site, location, or address, such Certificate shall not be transferrable to any other site, location or address.

Section 6.03.200~~Sec. G-III-5.30~~ Certificate: Revocation

Any Certificate of Operation issued pursuant to this Section may be revoked by the Board upon a petition by the Environmental Health Director if the Board finds that:

~~D.A.~~ The establishment, business or activity has caused or becomes a public nuisance; or

~~A.B.~~ The permittee has violated a condition of the Certificate of Operation; or

~~E.C.~~ Due to a change of circumstances and conditions, the continuance of the establishment, business or activity is hazardous to the public health, welfare, or safety; or

~~B.D.~~ The applicant for the Certificate of Operation made a material misrepresentation of fact; or

~~C.E.~~ The establishment, business, or activity is maintained in violation of the standards

described by this Section, or any State or Federal statute or regulation.

Section 6.03.210~~Sec. G-III 5.31~~ Certificate: Revocation Petitions

A petition to revoke a Certificate of Operation shall be filed with the Clerk of the Board by the Environmental Health Director, accompanied by a statement of the grounds or reasons for such action. Upon receipt of such a petition, the Clerk of the Board shall set the matter for a public hearing and shall serve the permittee with a Notice of Hearing by mail and a copy of such petition, no less than fifteen (15) days prior to the hearing.

Section 6.03.220~~Sec. G-III 5.32~~ Certificates: Revocation Hearings & Determination

Upon hearing the petition of the Environmental Health Director and the response of the permittee at such hearing, the Certificate of Operation may be revoked if it is found that any of the grounds set forth ~~6.03.200~~~~in this Section~~ exist or have occurred. The petition for revocation shall be denied if it is found that none of such grounds for revocation exist or have occurred.

Section 6.03.230~~Sec. G-III 5.33~~ Scope

Applications for the issuance of Environmental Health Certificates of Operation and petitions for the revocation of Environmental Health Certificates shall be determined in accordance with the standards prescribed by this Section.

Section 6.03.240 ~~Sec. G-III 5.34~~ Standards

The standards shall consist of any statute, order, quarantine, rule or regulations prescribed by a state Director or department relating to Environmental Health or by this Section.

Section 6.03.250~~Sec. G-III 5.35~~ Restaurant

The standards of a restaurant include those specified for restaurants by the California Restaurant Act (Cal. Health & Safety Code §§ 109857 - 111929.4).

Section 6.03.260~~Sec. G-III 5.36~~ Retail Food Production & Marketing Establishment

The standards for a retail marketing establishment include the rules specified for such an establishment by the Health and Safety Code of the State of California.

Section 6.03.270~~Sec. G-III 5.37~~ Food Processing Establishment

The standards for a food processing establishment shall include those specified for such establishments by the Health and Safety Code of the State of California.

Section 6.03.280~~Sec. G-III 5.38~~ Mobile Food Preparation Units

The standards for a mobile food preparation unit shall include those specified for such units by the Health and Safety Code of the State of California and regulations promulgated thereunder including all other regulations.

~~Sec. G-III 5.39~~ Reserved

Section 6.03.290 Vending Machines

The standards for a vending machine shall include those specified for such machine in the

Health and Safety Code of the State of California.

Section 6.03.300 Vending Machine or Vehicle Identification

A. Each vending machine shall have affixed thereon, in an accessible place, an identification plate made of durable material setting forth the model number or symbol of the machine and the serial number identifying each machine.

B. In addition, there shall be affixed to each vending machine or food vehicle a decal or other identification tag furnished by the Environmental Health Director indicating that the required health certificate fee has been paid for the current fiscal year.

Section 6.03.310 Food Vehicle

The standards for a food vehicle shall include those specified for such vehicles by the Health and Safety Code of the State of California.

~~Sec. G-III 5.43 Reserved~~

Section 6.03.320 Public Swimming Pool

The standards for a public swimming pool include those specified for such pools by the Health and Safety Code of the State of California.

Section 6.03.330~~Sec. G-III 5.45~~ Violations: Penalties

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, may be punished by a fine or imprisonment, or both. Such person shall be deemed guilty of a separate offense for each and every day during a portion of which a violation of this Section is committed, continued, or permitted by such person.

Section 6.03.340~~Sec. G-III 5.46~~ Violations: Nuisance and Abatement

The operation of any business or activity that is listed in this Section, in violation of the provisions and standards of this Section is hereby determined to constitute a public nuisance. The maintenance and operation of such business or activity declared to be a public nuisance may be abated in any manner provided for by law.

Section 6.03.350~~Sec. G-III 5.47~~ Permits to Distribute: Granting: Expiration Fees

The Certificates required by the provisions of 6.03.060 ~~this Section~~ may be granted at any time during the calendar year and shall remain in force until June 30 of the succeeding year unless sooner suspended or revoked for cause, and no Certificate shall be granted unless the applicant pays such fees as the Board of Supervisors may establish by resolution.

EXHIBIT B

CHAPTER 4 ~~SECTION 6~~: PROHIBITING THE DISTRIBUTION AND DISPLAY OF DRUG PARAPHERNALIA

Sections:

~~Sec. G-III 6.1~~ — ~~Reserved~~

~~Section Sec. G-III 6.04.0102~~ **Definition**

~~Section Sec. G-III 6.04.020~~ **Display of Drug Paraphernalia**

~~Section Sec. G-III 6.04.030~~ **Distribution of Drug Paraphernalia**

~~Sec. G-III 6.1~~ — ~~Reserve~~

~~Section Sec. G-III 6.04.0102~~ **Definition**

As used in this chapter, the following terms shall be ascribed the following meanings:

- A. BUSINESS means a fixed location, whether indoors or outdoors, at which merchandise is offered for sale at retail.
- B. DISPLAY means to show a patron or place in a manner so as to be available for viewing or inspection by a patron.
- C. PATRON means a person who enters a business for the purpose of purchasing or viewing as a shopper, merchandise offered for sale at the business.
- D. DISTRIBUTE means to transfer ownership or a possessory interest to another, whether for consideration or as a gratuity. “Distribute” includes both sales and gifts.
- E. CONTROLLED SUBSTANCE means those controlled substances set forth in Cal. Health & Safety Code §§ 11054, 11055, 11056, 11057 and 11058 ~~of the~~, identified as Schedules I through V, inclusive as said sections now exist or may hereafter be amended.
- F. DRUG PARAPHERNALIA means all equipment, products, and materials of any kind which are intended by a person charged with a violation of this chapter for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of any law of the State of California. “Drug Paraphernalia” includes, but is not limited to, all of the following:
 1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
 3. Isomerization devices intended for use in increasing the potency of any species of plant which is a controlled substance;
 4. Testing equipment intended for use or designed for use in identifying or in analyzing the

strength, effectiveness or purity of controlled substances;

5. Scales and balances intended for use or designed for use in weighing or measuring controlled substances;
6. Dilutants and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, intended for use in cutting controlled substances;
7. Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining a controlled substance in violation of the law of the State of California;
8. Blenders, bowls, containers, spoons and mixing devices intended for use or designed for use in compounding controlled substances;
- 8.A Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging small quantities of controlled substance;
9. Containers and other objects intended for use or designed for use in storing or concealing controlled substances; and
10. Hypodermic syringes, needles and other objects intended for use or designed for use in injecting, inhaling, or otherwise introducing a controlled substance in violation of the law of the State of California into the human body such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used to hold burning material of a controlled substance in violation of the law of the State of California that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Air-driven pipes;
 - j. Bongs;
 - k. Electric pipes; and
 - l. Chillums.

In determining whether an object is “drug paraphernalia”, a court or other authority may consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
 2. The proximity of the object to controlled substances;
 3. The existence of any residue of controlled substances on the object;
 4. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver to persons whom they know intend to use the object to facilitate a violation of the laws of the State of California relating to controlled substances;
 5. Instructions, oral or written, provided with the object concerning its use;
 6. Descriptive materials accompanying the object which explain or depict its use;
 7. National and local advertising concerning its use;
 8. The manner in which the object is displayed for sale;
 9. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
 10. The existence and scope of legitimate uses for the object in the community; and
 11. Expert testimony concerning its use.
- G. PERSON means a natural person or any firm, partnership, association, corporation or cooperative association.

Section ~~Sec. G-III~~ 6.04.0203 Display of Drug Paraphernalia

A. Except as authorized by law, it shall be unlawful for any person to willfully maintain or operate any business knowing, or under circumstances where one reasonably should know, that drug paraphernalia is displayed at such business unless such drug paraphernalia is completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of eighteen (18) years not accompanied by a parent or legal guardian are excluded. Each entrance to such a room or enclosure shall be signposted in reasonably visible and legible words to the effect that drug paraphernalia is kept, displayed or offered in such room or enclosure and that minors, unless accompanied by a parent or legal guardian, are excluded.→

B. Except as authorized by law, no owner, manager, proprietor or other person in charge of any room or enclosure, within any place of business, in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away shall permit or allow any person under the age of eighteen (18) years to enter, be in, remain in or visit such room or enclosure unless that minor person is accompanied by their parent or legal guardian.

C. Unless authorized by law, no person under the age of eighteen (18) years shall enter, be in, remain in, or visit any room or enclosure in any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred, or given away unless accompanied by their parent or legal guardian.

| **Section 6.04.030~~Sec. G-III-6.4~~ Distribution of Drug Paraphernalia**

Except as authorized by law, it shall be unlawful for any person to willfully distribute to another person drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the law of the State of California.

CHAPTER 5 ~~ARTICLE 8~~: RAFTING REGULATIONS

Sections:

Section 6.05.010	Sec. G-III 8.1	Commercial Rafting; Permits Required
Section 6.05.020	Sec. G-III 8.2	Commercial Rafting on Truckee River
Section 6.05.030	Sec. G-III 8.3	Definitions
Section 6.05.040	Sec. G-III	Application for Commercial Rafting Operations; Hearings
Section 6.05.050	Sec. G-III 8.5	Time of Application
Section 6.05.060	Sec. G-III 8.6	Content of Application
Section 6.05.070	Sec. G-III 8.7	Limitation on Permits and Raft Days
Section 6.05.080	Sec. G-III 8.8	Permit Requirements
Section 6.05.090	Sec. G-III 8.9	Granting of the Permit
Section 6.05.100	Sec. G-III 8.10	Use of Raft Days: Fee
Section 6.05.110	Sec. G-III 8.11	Revocation
Section 6.05.120	Sec. G-III 8.12	River Clean Up
Section 6.05.130	Sec. G-III 8.13	Authority to Arrest Sec. G-III 8.14 Reserved

Section 6.05.010 ~~Sec. G-III 8.1~~ Commercial Rafting; Permits Required

It shall be unlawful for any person to conduct or operate any business or activity which engages in commercial rafting on any river, stream, or creek, within the County of Nevada without first obtaining a permit from the County of Nevada as required by this ~~article~~ Section.

Section 6.05.020 ~~Sec. G-III 8.2~~ Commercial Rafting on Truckee River

Commercial rafting on the Truckee River within Nevada County shall be limited to supervised tours in rafts conducted between 10:00 a.m. and 5:00 p.m. on that portion of the river from the Boca Bridge downstream to the Sierra County Line.

Section 6.05.030 ~~Sec. G-III 8.3~~ Definitions

- A. RAFT shall mean and include any raft, inner tube, or any other type of inflatable or non-inflatable flotation device used or intended to be used for traversing any river or stream. It shall not include any boat required to be registered by the State of California or federal agency.
- B. RIVER shall mean all rivers, streams, and creeks within the County of Nevada.
- C. COMMERCIAL RAFTING shall mean and include any business or activity which receives any compensation for use of its rafts for rafting. Commercial rafting includes, but is not limited to, both outfitter supervised tours, such as guided or escorted tours in rafts, and rental operations, such as raft livery by concessionaires, raft rentals or loans, or sale and repurchase of rafts.
- D. SUPERVISED TOURS IN RAFTS shall mean and include any trips on any river in flotation devices for two or more people for consideration organized by a rafting permittee who furnishes the rafts and trained guides, who guide, lead, accompany and supervise customers in entering, traversing and exiting the river.

E. RAFT DAY shall mean and include the authorized use pursuant to this ~~Section~~article of floating one raft containing any person or persons, other than a tour guide, down the river once per day by a commercial rafting permittee.

Section 6.05.040~~Sec. G-III 8.4~~ Application for Commercial Rafting Operations; Hearings

A. Application for a commercial rafting permit shall be obtained for the business location and/or points of ingress and egress to the river and shall be made in writing to the Planning Department accompanied by a non-refundable application fee as established by the latest adopted resolution of the Board of Supervisors. The applicant shall also pay all costs associated with processing the application as established by said latest adopted resolution.

B. A public hearing shall be held on all commercial rafting applications. The designated hearing body shall be the Planning Commission having jurisdiction over the river concerned. At least ten (10) days before such hearing, the granting authority shall give notice as follows:

1. Give written notice to all persons owning property within 300 feet or two (2) parcels removed whichever is greater of the exterior boundaries of the land area proposed to be used for any areas of ingress and egress, including resting or stopping areas and portage areas, along the proposed route as well as starting and ending points.
2. Give notice, by publishing notice of the hearing in a newspaper of general circulation in the county.

Section 6.05.050~~Sec. G-III 8.5~~ Time of Application

A. A completed application for commercial rafting permits shall be submitted to the Planning Department prior to January 31st of each year in which the rafting operation is intended to be conducted. In any year in which no completed applications have been submitted by January 31st, the application deadline for rafting operations to commence that year shall be extended to March 31st provided, however, that extension of the application deadline shall not delay the termination date of any permit granted.

B. The rafting permit application shall be reviewed pursuant to the California Environmental Quality Act (CEQA).

Section 6.05.060~~Sec. G-III 8.6~~ Content of Application

- A. Applications for commercial rafting shall contain the following:
1. The name, residence, mailing address and telephone number of the applicant.
 2. A site plan reflecting the location and legal description of the premises where the business is proposed to be conducted, including all lands to be used for parking, ingress and egress from the river (including stopping, resting and portage areas) and other incidental uses.
 3. The name, residence, mailing address and telephone number of the property owner(s) granting the applicant permission to use their property at all areas of ingress and egress to the river and letters reflecting said consent.

4. The annual period of operation, including dates of commencement and termination.
5. A detailed explanation of the applicant's program, and plans to provide:
 - a. Rafts, including size and number to be used, maximum number of rafts and rafters to be accommodated per trip and number of trips per day.
 - b. Access to and pick up from the river, including description of shuttle vehicles to be used and proposed routes.
 - c. Guides, including number qualifications, training and how utilized, e.g. one (1) per raft or one each in lead and trailing kayaks.
 - d. Safety equipment and provisions for rescue.
 - e. Sanitation facilities including number, type and location.
 - f. Vehicle parking areas.
 - ~~g.~~ Provisions for cleanup.
 - ~~g.~~
6. Preliminary environmental forms.

Section 6.05.070~~Sec. G-III 8.7~~ Limitation on Permits and Raft Days

The hearing body shall not grant at any one time or have more outstanding for use on any one river, commercial rafting permits to more than four (4) permittees and no permittee shall be granted authorization for any more than ten (10) raft days. At no time shall the total number of outstanding authorized raft days on any one river exceed forty (40) days.

Raft days may be transferred between commercial rafting permittees by mutual consent, provided that the transfer is entered in the permanent logbook of the permittees involved and advance written notice is provided to the monitoring agency.

Section 6.05.080~~Sec. G-III 8.8~~ Permit Requirements

A commercial rafting permit shall be issued to an approved applicant only upon compliance with the following provisions:

- A. Each rafting permittee shall carry insurance effective before any rafting commences with a minimum of \$500,000.00 single limit general liability insurance, and \$100,000.00 property damage insurance and the County shall be named as an additionally insured party in each policy. All vehicles used to shuttle rafts and/or customers shall be similarly insured in the amount of \$1,000,000.00, single limit general liability, and \$100,000.00 property damage.
- B. Suitable and adequate sanitation and trash receptacles and facilities shall be provided and must be approved by the County Health Department.
- C. If required for the commercial rafting operation involved, suitable assembly and disembarking areas shall be provided at points of ingress and egress from the river.

D. Off-street parking spaces shall be provided at the business location pursuant to the following: One (1) parking space for every three (3) rafters and one (1) parking space for each employee, shuttle bus and/or transport vehicle.

1. Parking as to number for any permitted commercial uses shall be pursuant to the Nevada County Codes.
2. The surfacing requirements for subsection (1) above shall be crushed rock rolled.

E. Suitable provisions shall be made for safety vehicle access at points of ingress and egress from the river, including turn-around areas.

F. Provisions shall be made for daily clean up at business locations and all areas of ingress and egress to the river and along the proposed route.

G. Commercial rafting operators shall provide shuttle service for customers and rafts from the business location to the point of ingress to commence the trip and back from the point of egress ending the trip.

H. All rafts of each permittee used on any river shall be identified by the name of the permittee and letters and/or numbers which shall be a minimum of six (6") inches high and prominently displayed so as to be visible from either shore while the rafts are in the water.

I. Litter receptacles shall be provided for and carried in each raft. No glass containers shall be allowed in rafts.

J. Permittees for commercial rafting operations other than supervised tours in rafts shall supply information to customers notifying them of the following (visually in map form and in writing):

1. Where the white-water areas exist on the river.
2. Where customers may enter or depart from the river.
3. Where restroom facilities are available at specific locations.
4. That certain lands alongside the river are private property and therefore illegal for persons to trespass upon and that customers shall depart from the river only at approved points of egress.

K. All signs erected by the licensee shall be removed at the close of the rafting season and shall not be located on public lands or public right-of-way. No signs shall be erected upon private property without the prior written consent of the property owners. All signs shall comply with County sign ordinances and regulations.

L. Rafts shall not be rented to customers before 10:00 a.m. or after 3:30 p.m. and no raft used for commercial rafting is permitted on the river before 10:00 a.m. or after 5:00 p.m.

M. The permittee shall secure all applicable permits from the County of Nevada, and/or the State of California and/or the United States Government, including but not limited to any conditional use permits, site plan permits, building permits and health and sanitation permits, in addition to the permit provided for in this [Section article](#).

N. The permittee shall maintain a permanent log containing the name and address of each customer and occupant and the date, time, and raft number thereof.

O. Provide a letter from the appropriate fire protection agency, or other emergency response agency, that adequate emergency response have been provided for.

P. Permittees for commercial rafting operations other than supervised tours in rafts shall issue receipts to each customer for the raft rentals, which receipts shall specify and provide the name, address and telephone number of the person/entity to whom any complaints may be directed.

Q. Permittees shall comply with all applicable State and Federal regulations.

Section 6.05.090~~Sec. G-III 8.9~~ Granting of the Permit

After considering the application and all documentary and testimonial evidence presented, the hearing body may approve, deny, take under advisement or conditionally approve the issuance of a commercial rafting permit. Any valid or reasonable condition necessary to protect the public health, safety or general welfare, or in order to protect a valuable natural resource or the environment shall be required of the permittee. Permits shall be valid for two (2) calendar years and are non-transferrable.

Findings for approval of a commercial rafting permit shall be based on the following standards:

- A. That the sites for the proposed use are adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this article to adjust said use with land and uses in the neighborhood.
- B. That the proposed sites to be used are located on property that is zoned for any use, excluding RA, R1, R2 and R3.
- C. That the roads serving the sites are adequate to carry the quantity and kind of traffic which will be generated by the proposed use.
- D. That the proposed use will have no significant adverse effect on abutting property, including all points of ingress and egress and/or property adjacent to the proposed route of operation or permitted use thereof.
- E. That the conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.
- F. That the permittee has demonstrated compliance or ability to comply with all other provisions of this article.

Section 6.05.100~~Sec. G-III 8.10~~ Use of Raft Days: Fee

Upon the issuance of a commercial rafting permit, the permittee shall be permitted to use raft days up to the total granted and transferred to them, subject to the payment of a further fee for actual use. Permittees for supervised tours in rafts shall pay a fee per person and per

raft days, subject to adjustment in later years by resolution of the Board of Supervisors, permittees for supervised tours in rafts shall pay Two Dollars (\$2.00) per person and permittees for rental operations shall pay Five Dollars (\$5.00) per person for each raft day used, payable monthly, accompanied by a daily account record of days used, within fifteen (15) days of the end of each calendar month of rafting. An advance deposit against actual fees of Forty Dollars (\$40.00) per raft day for permittees for supervised tours in rafts and Seventy-Five Dollars (\$75.00) per raft day for rental operation permittees shall be paid in advance of any use, subject to adjustment on the last payment of the year. Fees may be adjusted, from time to time, by Resolution of the Board of Supervisors. Fees collected pursuant to this ~~Section~~ shall be applied to the cost of County enforcement and oversight of rafting regulated ~~by this article~~ herein.

Section 6.05.110~~Sec. G-III 8.11~~ Revocation

Commercial rafting permits issued pursuant to the ~~se~~ provisions ~~of this article~~ shall be revoked by the hearing body at the conclusion of a public hearing after giving written notification to the permittee at least twenty-four (24) hours prior to each hearing for any of the following causes:

- A. Failure to fulfill any of the conditions attached to the issuance of the license.
- B. Violation by the permittee of any County, State or Federal law.
- C. False, misleading or fraudulent statements of material fact in the application or other document required by the provisions of this article.
- D. Failure to pay and satisfy any just civil claim or judgment rendered against permittee.

Section 6.05.120~~Sec. G-III 8.12~~ River Clean Up

Each permittee shall be responsible for maintenance and clean-up of areas of the river, including riverbanks, ingress and egress areas, and incidental rest areas, used by commercial rafting operators. Permittees for supervised tours in rafts may utilize their guides to satisfy this requirement, whereas rental operation permittees shall contract for such services at their sole expense.

- A. The clean-up provided for herein shall include, but shall not be limited to, provisions for the following:
 - 1. Regular clean up and maintenance as needed, beginning with the earliest start of rafting for any permittee and continuing until all rafting operations cease, with a final clean up after the season at low water.
 - 2. All trash articles due to normal use shall be removed from the river.
 - 3. Any chemical toilets utilized shall be serviced as usage dictates.
 - 4. Where the permittee has a rental operation, the required clean up shall also include:
 - a. Placement of trash barrels with plastic liners at regular or necessary intervals along the river(s) during the rafting season.

- b. Emptying trash receptacles daily and removing at season's end.
 - c. Walking of riverbank to provide cleanup of trash not in containers weekly and annually after all rafting has ended for the season.
 - d. On-river full-day clean-ups of river areas inaccessible by foot, including cleaning of pools by snorkeling by two people monthly and annually after all rafting has ended for the season.
5. Performance of the contract clean-up be guaranteed by a cash deposit, performance bond, or letter of credit in an amount at least equal to the advance deposit against fees provided for in Section ~~8.10~~ governing "Use of Raft Days: Fee" of this ~~article~~ Section for permittees for supervised tours in rafts and the annual clean-up contract compensation for rental operation permittees. Said deposit shall be released by the County of Nevada as soon as possible after the successful completion of the river clean up. The deposit shall be forfeited in its entirety for non- performance of the clean-up.

Section 6.05.130~~Sec. G III 8.13~~ Authority to Arrest

The Zoning Enforcement Officer within the County of Nevada Planning Department shall be the person primarily responsible for enforcing the provisions of this ~~Section~~ Article. In addition, the Nevada County Sheriff's Office shall also be responsible for enforcing the provisions of this ~~Article~~ Section. Said appropriate County agency shall have the authority and immunity of a public officer and employee as set forth in Cal. Penal Code § 836.5 to make arrests without warrant whenever they have reasonable cause to believe that the person to be arrested has committed a violation of this ~~Article~~ Section which constitutes a misdemeanor.

**CHAPTER 6~~ARTICLE 10~~: REGISTRATION REQUIREMENT FOR
COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS AND
PROVIDING FOR A FEE FOR SUCH REGISTRATION**

Sections:

Section 6.06.010 ~~See. G-III 10.1~~

~~—————~~ **Purpose**

Section 6.06.020 ~~See. G-III 10.2~~ **Definitions**

Section 6.06.030~~See. G-III 10.3~~ **Registration Certificate Required**

Section 6.06.040~~See. G-III 10.4~~ **Application for Registration**

Certificate

Section 6.06.050~~See. G-III 10.5~~ **Term of Registration**

Section 6.06.060 ~~See. G-III 10.6~~ — **Annual Registration Fee**

Section 6.06.070~~See. G-III 10.7~~ **Registration Certificate Issued to**

Corporation

Section 6.06.080~~See. G-III 10.8~~ **Transfer of Certificate**

Section 6.06.090~~See. G-III 10.9~~ **Delinquent Certificate**

Section 6.06.010~~See. G-III 10.1~~ **Purpose**

The purpose of this ~~Chapter~~~~Article~~ is to establish a system for the registration of weighing and measuring instruments and to recover the cost of inspecting and testing such instruments as provided for by Cal. Bus. & Prof. Code §§ 12001 – 13800.

Section 6.06.020~~See. G-III 10.2~~ **Definitions**

For the purpose of this ~~Article~~~~Chapter~~, and unless the text otherwise requires, the following terms and phrases shall have the following definition:

A. WEIGHING AND MEASURING INSTRUMENTS shall include all those devices covered by ~~§ 12210 of the~~ Cal. Bus. & Prof. Code ~~§ 12210.~~

B. COMMERCIAL PURPOSES shall have the meaning assigned to it by Cal. Bus. & Prof. Code § 12500.

C. COUNTY SEALER shall mean the sealer appointed by the County of Nevada Board of Supervisors and the Sealer's duly authorized agents.

D. LOCATION means the room, enclosure, building, space or area where one or more weighing and measuring instruments are located or operated.

Section 6.06.030~~See. G-III-10.3~~ Registration Certificate Required

No person shall use any weighing or measuring instrument for commercial purposes without having a current annual registration certificate for such instrument. The certificate shall be in addition to any other certificate, license or permit which may be required by the County or any other governmental entity. In the case of LP-gas vapor meters, a certificate shall be issued based on an annual count of an LP-gas dealer's meters located in the County, and if changes in the number of meters occur during the year, no additional certificate(s) shall be required.

Section 6.06.040~~See. G-III-10.4~~ Application for Registration Certificate

An application for a registration certificate must be submitted to the County Sealer in the form prescribed by them. The County Sealer shall, upon receipt of a completed application and the payment of the applicable fees described herein, issue a current registration certificate.

Section 6.06.050 ~~See. G-III-10.5~~ Term of Registration

Each registration certificate shall expire on December 31st of the year of its issuance and may thereafter be renewed on an annual basis upon payment of the applicable fees provided herein.

Section 6.06.060~~See. G-III-10.6~~ Annual Registration Fee

A. An annual registration fee shall be charged for the calendar year, or any part thereof, for all weighing and measuring instruments requiring a registration certificate as provided for herein. The annual registration schedule of fees shall be adopted by Resolution of the Board of Supervisors, as provided by Cal. Bus. & Prof. Code § 12240.

The fee shall be just the annual registration fee as listed in the fee schedule for producers who possess a valid Certified Producers Certificate issued by the County, and if the device is brought into the Office of the Sealer of Weights and Measures for testing.

Section 6.06.070~~See. G-III-10.7~~ Registration Certificate Issued to Corporation

A registration certificate may be issued to a corporation duly authorized to transact business in this state or to any person operating under a fictitious name who has complied with the provisions of Cal. Bus. & Prof. Code §§ 17900–17930. Otherwise, all such certificates shall be issued in the true name of the applicant. Except as above provided, no business, occupation or activity for which a certificate is required by this article may be conducted under any false or fictitious name. A certificate issued to a corporation shall designate such corporation by the exact name which appears in the Articles of Incorporation of such

corporation.

Section 6.06.080~~Sec. G-III-10.8~~ Transfer of Certificate

A registration certificate is transferable from one person to another and is valid only for the specific instruments and if the instruments are to be used at a fixed location for the specific location for which it is issued.

Section 6.06.090~~Sec. G-III-10.9~~ Delinquent Certificate

Any person failing to renew a permit on or before January 31st of each year shall be required to pay an additional sum equal to fifty percent (50%) of the registration fee as a penalty for any such delinquency.

CHAPTER ARTICLE 127:-- FILM PERMITS

Sections:

Section 6.07.010~~Sec. G III 12.1~~ Definitions

Section 6.07.020~~Sec. G III 4~~ Permits and

Exemptions

Section 6.07.030~~Sec. G III 12.3~~ Rules and

Regulations

Section 6.07.040~~Sec. G III 12.4~~ Applications

and Issuance

Section 6.07.050~~Sec. G III 12.5~~ Liability

Provisions

Section 6.07.060~~Sec. G III 12.6~~ Violation

Section 6.07.070~~Sec. G III 12.7~~ Film

Liaison Position

Section 6.07.080~~Sec. G III 12.8~~ Filming

Regulations

Section 6.07.090~~Sec. G III 12.9~~ Permit Maximum Time

Requirements ~~S~~

Section 6.07.100~~ee. G III 12.10~~ Additional Permit

Requirements

Section 6.07.010~~Sec. G III 12.1~~ Definitions

- A. MOTION PICTURE, TELEVISION, STILL PHOTOGRAPHY, VIDEO, and/or DIGITAL FILM shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercials.
- B. CHARITABLE FILMS shall mean commercials, motion pictures, television, digital video, or still photography, or other medium produced by a nonprofit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.
- C. NEWS MEDIA shall mean the filming (by any medium) for the purpose of spontaneous,

unplanned television news broadcast by reporters, photographers, or camera operators.

- D. BUSINESS DAY shall mean any day the County of Nevada is regularly open for transactions with the public.

Section 6.07.020 ~~Sec. G-III-12.2~~ Permits and Exemptions

- A. Permit required: No person shall use any County property or public rights-of-way for the purpose of taking commercial motion pictures or television pictures or commercial still photography without first applying for and receiving a permit from the officer designated by the County of Nevada.
- B. Exemptions:
1. News Media: The provisions of this ~~Chapter Article~~ shall not apply to or affect reporters, photographers, or camera operators in the employ of a newspaper, television station, news service, or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes, or occurrences which are in the news and of general public interest.
 2. Photographing, filming, digital or video recording solely for non-commercial use or where the project budget is less than \$25,000.
 3. Charitable Films.

Section 6.07.030 ~~Sec. G-III-12.3~~ Rules and Regulations

- A. Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.
- B. Rules: The designated County Film Liaison is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the Board of Supervisors, relating to the time and location of any film activity set forth within the County of Nevada. They shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:
1. The health and safety of all persons.
 2. Avoidance of undue disruption of all persons within the affected area.
 3. The safety of property within the County.
 4. Traffic congestion at particular locations within the County.

Section 6.07.040 ~~Sec. G-III-12.4~~ Applications and Issuance

- A. Issuing Authority: The issuing authority shall be the County of Nevada.
- B. Applications: Applications shall be completed and filming, photography shall not commence until approved by the County of Nevada.
- C. No use fees are required.
- D. Reimbursement for Personnel: The production company shall reimburse the County for any personnel provided to the company (i.e., sheriff, fire, traffic control) for the purpose of assisting the production.

Section 6.07.050 ~~Sec. G-III-12.5~~ Liability Provisions

- A. Liability Insurance: Before a permit is issued, a certificate of insurance will be required naming the County as co-insured for protection against all claims for personal injuries,

wrongful deaths, and property damage. The certificate shall not be subject to cancellation or modification until after thirty (30) days written notice to the County and must remain valid during the term of the permit. A copy of the certificate will remain on file.

- B. Workers' Compensation Insurance: An applicant shall conform to all applicable Federal and State requirements for Workers' Compensation Insurance for all persons operating under a permit.
- C. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the County prior to the issuance of a permit under this ~~Article~~Chapter.
- D. Faithful Performance Bond: To ensure clean-up and restoration of the site, an applicant may be required to post a refundable faithful performance bond (amount to be determined) at the time the application is submitted. Upon completion of filming and inspection of the site by the designated County officer, the bond may be returned to the applicant.

Section 6.07.060 ~~Sec. G-III-12.6~~ Violation

If an applicant violates any provision of this ~~Article~~Chapter or a permit issued pursuant thereto, the County may cancel the permit immediately. Violation of the terms and conditions of the film permit is considered a misdemeanor. The County of Nevada reserves the right to pursue all other remedies available and necessary under the circumstances.

Section 6.07.070 ~~Sec. G-III-12.7~~ Film Liaison Position

The Board of Supervisors or County Executive Officer may designate a member of the County's staff as a County Film Liaison. Subsequent to such designation, all permit requests shall be submitted to said County Film Liaison (~~Information and General Services Agency~~) for approval and said County Film Liaison shall have the authority to issue permits as set forth in this ~~Chapter~~Article.

Section 6.07.080 ~~Sec. G-III-12.8~~ Filming Regulations

- A. Advance Notice for Approval: An applicant will be required to submit a permit request at least one business day prior to the date on which such person desires to conduct an activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application may be required at least four business days in advance.
- B. Clean-Up: The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the clean-up of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.
- C. Filming on Private Property: An applicant is required to obtain the property owner's permission, consent and/or lease for use of property not owned or controlled by the County of Nevada.
- D. Flood Control: When filming in a flood control channel, an applicant must vacate the channel when indicated by the permit because of water releases. When filming in or on flood control properties, the County of Nevada must be named as an additional insured.
- E. Use of Streets and Highways: If the applicant must park equipment, trucks and/or cars in zones that will not permit it, temporary "No Parking" signs must be posted by the County.
- F. Traffic Control: For filming that would impair traffic flow, an applicant must use California Highway Patrol (CHP), County Sheriff, or local law enforcement personnel and comply with all traffic control requirements deemed necessary.

1. An applicant shall furnish and install advance warning signs and any other traffic control devices in conformance with the Manual of Traffic Controls, State of California, Department of Transportation. All appropriate safety precautions must be taken.
 2. Traffic may be restricted to one lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the County of Nevada based on location.
 3. Traffic shall not be detoured across a double line without prior approval of the appropriate department representative.
 4. Unless authorized by the County of Nevada, the camera cars must be driven in the direction of traffic and must observe all traffic laws.
 5. Any emergency road work or construction by County of Nevada crews and/or private contractors under permit or contract to the appropriate department shall have priority over filming activities.
- G. Campfires: When a scene requires a fire or campfire, a gas jet must be used. No fires other than gas jets will be allowed unless the area is equipped with fire rings. All local, State, and Federal fire regulations shall be observed.
- H. Parking Lots: When parking in a parking lot, an applicant may be billed according to the current rate schedule established by the County of Nevada. In order to assure the safety of citizens in the surrounding community, access roads which serve as emergency service roads must never be blocked. No relocation, alteration or moving of structures will be permitted without prior approval.
- I. Generator Usage: The applicant must also obtain permission to string cable across sidewalks or from generator to service point.

Section 6.07.090~~Sec. G-III-12.9~~ Permit Maximum Time Requirements

The permit shall be issued with the following maximum time requirements:

- A. Two (2) business days for approval and issuance of a “normal” permit.
- B. Four (4) business days for traffic control which exceeds three minutes, stunts, or special effects.
- C. Ten (10) business days for road closures.

Section 6.07.100 ~~Sec. G-III-12.10~~ Additional Permit Requirements

- A. Unlimited permit “riders” (a written attachment to the permit that accommodates minor changes) shall be used. However, a permit cannot be amended by rider after the completion of the filming activity.
- B. Business license fees shall not be collected when County of Nevada location use fees are being charged.
- C. The production company must have a copy of the permit on-site at all times and be available upon request.
- D. Fees are required on all encroachment permits.

CHAPTER 8: SECTION 13 ADULT BUSINESS LICENSES AND OPERATING REGULATIONS

Sections:

Sec. G-III 13.1 Reserved	
<u>Section 6.08.010</u> Sec. G-III 13.2	Definitions
<u>Section 6.08.020</u> Sec. G-III 13.3	Regulations Non-Exclusive
<u>Section 6.08.030</u> Sec. G-III 13.4	Adult Business Regulatory License
Required	
<u>Section 6.08.040</u> Sec. G-III 13.5	Application—Renewals
<u>Section 6.08.050</u> Sec. G-III 13.6	Investigation and Action on Application
<u>Section 6.08.060</u> Sec. G-III 13.7	Grounds for Denial of Application
<u>Section 6.08.070</u> Sec. G-III 13.8	Re-Application and Renewals
<u>Section 6.08.080</u> Sec. G-III 13.9	Appeal of Application Decision
<u>Section 6.08.090</u> Sec. G-III 13.10	Operating Standards
<u>Section 6.08.100</u> Sec. G-III 13.11	Adult Business Offering Adult Live Entertainment—
	Additional Operating Requirements
<u>Section 6.08.110</u> Sec. G-III 13.11	Adult Motion Picture Theater—Additional Operating Requirements
<u>Section 6.08.120</u> Sec. G-III 13.13	Employment of and Services Rendered to Persons Under the
	Age of Eighteen (18) Years Prohibited—Twenty-One (21) if Liquor is Served
<u>Section 6.08.130</u> Sec. G-III 13.14	Inspections
<u>Section 6.08.140</u> Sec. G-III 13.15	Transfer of Adult Business License
<u>Section 6.08.150</u> Sec. G-III 13.16	Suspension or Revocation of Adult Business License
<u>Section 6.08.160</u> Sec. G-III 13.17	Causes for Suspension or Revocation
<u>Section 6.08.170</u> Sec. G-III 13.18	Decision following Hearing
<u>Section 6.08.180</u> Sec. G-III 13.19	Appeal Procedures
<u>Section 6.08.190</u> Sec. G-III 13.20	Violations
Sec. G-III 13.21 ————— Reserved	Sec. G-III 13.1 Reserved

Section 6.08.010 Definitions

In addition to any other definitions contained in the County Code, the following words and phrases shall, for the purpose of this Chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the County Code, these definitions shall prevail.

A. ADULT ARCADE shall mean a business establishment to which the public is permitted or invited and where coin, card or slug operated or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show

images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.” Such devices shall be referred to as “adult arcade devices.”

B. ADULT RETAIL STORE shall mean a business establishment having as a regular and substantial portion of its stock in trade, “adult oriented material”.

C. ADULT BOOTH/INDIVIDUAL VIEWING AREA shall mean a partitioned or partially enclosed portion of an adult business used for any of the following purposes:

1. Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”; or
2. Where “adult arcade devices” are located.

D. ADULT BUSINESS shall mean:

1. A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio; or
2. A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes “adult oriented material” or “sexually oriented merchandise,” or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” but not including those uses or activities which are preempted by state law.

E. ADULT CABARET shall mean a business establishment (whether or not serving alcoholic beverages) that features “adult live entertainment”.

F. ADULT CABARET DANCER shall mean any person who is an employee or independent contractor of an “adult cabaret” or “adult business” and who, with or without any compensation or other form of consideration, performs as a sexually oriented dancer, exotic dancer, stripper, go-go dancer or similar dancer whose performance on a regular and substantial basis focuses on or emphasizes the adult cabaret dancer’s breasts, genitals, and/or buttocks, but does not involve exposure of “specified anatomical areas” or depicting or engaging in “specified sexual activities”. “Adult cabaret dancer” does not include a patron.

G. ADULT HOTEL/MOTEL shall mean a “hotel” or “motel” (as defined in the County Code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to “specified sexual activities” or “specified anatomical areas”.

H. ADULT LIVE ENTERTAINMENT shall mean any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to

singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which: (1) the performer (including but not limited to topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar performers) exposes to public view, without opaque covering, “specified anatomical areas”; and/or (2) the performance or physical human body activity depicts, describes, or relates to “specified sexual activities” whether or not the specified anatomical areas are covered.

I. ADULT MODELING STUDIO shall mean a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays “specified anatomical areas” to be observed, sketched, photographed, filmed, painted, sculpted, or otherwise depicted by persons paying for such services. “Adult modeling studio” does not include schools maintained pursuant to standards set by the Board of Education of the State of California.

J. ADULT MOTION PICTURE THEATER shall mean a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, digital video disks, holograms, virtual reality devices, or similar electronically-generated reproductions that is characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

K. ADULT ORIENTED MATERIAL shall mean accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”-“Adult oriented material” shall include “sexually oriented merchandise”.

L. ESTABLISHMENT OF AN ADULT BUSINESS shall mean any of the following:

1. The opening or commencement of any “adult business” (as defined above) as a new business;
2. The conversion of an existing business, whether or not an “adult business,” to any “adult business”;
3. The addition of any “adult business” to any other existing “adult business”;
4. The relocation of any “adult business”; or
5. Physical changes that expand the square footage of an existing “adult business” by more than ten percent (10%).

M. OWNER/LICENSE HOLDER shall mean any of the following: (1) the sole proprietor of an adult business; (2) any general partner of a partnership that owns and operates an adult business; (3) the owner of a controlling interest in a corporation or L.L.C. that owns and operates an adult business; or (4) the person designated by the officers of a corporation or the members of an L.L.C. to be the license holder for an adult business owned and operated by the corporation.

N. PERFORMER shall mean a person who is an employee or independent contractor of an adult business or any other person who, with or without any compensation or other form of consideration, provides “adult live entertainment” for patrons of an “adult business.”

O. SEXUALLY ORIENTED MERCHANDISE shall mean sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

P. SPECIFIED ANATOMICAL AREAS shall mean and include any of the following:

1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered human:
 - a. genitals, pubic region,
 - b. buttocks, anus, or
 - c. female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Q. SPECIFIED SEXUAL ACTIVITIES shall mean and include any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual stimulation or arousal; and/or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints; and/or
5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
6. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023))~~)

Section 6.08.020 Regulations Non-Exclusive

The provisions of this Chapter regulating adult businesses are not intended to be exclusive, and compliance therewith shall not excuse non-compliance with any other provisions of the County Code and/or any other regulations pertaining to the operation of businesses as

adopted by the County Board of Supervisors of the County of Nevada. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.030~~Sec. G III 13.4~~ Adult Business Regulatory License Required

All adult businesses are subject to the adult business regulatory license requirements of this Chapter as well as all other applicable ordinances of the County and laws of the State of California.

A. It shall be unlawful for any person to establish, operate, engage in, conduct, or carry on any adult business within the County of Nevada unless the person first obtains, and continues to maintain in full force and effect, an adult business regulatory license as herein required. Any occurrence of the “establishment of an adult business”, as defined in this Chapter, shall require a new application for an adult business regulatory license. The adult business regulatory license shall be subject to the development and operational standards of this Chapter and the underlying zone where the facility is located.

B. The Nevada County Community Development Agency shall grant, deny and renew adult business regulatory licenses in accordance with these regulations. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.040~~Sec. G III 13.5~~ Application—Renewals

A. License applicants shall file a written, signed and verified application on a form provided by the Licensing Department.

B. The completed application shall be accompanied by a non-refundable application fee. The amount of such fees shall be set by the County Board of Supervisors.

C. The completeness of an application for an adult business regulatory license shall be determined by the Nevada County Planning Department within ten (10) working days. If the Department determines that the license application is incomplete, the Department shall immediately notify in writing the license applicant of such fact and the reasons therefore, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within ten (10) County business days following the receipt of an amended application or supplemental information, the Department shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.

D. The fact that a license applicant possesses other types of state or county licenses does not exempt the license applicant from the requirement of obtaining an adult business regulatory license.

E. The license shall be renewed every two (2) years. The licensee shall file an application for renewal in accordance with ~~6.08070this Code~~. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.050~~Sec. G-III-13.6~~ Investigation and Action on Application

A. Upon receipt of a completed application and payment of the application fees, the application shall immediately be stamped as “Received” and, in conjunction with County staff, shall promptly investigate the information contained in the application to determine whether an adult business regulatory license shall be granted. Investigation shall not be grounds for the County to unilaterally delay in reviewing a completed application, nor is it grounds to extend the time period to conduct a hearing pursuant to this Section.

B. A written decision on the application for an adult business regulatory license within thirty (30) County business days of receipt of the complete application required by this Section. The failure to render any decision within the time frames established in any part of this Section shall be deemed to constitute an approval, subject to compliance with all operational standards of Title 12, and all County zoning requirements including those found in the Nevada County Codes governing Land Use and Development, specifically all zoning regulations, and shall be subject to appeal pursuant to 6.08.180~~this Code~~. The decision shall be hand delivered or mailed to the applicant at the address provided in the application and shall be provided in accordance with the requirements of this Code.

C. Notwithstanding any provisions in this Section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Section or may request a continuance regarding any decision or consideration by the County of the pending application. Extensions of time sought by applicants shall not be considered delay on the part of the County or constitute failure by the County to provide for prompt decisions on applications.

D. An application shall be granted or denied in accordance with the provisions of this Section, and so notify the applicant as follows:

1. The application shall be marked “Granted” or “Denied” with the date and signature of the County employee making the decision.
2. If the application is denied, a statement of the reasons for the denial shall be attached to the application.
3. If the application is granted, an adult business regulatory license shall be attached to the application.
4. The applicant is required to personally appear to sign for the license.

E. The approval of an application and issuance of an adult business regulatory license upon findings that the proposed business meets, or will meet, all of the development and operational standards and requirements of this Chapter, and the locational requirements of Nevada County Codes governing Land Use and Development, unless the application is denied based upon one or more of the criteria set forth in 6.08.060 below~~s~~.

F. If the application is granted, the applicant may begin operating the adult business for which the license was sought, subject to strict compliance with the development and operational standards and requirements of this Chapter. The license holder shall post the license conspicuously in the premises of the adult business. (Ord. 2352. (07/10/2012); Ord.

~~2530. (10/24/2023))~~

~~Section 6.08.060~~ ~~Sec. G-III-13.7~~ Grounds for Denial of Application

The application shall be denied if the applicant fails to establish any of the following:

1. The adult business complies with the County’s zoning requirements as to its underlying zoning designation and other locational requirements of ~~Title 12, Zoning, in~~ the Nevada County ~~Land Use and Development~~ Codes, and Zoning Regulations.
2. The adult business complies with the development, operational or performance standards found in this Chapter.
3. The license applicant is at least eighteen (18) years of age, unless alcoholic beverages are to be served on premises, then twenty-one (21) years of age and subject to Alcoholic Beverage Control (“ABC”) regulations.
4. The applicant has not been convicted or pled guilty to offenses set forth in ~~6.08.040~~ ~~this Code~~.
5. The required application fees have been paid.
6. The application complies with licensing requirements of ~~6.08.030~~ ~~this Code~~. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023))~~

~~Section 6.08.070~~ ~~Sec. G-III-13.8~~ Re-Application and Renewals

A permittee, applicant or substantially related entity wherein the new application is made by an individual or previous entity exercising management or oversight or control of the adult facility, cannot re-apply for an adult business regulatory license for a particular location within one (1) year from the date of prior denial. Renewals are subject to the information requirements of ~~6.08.040~~ ~~the original application~~. A review of law enforcement responses to the licensed business and a criminal background check, at the applicant’s expense, shall be required prior to any renewal. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023))~~

~~Section 6.08.080~~ ~~Sec. G-III-13.9~~ Appeal of Decision

Any affected person may appeal the decision in writing within ten (10) days in accordance with the provisions of ~~6.08.180~~ ~~this Code~~. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023))~~

~~Section 6.08.090~~ ~~Sec. G-III-13.10~~ Operating Standards

A. Hours of Operation: It shall be unlawful for any owner, operator, manager, employee or independent contractor of an adult business to allow such adult business to remain open for business, or to license any employee, independent contractor or performer to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 9:00 a.m. of any day excepting an “adult hotel/motel.”

B. Exterior Lighting Requirements: All exterior areas, including parking lots, of the adult business shall be designed consistent with the County Codes governing Land Use and Development: Lighting, and in addition illuminated at a minimum of 1.50 foot-candles, maintained and evenly distributed at ground level with appropriate devices to screen, deflect or diffuse the lighting in such manner as to prevent glare or reflected light from creating adverse impacts on adjoining and nearby public and private properties. Inoperable and/or broken lights shall be replaced within twenty-four (24) hours.

C. Interior Lighting Requirements: All interior areas of the adult business excepting therefrom adult hotels/motels shall be illuminated at a minimum of 1.00 foot-candles, maintained and evenly distributed at floor level. Inoperable and/or broken lights shall be replaced within twenty-four (24) hours, excepting an “adult hotel/motel.”

D. Regulation of Adult Booth/Individual Viewing Area:

1. No adult booth/individual viewing area shall be occupied by more than one (1) individual at a time;
2. Each adult booth/individual viewing area within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing the entire interior of the adult booth/individual viewing area from the main aisle. Any adult business may have more than one (1) manager station in order to ensure compliance with this regulation. At all times, the manager station(s) shall be maintained to ensure a clear line of sight into the interior of the adult/booth individual viewing area. Further, no one shall maintain any adult booth/individual viewing area in any configuration unless the entire interior wherein the picture or entertainment that is viewed is visible from the manager station(s). The entire body of any patron in any adult booth/individual viewing area must be visible from the main aisle and the manager station(s) without the assistance of mirrors or any other device;
3. No doors are permitted on an adult booth/individual viewing area. No partially or fully enclosed adult booth/individual viewing areas or partially or fully concealed adult booth/individual viewing areas shall be maintained;
4. No holes or other openings shall be permitted between adult booths/individual viewing areas. Any such hole or opening shall be repaired within twenty-four (24) hours using “pop” rivets to secure metal plates over the hole or opening to prevent patrons from removing the metal plates;
- ~~5.~~ No beds, couches or chairs with a sitting area greater than twenty-four inches (24”) wide shall be 5. permitted in an adult booth/individual viewing area;
6. When a booth is occupied the manager must be at the station.

E. On-Site Manager: All adult businesses shall have a responsible person who shall be at least eighteen (18) years of age and shall be on the premises to act as manager at all times during which the business is open. No performer may serve as the manager. The

individual(s) designated as the on-site manager shall provide their name to the County Department to receive all complaints and be given by the owner and/or operator the responsibility and duty to address and immediately resolve all violations taking place on the premises. The responsible person shall in no way obstruct law enforcement in the execution of their duties.

F. Security: All adult businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

1. Adult businesses featuring live entertainment shall provide at least one (1) security guard at all times while the business is open;
2. If the occupancy limit of the premises is greater than thirty-five (35) persons, an additional security guard shall be on duty;
3. Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of these regulations. Security guard(s) shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard;
4. Between the hours of 8:00 p.m. and thirty (30) minutes after the established closing time of the facility, security guard(s) shall regularly patrol the parking lot and adjacent outdoor areas of the facility to maintain order therein and prevent any illicit or nuisance activity;
5. Additional security may be required based on occupancy maximums established by the County building department and/or applicable fire department.

G. Interior of Premises: No exterior door or window on the premises of an adult business shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque coverings at all times.

H. Displays of Adult Oriented Materials: All displays of materials characterized or distinguished on matters describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Code, shall be completely screened from public view as viewed from adjacent sidewalks or public rights-of-way.

I. Signs: All adult businesses shall comply with the following sign requirements, in addition to those of the Title 16, Signs, Nevada County Codes governing Land Use and Development Codes. Should a conflict exist between the requirements of the Nevada County Codes governing Land Use and Development and this subsection, the more restrictive shall prevail.

1. If an adult business does not serve alcohol, it shall post a notice inside the establishment, within ten feet (10') of every entrance used by customers for access to the establishment, stating that persons below the age of eighteen (18) years of age are prohibited from entering onto the premises or within the confines of the adult business. This notice shall be posted on a wall in a place of prominence. The dimensions of the

notice shall be no less than six inches (6") by six inches (6"), with a minimum typeface of ~~twenty-five (25)~~ points. If the adult business serves alcohol, it shall comply with all notice and posting requirements of the Alcoholic Beverage Control Department. Identification shall be required as necessary to ensure compliance with this Section.

2. No ~~adult-oriented~~ adult-oriented material shall be displayed in window areas or any area where it would be visible from any location other than within the confines of the adult business.

J. Regulation of Public Restroom Facilities: If the adult business provides restrooms for patron use, the restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in each restroom at any time. Access to restrooms for patron use shall not require passage through an area used as a dressing area by performers.

K. Trash: All interior trash cans shall be emptied into a single locked trash bin lined with a plastic bag or with individually bagged trash at least once a day. At least four (4) times a day, the front and rear exteriors of any adult business, along with the parking lot, shall be inspected for trash and debris and any trash and debris found shall be immediately removed and placed into a single locked trash bin lined with a plastic bag. (Ord. 2352. (07/10/2012); Ord. 2530. (10/24/2023))

Section 6.08.100~~Sec. G-III-13.11~~ Adult Business Offering Adult Live Entertainment— Additional Operating Requirements

The following additional requirements shall apply to adult businesses providing adult live entertainment:

1. No person shall perform adult live entertainment for patrons of an adult business except upon a permanently fixed stage at least 18 inches (18") above the level of the floor, and surrounded with a three-foot (3') high barrier or by a fixed rail at least thirty inches (30") in height. No patron shall be permitted on the stage while the stage is occupied by a performer(s) and/or adult cabaret dancer(s). This provision shall not apply to an individual viewing area where the performer is completely separated from the area in which the performer is viewed by an individual by a permanent, floor to ceiling, solid barrier.
2. No performer or adult cabaret dancer shall be within six feet (6') of a patron, measured horizontally, while the performer or adult cabaret dancer is performing adult live entertainment. While on stage, no performer or adult cabaret dancer shall have physical contact with any patron, and no patron shall have physical contact with any performer or adult cabaret dancer.
3. As to off stage performances, no performer or adult cabaret dancer shall perform "adult live entertainment" off stage. As to an adult cabaret dancer performing off stage, a distance of at least six feet (6') shall be maintained between the adult cabaret dancer and the patron(s) at all times. During off stage performances, no adult cabaret dancer shall have physical contact with any patron, and no patron shall have physical contact with any adult cabaret dancer.
4. In addition, while on the premises, no performer or adult cabaret dancer shall have

physical contact with a patron and no patron shall have physical contact with a performer or adult cabaret dancer, which physical contact involves the touching of the clothed or unclothed genitals, pubic area, buttocks, cleft of the buttocks, perineum, anal region, or female breast with any part or area of any other person's body either before or after any adult live entertainment or off stage performances by such performer or adult cabaret dancer. Patrons shall be advised of the no touching requirements by signs and, if necessary, by employees, independent contractors, performers, or adult cabaret dancers of the establishment. This prohibition does not extend to incidental touching.

5. Patrons shall be advised of the separation and no touching requirements by signs conspicuously displayed and placed on the barrier between patrons and performers and utilizing red or black printing of letters not less than one inch (1") in size. And, if necessary, patrons shall also be advised of the separation and no touching requirements by employees or independent contractors of the establishment.
6. All employees and independent contractors of the adult facility, except therefrom performers while performing on the fixed stage, while on or about the premises or tenant space, shall wear at a minimum an opaque covering which covers their specified anatomical areas.
7. Patrons shall not throw money to performers, place monies in the performers' costumes or otherwise place or throw monies on the stage. If patrons wish to pay or tip performers, payment or tips may be placed in containers. Patrons shall be advised of this requirement by signs conspicuously displayed and placed on the barrier between patrons and performers and utilizing red or black printing of letters not less than one inch (1") in size. If necessary, patrons shall also be advised of the tipping and gratuity requirements by employees or independent contractors of the adult business.
8. The adult business shall provide dressing rooms for performers, that are separated and exclusively dedicated to the performers' use and which the performers shall use. Same gender performers may share a dressing room. Patrons shall not be permitted in dressing rooms.
9. The adult business shall provide an entrance/exit to the establishment for performers that is separate from the entrance/exit used by patrons, which the performers shall use at all times.
10. The adult business shall provide access for performers between the stage and the dressing rooms that is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three-foot (3') wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers capable of (and which actually results in) preventing any physical contact between patrons and performers and the patrons must also be three feet (3') away from the walk aisle. Nothing in this Section is intended to exempt the adult business from compliance with the provisions of Title 24 of the California Code of Regulations pertaining to handicapped accessibility. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.110~~Sec. G-III-13.12~~ Adult Motion Picture Theater—Additional Operating Requirements

The following additional requirements shall apply to adult motion picture theaters:

~~B.A.~~ B.A. If the theater contains a hall or auditorium area, the area shall comply with each of the following provisions:

1. Have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the hall or auditorium area;
2. Have a continuous main aisle alongside the seating areas in order that each person seated in the hall or auditorium area shall be visible from the aisle at all times; and
3. Have a sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.

~~C.B.~~ C.B. If an adult motion picture theater is designed to permit outdoor viewing by patrons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those patrons may not be seen from any public right-of-way, child day care facility, public park, school, campground or camp, religious institution or any residentially zoned property occupied with a residence, which may include, but not be limited in those properties zoned R1, R2, R3, RA and AG. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.120~~Sec. G-III-13.13~~ Employment of and Services Rendered to Persons Under the Age of Eighteen (18) Years Prohibited—Twenty-One (21) if Liquor is Served

A. Employees/Independent Contractors: Employees and independent contractors of an adult business must be at least eighteen (18) years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a ten percent (10%) or greater interest, employees, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not at least eighteen (18) years of age. If liquor is served at the adult business, employees and independent contractors of the adult business must be at least twenty-one (21) years of age. If liquor is served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a ten percent (10%) or greater interest, employee, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not twenty-one (21) years of age. Said persons shall exercise reasonable care in ascertaining the true age of persons seeking to contract with, be employed by, or otherwise service the adult business, with identification verification and any additional requirements as may be imposed by Alcoholic Beverage Control licensing.

B. Patrons: Patrons of an adult business must be at least eighteen (18) years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a ten percent (10%) or greater interest, employee, independent contractor, or other

person in charge of any adult business to permit to enter or remain within the adult business

any person who is not at least eighteen (18) years of age. If liquor is served at the adult business, patrons must be at least twenty-one (21) years of age. If liquor is served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a ten percent (10%) or greater interest, employee, independent contractor, or other person in charge of any adult business to permit to enter or remain within the adult business any person who is not at least twenty-one (21) years of age, said persons shall exercise reasonable care in ascertaining the true age of persons entering the adult business.

C. X-Rated Movies: The selling, renting and/or displaying of X-rated movies, videotapes, digital video disks (DVDs), compact disks (CDs) and laser disks shall be restricted to persons over eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to the establishment to persons under eighteen (18) years of age sells, rents, or displays movies, videos, DVDs, CDs or laser disks that have been rated "X" or rated "NC-17" by the motion picture rating industry ("MPAA"), or which have not been submitted to the MPAA for a rating, and which consist of images that are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said movies, videos, DVDs, CDs, and laser disks shall be located in a specific section of the establishment where these items are not visible to persons under the age of eighteen (18) and from which persons under the age of eighteen (18) shall be prohibited. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.130~~Sec. G-III-13.14~~ Inspections

Each owner, operator, manager, employee or independent contractor of an adult business or other person in charge of an adult business shall permit representatives of the Sheriff's Department, County Health Department, applicable Fire Department, Planning Department, Code Compliance Division and other County departments, to inspect the adult business for the purpose of insuring compliance with the laws and operating standards applicable to adult businesses at any time it is occupied or open for business. Such inspections shall be conducted in a reasonable manner. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.140~~Sec. G-III-13.15~~ Transfer of Adult Business License

~~B.A.~~ A license holder shall not operate an adult business under the authority of an adult business license at any place other than the address of the adult business stated in the application for the license.

~~C.B.~~ In the event of a transfer of ownership of the adult business, the new owner shall be fully informed of the requirements of this Chapter, including the operational and development standards herein.

~~D.C.~~ In the event of a transfer of the adult business or the adult business license, the transferee must provide the Licensing Department with the applicant information as set forth in Section G-III 13.5 of this chapter, at least twenty-one (21) days prior to the transfer. The application shall be reviewed in accordance with 6.08.040 above, ~~Section on application.~~ (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.150~~Sec. G-III-13.16~~ Suspension or Revocation of Adult Business License

On determining that grounds for license suspension or revocation exist, the Licensing Department shall furnish written notice of the proposed suspension or revocation to the license holder. Such notice shall set forth the time and place of a hearing and the ground or grounds upon which the hearing is based, the pertinent County Code Sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the license holder, or shall be delivered to the license holder personally, at least ten (10) days prior to the hearing date. Hearings pursuant to this Section shall be noticed in accordance with California Gov't Code §§ 65091 and 65905 conducted by the Licensing Department or their designee, which may include a third party hearing officer. Hearings pursuant to this Section shall be conducted in accordance with procedures established by the Licensing Department but, at a minimum, shall include the following:

1. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel.
2. The hearing shall not be bound by the formal rules of evidence.
3. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or a witness at the request of the license holder. Extensions of time or continuances sought by a license holder shall not be considered delay on the part of the County or constitute failure by the County to provide for prompt decisions on license suspensions or revocations.
4. The decision may be appealed in accordance with this ~~Section G-III-13.19~~. (Ord. 2352. (07/10/2012); Ord. 2530. (10/24/2023))

Section 6.08.160~~Sec. G-III-13.17~~ Causes for Suspension or Revocation

The license to operate may be suspended and an order for the adult business to close issued, pending a suspension or revocation hearing if it is determined that the closure is necessary to protect the public health and safety. A license may be suspended or revoked based on the following causes arising from the acts or omissions of the license holder, or an employee, independent contractor, partner, director, or manager of the license holder:

- A. The building, structure, equipment, or location used by the adult business fails to comply with all provisions of these regulations and this Section relating to adult businesses, including the adult business operational standards contained in 6.08090, Section G-III-13.10 above and Nevada County Operating Standards and Title 12, Land Use and Development Land Use and Development Code, Chapter II, Code Zoning Regulations, and all other applicable building, fire, electrical, plumbing, health, and zoning requirements of the County of Nevada County Code;
- B. The license holder has failed to obtain or maintain all required County licenses;
- C. The license holder has made any false, misleading, or fraudulent statement of material fact in the application for an adult business license;

D. The license is being used to conduct an activity different from that for which it was issued;

E. That an individual employed by, or performing in, the adult business (whether classified as an employee or independent contractor) has been convicted of two (2) or more sex-related offenses that occurred in or on the licensed premises within a twelve (12) month period and was employed by, or performing in, the adult business at the time the offenses were committed;

F. That the use for which the approval was granted has ceased to exist or has been suspended for six (6) months or more;

G. That the transferee/new owner of an adult business or adult business license failed to comply with the requirements of this Chapter;

H. The license holder, partner, director, or manager has knowingly allowed or permitted, or has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business; or a licensee has been convicted of violating any of the following state laws on the premises of the adult business:

1. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation;
2. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur;
3. Any conduct constituting a criminal offense which requires registration under Cal. Penal Code § 290;
4. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Cal. Penal Code §§ 315, 316, 318 or subdivision (b) of ~~§Section~~ 647-;
5. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including, but not limited to ~~§§Sections~~ 311 ~~_through~~ 313.4;
6. Any act constituting a felony involving the sale, use, possession, or possession for sale of any controlled substance specified in Cal. Health & Safety Code §§ 11054, 11055, 11056, 11057, or 11058;
7. An act or omission in violation of any of the requirements of this Chapter if such act or omission is with the knowledge, authorization, or approval of the license holder or is as a result of the license holder's negligent supervision of the employees or independent contractors of the adult facility. This includes the allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property. (Ord. 2352. (07/10/2012); Ord. 2530. (10/24/2023));

Section 6.08.170 ~~Sec. G-III-13.18~~ Decision following Hearing

After holding the hearing in accordance with the provisions of this Section, if the Licensing Department finds and determines that there are grounds for suspension or revocation, the Department shall impose one of the following:

- A. Suspension of the license for a specified period not to exceed six (6) months; or
- B. Revocation of the license.

The Licensing Department shall render a written decision that shall be hand delivered or overnight mailed to the license holder within five (5) days of the public hearing.

In the event a license is revoked pursuant to this Section, another adult business license to operate an adult business shall not be granted to the licensee or an entity related to the licensee within twelve (12) months after the date of such revocation. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.180 ~~Sec. G-III-13.19~~ Appeal Procedures

After approval, denial, suspension or revocation of a license, any affected person may appeal the decision to the County Board of Supervisors in writing within ten (10) days after the written decision.

A. Consideration of an appeal of the decision shall be at a public hearing, notice of which shall be given pursuant to California Gov't Code §§ 65091 and 65905 and which hearing shall occur within thirty (30) days of the filing or initiation of the appeal.

B. The County Board of Supervisors action on the appeal of the decision shall be by a majority vote of the members present and upon the conclusion of the de novo public hearing, the County Board of Supervisors shall grant or deny the appeal. The County Board of Supervisors' decision shall be final and conclusive and shall be rendered in writing within four (4) County business days of the hearing, such written decision to be mailed to the party appealing the Licensing Department's decision.

C. In reaching its decision, the County Board of Supervisors shall not be bound by the formal rules of evidence.

D. Notwithstanding any provisions in this Section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Section or may request a continuance regarding any decision or consideration by the County of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the County or constitute failure by the County to provide for prompt decisions on applications.

E. Failure of the County Board of Supervisors to render a decision to grant or deny an appeal of a license denial within the time frames established by this Section shall be deemed to constitute an approval of the adult business license.

F. The time for a court challenge to a decision of the County Board of Supervisors is governed by Cal. Civ. Proc. § 1094.8.

G. Notice of the County Board of Supervisors' decision and its findings shall include citation to Cal. Civ. Proc. §§ 1094.8.

H. Any applicant or license holder whose license has been denied pursuant to this Section shall be afforded prompt judicial review of that decision as provided by Cal. Civ. Proc. § 1094.8. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

Section 6.08.190 ~~Sec. G-III 13.20~~ Violations

Any owner, operator, manager, employee or independent contractor of an adult business violating or permitting, counseling, or assisting the violation of any of these provisions regulating adult businesses shall be subject to any and all civil remedies, including license revocation. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

In addition to the remedies set forth in above, any adult business that is operating in violation of these provisions regulating adult businesses is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

The restrictions imposed pursuant to this Section constitute a licensing process, and do not constitute a criminal offense. Notwithstanding any other provision of the County of Nevada County Code, the County does not impose a criminal penalty for violations of the provisions of this Ordinance related to sexual conduct or activities. (Ord. 2352. (07/10/2012); ~~Ord. 2530. (10/24/2023)~~)

~~Sec. G-III 13.21~~ Reserved

~~CHAPTER 9: ARTICLE 14: FIREARMS DEALERS~~

Sections:

~~Section 6.09.010 ~~Sec. G-III 14.1~~ ——— Gun Sales or Leases Must Be Through Qualified Dealer~~

~~Section 6.09.020 ~~Sec. G-III 14.2~~ ——— Permit Required~~

~~Section 6.09.030 ~~Sec. G-III 14.3~~ ——— License Qualifications~~

~~Section 6.09.040 ~~Sec. G-III 14.4~~ License is Subject to Approval~~

~~Section 6.09.050 ~~Sec. G-III 14.5~~ Renewal of License~~

~~Section 6.09.060 ~~Sec. G-III 14.6~~ License Subject to Forfeiture~~

~~Section 6.09.070 ~~Sec. G-III 14.7~~ Violation~~

~~Section 6.09.010 ~~Sec. G-III 14.1~~ Gun Sales or Leases Must Be Through Qualified Dealer~~

Except as provided in Cal. Penal Code § 26700, no person shall sell, offer for sale, lease or transfer any firearm to another unless they are a dealer or the transaction is processed by a dealer pursuant to Cal. Penal Code § 26700.

Section 6.09.020~~See. G III 14.2~~ Permit Required

No person shall engage in the business of selling, leasing, transferring, advertising, offering, or exposing for sale, lease, or transfer of firearms unless they have been issued a firearms dealer's license by the Nevada County Sheriff's Office.

Section 6.09.030~~See. G III 14.3~~ License Qualifications

Any person over the age of twenty-one (21) years who desires to become a firearms dealer shall apply to the Sheriff's Office of the County as follows:

- A. Applicant shall submit a completed application for a firearms dealer's license.
- B. At the time an application for a firearms dealer's license is submitted, the applicant must provide the following:
 - 1. A valid federal firearms license.
 - 2. A valid seller's permit issued by the State Board of Equalization.
 - 3. A certificate of eligibility issued by the Department of Justice.
- C. Applicant shall be fingerprinted.
- D. Applicant must pay an application fee in an amount to be determined by resolution of the Board of Supervisors.
- E. Applicant must not be in a class of persons prohibited from possessing firearms by State law.

Section 6.09.040~~See. G III 14.4~~ License is Subject to Approval

All firearms dealer's licenses shall be subject to approval by the Sheriff or their designee. All applicants who are denied a firearms dealer's license shall be informed, in writing, of the reasons for such denial.

Section 6.09.050~~See. G III 14.5~~ Renewal of License

Any license granted herein shall be valid for one (1) year from the date of issue. Applicant shall pay a license renewal fee to the Sheriff's Office in an amount set by resolution of the Board of Supervisors, if eligible.

Section 6.09.060~~See. G III 14.6~~ License Subject to Forfeiture

Any license granted herein shall be subject to forfeiture for failing to comply with the following conditions as contained in Cal. Penal Code §§ 26800 – 26915:

- A. Business shall be carried on in the building designated in the license, unless person is complying with Cal. Penal Code § 26805 as it pertains to a gun show or qualified event.
- B. The license or copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.
- C. No firearm shall be delivered:
 - 1. Within ten (10) days of the application to purchase, or, after notice by the Department of Justice pursuant to Cal. Penal Code § 28220, within ten (10)~~10~~ days of the submission to the Department of any correction to the application, or within ten (10) days of the submission to the Department of any fee required pursuant to Cal. Penal Code § 28225, whichever is later.
 - 2. Unless unloaded and securely wrapped or unloaded and in a locked container.
 - 3. Unless the purchaser, transferee, or person being loaned the firearm presents clear

evidence of the person's identity and age to the dealer.

4. Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from processing, owning, purchasing, or receiving a firearm. The dealer shall make available to the person in the prohibited class a prohibited notice and transfer form, provided by the Department, stating that the person is prohibited from owning or possessing a firearm, and that the person may obtain from the Department the reason for the prohibition.

D. No pistol, revolver or other firearm, or imitation thereof, capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

E. Licensee shall agree to and shall act properly in processing transfers of firearms pursuant to Cal. Penal Code §§ 26500 – 28490.

F. Licensee shall comply with all of the following sections of California Penal Code:

- (1) Sections 27500 to 27535, inclusive.
- (2) Section 27555.
- (3) Section 28100.
- (4) Article 2 (commencing with Section 28150) of Chapter 6.
- (5) Article 3 (commencing with Section 28200) of Chapter 6.
- (6) Section 30300.

Failure to comply with the above California Penal Code sections are grounds for forfeiture of a license as per Cal. Penal Code § 26830.

G. As per Cal. Penal Code § 26835:

1. A licensee shall conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height:

(a) "FIREARMS MUST BE HANDLED RESPONSIBLY AND SECURELY STORED TO PREVENT ACCESS BY CHILDREN AND OTHER UNAUTHORIZED USERS. CALIFORNIA HAS STRICT LAWS PERTAINING TO FIREARMS, AND YOU MAY BE FINED OR IMPRISONED IF YOU FAIL TO COMPLY WITH THEM. VISIT THE WEBSITE OF THE CALIFORNIA ATTORNEY GENERAL AT [HTTPS://OAG.CA.GOV/FIREARMS](https://oag.ca.gov/firearms) FOR INFORMATION ON FIREARM LAWS APPLICABLE TO YOU AND HOW YOU CAN COMPLY."

(b) "IF YOU KEEP A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(c) "CHILDREN MAY BE UNABLE TO DISTINGUISH FIREARMS FROM TOYS AND MAY OPERATE FIREARMS, CAUSING SEVERE INJURIES OR DEATH. IF YOU KEEP A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM

WITH A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

(d) “YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE OR IMPRISONMENT, IF YOU KEEP A FIREARM WHERE A MINOR IS LIKELY TO ACCESS IT OR IF A MINOR OBTAINS AND IMPROPERLY USES IT, OR CARRIES IT OFF OF THE PREMISES TO A SCHOOL OR SCHOOL- SPONSORED EVENT, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”

(e) “IF YOU NEGLIGENTLY STORE OR LEAVE A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL WHERE A PERSON UNDER 18 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”

(f) “DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER EXPOSURE.”

(g) “FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM.”

(h) “NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE HANDGUN OR SEMIAUTOMATIC CENTERFIRE RIFLE WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE HANDGUN OR SEMIAUTOMATIC CENTERFIRE RIFLE WITHIN ANY 30-DAY PERIOD.”

(i) “IF A FIREARM YOU OWN OR POSSESS IS LOST OR STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS OR THEFT OCCURRED WITHIN FIVE DAYS OF THE TIME YOU KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE FIREARM HAD BEEN LOST OR STOLEN.”

2. In addition to the notice required by subdivision (a), a licensee shall post conspicuously within the licensed premises, in block letters not less than one inch in height, an additional notice, including, but not limited to, a notice provided by a suicide prevention program, containing the following statement:

“IF YOU OR SOMEONE YOU KNOW IS CONTEMPLATING SUICIDE, PLEASE CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 1-800-273-TALK (8255).”

H. No pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate as described in Cal. Penal Code § 26845 and performs a safe handling demonstration per Cal. Penal Code §§ 26850 – 26860.

I. The licenses shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm with a copy of the pamphlet described in Cal. Penal Code § 34205, and may

add the cost of the pamphlet, if any, to the sales price of the firearm.

J. The licensee shall not commit an act of collusion as defined in Cal. Penal Code § 27550.

K. The licensee shall post conspicuously within the licensed premises a detailed list of the charges and fees set forth in Cal. Penal Code § 26875. The licensee shall not misstate the amount of fees charged by a governmental agency.

L. The licensee shall report the loss or theft of any firearm or ammunition that is merchandise of the licensee, that the licensee takes possession of pursuant to Cal. Penal Code § 26885, or that is kept at the licensee's place of business within 48 hours of discovery to the appropriate law enforcement agency in the city or county where the licensee's business premises are located.

M. The licensee shall, upon the issuance or renewal of a license, submit a copy of the same to the Department of Justice.

N. The licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney

General, upon the presentation of proper identification, a firearms transaction record as defined in Cal. Penal Code § 16550.

O. On the date of receipt, the licensee shall report to the Department of Justice the acquisition by the licensee of the ownership of a pistol, revolver, or other firearm capable of being concealed upon the person, unless such transaction qualifies under Cal. Penal Code § 26905.

P. The licensee shall forward information as required by the Department of Justice, information on any firearm that is not delivered within the time period set forth in Section 478.102(c) of Title 27 of the Code of Federal Regulations.

Section 6.09.070~~Sec. G-III-14.7~~ Violation

Any person engaging in the business of selling, leasing, transferring, advertising, offering or exposing for sale, lease or transfer of firearms, who does not come within the exceptions contained in Cal. Penal Code § 26800 and who does not obtain a license pursuant to this ~~Article~~Chapter is guilty of a misdemeanor.

CHAPTER 10: BINGO

Sections:

Section 6.10.010	Sec. G-IV 15.1	Bingo
Section 6.10.020	Sec. G-IV 15.2	Definitions
Section 6.10.030	Sec. G-IV 15.3	License Required
Section 6.10.040	Sec. G-IV 15.4	License Fee
Section 6.10.050	Sec. G-IV 15.5	License Application
Section 6.10.060	Sec. G-IV 15.6	Rules and Regulations for Licensee Conducting Bingo Games for Charity
Section 6.10.070	Sec. G-IV 17.7	Posting and Keeping License

Section 6.10.010 ~~Sec. G-IV 15.1~~– Bingo.

This Ordinance is enacted under Section 19 of Article IV of the State Constitution and Section 326.5 of the Penal Code as ~~amended, and~~amended and allows the game of Bingo to be conducted and played in the County of Nevada.

As used in this Ordinance "Bingo" means a game of chance in which prizes are allowed on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random.

Section 6.10.020~~Sec. G-IV 15.2~~– Definitions.

- A. As used in this ~~Section~~Article, the word "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to the numbers or symbols selected at random.
- B. ~~B.~~As used in this ~~Section~~Article "County" shall mean the County of Nevada, State of California.
- ~~C.~~ ~~C.~~ ~~C.~~ Exempt, charitable organizations. As used in this ~~Section~~Article, "exempt, charitable organizations" means all organizations exempted from the payment of the bank and corporation tax by ~~Cal. Rev. & Tax. Revenue and Taxation Code~~ §§ 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701-l and all mobilehome park associations and senior citizens organizations who wish to conduct bingo games to be used only for charitable purposes, or as specified for charitable or purposes specified in ~~Cal.~~ Penal Code § 326.5.
- ~~D.~~ ~~D.~~ ~~D.~~ License period. As used in this ~~Section~~Article, the words "License Period" shall be for a period of ~~twelve (12)~~ consecutive months.
- ~~E.~~ ~~E.~~ ~~E.~~ A minor is described as one who has not reached the age of legal majority, or ~~eighteen (18)~~ years.

Section 6.10.030~~Sec. G-IV 15.3~~– License Required.

All organizations exempted from the payment of the bank and corporation tax by ~~Cal/ Rev. & Tax. Revenue and Taxation~~ Code §§ 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701-l and all mobilehome park associations and senior citizens organizations who wish to conduct bingo

games, the proceeds of such games to be used only for charitable purposes or as specified for charitable or purposes specified in Cal. Penal Code § 326.5 shall procure a license to operate any such bingo game for charity, and it shall be unlawful for any such organization, mobilehome park association, or senior citizens organization to conduct a bingo game for charitable purposes within the unincorporated limits of the County of Nevada without first having procured a license from said County to do so and without complying with any and all applicable provisions of this ordinance.

Section 6.10.040~~Sec. G-IV 15.4.~~ License Fee.

The County shall impose a license fee of \$25.00 for the issuance of a license or the renewal thereof, which fee shall be paid concurrently at the time of the application of said license. Said license shall be for a term of twelve (12) consecutive months.

All such licenses shall expire on the termination of the twelfth month and shall have to be renewed for the ensuing twelve (12) months. If an applicant for a license or renewal thereof is denied, one-half of said license fee shall be refunded to the organization.

(Ord. 824. (12/13/1977))

Section 6.10.050~~Sec. G-IV 15.5.~~ License Application.

A. Every exempt, charitable organization required to have a license under the provisions of this Ordinance shall make application for the same to the County Clerk of the County of Nevada, on a form provided by the County Clerk, and upon payment of the prescribed license fee the County Clerk shall issue such exempt, charitable organization a license which shall contain:

1. The name of the exempt, charitable organization to which the license is issued.
2. The date of issuance.
3. Such other information as may be necessary for the enforcement of the provisions of this Ordinance, including, but not limited to, a written statement sworn to before some officer authorized to administer oaths that such organization is exempt from the payment of bank and corporation tax by Cal. Rev. & Tax Revenue and Taxation Code § 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701-l or that such organization is a mobilehome park association or senior citizens organization.

No such statement shall be conclusive upon the County of Nevada or any officer thereof as to matters therein set forth, and the same shall not prejudice the rights thereof of the County to make an independent investigation as to the status of the organization applying for a license.

Section 6.10.060~~Sec. G-IV 15.6.~~ Rules and Regulations for Licensee Conducting Bingo Games for Charity.

The following rules and regulations, as set forth in Cal. Penal Code § 326.5 as amended, enacted under the authority of Section 19(c) of Article IV of the Constitution of the State of California, shall be applicable to all licensees under the provisions of this ordinance:

A. It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any bingo game authorized by Section 19(c) of Article IV of the State Constitution.

B. A violation of subdivision (A) of this Section shall be punishable by a fine not to exceed \$10,000.00, which fine shall be deposited in the general fund of the County. A violation of any provision of this Ordinance other than subdivision (A) is a misdemeanor.

C. No minor shall be allowed to participate in any bingo game.

D. An organization authorized to conduct bingo games pursuant to this Ordinance shall conduct a bingo game only on property owned or leased by it and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized. Nothing in this subdivision shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

E. All bingo games shall be open to the public, not just to members of the authorized organization.

F. A bingo game shall be operated and staffed only by members of the authorized organization which organized it. Such members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such a game, or participate in the promotion, supervision, or any other phase of such game.

G. No individual corporation, partnership or other legal entity except the organization authorized to conduct the bingo game shall hold a financial interest in the conduct of such bingo game.

H. With respect to organizations exempt from payment of the bank and corporation tax by ~~Cal Rev. & Tax. Revenue and Taxation~~ Code § 23701d, all profits derived from a bingo game shall be kept in a separate fund or account and shall not be comingled with any other fund or account. Such profit shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this Section, all proceeds derived from a bingo game shall be kept in a separate fund or account and shall not be comingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.

2. A portion of such proceeds, not to exceed ten percent of the proceeds after the deduction for prizes, or \$500.00 per month, whichever is less, may be used for rental of property, overhead, and administrative expenses.

~~I.~~ No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted.

~~J.~~ The total value of prizes awarded during the conduct of an evening of bingo games shall not exceed \$250.00 in cash or kind or both, for each separate game which is held.

~~Section 6.10.070~~ ~~Sec. G-IV 15.7.~~ Posting and Keeping License.

All licenses must be kept and posted in the following manner:

The licensee carrying on a bingo game for charity in the County of Nevada shall keep the license posted in a conspicuous place upon the premises where the bingo game is carried on.

TITLE 7: PUBLIC HEALTH, SAFETY and WELFARE
CHAPTER 1SECTION 23: SMOKING POLLUTION CONTROL

Sections:

Section 7.01.010-G-IV 23.1	Title	
Sec. G-IV 23.2 Reserved	Section 7.01.020-G-IV 23.3	Definitions
Section 7.01.030-G-IV 23.4	Regulation of Smoking in County Owned Facilities	
Section 7.01.040-G-IV 23.5	Smoking Prohibited - Elevators	
Section 7.01.050-G-IV 23.6	<u>Smoking Prohibited - Hospitals and Health Care Facilities</u>	
Section 7.01.060-G-IV 23.7	Smoking Prohibited - Public Meeting Rooms	
Section 7.01.070	-G-IV 23.8	Smoking Prohibited - Theaters and Auditorium
Section 7.01.080	-G-IV 23.9	Smoking Prohibited - Public Restrooms
Section 7.01.090	-G-IV 23.10	Smoking Prohibited - Indoor Service Lines
Section 7.01.100-G-IV 23.11	<u>Smoking Prohibited - Restaurants</u>	
Section 7.01.110-G-IV 23.12	Regulation of Smoking in the Office Workplace	
Section 7.01.120	-G-IV 23.13	Smoking Prohibited in Public Areas at Various Places
Sec. G-IV 23.14 Reserved		
Section 7.01.130-G-IV 23.15	Posting of Signs Required	
Section 7.01.140-G-IV 23.16	Compliance	
Section 7.01.15-G-IV 23.170	Where Smoking is Not Regulated	
Section 7.01.160-G-IV 23.18	Penalty	
Section 7.01.170-G-IV 23.19	Non-Retaliation	
Sec. G-IV 23.20 Reserved		

~~Section 7.01.010-G-IV 23.1~~ **Title**

This Chapter shall be known as the Smoking Ordinance of Nevada County.

~~Sec. G-IV 23.2 Reserved~~

~~Section 7.01.020-G-IV 23.3~~ **Definitions**

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

- A. BAR means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
- B. BINGO FACILITY means any enclosed place in which and during such time as any bingo game, permitted under the provisions of this Code, is being conducted.
- C. EMPLOYEE means any individual who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers their services for a non-profit entity.

D. EMPLOYER means any person that employs the services of one or more individuals.

E. ENCLOSED means closed in by roof and four walls with appropriate openings for ingress and egress, including covered parking lots, lobbies, lounges, waiting areas, elevators, stairwells, and restrooms.

- PLACE OF EMPLOYMENT means any enclosed area under the control of an employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, classrooms, cafeterias, and hallways. Notwithstanding the preceding sentence, none of the following is a place of employment;
 - A. A private residence is not a place of employment unless it is used as a child-care or a health-care facility;
 - B. A bingo facility.

F. PUBLIC PLACE means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to: banks, educational facilities, health facilities, public transportation facilities, reception areas, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms, unless such place is subject to another definition set forth in this Section.

G. RESTAURANT means any coffee shop, cafeteria, tavern, private or public school cafeteria, and any other eating establishment, which gives or offers food for sale to the public, guests, patrons, or employees, except that the term “restaurant” shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a “bar” as defined in this Code.

H. SERVICE LINE means any indoor line at which one or more individuals is waiting for or receiving service of any kind, whether or not such services includes the exchange of money.

I. SMOKING means the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or the lighting of or the emitting or inhaling the smoke of a pipe, cigar, or cigarette, or tobacco product of any kind.

J. SPORTS ARENA means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

K. TOBACCO PRODUCT means any of the following:

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
3. Any component, part, or accessory of a tobacco product, whether or not sold separately.

4. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose (Cal. Bus. & Prof. Code §22950.5).
5. This definition includes but is not limited to any revisions in California State Statute.

Section 7.01.030-G-IV 23.4 Regulation of Smoking in County Owned Facilities

A. Smoking is prohibited in all buildings, vehicles, or other enclosed areas occupied by County staff, owned or leased by the County, or otherwise operated by the County except in areas where the County Administrator may designate as smoking areas. The County Administrator may designate a smoking area only if the area involved:

1. Is not in an enclosed workplace and meets all of the regulations of Cal. Lab. Code §§6400-6413.5; and
2. Is not within ~~20~~ twenty feet (20') of main exit, entrance, and operable windows of all county buildings
3. Is determined not to create a fire risk.
- ~~8. Is determined not to create a fire risk.~~

~~C.~~ B. In any dispute arising out of the smoking area designations made by the County Administrator under this Chapter, the rights of the non-smoker shall be given precedence.

Section 7.01.040-G-IV 23.5 Smoking Prohibited - Elevators

Smoking is prohibited and is unlawful within elevators and buildings generally used by and open to the public, including elevators in office, hotel, and multi-family buildings.

Section 7.01.050 Smoking Prohibited - Hospitals and Health Care Facilities
~~G-IV 23.6~~

~~H.~~ Smoking is prohibited and is unlawful in public areas of health care facilities and hospitals, as defined in Cal. Health & Safety Code § 1250, including waiting rooms, public hallways and lobbies, except in specially designated smoking areas of long-term health care facilities.

~~Reserved.~~

Section 7.01.060-G-IV 23.7 Smoking Prohibited - Public Meeting Rooms

Smoking is prohibited and is unlawful in hearing rooms, conference rooms, chambers, places of public assembly in which public business is conducted, which requires or provides direct participation or observation by the general public.

Section 7.01.070-G-IV 23.8 Smoking Prohibited - Theaters and Auditorium

Smoking is prohibited and is unlawful in every publicly or privately owned building or enclosed

facility which is open to the public for the primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event, or any other performance or event in all areas except either in that area commonly known as the lobby, or in areas not open to the public. An exception is if smoking is an integral part of the story in a theatrical production.

Every theater owner and/or manager shall post signs conspicuously in the lobby stating that smoking is prohibited within the theater.

Section 7.01.080-G-IV-23.9 Smoking Prohibited - Public Restrooms

Smoking is prohibited and is unlawful in public restrooms.

Section 7.01.090-G-IV-23.10 Smoking Prohibited - Indoor Service Lines

Smoking is prohibited and is unlawful in indoor service lines in which more than one person is giving or receiving services of any kind.

Section 7.01.100-G-IV-23.11 Smoking Prohibited - Restaurants

A. Smoking is prohibited in all restaurants.

Section 7.01.110-G-IV-23.12 Regulation of Smoking in the Office Workplace

A. Within ninety days of the effective date of the ordinance codified in this Chapter each employer shall adapt, implement and maintain a written smoking policy which shall contain at a minimum the following:

1. Prohibition of smoking in employer conference and meeting rooms, classrooms, auditoriums, restrooms, medical facilities, hallways and elevators;
2. Provision and maintenance that smoking shall not occur in cafeterias, lunchrooms, and employee lounges;
3. In any dispute arising under the smoking policy, the rights of the non-smoker shall be given precedence;
4. Except where other signs are required, whenever smoking is prohibited, conspicuous signs shall be posted so stating, containing all capital lettering not less than one inch (1") in height, on a contrasting background. Signs of similar size containing the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) may be used in addition to or in lieu of any signs required hereunder.

B. The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.

C. Notwithstanding any other provisions of this Section, every employer shall designate any office workplace as a non-smoking area.

D. This section is not intended to regulate smoking in the following places and under the following conditions:

1. A private home which may serve as an office workplace;
2. Any property owned or leased by other governmental agencies.;

Section 7.01.120-G-IV 23.13 Smoking Prohibited in Public Areas at Various Places

Smoking is prohibited and unlawful in all areas of the following establishments which are available and customarily open to the general public:

- A. All enclosed areas available to and customarily used by the general public and all businesses patronized by the public including, but not limited to, retail stores, hotels and motels, pharmacies, banks, professional offices and other offices;
- B. In public areas of museums and galleries;
- C. Retail food marketing establishments, including grocery stores and supermarkets except those areas of such establishments set aside for the serving of food and drink, restrooms, offices, and areas thereof not open to the public, which may be otherwise regulated by this Chapter;
- D. Public schools and other public facilities under the control of a public agency other than the County are available to and customarily used by the general public;
- E. Sports arenas;
- F. Within any bingo facility.
- G. Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment described in this Section may declare the entire establishment as a non-smoking establishment.

~~Sec. G-IV 23.14 Reserved.~~

Section 7.01.130-G-IV 23.15 Posting of Signs Required

Except where other signs are required, whenever in this Code smoking is prohibited, conspicuous signs shall be posted so stating, containing all capital lettering not less than one inch (1") in height, on a contrasting background. Said signs shall be placed by the owner, operator, manager, or other persons having control of such place where smoking is prohibited.

Section 7.01.140-G-IV 23.16 Compliance

- A. While the smoking prohibition set forth in state statute constitutes a uniform statewide standard for regulating smoking, the County Administrator or their designated representative may be responsible for compliance with this Chapter as to facilities which are owned, operated or leased by the County.
- B. The owner, operator or manager of any facility, business or agency within the purview of this Chapter shall comply with the provisions of this Chapter. For purposes of this Section, an employer or owner-operator of an owner-operated business who permits any nonemployee access to their place of employment or owner-operated business on a regular basis has not acted knowingly or intentionally in violation of this section if they have taken the following reasonable

steps to prevent smoking by a nonemployee:

1. Posted clear and prominent signs, as follows:

(A) Where smoking is prohibited throughout the building or structure, a sign stating “No smoking” shall be posted at each entrance to the building or structure;

(B) Where smoking is permitted in designated areas of the building or structure, a sign stating “Smoking is prohibited except in designated areas” shall be posted at each entrance to the building or structure.

2. ~~A~~As requested, when appropriate, that a nonemployee who is smoking refrain from smoking in the enclosed workplace or owner-operated business (Cal. Lab. Code 6404.5 (d)).

C. Any place of employment conducted or operated without compliance with the provisions of ~~7.01.110 of this s~~ Chapter applicable thereto shall be and the same is declared to be a public nuisance. Whenever there is reason to believe such public nuisance exists, any affected employee or any resident of the County, in their own name, may maintain an action in equity to abate and prevent such nuisance and to perpetually enjoin the employer from maintaining or permitting it. Upon the granting of equitable relief, in whole or in part, by a court of competent jurisdiction, an employer determined to be in violation of ~~7.01.110 of this~~ Chapter shall be liable for the attorney’s fees, as may be determined by the court, incurred by the party bringing the action.

D. The County Administrator or their designee may enforce ~~7.01.110 of this~~ Chapter by either of the following actions:

1. Serving notice to any person, firm, company, corporation, or association requiring the correction of any violation of that Section; or

2. Issuing a citation to any person, firm, company, corporation, or association in violation of that Section.

E. Any employer who violates ~~7.01.110. W~~workplace ~~S~~smoking ~~R~~restrictions, of this Chapter, or state statutes, may be liable for a civil penalty, not to exceed one thousand dollars (\$1,000), which penalty shall be assessed and recovered in a civil action brought in the name of the people of the County. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any penalty assessed and recovered in an action brought pursuant to this subsection shall be paid to the County Treasurer.

F. In undertaking the enforcement of ~~7.01.110 workplace smoking restrictions~~, the County is assuming an undertaking only to promote the general welfare. It is not assuming any duty or obligation, nor is it imposing any duty or obligation on its officers and employees, nor is it liable in money damages or otherwise to any person who claims that (1) the County or one of its officers or employees breached any such obligation, and (2) the breach proximately caused injury.

~~Section 7.01.150-G IV 23.17~~ Where Smoking is Not Regulated

Notwithstanding any other provision of this Chapter to the contrary, the following areas shall not

be subject to the smoking restrictions of this Chapter:

- A. Private residences, except when used as a childcare or health care facility;
- B. Twenty percent of hotel and motel rooms rented to guests;
- C. Retail tobacco stores and private smoking lounges;
- D. Reserved;
- E. Any area exterior to the building in which the establishment or facility but not within 20 feet of main exit, entrance, and operable windows of all county buildings;
- F. Cabs of motortrucks, if nonsmoking employees are not present;
- G. Patient smoking areas in long-term health care facilities, as defined in Cal. Health & Safety Code § 1418.

Section 7.01.160-~~G-IV 23.18~~ Penalty

Whenever any act is prohibited by this Chapter or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation shall be deemed an infraction, and upon conviction thereof there shall be a fine imposed as follows (Cal. Govt. Code § 25132):

~~C.A.~~ For a first offense, a fine of one hundred dollars (\$100.00).

~~D.B.~~ For a second offense of the same ordinance or section within a twelve (12) month period, a fine of two hundred dollars (\$200.00).

~~E.C.~~ For a third or subsequent violation of the same ordinance or section within a twelve (12) month period, a fine of five hundred dollars (\$500.00).

Section 7.01.170 ~~-G-IV 23.19~~ Non-Retaliation

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this Chapter. ~~Sec. G-IV 23.20 Reserved~~

CHAPTER IV: GENERAL REGULATIONS ARTICLE 1: TITLE 8: ANIMAL CONTROL REGULATION ORDINANCE

CHAPTER 1: ANIMAL CONTROL

Sections:

<u>Section 8.01.010</u> Sec. G-IV	Geographical Area Covered
<u>Section 8.01.020</u> Sec. G-IV	Short Title
<u>Section 8.01.030</u> Sec. G-IV	Purpose
<u>Section 8.01.040</u> Sec. G-IV	Definitions
<u>Section 8.01.050</u> Sec. G-IV	Administration: General Powers and Authority
<u>Section 8.01.060</u> Sec. G-IV	Officer's Status, Arrests, and Citations
<u>Section 8.01.070</u> Sec. G-IV	Entry of Premises
<u>Section 8.01.080</u> Sec. G-IV	Administrative Policies
<u>Section 8.01.090</u> Sec. G-IV	Authority to Carry Firearms
<u>Section 8.01.100</u> Sec. G-IV	Authority to Use Tranquilizer Gun
<u>Section 8.01.110</u> Sec. G-IV	Impoundment
<u>Section 8.01.120</u> Sec. G-IV	Period of Impoundment
<u>Section 8.01.130</u> Sec. G-IV	Pre-seizure Hearing; Neglected or Abused Animals
<u>Section 8.01.140</u> Sec. G-IV	Post-Seizure Hearing; Neglected or Abused Animals
<u>Section 8.01.150</u> Sec. G-IV	Animals Not Redeemed
<u>Section 8.01.160</u> Sec. G-IV	Redemption of Impounded Animals
<u>Section 8.01.170</u> Sec. G-IV	Voluntary Surrender of Animals
<u>Section 8.01.180</u> Sec. G-IV	Adoption or Destruction Authority
<u>Section 8.01.190</u> Sec. G-IV	Adoption of Animals
<u>Section 8.01.200</u> Sec. G-IV	Records of Impounded or Voluntarily Surrendered
Animals	
<u>Section 8.01.210</u> Sec. G-IV	Deposit Fees
<u>Section 8.01.220</u> Sec. G-IV	Fees for Services
<u>Section 8.01.230</u> Sec. G-IV	Vaccination Required
<u>Section 8.01.240</u> Sec. G-IV	Licensing of Dogs Required
<u>Section 8.01.250</u> Sec. G-IV	Exemptions to Dog License Requirements
<u>Section 8.01.260</u> Sec. G-IV	Licensing Term
<u>Section 8.01.270</u> Sec. G-IV	Late Penalties
<u>Section 8.01.280</u> Sec. G-IV	License Application
<u>Section 8.01.290</u> Sec. G-IV	Issuance of Tags and License Certificate
<u>Section 8.01.300</u> Sec. G-IV	Lost Tags
<u>Section 8.01.310</u> Sec. G-IV	Transfer of License
<u>Section 8.01.320</u> Sec. G-IV	Maintaining Records of Dog Licenses
<u>Section 8.01.330</u> Sec. G-IV	Display of Metallic License Tag Required
<u>Section 8.01.340</u> Sec. G-IV	Display of License
<u>Section 8.01.350</u> Sec. G-IV	Removal of License Tag
<u>Section 8.01.360</u> Sec. G-IV	Unlawful Use of Rabies or License Tag
<u>Section 8.01.370</u> Sec. G-IV	Kennel License Required
<u>Section 8.01.380</u> Sec. G-IV	Kennel License Term
<u>Section 8.01.390</u> Sec. G-IV	Applications for and Processing of Kennel Licenses
<u>Section 8.01.400</u> Sec. G-IV	Issuance or Denial of a Kennel License
<u>Section 8.01.410</u> Sec. G-IV	Kennel License Renewal

<u>Section 8.01.420</u>	Kennel Standards
<u>Section 8.01.430</u>	Revocation of Kennel License
<u>Section 8.01.440</u>	Resisting an Animal Control Officer
<u>Section 8.01.450</u>	Unlawful Removal of Animals
<u>Section 8.01.460</u>	Animals Prohibited from Food Establishments
<u>Section 8.01.470</u>	Animals Running at Large Prohibited
<u>Section 8.01.480</u>	7A —Female Dog in Heat;— Running at Large/Accessibility Prohibited
<u>Section 8.01.4908</u>	Dogs Running at Large on Farm Prohibited
<u>Section 8.01.50049</u>	Dogs Pursuing Livestock, Protected Animals or Game Animals
<u>Section 8.01.51049A</u>	Livestock Containment
<u>Section 8.01.520</u>	Nuisances by Animals
<u>Section 8.01.5301</u>	Animal Cruelty
<u>Section 8.01.54011</u>	Failure to Provide Care or Sheltering of Animals
<u>Section 8.01.5250</u>	Vicious or Dangerous Animal
<u>Section 8.01.5603</u>	Authority to Declare Animals Vicious or Dangerous
<u>Section 8.01.570</u>	Potentially Dangerous or Vicious Dog
<u>Section 8.01.580</u>	Wild, Exotic, or Non-Domestic Animals
<u>Section 8.01.5905A</u>	Control of Stallions
<u>Section 8.01.600</u>	Animal Abandonment Prohibited
<u>Section 8.01.61056A</u>	Leaving Animals in Vehicle
<u>Section 8.01.57620</u>	Dead Animals and Fowl
<u>Section 8.01.630</u>	Authority to Capture or Kill Dogs Pursuing Livestock, Game Animals or Fully Protected Rare or Endangered Animals
<u>Section 8.01.640</u>	Holding of Animals
<u>Section 8.01.650</u>	Isolation of Rabid Animals or Clinically Suspected Rabid Animals
<u>Section 8.01.660</u>	Isolation (Quarantine) of Biting Animals
<u>Section 8.01.670</u>	Isolation (Quarantine) of Bitten Animals
<u>Section 8.01.680</u>	Appeals
<u>Section 8.01.690</u>	Absence of Liability
<u>Section 8.01.700</u>	Penalties for Violations of Provisions of this Article
Sec. G-IV 1.66	Reserved

Section 8.01.010 ~~Sec. G~~Geographical Area Covered

The provisions of this ~~Article~~ Chapter shall be effective in the unincorporated areas of Nevada County.

Section 8.01.020 ~~Sec. G-IV~~ Title

This ~~Article~~ Chapter shall be known and may be cited as the Nevada County Animal Regulation Ordinance.

~~Section 8.0~~~~Sec. G-IV~~1.030 Purpose

This ~~Article~~Chapter is intended to regulate, control, and protect animals existing within the unincorporated area of the county. Both Animal Shelter Services and the Animal Control Division of the Sheriff's Office enforce animal regulations, provide humane care for sheltered animals and educate animal owners on responsible ownership.

~~Section 8.0~~~~Sec. G-IV~~1.040 Definitions

For the purpose of this ~~Article~~Chapter, unless it is plainly evident from the context that a different meaning is intended, the following terms as used in this ~~Article~~Chapter are defined as follows:

- A. ANIMAL means and includes any reptile, avian, fish, or mammal, other than homosapiens.
- B. ANIMAL CONTROL means the division of the Nevada County Sheriff's Office which is specifically charged with the regulation of, and the enforcement of, laws relating to animals within the jurisdiction of the County of Nevada.
- ~~F.C.~~ ANIMAL CONTROL OFFICER means any person duly appointed by the Sheriff to enforce all laws and regulations related to animal control and care or rabies control.
- ~~C.D.~~ ANIMALS OF HUSBANDRY means domestic animals normally associated with farming.
- ~~D.E.~~ ANIMAL RESCUE OR SHELTER can be an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code and does not obtain animals from breeders or brokers for compensation. Facilities or organizations meeting this definition are required to obey all animal welfare laws, are required to obtain kennel permits when applicable for dogs, cats, exotics or other classification of animal.
- ~~E.F.~~ ANIMAL SHELTER means any facility operated by a local governmental agency, contracting agency, or Humane Society where animals impounded pursuant to this ~~C~~chapter or voluntarily surrendered by their owners are placed for humane care, keeping, and adoption to the public.
- ~~F.G.~~ ANIMAL SHELTER SERVICES means the staff and employees responsible for operating the Animal Shelter and for providing regulation services that promote public safety, health, and responsible pet ownership.
- ~~G.H.~~ AT LARGE is any animal, except a working animal, shall be deemed to be "at large" when off the premises of the owner and not under restraint by leash or physical control of owner.
- ~~H.I.~~ BITE means any cut, laceration, tear, bruise, abrasion, puncture or injury inflicted to the epidermis of a person or animal whether or not that bite is considered a rabies risk by the

County or State Health Department.

~~H.~~J. BREEDER means “dog breeder,” or “breeder” means a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all or part of three or more litters or twenty (20) or more dogs during the preceding twelve (12) months that were bred and reared on the premises of the person, firm, partnership, corporation, or other association, as per Cal. Health & Safety Code § 122045-~~(2020)~~.

~~J.~~K. CAT means any member of the domestic feline species (*Felis Catus*). An adult cat is any cat older than four (4) months of age.

~~K.~~L. COMMUNITY ANIMAL RESCUE PARTNER means an animal rescue organization that has been certified by the Sheriff's Office as a Community Animal Rescue Partner.

~~L.~~M. CRUELTY TO ANIMALS means the malicious and/or intentional maiming, mutilating, torturing, wounding, or killing of a live animal, or the overdriving, overloading, overworking of animals, or the deprivation of necessary sustenance, drink, or shelter from the elements, or unnecessary pain and suffering caused by negligent care, as more fully defined in 8.01.530 of this Code and Cal. Penal Code §§ 574 – 625c.

~~M.~~N. DANGEROUS ANIMAL means any animal which, because of its disposition, physical or inherent characteristics or size, behavior or propensity (without provocation) to inflict bodily harm or otherwise, demonstrate actions that would constitute a danger to any person, domestic livestock, other domestic animals or property.

~~N.~~O. DOG means all domesticated canines.

~~O.~~P. DOMESTIC ANIMAL means any animal other than wild or exotic animals, customarily confided or cultivated by humans for domestic or commercial purposes.

~~P.~~Q. ESTRAY means any domestic animal ~~that~~ wanders or roams at large.

~~Q.~~R. EXOTIC ANIMAL means and includes any wild animal which the California Fish and Game Commission has declared to be a prohibited wild animal and the importation, transportation or possession of which is unlawful except under authority of a revocable permit issued by the California Department of Fish and Game.

~~R.~~ FENCE means wire, wood, metal, masonry, electric, or other material, at least four

S. ~~(4)~~ feet (4') in height, used as an enclosure for a yard, lot, field, or pasture to effectively confine any animal or animals within a specific area.

~~S.~~T. FERAL CAT means a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people, and who is totally unsocialized to people.

~~T.~~U. FERAL CAT COLONY means two (2) or more feral cats living in close proximity to one another.

~~U.V.~~ GUARD DOG means a dog trained specially for the protection of property and registered as a recognized guard dog with the local governing body.

~~V.W.~~ GROOMING SHOP/PARLOR means a commercial establishment where animals are bathed, clipped, plucked, or otherwise conditioned.

~~W.X.~~ HEALTH DEPARTMENT means the County Health Officer, County Public Health Agency or authorized agents of the County Health Officer or County Public Health Agency.

~~X.Y.~~ HUNTING DOG means a dog that assists a person(s) in the hunting of animals and game birds for which there is an established season for the taking of such animals or game birds.

~~Y.Z.~~ KENNEL, COMMERCIAL means any facility maintained for the purpose of boarding dogs or cats for a fee, or any facility where more than three (3) dogs and/or cats over the age of six (6) months are kept, harbored, or maintained for the purpose of breeding, raising or training for a fee or for sale, or any facility that advertises as a kennel in any magazine, newspaper, or other public media.

AA. KENNEL, PRIVATE means any facility where more than six (6) dogs and/or cats over the age of four (4) months are kept, harbored, or maintained for the use and enjoyment of the occupant for non-commercial purposes. Dogs used in herding farm animals incidental to agricultural uses are excluded.

BB. IMPOUNDMENT means any taking custody, taking up, or confining of any animal.

CC. KITTEN means any member of the domestic Feline species under the age of four (4) months of age.

DD. LARGE DOMESTIC ANIMAL means those animals that live in or about the habitation of people such as to contribute to the support of a family or wealth of a community, and includes, but is not limited to, any bovine, caprine, equine, ovine, or swine animal except those animals commonly kept as household pets, such as, but not limited to, dogs, cats, ducks, geese, chickens, or domesticated exotic fowl.

EE. LEASH means any rope, leather strap, chain, or other material not exceeding six (6) feet in length being held in the hand of the person capable of controlling the animal to which it is attached.

FF. LICENSE means the license issued for the specified licensing period within ~~Nevada the~~ County ~~of Nevada~~ with all fees being paid as evidenced by a valid receipt.

GG. LICENSING PERIOD means that period of time for which any license is valid. Licensing periods shall be set by a Resolution of the Board of Supervisors.

HH. LIVESTOCK means domestic animals customarily kept, used, maintained or raised on a farm or ranch including, but not limited to, horses, ponies, burros, mules, donkeys,

cows, llamas, alpacas, steers, sheep, goats, swine, rabbits and fowl.

II. OWNER means any person who is the keeper, harborer, possessor, or custodian, or who has control of an animal, or legal owner of any animal. Any occupant of premises upon which an animal is found shall be deemed prima facie the owner of said animal for the purposes of this ~~Chapter~~Article. In addition, it shall be evidence of ownership of any animal for any person to refuse to present that animal to an Animal Control Officer for inspection or to refuse to permit such officer to impound any animal on the premises of such person when said animal is found in the violation of the provisions of this ~~Chapter~~Article.

JJ. PERSON means any person, firm, association, organization, partnership, business, trust, corporation, or company.

KK. PET SHOP means every place where pet animals are kept for the purpose of either wholesale or retail sale, barter or hire.

LL. PHYSICAL CONTROL means confined or restrained by a chain, rope, or leash, which is securely held or connected to a responsible adult.

MM. PROTECTIVE CUSTODY HOLD means a hold placed on any animal for protective purposes, which the animal enforcement authority determines should extend beyond the animal holding period, pending the completion of an investigation and determination of final disposition. Such hold shall be at the discretion of the Animal Control Officer or peace officer.

NN. PUPPY means any member of the domestic Canine species under the age of four (4) months.

OO. QUARANTINE means the act of strict isolation and confinement of any animal to prevent the exposure to and the spread of a contagious disease or to prevent the animal from causing injury to any person or other animal.

PP. QUARANTINE LOCATION(S) means any location designated by the Animal Shelter Director, Health Department or Animal Control Officer at which an animal may be held during quarantine.

QQ. RESCUE ORGANIZATION means any for-profit or nonprofit, paid or volunteer organization that rescues homeless, sick or abused animals and later adopts or provides them sanctuary.

RR. SERVICE ANIMAL means a dog that is individually trained to do work or perform tasks for people with disabilities, as further defined by 28 CFR 35.104 and ~~California~~ Health ~~&and~~ Safety Code § 113903.

SS. SEVERE INJURY means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or prolonged physical pain, or any physical injury that results in broken bones, disfiguring lacerations, multiple sutures, or cosmetic surgery.

TT. STRAY means any animal that is at large without an identification tag, license tag, rabies tag, brand, tattoo, microchip or any apparent identification that would identify the true ownership of said animal, or an animal that may be lost or abandoned with or without such means of identification.

UU. UNCONFINED means any animal not securely confined indoors or not confined in a securely enclosed and locked pen or structure upon the premises of its owner. To be securely enclosed such pen or structure must have secured sides and secured top; if the pen or structure has no bottoms secured to the sides, the sides must be embedded into the ground no less than one (1') foot.

VV. UNLICENSED means the licensing fee has not been paid for the current licensing period in ~~Nevada County~~ the County of Nevada.

WW. VACCINATION means an inoculation of an animal with a vaccine approved by, and in the manner prescribed by, the Department of Public Health of the State of California.

XX. VETERINARIAN means a person licensed by the State of California to practice veterinary medicine.

YY. VICIOUS OR POTENTIALLY DANGEROUS DOG means:

Potentially Dangerous Dog:

1. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six (36)-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner/custodian of the dog.

A defensive action is the process of doing something or anything to provide protection or support to prevent bodily injury from aggression or attack by a dog when the person and the dog are off the property of the owner/custodian of the dog.
2. Any dog which, when unprovoked:
 - a. Bites a person, causing an injury less severe than a muscle tear or a disfiguring laceration, or less than requiring multiple sutures or corrective or cosmetic surgery.
 - b. Kills a domestic animal off the property of the owner/custodian of the dog.
3. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six (36)-month period, has seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner/custodian of the dog.
4. Any dog that has been deemed by another governmental jurisdiction as “potentially dangerous,” or “dangerous,” or similar designation, shall be designated as “Potentially Dangerous” within the County of Nevada.

Vicious Dog:

1. Any dog which, when unprovoked, in an aggressive manner, inflicts any injury to a

human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery, or who kills a human being; or

~~A-2.~~ Any dog previously determined to be, and currently listed as, a potentially dangerous dog which, after its owner/custodian has been notified of the determination, continues the behavior described as potentially dangerous dog, or who is maintained in violation of this Chapter.

ZZ. WILD ANIMAL means and includes any animal identified in ~~Cal.iformia~~ Fish and Game Code ~~§Section~~ 2116.

AAA. WORKING ANIMAL means animals under the control of humans and used for the movement of livestock, fowl, tracking, obedience, show, or animals used by law enforcement agencies while in the performance of their official duties.

~~Section 8.0~~~~Sec. G-IV~~1.050 Administration: General Powers and Authority

A. Animal Control shall be under the general direction of the Nevada County Sheriff's Office. Animal Shelter Services shall be under the general direction of the Animal Shelter Director.

B. Animal Control Officers shall have the following power and authority:

- (1) To enforce the provisions of the ordinance codified in this ~~Chapter~~~~Article~~ and State laws pertaining to the care, treatment, impounding and destruction of animals.
- (2) To exercise all enforcement powers granted by ~~Cal.~~ Food and ~~Agricultural~~~~Agric.~~ Code ~~§Section~~ 7.
- (3) To formulate rules and regulations in conformity with and for the purpose of carrying out the provisions and intent of the ordinance codified in this ~~Article~~~~Chapter~~.

~~A-C.~~ Animal Shelter Director shall have the following power and authority:

~~(4)~~(1) To enforce the provisions of the ordinance codified in this ~~Article~~~~Chapter~~ and State laws pertaining to the care, treatment, impounding and destruction of animals.

~~(5)~~(2) To formulate rules and regulations in conformity with and for the purpose of carrying out the provisions and intent of the ordinance codified in this ~~Article~~~~Chapter~~.

Pursuant to ~~Cal.~~ Penal Code ~~§Section~~ 830.9, Animal Control Officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in ~~Section 836 and the power to serve warrants as specified in Sections 1523 and~~

Section 836 and the power to serve warrants as specified in §§ 1523 and 1530, and are authorized to carry firearms during the course and within the scope of their employment, if those officers successfully complete a course in the exercise of those powers pursuant to Cal. Penal Code §Section 832. For the purposes of this subdivision, "firearms" includes capture guns, blowguns, carbon dioxide operated rifles and pistols, air guns, handguns, rifles, and shotguns.

Section 8.0Sec. G-IV-1.060 Officer's Status, Arrests, and Citations

Animal Control Officers are vested with the power of public officers. Such officers are authorized to enforce the provisions of this Chapter, the provisions of State law, or other County Ordinances and Resolutions regarding the care, treatment, and control of animals; furthermore, such officers have the power to make arrests, issue citations, issue warning notices, quarantine animals, impound animals, or initiate civil action for violations of such Ordinances, Resolutions, or State or Federal law.

Section 8.0Sec. G-IV-1.070 Entry of Premises

All duly authorized Animal Control Officers shall be authorized to enter any premises where an animal is kept for the purpose of seizing and impounding any animal which has been mistreated or kept in violation of the laws of the State or the provisions of County Ordinances or Resolutions. A search warrant or inspection warrant shall be obtained whenever required by law.

Section 8.0Sec. G-IV-1.080 Administrative Policies

The Sheriff, or their designee, may formulate administrative policies, as deemed necessary, for the purpose of carrying out the intent of this Chapter.

Section 8.0Sec. G-IV-1.090 Authority to Carry Firearms

Animal Control Officers designated are authorized to carry firearms when acting in the course and scope of their duties pursuant to California Penal Code § 830.9.

Section 8.0Sec. G-IV-1.100 Authority to Use Tranquilizer Gun

Animal Control Officers are authorized to employ the use of the tranquilizer gun. No officer shall employ use of the tranquilizer gun until such officer has received proper training on the care and use of the tranquilizer gun.

Section 8.0Sec. G-IV-1.110 Impoundment

Any Animal Control Officer or peace officer may impound any animal for violations of this ArticleChapter, or when deemed necessary to preserve public health and safety or to prevent needless suffering of animals.

Section 8.0Sec. G-IV-1.120 **Period of Impoundment & Notice Periods of impoundment are as follows:**

- A. Any impounded dog or cat shall be held for a period of not less than six (6) business days, not including the day of impoundment, except:
1. If the shelter has made the dog or cat available for owner/custodian redemption on one (1) weekday evening until at least 7:00 p.m., or one (1) weekend day, the holding period shall be four (4) business days, not including the day of impoundment, or
 2. If the shelter has fewer than three (3) full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners/custodians to reclaim their dogs by appointment at a mutually agreeable time when the shelter would otherwise be closed, the holding period shall be four (4) business days, not including the day of impoundment.
- B. Except as provided in Cal. Food & Agric. Code §§17006 & 31752.5, stray dogs and cats shall be held for owner/custodian redemption during the first three (3) days of the holding period, not including the day of impoundment, and shall be available for owner/custodian redemption or adoption for the remainder of the holding period.
- C. Any stray dog or cat that is impounded may, prior to the killing of that animal, be made available to an animal rescue or adoption organization that has expressed an interest in said animal; provided, however, that said animal has not been determined non-adoptable for any reason by the Chief of Animal Control or the Supervising Animal Control Officer.
- D. If an apparently feral cat has not been reclaimed within the first three (3) days of the required holding period, shelter personnel qualified to verify the temperament of the cat shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period. If the cat is determined to be feral, the cat may be euthanized or relinquished to a nonprofit animal adoption organization that agrees to the spaying or neutering of the cat if it has not already been spayed or neutered.
- E. Any other impounded animal, including, but not limited to, a rabbit, guinea pig, hamster, pot-bellied pig, bird, lizard, snake, turtle, or tortoise legally allowed as personal property shall be held for a period of not less than six (6) days under the same terms and conditions applicable to dogs and cats as provided in this Chapter.
- F. For the purpose of this Section, any time the animal shelter is closed (regularly scheduled day of closure or holiday), such time shall not be counted against the minimum holding periods for animals.
- G. This Section shall not apply to cats that are severely injured or seriously ill, or to newborn cats unable to feed themselves.
- H. Notice: Following the impoundment of any animal and prior to the adoption or euthanasia of the animal, reasonable efforts shall be made by the Animal Shelter Director or

designee, to identify the animal's owner (including a microchip scan) and to contact the owner in writing with notice of impoundment and redemption availability.

Section 8.0~~Sec. G-IV-1.130~~ Pre-seizure Hearing; Neglected or Abused Animals

When an Animal Control Officer or peace officer determines that an animal may become a threat to the health or safety of itself or others, and determines that immediate seizure of the animal is not necessary, the Officer shall provide the owner/custodian of the animal with the opportunity for a pre-seizure hearing prior to the seizure or impoundment of such animal. Notice of hearing, and the conduct of such hearing, shall comply with the provisions set forth in Cal. Penal Code § 597.1. The pre-seizure hearing shall be held prior to the commencement of any related criminal proceedings.

Section 8.0~~Sec. G-IV-1.140~~ Post-Seizure Hearing; Neglected or Abused Animals

Whenever an Animal Control Officer seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or others, the Officer shall provide the owner/custodian of the animal, if known, with the opportunity for a post-seizure hearing to determine the validity of the seizure, impoundment, or both. Notice of hearing, and the conduct of such hearing, shall comply with the provisions set forth in Cal. Penal Code § 597.1. The post-seizure hearing shall be held prior to the commencement of any related criminal proceedings.

Section 8.0~~Sec. G-IV-1.150~~ Animals Not Redeemed

Any impounded animal, except any bovine animal that is not redeemed within the applicable holding period as specified in 8.01.120 in this Chapter, shall become the property of the County.

Any bovine animal not redeemed within the applicable holding period shall be turned over to the Director of Agriculture pursuant to Cal. Food & Agric. Code §17003.

Section 8.0~~Sec. G-IV-1.160~~ Redemption of Impounded Animals

The owner/custodian of any impounded animal may redeem such animal by paying all applicable fees or deposits pursuant to 8.01.210 and 8.01.220, and any amount spent for veterinary services. The Sheriff or the Supervising Animal Control Officer, shall have the authority to waive the impounding fee for good cause.

If an animal is properly seized, all provisions of Cal. Penal Code § 597.1 shall apply.

Section 8.0~~Sec. G-IV-1.170~~ Voluntary Surrender of Animals

A. _____ Any animal relinquished by the purported owner/custodian shall be held for four _____
A. _____ (4) full business days, not including the day of impoundment. The animal shall be available for owner/custodian redemption on the first (1st) day and shall be available for

owner/custodian redemption or adoption on the second (2nd) day. After the fourth (4th) day, the animal may be adopted by a new owner/custodian, or held longer, or euthanized, or released to an animal adoption organization.

B. Notwithstanding Subsections 8.01.170 (A) above, kittens and puppies relinquished by the purported owner/ custodian or brought in by any other person with authority to relinquish them, may be available immediately for adoption.

Section 8.0~~Sec. G-IV-1.180~~ Adoption or Destruction Authority

The Animal Shelter Director, or designee, is authorized to put an animal up for adoption or to destroy any animal that becomes the property of the County.

The Sheriff or any Animal Control Officer is authorized to kill any animal that poses an imminent threat to any person or neighborhood, when such animal cannot be safely captured by such Animal Control Officer.

Section 8.0~~Sec. G-IV-1.190~~ Adoption of Animals

Animals subject to disposition by the County may be adopted, provided such adoption is not contrary to law or to the public interest.

Dogs or cats may not be sold or adopted for purposes other than keeping as pets.

Dogs or cats may not be adopted without first having been spayed or neutered or a fee thereof having been deposited.

Dogs over four (4) months of age may not be adopted without first having been licensed or a fee thereof having been deposited.

Cats may not be adopted without first having been spayed or neutered or a fee thereof having been deposited.

Other animals may be adopted by payment of any applicable fees and/or deposits.

When an animal is adopted, the receipt issued by the Animal Shelter Director, their designee, or Animal Control Officer, shall be valid title to the person adopting the animal.

If within sixty (60) days of an adoption of any livestock animal, a person proves they are the owner/custodian of such livestock animal, the Board of Supervisors may allow a claim in favor of such person, payable out of the General Fund, for the amount paid into the treasury on account of such animal, less costs incurred.

Section 8.0~~Sec. G-IV-1.200~~ Records of Impounded or Voluntarily Surrendered Animals

The Animal Shelter Director shall keep a record of all animals captured, medically treated, euthanized, or impounded. Such records shall reflect:

- A. The date the animal was captured, medically treated, euthanized, or impounded.
- B. An accurate description of such animal, license or rabies tag number, if any.

- C. The circumstances under which the animal was captured, medically treated, euthanized, or impounded.
- D. The names of the personnel who captured, medically treated, euthanized, or impounded the animal.
- E. A description of any medical treatment provided to the animal and the name of the veterinarian of record.
- F. The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

Section 8.0~~Sec. G-IV-1.210~~ **Deposit Fees**

A. Deposit Fees - Adopted Animals

- 1. Deposit fees for the spaying or neutering of dogs and cats six (6) months of age or older at the time of adoption shall be forfeited if the animal is not spayed or neutered within thirty (30) days of the date of adoption.
- 2. Deposit fees for the spaying or neutering of dogs or cats under six (6) months of age shall be forfeited if the animal is not spayed or neutered within six (6) months of the date of adoption.
- 3. Deposit fees for dog licenses shall be forfeited if a valid rabies certificate is not presented within ten (10) days of the date of deposit.

B. Refund of Deposit Fees

A refund of the deposit fees may be obtained by submitting a request for the refund along with adequate proof of spaying or neutering or a valid rabies certificate, whichever is applicable.

C. Deposit Fees - Permitted Uses

- 1. Spaying or neutering deposit fees that are not refunded shall be deposited by the Chief of Animal Control with the County Treasurer for use by the County for the following purposes, as permitted by Cal. Food & Agric. Code § 30521:
 - a. A program to spay or neuter dogs or cats;
 - b. A public education program to reduce and prevent overpopulation of dogs and cats, and the related costs to local government;
 - c. A follow-up program to ensure that dogs and cats transferred by the public Animal Control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group are spayed or neutered in accordance with any agreement executed under Cal. Food & Agric. Code § 30520(d).
 - d. Any additional costs incurred by the public Animal Control agency or shelter, society for the prevention of cruelty to animal shelter, humane society shelter, or rescue group in the administration of this Chapter.

D. Rescue and Adoption Organizations

In addition to any spay or neuter deposit fee, the animal shelter may assess a fee, not to exceed the standard adoption fee, for animals released to nonprofit animal rescue or adoption organizations.

E. Health Fees - Permitted Uses

1. Pursuant to the Nevada County Animal Control Fee Resolution, a portion of the adoption fee for dogs and cats is designated as a health fee. The health fees collected shall be deposited in a special Animal Health Fund for the treatment of dogs and cats that are not adoptable but could become adoptable with reasonable treatment. The Animal Health Fund may be used for the purpose of such treatment including, but not limited to, the following:

- a. Veterinary services;
- b. Medication;
- c. Grooming;
- d. Purchase of equipment used for treatment.

Section 8.0~~Sec. G-IV-1.220~~ Fees for Services

The Board of Supervisors shall, by Resolution, set the amount of fees for animal control services which may include, but are not limited to, the following:

1. Impounding fees~~;~~
2. Boarding fees~~;~~
3. Licensing fees~~;~~
4. Animal turn-in fees~~;~~
5. Quarantine fees~~;~~
6. Euthanasia fees~~;~~
7. Adoption fees~~;~~
8. Spaying and neutering deposit fees~~;~~
9. Potentially Dangerous Dog fees~~;~~

Section 8.0~~Sec. G-IV-1.230~~ Vaccination Required

Every dog over four (4) months of age shall have a medically current vaccination with a canine anti-rabies vaccine approved by the Health Department of the State of California. Such rabies vaccination shall be administered by a licensed veterinarian.

Every person who owns or comes to own an unvaccinated dog shall have ten (10) days in which to comply with the provisions of this Section.

Notwithstanding any provisions to the contrary herein, no dog need be vaccinated for rabies where:

- A. A licensed veterinarian has examined said dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and
- B. Such certificate is presented to the Animal Shelter Director or Animal Control Officer within five (5) days of such examination; and
- C. The Sheriff or Animal Control concurs with the opinion of the veterinarian contained in such certificate and endorses on such certificate their approval thereof. Such certificate must bear the date of issuance and must be renewed each year.

Section 8.0~~Sec. G-IV-1.240~~ Licensing of Dogs Required

Every person who lives in the unincorporated areas of the County owning, possessing, controlling, harboring or keeping any dog over four (4) months of age shall procure a dog license for each dog from the licensing authority, as long as ownership of the dog continues, or within thirty (30) days after acquiring or bringing into the County any dog over the age of four (4) months, and shall continue to procure such license as required herein, so long as the ownership or custodianship of the dog continues.

No license shall be issued unless a valid certificate of rabies vaccination is presented, and such vaccination meets the requirements pursuant to 8.01.230 of this Chapter and is sufficient to immunize said dog against rabies for the current licensing term.

Any dog found to be potentially dangerous or vicious in another jurisdiction must be licensed as such within ten (10) days of relocating into the County of Nevada. The owner must comply with all requirements as if the animal was deemed potentially dangerous or vicious in this County.

Failure to comply with the registration requirements of a dog found to be vicious or potentially dangerous will result in revocation of a license and impoundment.

Section 8.0~~Sec. G-IV-1.250~~ Exemptions to Dog License Requirements

The requirements of 8.01.240 this Chapter shall not apply to dogs found within the County under the following conditions:

- A. When a dog is owned by a nonresident who is traveling through the County or who is temporarily visiting for a period not exceeding thirty (30) days in any calendar year.
- B. When a dog is brought into the County and kept therein for a period not exceeding thirty (30) days, in any calendar year, for the purpose of entering said dog in competition, exhibition, field trials, show, or hunting.
- C. When a dog is in a commercial kennel and such kennel has a current kennel license.

Section 8.0~~Sec. G-IV~~1.260 Licensing Term

The Board of Supervisors shall, by Resolution, designate the licensing authority and set the licensing term for dog licenses.

Section 8.0~~Sec. G-IV~~1.270 Late Penalties

In addition to the regular license fee as required, a late penalty, established by Resolution by the Board of Supervisors, shall be assessed under any of the following conditions:

- A. When a dog license is not renewed within thirty (30) days of its expiration date.
- B. When a dog license is not obtained within thirty (30) days after a dog comes of age.
- C. When a dog license is not obtained within thirty (30) days after a dog over four (4) months of age, is acquired or brought into the County.

Section 8.0~~Sec. G-II~~1.280 License Application

The owner/custodian shall state at the time application is made, and upon forms provided for such purpose, their name, address, and telephone number, and the name, breed, color, age, and sex of each dog for which application is made.

Section 8.0~~Sec. G-II~~1.290 Issuance of Tags and License Certificate

The licensing authority, upon payment of fees and any applicable penalty, shall furnish a tag and a license certificate with corresponding number.

Section 8.0~~Sec. G-IV~~1.300 Lost Tags

In the event a license tag issued to a dog is lost or destroyed, the owner shall, within ten (10) days thereafter, procure a replacement tag.

Section 8.0~~Sec. G-IV~~1.310 Transfer of License

A valid license may be transferred from one owner/custodian to another, for the same dog, with no charge, but only upon notification to and recordation by the licensing authority of such change.

Section 8.0~~Sec. G-IV~~1.320 Maintaining Records of Dog Licenses

The licensing authority shall maintain a record of all dog licenses issued, including the corresponding identifying tag numbers, the owner/custodian to whom they are issued, and the dogs for which they are issued. Such records shall be maintained for a minimum of three (3) years after a license has expired.

Section 8.0~~Sec. G-IV~~1.330 Display of License Tag Required

The license tag, issued to the dog owner/custodian, shall be fixed securely to a collar, harness,

or other device and shall be worn at all times by the dog for which such license tag was issued.

The requirements of this Section shall not apply in the following circumstances:

- A. When a dog is securely confined to the owner/custodian's premises.
- B. When a dog is engaged in an activity that customarily prohibits such dog from wearing a device to which a tag may be attached, such as hunting or show.

Section 8.0~~Sec. G-IV-1.340~~ Display of License

The holder of a dog license certificate shall preserve the license upon the premises where the dog is kept, and shall, upon request of any Animal Control Officer or peace officer, show to such Officer the license certificate for such dog.

Section 8.0~~Sec. G-IV-1.350~~ Removal of License Tag

No unauthorized person shall remove from any dog any collar, harness, or other device to which a license tag is attached, except in cases of emergency.

Section 8.0~~Sec. G-IV-1.360~~ Unlawful Use of Rabies or License Tag

No person shall attach or allow to be attached to any dog a rabies or license tag that was not specifically issued for such dog.

Section 8.0~~Sec. G-IV-1.370~~ Kennel License Required

No person shall operate or maintain any kennel, either commercial, private, or operating as a breeder or rescue, as defined herein, without a valid kennel license from Animal Control.

Section 8.0~~Sec. G-IV-1.380~~ Kennel License Term

The kennel licensing term shall be for one (1) year, commencing July 1st and ending June 30th of the following year.

Section 8.0~~Sec. G-IV-1.390~~ Applications for and Processing of Kennel Licenses

Applications for a kennel license may be obtained from the Nevada County Animal Control.

Any commercial kennel may require a land use permit. A review and permit or waiver from the Community Development Agency is required prior to Nevada County Animal Control issuance of a license.

Section 8.0~~Sec. G-IV-1.400~~ Issuance or Denial of a Kennel License

After receiving zoning confirmation from the Community Development Agency and Animal Control, Animal Control shall collect applicable fees, schedule an inspection, and proceed with

the processing of the application. If Animal Control approves the application, a kennel license shall be issued.

Animal Control shall not issue a kennel license if any of the aforementioned departments deny the applicant's kennel license application.

~~Section 8.00e. G-IV-1.410~~ Kennel License Renewal

Animal Control may renew kennel licenses (kennels that were current in the previous fiscal year) upon receipt of renewal application, payment of applicable fees, and inspection and approval by Animal Control. Additional fees may incur if more than one (1) inspection is required in a single renewal process.

~~Section 8.01.420~~ Kennel Standards

Every person within the County who owns, conducts, manages, or operates a licensed kennel shall comply with all of the requirements of Nevada County Community Development Agency, Animal Control Program, and all applicable provisions of State and Federal Law and this Chapter.

A. Minimum standards for all kennels:

1. All animals shall be confined in a manner approved by Animal Control~~;~~
2. The facility shall be maintained in a clean and sanitary manner and all droppings removed daily~~;~~
3. The area where animals are kept shall be subject to inspection without notice by Animal Control at any reasonable hour of the day~~;~~
4. Proof of rabies vaccinations shall be available for inspection for all animals over the age of four (4) months~~;~~
5. Providing Animal Control with an Emergency Evacuation Plan is required prior to issuance of a license~~;~~

B. Additional minimum standards for commercial kennels, and rescue organizations:

1. Location of the animal holding facility must be approved by Animal Control. In no event are animals to be located closer to a neighbor than to the owner/custodian of the animals~~;~~
2. All dogs shall be kept in an enclosed and approved structure between the hours of 10:00 p.m. and 6:00 a.m., or anytime when the animals are left unattended for more than four (4) consecutive hours~~;~~
3. Dog licensing shall be maintained as required.

The Sheriff~~;~~ or their designee~~;~~ may establish additional conditions or standards deemed necessary for the purpose of carrying out the intent of this Section. Compliance with such conditions or standards shall be a prerequisite to the issuance and continued validity of any

kennel license provided pursuant to this Section.

Section 8.0~~Sec. G-IV-1.430~~ **Revocation of Kennel License**

Animal Control may revoke any kennel license issued, upon notification that an investigation has been made and violations have been found. Notification of revocation may be by personal delivery, facsimile, or by mail.

Section 8.0~~Sec. G-IV-1.440~~ **Resisting an Animal Control Officer**

Any person who willfully opposes, resists, or interferes with any Animal Control Officer lawfully performing their duty shall be deemed guilty of a misdemeanor.

Section 8.0~~Sec. G-IV-1.450~~ **Unlawful Removal of Animals**

It shall be unlawful for any person to remove any animal from the custody of any Animal Control Officer, Animal Control vehicle, or Animal Control shelter without permission or without payment of any applicable fees.

Violation of this Section is a misdemeanor.

Section 8.0~~Sec. G-IV-1.460~~ **Animals Prohibited from Food Establishments**

No person shall allow or permit any animal into, or take any animal, whether loose, on a leash or in arms, into any food establishment, such as a restaurant, grocery store, meat market, or into any place where alcoholic beverages are sold, except service dogs or dogs being trained as service dogs.

Section 8.0~~Sec. G-IV-1.470~~ **Animals Running at Large Prohibited**

No person owning or having possession, charge, custody, or control of any animal shall cause, permit, or allow the animal to be in any building or enclosure or to stray, run, or in any other manner to be at large in or upon any public street, sidewalk, park, school ground, or other public place, or upon any private place or property without the permission of the owner or person in control of such private place or property.

An animal shall be deemed at large anytime it is off the premises of its owner/custodian and not under direct control of the owner/custodian by means of leash, chain, tether, adequate fence, or other effective device.

The provisions of this Section shall not apply to:

- A. Any hunting dog during such time it is being used for the purpose of lawful hunting, or during such time it is being trained to be a hunting dog, provided such hunting or training is on land or premises to which the person hunting or training such dog has a legal right to be upon.
- B. Working animals during those periods when the animal is working.

C. Animals in the immediate presence and under direct control of the owner/custodian. This means the animal is in the close proximity of the owner/custodian, and the owner/custodian can demonstrate effective control of the animal.

Section 8.01.48047A Female Dog in Heat;— Running at Large/Accessibility Prohibited

It shall be unlawful for any person to permit any female dog which is owned, harbored, or controlled by them to run at large at any time during the period when the dog is in heat or breeding condition, or to allow such female dog to remain indiscriminately accessible to other dogs while such female is in heat or breeding condition.

Section 8.01.4908 Dogs Running at Large on Farm Prohibited

It shall be unlawful for any person to permit any dog which is owned, harbored, or controlled by said person to run at large on any farm on which livestock or domestic fowls are kept, without the consent of the owner of the farm.

Section 8.01.50049 Dogs Pursuing Livestock, Protected Animals or Game Animals

It shall be unlawful for any dog that is owned, harbored, or controlled by a person to persistently pursue, wound, or kill any of the following:

- A. Livestock, on land or premises which are not owned or possessed by the owner/custodian of the dog;—
- B. Fully protected, rare, or endangered animals, at any time;—
- C. Game animals, during the closed hunting season of such animals.

A violation of this Section shall be a misdemeanor ~~as per~~ and may result in penalties set for misdemeanors.

Section 8.01.51049A Livestock Containment

Any owner, lessee, or person in custody or control of any livestock shall contain such animals by a lawful fence or other effective means.

For purpose of this Section, a “lawful fence” means any fence that is good and strong and is substantial and sufficient to prevent the ingress and egress of livestock.

No wire fence is a good and substantial fence within the meaning of this Section unless it has three (3) tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod sixteen and one-half feet (16.5'-~~feet~~) apart, one of which wires shall be at least four feet (4') above the surface of the ground.

Any kind of wire or other fence of height, strength, and capacity equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this Section. The

term “lawful fence” includes cattle guards of such width, depth, rail spacing, and construction as will effectively turn livestock.

Section 8.01.520 Nuisances by Animals

It shall be unlawful and a nuisance for any person owning or having control of any animal to allow or to permit any animal to do any of the following:

A. To utter any frequent or continuous noise of an irritating or raucous nature which disturbs the peace and tranquility of the neighborhood for a period of twenty (20) minutes or more in an hour.

If such nuisance is continuous and no person having custody or control of the animal can be located, any Animal Control Officer or Peace Officer may attempt to abate the nuisance, as long as they are not required to enter into an enclosed building or residence. If the nuisance cannot be abated by any other means, the animal may be impounded. A notice of impoundment shall both be affixed to the premises from which the animal was removed and shall also be mailed to the registered owner/custodian. The notice shall inform the owner how to reclaim the animal in accordance with the provisions of this Chapter, including payment of all applicable fees.

B. To damage or destroy the property of another person or public property, or to repeatedly deposit its bodily waste fluid or matter upon such property.

C. To cause unsanitary, dangerous, or offensive conditions due to inadequate care of facilities, or due to the size, type, or number of animals maintained at a single location.

D. To interfere with the freedom of lawful movement of persons, or to chase vehicles, or to create a nuisance in any other way.

All complaints regarding animal nuisances shall be in writing. The Sheriff or their designee, after receiving such complaint, shall initiate an investigation to determine if in fact a nuisance condition exists. If they find that a nuisance condition exists, they may issue an order to conform, issue a citation, or both.

Section 8.01.530 Animal Cruelty

Any person violating the provisions of Cal. Penal Code § 597, Malicious Cruelty to Animals, shall be charged under the provisions of California Statute.

Section 8.01.540 Failure to Provide Care or Sheltering of Animals

Any person violating the provisions of Cal. Penal Code § 597.1 regarding Care of Animals shall be charged under the provisions of California Statute.

If the animal is sheltered, the shelter shall be maintained in a humanely clean condition and be subject to a minimum of weekly cleaning to remove excrement and other waste materials to minimize health hazards to the animal. Any person violating this subsection is guilty of an

infraction, including but not limited to malicious cruelty to animals.

Section 8.01.5502 Vicious or Dangerous Animal

Every person owning, having possession, charge, or control of any vicious or dangerous animal other than a dog, as defined or declared herein, shall not allow or permit such animal to run at large; furthermore, every person having possession, charge, or control of such animal shall confine the animal on the premises in such a manner to protect persons that are on or near such premises peacefully and lawfully.

Violation of this Section shall be a misdemeanor.

Section 8.01.5603 Authority to Declare Animals Vicious or Dangerous

The Sheriff, Animal Control Officers, or peace officers may declare an animal, other than a dog, vicious or dangerous if such animal shows a propensity to attack, bite, scratch, or harass people or other animals without being provoked, in such Officer's presence, or upon sufficient proof that the animal has displayed such a propensity for violence.

The Sheriff, or their designee, may declare an animal vicious or dangerous based on the number of, or circumstances of a bite, or for any other reason that they deem appropriate for the protection of public health.

The Sheriff, or their designee, after receiving one (1) or more complaints, in writing, accusing an animal of being vicious or dangerous, may initiate an investigation to determine if such animal is vicious or dangerous. Based on the facts of the investigation, such animal may be declared vicious or dangerous. An owner may waive the investigation by voluntarily agreeing in writing to have the animal deemed potentially dangerous.

In any case where an animal is declared vicious or dangerous, the owner shall be notified in writing of such declaration and the reasons for such declaration.

Section 8.0Sec. G-IV-1.5704 Potentially Dangerous or Vicious Dog

A. Procedure for Declaring Dog Potentially Dangerous or Vicious: If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Animal Control Officer or law enforcement officer shall file a petition with the court within the judicial district where the dog is owned or kept. ~~T~~ and the owner will be given the option of agreeing with the designation or proceed to a hearing. If there is an agreement, the agreement will be submitted to the court along with a proposed order. If there is no agreement to the designation, a hearing will be held to determine whether or not the dog in question should be declared potentially dangerous or vicious pursuant to the procedures set forth in Cal. Food & Agric. Code §§ 31621 – 31626.

B. Seizure and Impoundment of Dog:

1. If, upon investigation, it is determined by the Animal Control Officer or law enforcement

officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer, or law enforcement officer, may seize and impound the dog pending the hearing pursuant to Cal. Food & Agric. Code §§ 31621 – 31626. The owner or keeper of the dog shall be liable to the County, where the dog is impounded, for the costs and expenses of keeping the dog, if the dog is later adjudicated to be potentially dangerous or vicious. An owner may waive the investigation by voluntarily agreeing in writing to have the animal deemed potentially dangerous or vicious.

2. When a dog has been impounded and it is not contrary to public safety, the Sheriff, or their designee, shall permit the animal to be confined, at the owner's expense, in an Animal Control approved kennel or veterinary facility.

~~B.C.~~ Every person owning, having possession, charge, or control of a potentially dangerous dog, as defined by this Code, or a vicious dog, as defined by this Code, shall comply with the following provisions which are designed to reduce injury or death to human and animal life:

1. Licensing, Micro-Chipping, and Vaccination of Potentially Dangerous or Vicious Dogs: All potentially dangerous or vicious dogs shall be properly licensed, micro-chipped, and vaccinated. The licensing authority shall include the "potentially dangerous" designation in the registration records of the dog, either after the owner/custodian of the dog has agreed to the designation, or the court or hearing entity has determined the designation applies to the dog. The County may charge a "potentially dangerous dog" fee, in addition to the regular licensing fee, to provide for the increased costs of monitoring the dog.
2. Spaying or Neutering: The owner/custodian of a dog designated as Potentially Dangerous or Vicious shall have the dog spayed or neutered by a licensed veterinarian at the owner's/custodian's expense within fifteen (15) calendar days from the date the animal was designated Potentially Dangerous or Vicious.
3. Confinement of a Potentially Dangerous or Vicious Dog: A potentially dangerous or vicious dog, while on the owner/custodian's property, shall, at all times, be kept indoors or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. The owner/custodian shall ensure that a bright orange collar is worn by the dog at all times, and the owner/custodian must display a sign of at least ten (10") inches by ten (10") inches in size, in an area conspicuous to the public, that warns in prominent letter of the presence of a "Dangerous" or "Vicious" dog on the property.

The owner/custodian shall immediately notify Animal Control if the Potentially Dangerous or Vicious dog becomes loose or bites or attacks another person or animal. In no event shall a Potentially Dangerous or Vicious dog be left unattended away from the owner's/custodian's property.

The owner/custodian of a Potentially Dangerous or Vicious dog shall ensure that the animal is maintained in a manner so that it does not cause a threat to any mail carrier, public utility personnel, or other individual(s) having the lawful right to enter the property.

A potentially Dangerous or Vicious dog may be off the owner's/custodian's premises only if it is muzzled, restrained by a substantial leash of appropriate length (not greater than six ~~(6')~~ (6') feet-~~(6')~~ in length), and is under the control of a responsible adult at all times.

4. Financial Responsibility: The owner/custodian of a dog designated Potentially Dangerous or Vicious shall present proof to Animal Control of a bond or liability insurance coverage in the amount of at least one hundred thousand dollars (\$100,000) to cover any future damage or injury caused by the dangerous or vicious dog during its lifetime. The bond or liability insurance coverage shall remain in effect during the life of the animal, and the coverage shall be evidenced by an endorsement by the insurer that any notice of cancellation of coverage will be provided to Animal Control at least thirty (30) days prior to the cancellation date.
5. Procedure for Sale or Transfer of a Potentially Dangerous or Vicious Dog: If the dog in question dies or is sold, transferred, relocated within the County, or permanently removed from the city or county where the owner/custodian resides, the owner/custodian of the potentially dangerous or vicious dog shall notify the Animal Control Program, in writing, of the changed condition and new location of the dog within two (2) working days.
6. Removal From List of Potentially Dangerous or Vicious Dogs: If there are no additional instances of the behavior described in this Code within a thirty-six (36)-month period from the date of designation as a "potentially dangerous or vicious dog," the dog shall be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous or vicious dogs prior to the expiration of the thirty-six (36)-month period if the owner/custodian of the dog demonstrates to the Animal Control Program that changes in circumstances or measures taken by the owner/custodian, such as training of the dog, have mitigated the risk to the public safety.

~~C.D.~~ Procedure for Destruction of Vicious Dog:

1. A dog determined to be a vicious dog may be destroyed by the Animal Control Program when it is found (after proceedings conducted pursuant to Cal. Food & Agric. Code §§ 31621 – 31626) that the release of the dog would create a significant threat to public health, safety, and welfare.
2. If it is determined that a dog found to be vicious shall not be destroyed, the body adjudicating the determination shall impose conditions, including but not limited to those set forth in this Code upon the ownership of the dog that protect public health, safety, and welfare.
3. Any enclosure that is required pursuant to this Code shall be a fence or structure suitable to prevent the entry of young children and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner/custodian of the dog. The enclosure shall be designed in order to prevent the animal from escaping.

~~D.E.~~ Penalties for Potentially Dangerous and Vicious Dogs:

Any violation of the provision involving a potentially dangerous dog shall be punished by a fine. All such fines shall be used to defray the cost of controlling and regulating vicious and potentially dangerous dogs.

Section 8.0~~Sec. G-IV-1.5805~~ Wild, Exotic, or Non-Domestic Animals

No person shall have, keep or maintain any wild, exotic or non-domestic animal without first applying to, and receiving special authorization from, the Sheriff, or their designee. Nevada County Zoning Regulations on Animal Keeping and Raising (require a Use Permit (UP) and zoning compliance to keep any wild, exotic, or non-domestic animal in the County, and a copy of the ~~Use Permit~~ will be needed before any permission is granted. The keeping of specific native wild or non-domestic animals for rehabilitation purposes is allowed with approval from the State of California Department of Fish and Game, the United States National Wildlife Federation, the Sheriff, and an Administrative Development Permit from the Planning Department. The Administrative Permit is subject to the standards set forth in this code.

The Sheriff may authorize the keeping or maintenance of any wild, exotic, or non-domestic animal when, in ~~their~~his opinion, any such animal may be kept or maintained without endangering the safety of any person, neighborhood, or property; furthermore, the Sheriff may require any such animal to be properly caged, tethered or restrained, or ~~to~~they may set additional requirements that may be necessary and proper under the circumstances. The Sheriff may revoke such authorization when, in their opinion, the safety of any person, neighborhood, or property is endangered by the keeping of any such animal, or for violations of any conditions established for keeping such animal.

The Sheriff shall not issue any such authorization for any wild animal that requires a permit from the State Department of Fish and Game until such permit is issued by said Department.

Violation of this Section shall be a misdemeanor.

Section 8.0~~Sec. G-IV-1.5905A~~ Control of Stallions

Persons owning and/or controlling stallions shall provide confinement for said animal(s).

For the purpose of this Section, “confinement” means fencing at least six feet (6’) high with no more than eight inches (8”) of space between fence material elements, and shall be of such construction and strength as to prevent egress and ingress of stallions attracted to other animals and ingress of animals attracted to stallions.

Violation of this Section shall be a misdemeanor.

Section 8.01.5600 Animal Abandonment Prohibited

No person shall willfully abandon any animal in Nevada County. Violation of this Section shall be misdemeanor.

The refusal or failure of the owner/custodian of any animal to pay the fees and charges, after

due notification, shall be held to be an abandonment of the animal by the owner/custodian.

Section 8.0~~Sec. G-IV-1.61056A~~ Leaving Animals in Vehicle

- A. No person shall leave any animal in an unattended vehicle without adequate ventilation or in such a manner to subject the animal to extreme temperatures that adversely affect the animal's health and welfare.
- B. No person shall leave any dog unattended in any vehicle without confining the dog in such a manner to prevent it from reaching the outside edge of the vehicle with any portion of its body.

Animal Control Officers and peace officers shall be empowered to remove an animal from a vehicle under emergency circumstances when the animal is endangering the safety of the public.

Section 8.01.62057 Dead Animals and Fowl

It shall be unlawful for any person owning or having under ~~his~~their control at the time of an animal's death to permit the carcass of any dead animal to remain unburied for a period in excess of twenty-four (24) hours.

In any case where the owner/custodian or person having control of any animal at the time of its death fails to dispose of such dead animal within the prescribed period, the County shall be entitled to dispose of such animal. In addition to any penalty imposed, such costs of removal and burial shall be a charge against the owner/custodian or person in control of the animal immediately prior to its death.

Section 8.01.63058 Authority to Capture or Kill Dogs Pursuing Livestock, Game Animals or Fully Protected Rare or Endangered Animals

The Sheriff, peace officer, or any Animal Control Officer may capture or kill:

- A. Any dog found in the act of persistently pursuing, worrying, wounding, or killing livestock or fowl on land or premises which are not owned or possessed by the owner/custodian of the dog.
- B. Any dog found in the act of pursuing, wounding, or killing any game animal during the closed hunting season on such game animal.
- C. Any dog found in the act of pursuing, wounding, or killing any fully protected, rare, or endangered animal.

Section 8.0~~Sec. G-IV-1.64059~~ Holding of Animals

Any person may take and hold any stray animal or animal trespassing on their property; however, such person shall notify the Animal Control Program within twenty-four (24) hours of the following:

- A. The fact that they have such an animal in their possession;:-

- B. A complete description of the animal;
- C. The license tag number, rabies tag number, or any other identification tag that may be attached to such animal. If the animal has no source of identification the person shall so state;
- D. The place where such animal is confined.

If the owner/custodian of such animal is unknown or cannot be contacted within seventy-two (72) hours, or upon request from an Animal Control Officer, such animal shall be immediately surrendered to the Animal Control Program for impoundment.

Section 8.0~~Sec. G-IV-1.6500~~ Isolation of Rabid Animals or Clinically Suspected Rabid Animals

Any rabid animal or clinically suspected rabid animal shall be isolated in strict confinement under proper care and under the observation of a licensed veterinarian, in an animal shelter, veterinary hospital, or other adequate facility, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies, with the exception that such animals may be sacrificed with permission of the Sheriff, or Designee, for the purpose of laboratory examination for rabies using the fluorescent rabies anti-body (FRA) test in an approved public laboratory.

Section 8.0~~Sec. G-IV-1.6601~~ Isolation (Quarantine) of Biting Animals

The Chief of Animal Control, or any Animal Control Officer, shall quarantine any animal of a species subject to rabies, that has bitten or otherwise possibly exposed a person to rabies. Such quarantine shall be in conformance with the County's policies on the quarantine of biting animals. The quarantine period shall be ten (10) days for dogs and cats and fourteen (14) days for all other animals, from the infliction of the bite.

In any case where the animal is permitted to be quarantined at home, the owner/custodian or person in custody or control of such animal, shall enter into a quarantine agreement with the Animal Control Program.

It shall be unlawful for the owner or person in custody or control of an animal, to violate any of the conditions of quarantine prescribed by the Health Officer or the Animal Control Program.

Violation of this Section shall be a misdemeanor.

Section 8.0~~Sec. G-IV-1.6702~~ Isolation (Quarantine) of Bitten Animals

Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid, or suspected rabid, animal shall be quarantined in a place and manner approved by the Sheriff, or designee, for a period of six (6) months or destroyed, with the exception that the following alternatives are permitted in the case of dogs and cats as follows:

A. If a dog over one (1) year of age has been vaccinated against rabies within thirty-six (36) months but not less than thirty (30) days with a rabies vaccine of a type approved by the State Department of Health Services for a maximum immunity duration of at least thirty-six (36) months, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Sheriff, or their designee, for a period of thirty (30) days.

~~B.~~ If a dog under one (1) year of age has been vaccinated against rabies within twelve (12) months but not less than thirty (30) days with a rabies vaccine of a type approved by the State Department of Health Services, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and a manner approved by the Sheriff, or their designee, for a period of thirty (30) days.

C. If a cat has been vaccinated within one (1) year, but not less than thirty (30) days, with an annual type feline rabies vaccine, or if a cat has been vaccinated under one (1) year of age with a thirty-six month (36) type of feline rabies vaccine within twelve (12) months, but not less than thirty (30) days, the cat may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Sheriff, or designee, for a period of thirty (30) days following revaccination.

D. If a cat over one (1) year of age has been vaccinated against rabies and has been vaccinated within thirty (36) months and more than thirty (30) days with a thirty-six month (36) type feline rabies vaccine, the cat may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Sheriff, or their designee, for a thirty-day (30) period following revaccination.
~~(30) period following revaccinati~~

Section 8.01.6803 Appeals

Any person aggrieved by any decision or action resulting from the application of this Chapter may appeal such decision or action within fifteen (15) days to the Board of Supervisors.

The Board of Supervisors may sit as a hearing board for such appeals, or it may designate a hearing officer or hearing board to hear such appeals.

Section 8.01.6904 Absence of Liability

No liability shall be incurred by the County or its agents for the disposition or non-disposition of any animal made pursuant to the provisions of this Chapter.

Section 8.01.700 ~~65~~ Penalties for Violations of Provisions of this Chapter

Any person violating any provision of this Chapter, except as otherwise expressly set forth herein, is guilty of an infraction. Upon conviction of the infraction there shall be a fine

imposed as follows:

- A. For a first violation, a fine not exceeding one hundred dollars (\$100);
- B. For a second violation of the same Ordinance ~~§section~~ within a twelve (12) month period, a fine not exceeding two hundred dollars (\$200);
- C. For a third or subsequent violation of the same Ordinance ~~§section~~ within a twelve (12) month period, a fine not exceeding five hundred dollars (\$500);
- D. The fourth and any further violations of the same Ordinance ~~§section~~ within a twelve (12) month period from the date of commission of the first violation, shall be deemed misdemeanors.

Violations of the State statutes shall carry the penalties and other consequences of their respective codes.

TITLE 9: AIRPORT G-IV: GENERAL REGULATIONS

CHAPTER 1: ARTICLE 12: NEVADA COUNTY AIRPORT RULES AND REGULATIONS

Sections:

Section 9.01.010, G-IV 12.1 Definitions

Section 9.01.020, G-IV 12.2 Operation of Aircraft

Section 9.01.030, G-IV 12.3 Use of Airport

Section 9.01.040, G-IV 12.4 Insurance

Section 9.01.050, G-IV 12.5 Fire Safety Regulations

Section 9.01.060, G-IV 12.6 General Rules & Regulations

Section 9.01.010, G-IV 12.1 Definitions

- A. AIRPORT** - Shall mean airport and all airport property owned, operated, or controlled by the County of Nevada. It shall include all improvements, facilities, adjacent properties used to store, maintain, service or supply materials necessary for the servicing or maintenance of aircraft and appurtenances.
- B. AIRPORT COMMISSION** — Five (5) members appointed by the Board of Supervisors.
- C. AIRPORT MANAGER** - Shall mean the person assigned by the County Executive Officer to this position.
- D. BOARD** - Shall mean the Board of Supervisors of the County of Nevada, State of California.
- E. COUNTY**- Shall mean the County of Nevada, State of California.
- F. F.A.A.** - Shall mean the Federal Aviation Agency of the United States of America, as defined in the Federal Aviation Act of 1958, or any subsequent and successor body to that agency created for the control and operation of aviation and its related functions.
- G. FIRE DEPARTMENT** - Shall mean the fire department within whose jurisdiction the airport lies.
- H. MAINTAIN AIRCRAFT** - Shall mean any form of service, maintenance, or repair of aircraft.
- I. OPERATE AIRCRAFT** - Shall mean the self-propelled, pushed, or towed movement of aircraft on the ground, or the movement of aircraft in flight.
- J. OWNER** - Shall mean the registered and/or legal owner of an aircraft according to the files and records of the F.A.A.
- K. PERSON** - Shall mean individuals, corporate entities, and public agencies.
- L. RULES & REGULATIONS** - Shall mean the provisions contained herein and adopted by the Board pertaining to the use of the airport.

M. AIRPORT OPERATIONS AREA (AOA) - is the portion of an airport designed and used for landing, take-off, or taxiing of aircraft. Taxiing aircraft are those moving under their own power between parking areas and runways. This is done on the ramps, taxiplanes, and taxiways.

Section 9.01.020-~~G-IV-12.2~~ Operation of Aircraft

A. COMPLIANCE WITH RULES AND REGULATIONS. No person shall operate or maintain any aircraft at any airport except in strict conformity with all ordinances, rules, and regulations of the County of Nevada and the regulations of the F.A.A. All aircraft shall be operated in accordance with air traffic patterns established by the County of Nevada and the F.A.A. All operators of aircraft are responsible for complete knowledge of all laws, rules and regulations relating to the operation of aircraft. Unusual performance tests of aircraft may be conducted only upon prior permission of the Airport Manager and only upon such conditions as the Airport Manager shall impose.

B. LANDING AND TAKE-OFF. All aircraft shall land and take off only on designated runways unless specifically authorized by the Airport Manager to use other areas of the airport. No person shall land on or take off from the airport unless the aircraft is equipped with properly functioning brakes or other positive means to assure adequate ground control. The Airport Manager may suspend all operations during period of emergency.

C. ENGINE STARTING AND RUN-UPS. No aircraft engine shall be started or run- up in any hangar or positioned in such manner as to constitute a danger to persons or property. All engine run-ups and tests shall be performed only in areas and at such times as shall be designated by the Airport Manager. No engine affixed to an aircraft shall be started or operated unless a competent aircraft operator is in the aircraft attending to the controls and the parking brakes are set or the wheels properly blocked to prevent movement.

D. TAXIING OF AIRCRAFT. Aircraft shall always be taxied at a slow and reasonable speed, in a safe manner and under control of a competent aircraft operator.

E. LOADING OF AIRCRAFT. No passenger or freight shall be loaded or unloaded from any aircraft unless and until all engines on the aircraft have come to a complete stop.

F. DAMAGE TO AIRPORT. All damage to the airport or airport property shall be promptly reported to the Airport Manager. (Ord. 635. (06/05/1973); Ord. 2526. (06/13/2023))

Section 9.01.030-~~G-IV-12.3~~ Use of Airport

A. BUSINESS ACTIVITIES. No person shall use the airport in any manner whatsoever for any commercial, profit, gainful, or revenue producing purpose, including, without limitation, flight instruction or mechanical work, without written approval of the Airport Manager. No person shall distribute, post, or display any commercial or non- commercial signs, circulars, handbills or advertisements on the airport without the consent of the Airport Manager. No person shall solicit funds for any purpose without the permission of the Airport Manager.

B. PARKING OF AIRCRAFT. No person shall park any aircraft in any area not designated for such purpose without prior consent of the Airport Manager. Parked aircraft shall

have parking brakes set or wheels properly blocked to prevent movement and shall be firmly secured to the ground by ropes or other appropriate means when left unattended. No aircraft shall be taxied under its own power into or out of any hangar. Aircraft shall be halted, and all engines stopped before entering any hangar or building.

C. CHARGES FOR PARKING AIRCRAFT. The fee schedule for reserved and transient aircraft parking spaces in tie-down areas shall be implemented and updated by Resolution of the Board of Supervisors.

D. DAMAGED AIRCRAFT. Witnesses to and participants in any accident or damage to aircraft occurring at the airport shall promptly make a full report of such damage or accident to the nearest F.A.A. Safety Officer and to the Airport Manager. Aircraft operators, owners, or their agents shall be responsible for, and shall cooperate and assist in the prompt removal of damaged aircraft, parts, property or debris resulting from any accident; provided, however, that the Airport Manager or Officials of the F.A.A. may prohibit the movement or removal of any damaged aircraft or property.

E. DAMAGE TO PROPERTY. No person shall destroy or damage any building, structure, facility, sign, marker, or other property on the airport, unless authorized by the Airport Manager.

F. LANDING AIRCRAFT FEES. The schedule of charges for landing of private and commercial aircraft shall be implemented and updated by resolution of the Board of Supervisors.

H. ~~Reserved.~~ AIRPORT OPERATIONS AREA (AOA). All persons be subject to all applicable federal, state, local laws, regulations, and policies when in the AOA. Vehicles must yield to all aircraft, pedestrians, and emergency vehicles. The vehicle speed limit shall be fifteen (15) mph.

I. DROPPING OF FOREIGN OBJECTS. No foreign objects (powder, liquid, solid or otherwise) may be dropped on the airport or airport property without permission of the Airport Manager.

J. FIREARMS. No person shall hunt, conduct target practice, or discharge firearms on the airport.

K. AVIATION FUEL. The County of Nevada shall be the sole distributor of aviation fuel at the airport or shall provide by contract for the manner of distribution of such product.

L. MODEL AIRPLANES AND DRONES. Model airplanes or drones shall not be operated from any location where they could fly over, or land on, the airport or airport property except when authorized by the Airport Manager for special events.

M. LEASE OF AIRPORT PROPERTY. Pursuant to Cal. Gov't Code §25536, and notwithstanding any other provision set forth in the County Codes relating to the lease of County property, the Board of Supervisors may, by four-fifth's vote, enter into leases, concessions, or managerial contracts involving leasing or subleasing of all or any part of County-owned, leased or managed property devoted to or held for use as an airport without complying with the formal bidding or alternative procedures set forth in Cal. Gov't Code §§ 25520 – 25539.10. Lease rates for County owned hangars shall be as negotiated by the Airport

Manager and as approved by the Board of Supervisors.

Any person desiring to use any space including tie-down spaces shall be required to obtain a Reserved Space Permit and agree to abide by its terms. In addition, all parties desiring to place a hangar on County property shall be required to obtain an Encroachment Permit and agree to abide by its terms. All parties desiring “through the fence” access to the Airport shall obtain an Encroachment Permit.

Reserved Space Permits and Encroachment Permits may be changed by the County, from time to time, and all current occupants may be required to execute current agreements in order to remain on the premises or continue getting access to the premises. Failure to execute a new agreement on request of the Airport Manager shall be grounds for termination of the right to occupy a space at the Airport.

Section 9.01.040-G-IV-12.4 Insurance

A. INSURANCE REQUIRED. No person shall base or maintain an aircraft at the airport unless such person shall file with the Airport Manager, and keep in current effect, a certificate of property damage and general liability insurance executed by a company authorized to carry on insurance business in this State, insuring coverage in the minimum amounts as noted in permit or lease agreement.

Section 9.01.050-G-IV-12.5 Fire Safety Regulations

A. No person shall operate any electric or gas welding or cutting equipment anywhere on the Airport without prior written approval of the Airport Manager.

B. No person shall store or stock material or equipment so as to constitute a fire hazard.

C. No person shall store or place any flammable liquids, solids, gasses, signal flares or similar hazardous materials within any hangar or building except in areas or rooms specifically approved by the Airport Manager. Such storage shall be contained within approved containers bearing the label of the Underwriters Laboratories, Inc. and shall not exceed a five (5) gallon maximum container in size.

D. All tenants of buildings shall provide approved metal containers equipped with sealing covers for the storage of oily wastes, rags, and similar combustible materials.

E. All tenants of buildings shall maintain the floors of hangars, hangar ramps and adjacent areas free and clear of oil, grease, and other flammable materials.

F. No person shall use flammable substances for cleaning floors of hangars or other buildings.

G. Cleaning of aircraft engines or other parts using solvents shall be limited in scope and only nonflammable or high flashpoint (100 degrees F. or greater) solvents shall be used. Drip and collecting pans shall be used during any cleaning process.

H. Painting and doping of aircraft shall be conducted only in authorized areas under permit issued by the Airport Manager.

I. Every person who becomes aware of any fire or smoldering combustion of any unwarranted or insidious nature, which is not confined within equipment designated for fire or which is a hazard to the premises shall report said fire or smoldering combustion without delay to the local fire department and the Airport Manager.

J. Portable fire extinguishers shall be provided as required and approved by the Airport Manager and shall not be moved for any reason other than to fight a fire or to be recharged.

K. Access to all fire extinguishing equipment shall always be kept free and unobstructed. Portable fire extinguishers shall be inspected periodically by the Airport Manager and recertified annually by the tenant, owner, or responsible party.

L. For aircraft fueling regulations, the National Fire Protection Association Standard 407 is adopted herein by reference. All persons using or occupying the airport shall be required to have full knowledge of the terms and conditions of NFPA Standard 407.

Section 9.01.060-G-IV-12.6 General Rules & Regulations

B. All persons using the airport shall be subject to, and governed by, these rules and regulations, all County ordinances, State and Federal laws and F.A.A. rules and regulations.

C. Any person using or entering the airport for any purpose shall be responsible for full and complete knowledge of, and compliance with the rules and regulations.

D. The Airport Manager shall interpret the rules and regulations. Requests for review of any interpretation shall be made in writing to the Airport Manager.

E. Any person finding lost articles on the airport shall immediately deposit them at the Airport's Administration office.

All lessees and persons using the airport shall be responsible for the cleanliness of their respective area and for the removal of all trash and debris. (Ord. 635. (06/05/1973)); Ord. 2526. (06/13/2023))

If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or applications, and to this end the provisions of this Chapter are declared to be severable.

**CHAPTER 2: ~~ARTICLE 4~~REGULATING TAXIWAY ENCROACHMENTS AT NEVADA
COUNTY AIRPORT**

Sections:

<u>Section 9.02.010, G-IV 4.40</u>	<u>Definitions</u>
<u>Section 9.02.020, G-IV 4.41</u>	<u>Work Requiring Permit</u>
<u>Section 9.02.030, G-IV 4.42</u>	<u>Application</u>
<u>Section 9.02.040, G-IV 4.43</u>	<u>Bond or Cash Deposit Required</u>
<u>Section 9.02.050, G-IV 4.44</u>	<u>Issuance of Written Permits</u>
<u>Section 9.02.060, G-IV 4.45</u>	<u>Refusal to Issue Permit</u>
<u>Section 9.02.070, G-IV 4.46</u>	<u>Fees</u>
<u>Section 9.02.080, G-IV 4.47</u>	<u>Permits Nontransferable</u>
<u>Section 9.02.090, G-IV 4.48</u>	<u>Display of Permit</u>
<u>Section 9.02.100, G-IV 4.49</u>	<u>Standards on Supervision and Inspection</u>
<u>Section 9.02.110, G-IV 4.50</u>	<u>Revisions</u>
<u>Section 9.02.120, G-IV 4.51</u>	<u>Term of Permit; Completion of Work</u>
<u>Section 9.02.130, G-IV 4.52</u>	<u>Notice of Completion</u>
<u>Section 9.02.140, G-IV 4.53</u>	<u>Revocation of Permit</u>
<u>Section 9.02.150, G-IV 4.54</u>	<u>Traffic Safety</u>
<u>Section 9.02.160, G-IV 4.55</u>	<u>Storage of Material</u>
<u>Section 9.02.170, G-IV 4.56</u>	<u>Dust and Debris</u>
<u>Section 9.02.180, G-IV 4.57</u>	<u>Protection of Adjoining Property</u>
<u>Section 9.02.190, G-IV 4.58</u>	<u>Preservation of Monuments</u>
<u>Section 9.02.200, G-IV 4.59</u>	<u>Restoring Taxiway</u>
<u>Section 9.02.210, G-IV 4.60</u>	<u>Care of Drainage</u>
<u>Section 9.02.220, G-IV 4.61</u>	<u>Clean Up</u>
<u>Section 9.02.230, G-IV 4.62</u>	<u>Relocation of Facilities</u>
<u>Section 9.02.240, G-IV 4.63</u>	<u>Disclaimer of Liability</u>
<u>Section 9.02.250, G-IV 4.64</u>	<u>Violations/Infractions</u>

Section 9.02.010, ~~G-IV 4.40~~ Definitions

For the purpose of this Chapter ~~ordinance~~, the following words and phrases shall have the meanings respectively ascribed to them by this section.

A. APPLICANT: Any person making written application to the Nevada County Public Works Department for an encroachment permit hereunder is an applicant.

B. BOARD: The Board of Supervisors of the County of Nevada.

C. DEPARTMENT: Nevada County Public Works Department and the authorized representatives of Public Works.

D. TAXIWAY: The term "TAXIWAY" includes all or any part of the property at the Nevada County Airport, owned by the County, and the space over it and the ground under it, whether or not such entire area is actually used for taxiway purposes.

E. ENCROACHMENT: The term “ENCROACHMENT” includes any tower, pole, poleline, pipe, pipeline, private taxiway, fence, portable hangar, sign, building, tree, embankment, excavation or any structure or object of any kind or character not particularly mentioned in this Section which is placed in, under or over any portion of a taxiway, taxilane, ramp or tie-down, or which may cause water to back onto any portion of the taxiway, taxilane, ramp or tie-down or which may obstruct the maintenance of or travel on the taxiway, taxilane, ramp or tie-down.

The term “ENCROACHMENT” shall also include the development of any private facility, taxiway, taxilane, road-way or other means of access to the airport from any off-site access point other than a public road (“through-the-fence” access).

F. EXCAVATION: Removal of material and any opening in the surface except an opening into a lawful structure below the surface, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the taxiway.

G. PERMITTEE: Means any person, firm, company, corporation, association, public agency or organization that proposes to do work or encroach on or access a right-of-way as defined in this Section and has been issued a permit for encroachment by the Department of Public Works. All obligations, responsibilities, and other requirements of the permittee as described in this Section shall be binding on subsequent owners of the encroachment.

H. PORTABLE HANGAR: Means any structure used to provide shelter for an aircraft which is portable in nature and is licensed by the State of California, Department of Motor Vehicles, to be moved over public roadways

I. TIE-DOWN AREA: Means any area used or designated for future use as an area to “tie down” aircraft.

Section 9.02.020-~~G-IV 4.41~~ Work Requiring Permit

No person, firm, company, corporation, association, public agency nor organization shall do or cause to be done any of the following without first obtaining a permit therefor, and complying with all conditions there-of, and all provisions of this ordinance:

- A. Fill or excavate on Nevada County Airport property.
- B. Install, construct, cut into, improve, or remove any sidewalks, driveways, curbs, gutters, walls, culverts, taxiway or taxilane approaches, or road surfacing, or install, repair or remove any approaches, or road surfaces, or install, repair or remove any facilities or substructures in, on, over, or under any taxiway or taxilane, or erect or remove any structure or portable hangar.
- C. Access the airport property from an off-site location other than a public road (“through-the-fence”).
- D. Place, change, or renew an encroachment.

Section 9.02.030-G-IV 4.42 Application

Applications for permits for performance of any of the acts stated in 9.02.020this code shall be made in writing upon forms furnished by the Department and approved by the Director of the Department. The form shall be filed with the Department and shall set out the following in detail where applicable:

- A. Name and residence or business address and phone number of the applicant.
- B. Name and residence or business address and phone number of person to be hired by applicant to do any proposed work. If this information is not known at time of application, the permittee shall provide said information for the Department prior to start of work by the person hired to do the work.
- C. Location, dimensions, purpose, extent and nature of the proposed encroachment and business operation, if any.
- D. Such other information as may be needed by the Department such as engineering calculations, structural sections, profiles, manufacturer's specifications, etc.
- E. The permittee shall keep adequately informed of all state and federal laws and local ordinances and regulations which affect the permit.
- F. The applicant shall enclose with, attach or add to the application for a permit, a map, plat, sketch, diagram, or similar exhibit, when required by the Department, of a size and in the quantity that it may prescribe, on which shall be plainly shown all information necessary to locate, delineate, illustrate, or identify the proposed use or encroachment and the right and necessity of the applicant to cause an encroachment. If necessary, changes, corrections, and notes will be made on the map, plat, sketch, diagram, or similar exhibit and these items will become an integral part of the permit.
- G. The applicant shall also provide copies of all permits, licenses and insurance policies which are required to operate any proposed off-site business enterprise.
- H. The applicant shall be required to sign an indemnification agreement agreeing to protect and indemnify the County and all of its officers, agents and employees against any claims or liability proximately caused by any work, encroachment, use, access or violation of any law, ordinance, regulation or order issued by any agency having authority and jurisdiction over airport operations.

Section 9.02.040-G-IV 4.43 Bond or Cash Deposit Required

Before granting a permit under the provisions of this Ordinance, the Department may require the applicant to file with the Board security in the form of cash or a satisfactory bond payable to the County of Nevada in such amount as the Department deems sufficient to reimburse the County for costs of restoring the taxiway to its former condition. This Section shall apply where the encroachment will consist of construction work affecting airport property.

The Department may require a new or additional bond or cash deposit at any time that evidence indicates the amount of the bond or cash deposit previously made is insufficient to cover the cost

of restoring the taxiway to its former condition. Any bond or cash deposit required by the Department under this Section shall be payable to the County and shall be filed with the Department. On satisfactory completion of all work authorized in the permit and fulfillment of all conditions of the permit, the Board of Supervisors will release the bond or cash deposit on the expiration of ninety (90) days.

The Director of the Department may waive the provisions of this Section relating to cash deposit or surety bond for permits required under this Ordinance upon satisfactory proof by certificate of insurance that permittee is adequately insured to assure reimbursement to the County for repair of any damage caused to County property.

In the event any applicant shall refuse to pay fees, costs, or charges due under this Ordinance, the Department may, at its discretion, proceed against the surety or bond posted by the applicant pursuant to this Ordinance to collect such fees, costs, or charges. The Department may, in addition, refuse to issue any new permits to an applicant with unpaid fees, costs or charges due on any job.

Section 9.02.050-G IV 4.44 Issuance of Written Permits

The written permits required by this Section may be issued by the Department for any lawful use, subject to conditions set forth in this Section and required by law. In cases where the encroachment permit is for a continuing use such as “through-the-fence” access, the Department may impose conditions on the encroachment which it deems to be reasonably necessary at the time of issuance of the permit and may, from time to time, amend said permit and the conditions thereon. The permit shall be a revocable license and shall not be construed as the grant of an interest in real property.

Section 9.02.060-G IV 4.45 Refusal to Issue Permit

The Department may refuse to issue a permit to any applicant who is in default of any terms or conditions of any prior permit issued by the Department. The Department may also refuse to issue a permit if the work or the use would be harmful or detrimental to airport property, airpark business operations or public safety. Any person who contests the decision of the Department may appeal such decision in writing to the Director of the Department within ten (10) days after said refusal, asking for a hearing before the Director. The hearing shall be held not less than fifteen (15) days after receipt of the request by the Director. Any decision of the Director considering such appeal may be further appealed to the Board of Supervisors in writing within thirty (30) days after it is rendered.

Section 9.02.070-G IV 4.46 Fees

The schedule of fees will be those recommended by the Department and established and adopted by the Board from time to time by resolution or ordinance. Before a permit is issued, the applicant shall deposit with the Department for payment to the Treasurer of the

County cash or check in a sufficient sum to cover the fee for issuance of the permit, charges for field investigation, and the fee for necessary inspection, all in accordance with schedules

established and adopted by the Board.

In addition to any fees required for a permit application as set forth in 9.01.030 (C) above, where the encroachment is for access to Airport property “through-the-fence” the fees set forth in this Code for aircraft parking shall apply to each and every aircraft parked off-site and accessing the airpark pursuant to the encroachment. Fees shall apply to any business operation conducted off-site and accessing the airport pursuant to the encroachment permit.

Section 9.02.080-~~G-IV 4.47~~ Permits Nontransferable

Encroachment permits issued pursuant to this Chapter~~article~~ are nontransferable.

Section 9.02.090-~~G-IV 4.48~~ Display of Permit

A permit issued for continuing use or maintenance of an encroachment may be kept at the place of business of the permittee or otherwise safeguarded during the term of validity but shall be made available to an authorized representative of the Department or law enforcement officer within a reasonable time after demand.

Section 9.02.100-~~G-IV 4.49~~ Standards on Supervision and Inspection

All encroachment work done under a permit issued under this Chapter~~article~~ shall conform to specifications established by the Department, or in the absence of established specifications, to recognized standards of construction and approved practices in connection with such work. All encroachment repair work shall be done subject to final approval of the Department.

Unless otherwise noted on the permit, all encroachment work performed on the taxiway shall conform to the construction specifications contained in the current edition of the Standard Specifications of the State of California, issued by the Department of Transportation, as may be amended by special provisions adopted by the Department. All work done on portable hangars shall conform to the current edition of the Uniform Building Code as adopted by the County of Nevada.

No person shall prevent or obstruct any officer or employee of the Department from making any inspection pursuant to this article nor in taking any sample or making any test.

No portable hangar shall be constructed without having a current valid building permit issued by the Nevada County Building Department.

Section 9.02.110 ~~-G-IV 4.50~~Revisions

No changes shall be made in the location, dimensions, character, or duration of the encroachment or use granted by the permit except on written authorization by the Department.

The Department may revise any permit pursuant to a written request submitted to the Department by the permittee. (Such revision becomes effective forty-eight (48) hours after deposit in the U.S. Mail of a certified letter addressed to the permittee or upon personal service of such revision

on the permittee.)

The Department may revise any permit only upon the following conditions:

A. Such revision is necessary for the public welfare or safety.

B. Such revision is necessary for the permittee to reasonably accomplish its intended goal and does not pose a threat to the financial viability of airport operations or to public safety.

C. Such proposed revision becomes effective forty-eight (48) hours after deposit in the U.S. Mail of a certified letter addressed to the permittee unless permittee requests a hearing on the proposed revision in writing. Any applicant who contests the revision in the permit proposed by the Department may appeal said revision in writing to the Director of the Department within ten (10) days after said notice of revision, asking for a hearing before the Director. The hearing shall be held not less than fifteen (15) days after receipt of the request by the Director. Any decision of the Director considering said appeal may be further appealed to the Board of Supervisors in writing within thirty (30) days after it is rendered.

Section 9.02.120-G-IV 4.51 **Term of Permit; Completion of Work**

Where the encroachment permit is for construction or a temporary use, the permittee shall complete the work or use authorized by a permit within the time specified in the permit. If, at any time, the Department finds that delay in beginning, prosecuting, or completing the work or use is due to lack of diligence by the permittee, it may cancel the permit and restore the taxiway or tie-down area to its former condition. In the event the permittee wishes to appeal the cancellation of the permit, permittee may submit such appeal in writing to the Director of the Department within ten (10) days after notice of such cancellation asking for a hearing before the Director. The hearing shall be held not less than fifteen (15) days after receipt of the request by the Director. Any decision of the Director considering said appeal may be further appealed to the Board of Supervisors in writing within thirty (30) days after it is rendered. The permittee shall reimburse the County for all expenses incurred by the

Department in restoring the airport property, plus twenty-five per-cent (25%) as administrative costs. Where the encroachment permit is for "through-the-fence" access, the permit shall be a revocable license which shall remain in effect until revoked as set forth in this ChapterArticle.

Section 9.02.130-G-IV 4.52 **Notice of Completion**

Upon completion of any work or act for which a permit has been granted, the permittee shall notify the Department in writing on a form prescribed by the Department. No work shall be deemed completed without such notice.

Section 9.02.140-G-IV 4.53 **Revocation of Permit**

The Department may revoke any construction or temporary use encroachment permit by notifying the permittee in writing. Said notification may be personally delivered or deposited in the United States Mail addressed to the permittee at the address shown on the application form. Effective immediately upon personal delivery or forty-eight (48) hours after deposit in the mail, the permit

is void and no work may be per-formed under the permit unless it is reinstated by the Department. In the event the permittee contests the revocation, permittee may appeal such decision in writing to the Director of the Department within ten (10) days after said revocation asking for a hearing before the Director. The hearing shall be held not less than fifteen (15) days after receipt of the request by the Director. Any decision of the Director considering said appeal may be further appealed to the Board of Supervisors in writing within thirty (30) days after it is rendered. The Department may revoke an encroachment permit for “through-the-fence” access upon thirty (30) days’ notice to the permittee. In the event permittee contests the revocation, permittee may appeal as set forth above.

Section 9.02.150-G IV 4.54 Traffic Safety

The permittee shall take appropriate measures to assure that during the performance of any work normal airport activities are maintained so as to minimize inconvenience to the general public using said airport. The Department may permit the closing of appropriate parts of the airport for specific periods of time if it is necessary and the Department may require the permittee to give notification to both the County and the Airport Manager of work being performed and areas that may require closing to do the job. (Ord. 1640. (05/08/1990); Ord. 2526. (06/13/2023))

Section 9.02.160-G-IV 4.55 Storage of Material

No material shall be stored within any taxiway. Excess earth materials from operations shall be removed from the taxiway.

Section 9.02.170-G-IV 4.56 Dust and Debris

Each permittee shall conduct and carry out work permitted hereunder in such manner as to avoid unnecessary inconvenience and annoyance to the public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the work, noise, dust, and unsightly debris.

Section 9.02.180-G-IV 4.57 Protection of Adjoining Property

The permittee shall always and at permittee's own expense preserve and protect from injury any adjoining property by providing proper foundations, shoring, and taking other measures suitable for the purpose. The permittee must obtain permission from the owner of private property to enter upon or do work on such property. The permittee shall be responsible for all damage to any roads or other public or private property, real and personal, resulting from the performance of permittee's work.

Section 9.02.190-G-IV 4.58 Preservation of Monuments

Any monument set for the purpose of locating or preserving the lines of the taxiway or taxilane, or a precise survey reference point, or a permanent survey benchmark within the County shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Department to do so. Before monuments, reference points and benchmarks are disturbed or removed, they shall be tied out by a licensed surveyor or Registered Civil Engineer or under the directions of same. After completion of the work, the monuments, reference points and benchmarks shall be accurately reset at the expense of permittee.

Section 9.02.200-G-IV 4.59 Restoring Taxiway

Any permit issued under the provisions of this Chapterarticle shall provide that the permittee shall pay the entire expense of replacing any taxiway, taxilane, ramp, tie-down or airpark property in as good condition as before, and may provide such other conditions as to location and the manner in which the work is to be done as the Department finds necessary for the protection of the taxiway, tie-down or airport

property.

Section 9.02.210 ~~G-IV 4.60~~ Care of Drainage

If the work, use, or encroachment authorized in a permit interferes with the established drainage, the permittee shall provide for proper drainage as approved by the Department.

Section 9.02.220 ~~G-IV 4.61~~ Clean Up

As the work progresses, all taxiways, tie-downs or airport property shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Department. From time to time, as may be ordered by the Department and, in any event, immediately after completion of the work, the permittee shall, at permittee's own expense, clean up and remove all refuse and unused materials of any kind resulting from such work, and upon failure to do so within forty-eight (48) hours after having been notified to do so by the Department, the work may be done by the Department and the cost thereof charged to the permittee. Said notice shall be effective upon personal delivery, or forty-eight (48) hours after deposit in the U.S. Mail of a certified letter addressed to the permittee.

Section 9.02.230 ~~G-IV 4.62~~ Relocation of Facilities

Any permit issued under the provisions of this Ordinance shall contain a provision that in the event of the future improvement of the taxiway, necessitating the relocation or removal of such encroachment, the permittee will relocate or remove same at permittee's own expense. In said event, the Department shall serve on the permittee its written demand specifying the place or location or that the encroachment must be removed from the taxiway and specifying a reasonable time within which the work of relocation or removal must be commenced. Permittee shall commence such relocation or removal within the time specified in said demand and thereafter diligently prosecute the same to completion. Permittee shall have all appeal rights set forth in section 9.02.140 above.

Section 9.02.240 ~~G-IV 4.63~~ Disclaimer of Liability

This Ordinance shall not be construed as imposing upon the County or any official or employee any liability or responsibility for damages to any person injured by the performance of any work for which the permit is issued hereunder, nor shall the County

or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of the inspections authorized hereunder, or the issuance of any permit hereunder.

Section 9.02.250-G-IV 4.64 Violations/Infractions

A. Violation of the provisions of this ChapterArticle shall be an infraction and upon conviction thereof there shall be a mandatory fine imposed, as per Cal. Gov't Code §25132, as follows:

1. For a first violation, a fine of one hundred dollars (\$100).
2. For a second violation of the same ordinance (section) within a twelve-month period, a fine of two hundred dollars (\$200).
3. For a third or subsequent violation of the same ordinance (section) within a twelve-month period, a fine of five hundred dollars (\$500).

B. The Director of the Department shall be designated as the Nevada County Airport Encroachment Officer and shall be responsible for the enforcement of this ChapterArticle. The Airport Encroachment Enforcement Officer may deputize one or more employees of the Department to carry out the duties of the Enforcement Officer. These duties include:

1. Issuing a citation to any person, firm, company, corporation, association, or public agency which does any of the acts specified in 9.02.020 above~~this code~~ without the authority of a permit authorizing the act.
2. Issuing a citation to any person, firm, company, corporation, association, or public agency who exceeds the terms of their permit by changing the location, dimensions and character of the act or acts authorized in their permit. (Ord. 1640. (05/08/1990); Ord. 2526. (06/13/2023))

CHAPTER 3 ARTICLE 11: NEVADA COUNTY AIRPORT COMMISSION

Sections:

Section 9.03.010 ~~G-IV 11.1~~ Airport Commission - Composition, Appointment of Members and Quorum

Section 9.03.020 ~~G-IV 11.2~~ Airport Commission - Powers and Duties

Section 9.03.010 ~~G-IV 11.1~~ Airport Commission - Composition, Appointment of Members and Quorum

The Airport Commission shall consist of five (5) members. Each member of the Board of Supervisors is entitled to appoint one Commissioner, from among residents of the County at-large, and the Commissioner will serve at the pleasure of the Supervisor.

Three (3) members shall constitute a quorum for the transaction of business.

Section 9.03.020 ~~G-IV 11.2~~ Airport Commission - Powers and Duties

The Commission shall have the following powers and duties:

1. To assist and advise the Airport Manager and the Board of Supervisors on the planning, maintenance, development and operation of the airports and airport facilities which are, or will be, owned, controlled or leased by the County.
2. To study and to make recommendations on the subject of developing the airports and airport facilities at the Nevada County Airport.
3. To formulate and to recommend to the Airport Manager and the Board of Supervisors the general policies relating to the purposes of the Airport Commission.
4. To work with the Airport Manager in the preparation of a preliminary and final budget to submit to the Board annually, providing for the costs of maintenance, operation and improvement for the ensuing fiscal year.
5. To assist the Airport Manager in the study and to make recommendations on the subject of funds available to the County for the development of the airports and airport facilities from Federal, State and other sources.
6. The Airport Commission shall have such other functions, powers, and duties as the Board of Supervisors shall designate by resolution.

TITLE 10: PUBLIC LANDS, WATERWAYS, AND WATERCRAFT
CHAPTER 1: IN GENERAL

Sections:

- Section 10.01.010** **Applicability of Chapter**
- Section 10.01.020** **Definitions**
- Section 10.01.030** **Littering Beaches or Waterways**
- Section 10.01.040** **Shooting Across Waterways; Hunting of**
 Waterfowl
- Section 10.01.050** **Prohibited Areas for Swimming**
- Section 10.01.060** **Method of Establishing Boat Launching Areas,**
 Swimming
 Areas, Areas Where Boats Prohibited, and other
 Designations
- Section 10.01.070** **Penalty for Violations**

Section 10.01.010 Applicability of Chapter

This chapter shall be applicable to and govern all public waters including lakes and rivers or portions thereof situated within the boundaries of the County of Nevada over which the County has police power jurisdiction, either exclusively or concurrently with the United States or the State of California, or both, insofar as the provisions of this chapter do not conflict with applicable statutes or regulations of the United States or the State of California.

Section 10.01.020 Definitions

The following words and phrases when used in any provision of this chapter shall be construed to have the following meaning:

- A. BOAT. The term “boat” shall mean any vessel as defined in Cal. Harb. & Nav. Code § 651(d).
- B. MOTORBOAT. The term “motorboat” shall mean any vessel as defined in Cal. Harb.

& Nav. Code § 651(n).

- C. AQUAPLANE: The term “aquaplane” shall mean any device including, but not limited to, skis, wakeboards, and other flotation devices used for the transportation of one or more persons upon the surface of the water, and which is pulled or towed by any boat, vehicle or other motive power by means of a rope, chain, cable, wire or other connection. “Aquaplane” shall also mean “Planing”.
- D. “Sunset” and “Sunrise” shall also mean “Official Sunset” and “Official Sunrise” as determined by the National Oceanic and Atmospheric Association (NOAH).
- E. “Wake” and “Flat Wake” shall mean “Idle Speed”, or a speed no more than five (5) MPH where there is no white water.

Section 10.01.030 Littering Beaches or Waterways

It shall be unlawful to throw, place, deposit or dump, or cause to be thrown, placed, deposited or dumped, any garbage, swill, cans, bottles, papers, ashes, refuse, carcass of any dead animal, offal, trash, rubbish, wire, tacks or any noisome, nauseous or offensive matter or to throw, place, deposit or dump any other substance likely to injure any person, animal or boat upon any of the public beaches or waterways within the County.

Section 10.01.040 Shooting Across Waterways; Hunting of Waterfowl

It shall be unlawful for any person to shoot any firearms or gun operated by compressed gases or a spring from any boat or across or over any portion of the waters of any lake or reservoir; provided, however, that nothing in this Section shall prohibit the shooting of a shotgun from a boat or across a lake or reservoir waters during the lawful waterfowl hunting season for the purpose of killing waterfowl.

Section 10.01.050 Prohibited Areas for Swimming

It shall be unlawful for any person to swim in any area designated as a no swimming area, or to swim in a location or in such a manner as to create a hazardous or dangerous condition to the swimmer or any other person or object. The provisions of this Section shall not apply to an organized swim event.

Section 10.01.060 Method of Establishing Boat Launching Areas, Swimming Areas, Areas Where Boats Prohibited, and other Designations

The Board of Supervisors by resolution as to waters under its jurisdiction and the authorized representative of any other public agency as to water under its jurisdiction may designate and cause to be appropriately marked boat launching areas, areas designed exclusively for swimming, areas where swimming is prohibited, areas where boats are prohibited, areas of restricted speed or “slow-areas” and other boating and personnel control signs and devices and change same from time to time as the public safety and welfare may require, and when so marked, it shall be unlawful for any person to fail to comply with such designations.

Section 10.01.070 Penalty for Violations

Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment in the County Jail, or by both such fine and imprisonment. However, at the time a particular action is commenced, the judge may, considering the recommendation of the prosecuting attorney, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of the offense after such a reduction shall be punished by a fine of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000).

CHAPTER 2: WATERCRAFT REGULATIONS

Sections:

Section 10.02.010 Operator and Owner's Responsibility

Section 10.02.020 Supervised Boat Racing

Section 10.02.030 Supervised Water Shows

Section 10.02.010 Operator and Owner's Responsibility

It shall be unlawful for any person required to have a vessel operator card as per Cal. Harb. & Nav. Code §§ 678 – 678.15, to operate a boat or vessel.

It shall be unlawful for any person owning, possessing or in charge of any boat to knowingly permit such boat to be operated in violation of any of the provisions of this Chapter.

Section 10.02.020 Supervised Boat Racing

No provision of this Chapter shall be construed to prohibit or restrict the operation of any boat actually competing in a race or regatta over a marked racing course which is previously authorized in writing by the public agency having jurisdiction over the waters of such racing course or its duly authorized agent for such purpose, nor to conflict with any of the rules adopted by the agency governing the navigation regulations and other rules governing the conduct of such races.

Section 10.02.030 Supervised Water Shows

No provision of this Chapter shall be construed to prohibit or restrict the operation of any boat, aquaplane or water skier actually participating in a water show which is previously authorized in writing by the public agency having jurisdiction over the waters on which the water show is conducted or its duly authorized agent for such purpose.

CHAPTER 3: SMALL LAKE REGULATIONS

Sections:

Section 10.03.010 Small Lake Fishing Special Use Areas

Section 10.03.020 Speed - Maximum Speed of Ten (10) Miles Per Hour

Section 10.03.010 Small Lake Fishing Special Use Areas

Milton Reservoir, Martis Creek and Rucker Lake shall be designated as fishing\special use areas. It shall be unlawful to operate any internal combustion engine on such lakes. Said restrictions shall be effective with respect to said lakes upon the posting of notice of said restrictions by signs erected at each established launch ramp at such lakes or at a well-established common entry point.

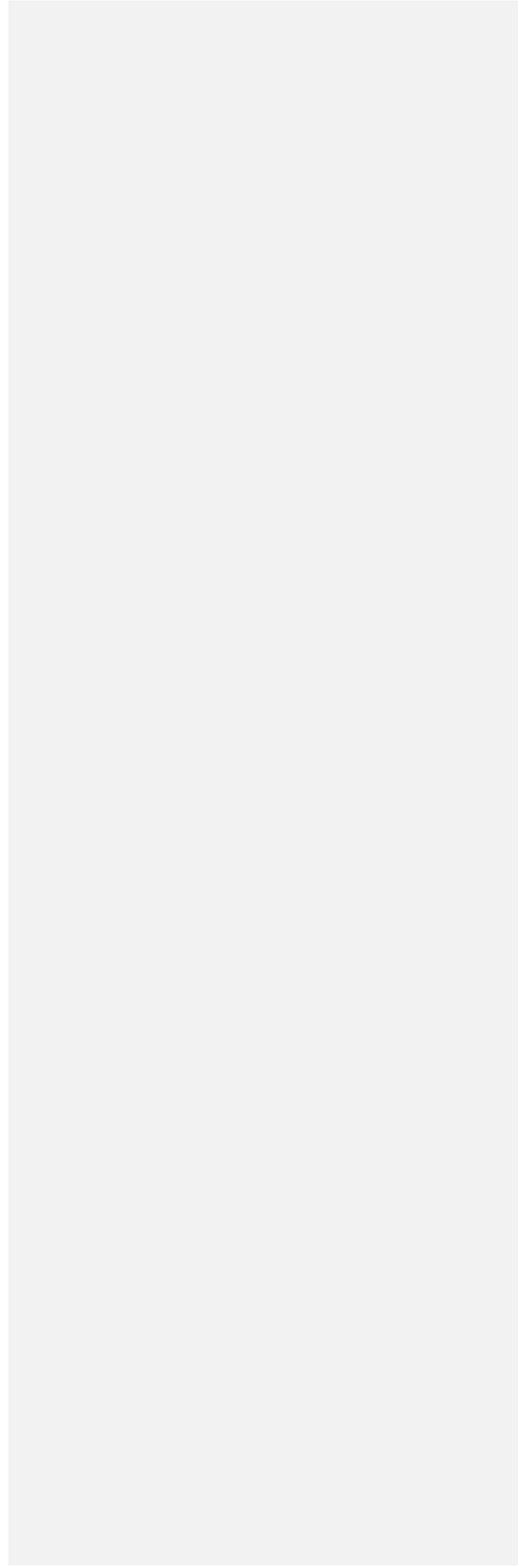
Section 10.03.020 Speed - Maximum Speed of Ten (10) Miles Per Hour

The following lakes shall be restricted to a maximum speed of ten (10) miles per hour:

- A. Prosser.
- B. Fuller.
- C. Meadow.
- D. Independence.
- E. Fordyce.
- F. Weaver.
- G. French.
- H. Jackson.
- I. Lower Scott's Flat.
- J. Tollhouse.
- K. Sterling.
- L. Catfish.
- A.M. McMurray.
- N. Sawmill.
- O. Carr.
- P. Feeley.
- Q. White Rock.
- R. Blue.

The speed limit established by this Section shall become effective with respect to each lake when notices of said restrictions are posted by signs erected at each established launch ramp at such lakes or at a well-established common entry point.

| _____



CHAPTER 4: ROLLINS RESERVOIR

Sections:

<u>Section 10.04.010</u>	<u>Boating Regulations - Rollins Reservoir</u>
<u>Section 10.04.020</u>	<u>Maximum Speeds</u>
<u>Section 10.04.030</u>	<u>Speed Zones</u>
<u>Section 10.04.040</u>	<u>Area Restrictions</u>
<u>Section 10.04.050</u>	<u>Chartlet</u>
<u>Section 10.04.060</u>	<u>Exceptions</u>
<u>Section 10.04.070</u>	<u>Implementation</u>
<u>Section 10.04.080</u>	<u>Non-Marked Areas</u>
<u>Section 10.04.090</u>	<u>Amendments</u>
<u>Section 10.04.100</u>	<u>Aquaplaning and Water-Skiing Restriction</u>
<u>Section 10.04.110</u>	<u>Greenhorn Creek Inlet - Day Use Only</u>

Section 10.04.010 Boating Regulations - Rollins Reservoir

Vessels operated on those waters of Rollins Reservoir situated in the County of Nevada and those same waterways shared with the County of Placer, shall be subject to the restrictions in this Section.

Section 10.04.020 Maximum Speeds

The maximum speed of any vessel on the waters of Rollins Reservoir, not otherwise indicated, is fifty (50) miles per hour during those hours from official sunrise to official sunset, and ten (10) miles per hour during those hours from official sunset to official sunrise.

Section 10.04.030 Speed Zones

FLAT WAKE ZONE. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hours which are identified and defined as “flat wake” zones:

A. LAUNCH AND MOORING AREAS:

Orchard Springs;

Mouth of Greenhorn Inlet;

Peninsula Launch Ramp Area.

B. FISHING AREAS:

Head of Greenhorn Creek;

Head of Bear River.

Section 10.04.040 Area Restrictions

SWIM AREAS. Vessels, except non-powered lifeguard boats, rafts, canoes and paddleboats, are prohibited within the following swim areas:

Greenhorn Inlet;

Peninsula Campground Launch Area;

Orchard Springs.

Section 10.04.050 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the “ROLLINS RESERVOIR USE RESTRICTION CHARTLET”.

B. Restrictions shown on portions of Rollins Reservoir situated in Placer County are shown for informational purposes only.

C. Said Chartlet shall be posted at all boat entries to Rollins Reservoir in Nevada County, and copies shall be made available to the general public at Marinas, and at the Nevada County Sheriff Office.

Section 10.04.060 Exceptions

These restrictions do not apply to marked enforcement vessels sanctioned by the Counties of Nevada or Placer, to vessels operated by any governmental entity or to vessels participating in a race sanctioned by the Board of Supervisors of the County of Nevada.

Section 10.04.070 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Section 10.04.080 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Rollins Lake not marked pursuant to this Section.

Section 10.04.090 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions of sections governing this “Chartlet” and “Implementation” contained in 10.04.050 and 10.04.070 within this Section.

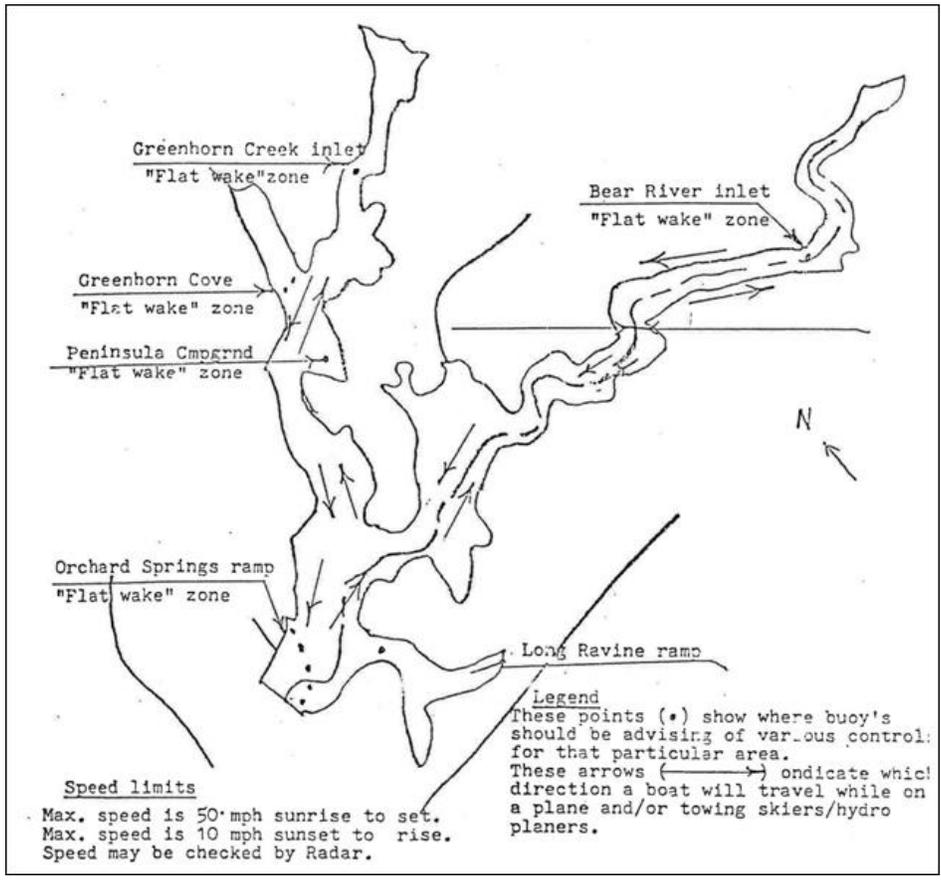
Section 10.04.100 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Section 10.04.110 Greenhorn Creek Inlet - Day Use Only

Use of the beach area at the Greenhorn Creek Inlet shall be restricted to day use only. Day Use is defined as that period of time between official sunrise and official sunset. The beach area is more specifically identified as that portion of land extending from the water level of Rollins Lake to 100 yards inland. Inlet shall be restricted to day use only. No campfires shall be allowed at any time.

Rollins Reservoir Use Restrictions Chartlet



CHAPTER 5: LAKE WILDWOOD

Sections:

<u>Section 10.05.010</u>	<u>Boating Regulations - Lake Wildwood</u>
<u>Section 10.05.020</u>	<u>Maximum Speeds</u>
<u>Section 10.05.030</u>	<u>Speed Zones</u>
<u>Section 10.05.040</u>	<u>Area Restrictions</u>
<u>Section 10.05.050</u>	<u>Chartlet</u>
<u>Section 10.05.060</u>	<u>Exceptions</u>
<u>Section 10.05.070</u>	<u>Implementation</u>
<u>Section 10.05.080</u>	<u>Non-Marked Areas</u>
<u>Section 10.05.090</u>	<u>Amendments</u>
<u>Section 10.05.100</u>	<u>Aquaplaning and Water-Skiing Restriction</u>
<u>Section 10.05.110</u>	<u>Dam Spillway Restriction</u>

Section 10.05.010 Boating Regulations - Lake Wildwood

Vessels operated on those waters of Lake Wildwood situated in the County of Nevada shall be subject to the restrictions in this Section.

Section 10.05.020 Maximum Speeds

The maximum speed of any vessel on the waters of Lake Wildwood, not otherwise indicated, is thirty-five (35) miles per hour from official sunrise to official sunset;

The maximum speed from official sunset to official sunrise during weekdays is ten (10) miles per hour;

The maximum speed on weekends and holidays between sunset and 8:00 a.m. is ten (10) miles per hour.

At any time of heavy use or other conditions affecting public safety or convenience, the Sheriff of Nevada County or their designee, may put a special maximum speed limit of five (5) miles per hour into effect on the entirety of the lake. Said special maximum speed limit shall become effective upon the flying of a red flag from the Marina Yardarm accompanied by public address announcements notifying boaters that the restriction is in effect. The Sheriff may authorize the Lake Wildwood Association to make such notice and announcements at times the special speed limit is in effect.

Section 10.05.030 Speed Zones

FLAT WAKE ZONES. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hour which are identified and defined as "Flat Wake" zones.

- A. Within the Marina or within two hundred feet of its entrance.
- B. Waters of the Wildwood Creek Inlet South of Pine Island.

C. Waters of the Deer Creek Inlet East of the channel entrance adjacent to Forest Circle park.

D. All waters within 100 feet of shoreline or designated swim areas.

Section 10.05.040 Area Restrictions

SWIM AREAS. Vessels, except non-powered lifeguard boats, are prohibited within these areas. Swim areas are roped off at Commodore Park (two), Meadow Park, Explorer Park and Vista Park Beaches.

Section 10.05.050 Chartlet

A. The Chartlet included at the end of this Section, indicating Speed Zones and Restricted Areas, shall constitute an integral part of this Section, and shall be known as the "LAKE WILDWOOD USE RESTRICTION CHARTLET".

B. Said Chartlet shall be posted at the Boat Launch and Marina entrance to Lake Wildwood, and copies shall be made available to all Lake Wildwood Association members by mail. Additional copies will be made available at entry gates, at the Marina and at the Nevada County Sheriff Office.

Section 10.05.060 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada, to vessels operated by any governmental entity or to the Lake Wildwood Security Patrol Vessel. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Section 10.05.070 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Section 10.05.080 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Lake Wildwood not marked pursuant to this Section.

Section 10.05.090 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the "Chartlet" and "Implementation" contained in 10.05.050 and 10.05.070 this Section.

Section 10.05.100 Aquaplaning and Water-Skiing Restriction

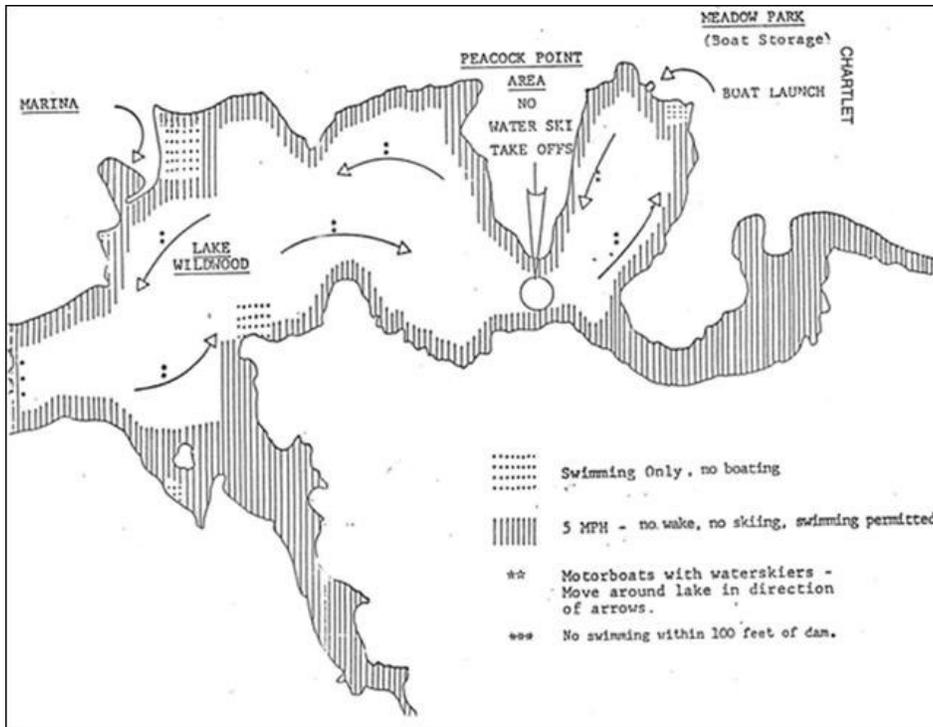
The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Section 10.05.110 Dam Spillway Restriction

It shall be unlawful for any person to swim within 100 feet of, or stand, walk or sit on the

spillway of Lake Wildwood Dam.

Lake Wildwood Use Restriction Chartlet



CHAPTER 6: ENGLEBRIGHT LAKE

Sections:

Section 10.06.010 Boating Regulations – Englebright Lake

Section 10.06.020 Vessel Operation Permit

Section 10.06.030 Maximum Speeds

Section 10.06.040 Water Skiing Restrictions

Section 10.06.050 Chartlet

Section 10.06.060 Exceptions

Section 10.06.070 Implementation

Section 10.06.080 Non-Marked Areas

Section 10.06.090 Amendments

Section 10.06.100 Aquaplaning and Water-Skiing Restriction

Section 10.06.110 Dam and Spillway Restrictions

Section 10.06.120 Speed Zones

Section 10.06.010 Boating Regulations – Englebright Lake

Vessels operated on those waters of Englebright Lake situated in the County of Nevada shall be subject to the restrictions provided in this Section.

Section 10.06.020 Vessel Operation Permit

- A. All privately owned vessels, described as fishing barges, pontoon boats or similar vessels, operated on project waters, will require an operational permit. This permit must be carried aboard the craft at all times and may be revoked at any time if the vessel is found to be unsafe. The Army Corps of Engineers Project Manager shall have the authority to issue such operation permits and inspect for unsafe conditions.
- B. No watercraft of this type with a hull size exceeding a beam width of ten (10) feet or a length of thirty (30) feet, shall be placed on these reservoirs. Hull measurements will be overall, including pontoons decking, walkways or any other appurtenances.
- C. Effective this date, no new craft of this type, which utilizes drums, barrels, bottles, flasks or similar unsafe materials for flotation, will be issued an operational permit. Further, operational permits for existing craft utilizing these types of flotation will not be renewed after 1 January 1978.
- D. All Federal State or County water pollution and sanitation rules and regulations are in effect at these reservoirs. Therefore, all watercraft containing a toilet or galley facility must be in conformance with applicable rules and regulations before use will be permitted.

Section 10.06.030 Maximum Speeds

The maximum speed of any vessel on the waters of Englebright Lake, not otherwise indicated, is fifty (50) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise is twenty (20) miles per hour unless otherwise indicated.

Section 10.06.040 Water-Skiing Restrictions

A. No water skiing shall be permitted upstream from the Eastern end of Upper Boston Bar.

B. The Sheriff of the County of Nevada may close additional areas to water-skiing or open any restricted areas whenever they deems it necessary to protect the public health and safety.

Section 10.06.050 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the “ENGLEBRIGHT LAKE USE RESTRICTION CHARTLET.”

B. Said Chartlet shall be posted at all boat entries to Englebright Lake. Copies shall be made available at the Nevada County Sheriff’s Office and the project office at Englebright Lake.

Section 10.06.060 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Section 10.06.070 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Section 10.06.080 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Englebright Lake not marked pursuant to this Section.

Section 10.06.090 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the “Chartlet” and “Implementation” contained in 10.06.00 and 10.06.070 within this Section.

Section 10.06.100 Aquaplaning and Water-Skiing Restriction

The operation of any boat on watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on Chartlet.

Section 10.06.110 Dam and Spillway Restrictions

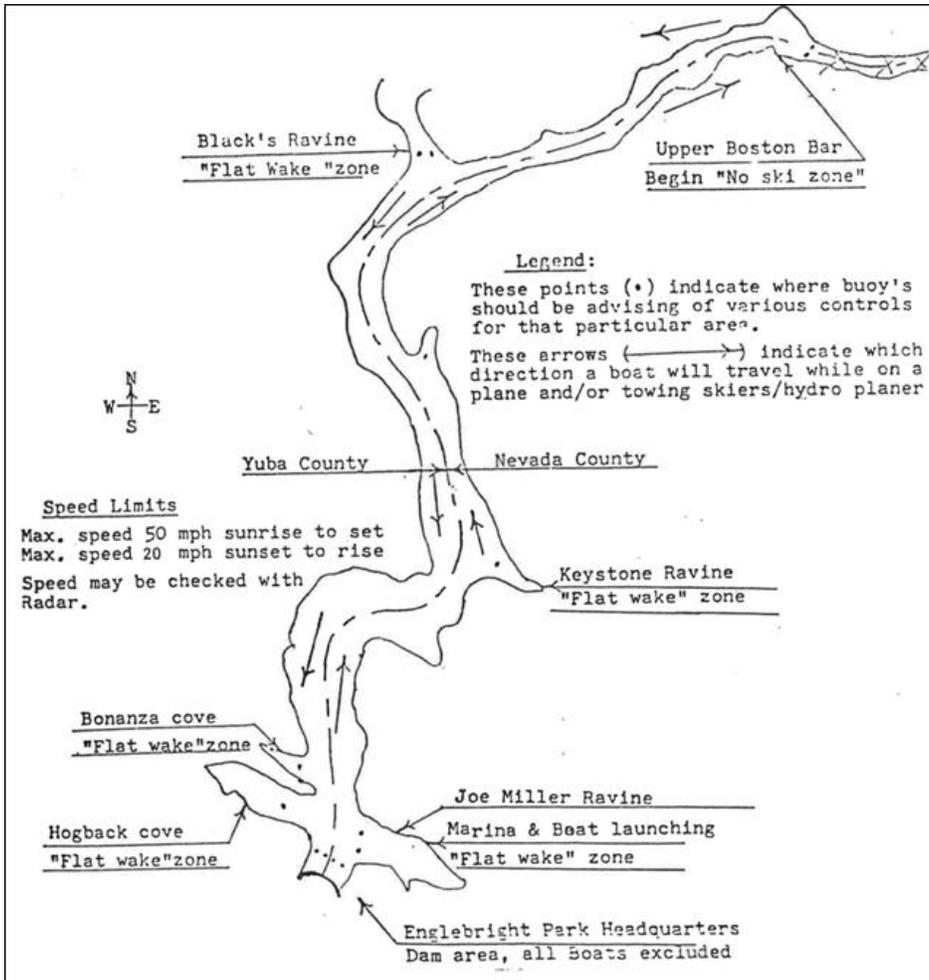
All boats and watercraft are prohibited within the area enclosed by the buoy line in the vicinity of the dam and spillway. It shall be unlawful for any person to swim within 100 feet of, or stand, walk or sit on the spillway of Englebright Dam.

Section 10.06.120 Speed Zones

FLAT WAKE ZONE. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hour, which are identified and defined as “flat wake” zones.

- A. Within the marina area.
- B. Keystone Ravine.
- C. Longs Cove.
- D. South Yuba.
- E. Upstream of the Confluence of the North Yuba and South Yuba below Pt. Defiance.
- F. Hogback Ravine.
- G. Bonanza Cove.
- H. Black’s Ravine.

Englebright Lake Use Restriction Chartlet

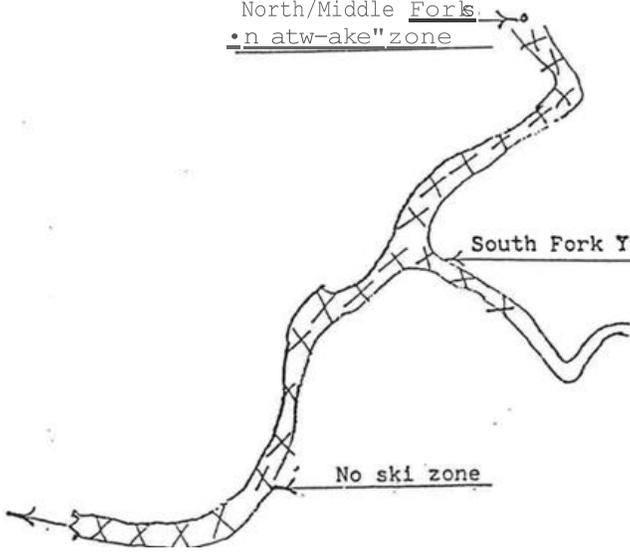




North/Middle Forks
• n atw-ake" zone

South Fork Yuba River

No ski zone



CHAPTER 7: DONNER LAKE

Sections:

- Section 10.07.010 Boating Regulations - Donner Lake
- Section 10.07.020 Maximum Speeds
- Section 10.07.030 Speed Zones
- Section 10.07.040 Chartlet
- Section 10.07.050 Exceptions
- Section 10.07.060 Implementation
- Section 10.07.070 Non-Marked Areas
- Section 10.07.080 Amendments
- Section 10.07.090 Aquaplaning and Water-Skiing Restriction

Section 10.07.010 Boating Regulations - Donner Lake

Vessels operated on those waters of Donner Lake situated in the County of Nevada shall be subject to the restrictions of this Section.

Section 10.07.020 Maximum Speeds

The maximum speed, unless otherwise restricted, of any vessel on the waters of Donner Lake is thirty-five (35) miles per hour from official sunrise until official sunset and is ten (10) miles per hour from official sunset until official sunrise.

Section 10.07.030 Speed Zones

FLAT WAKE ZONES. The maximum speed of any vessel in the speed zone areas set forth below is five (5) miles per hour, which are identified and defined as "Flat Wake" zones.

- A. Within 200 feet of the west end of Donner Creek outlet launch ramp area;
- B. Within 200 feet of the "public" or north side launch ramp area;
- C. Within 200 feet of the "Tahoe Donner" properties or east side launch area;
- D. Within the mouth of the Donner Creek inlet on the east side.

Section 10.07.040 Chartlet

- A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section and shall be known as the "DONNER LAKE USE RESTRICTION CHARTLET."
- B. Said Chartlet shall be posted at all boat entries to Donner Lake and copies shall be made available at the Nevada County Sheriff's Office.

Section 10.07.050 Exceptions

These restrictions do not apply to marked law enforcement vessels operated by the County of Nevada, to vessels operated by any governmental entity. Any exemptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Section 10.07.060 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when

marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Section 10.07.070 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Donner Lake not marked pursuant to this Section..

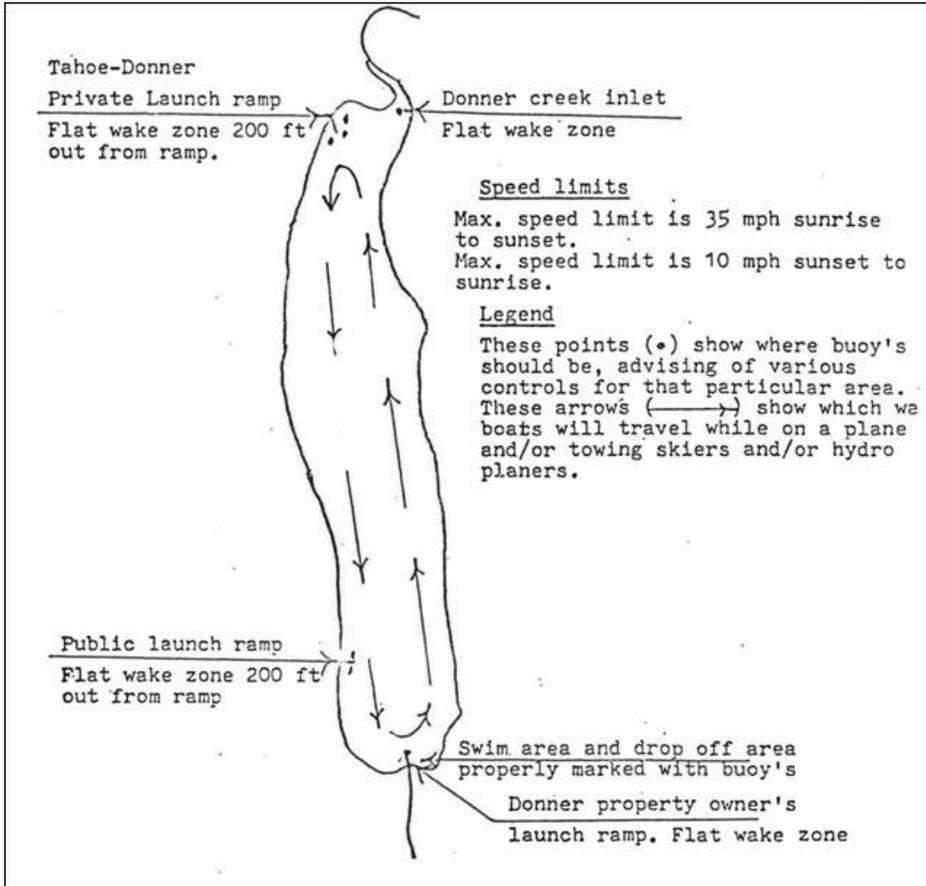
Section 10.07.080 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the “Chartlet” and “Implementation” contained in 10.07.040 and 10.07.060 within this Section.

Section 10.07.090 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake.

Donner Lake Use Restriction Chartlet



CHAPTER 8: LAKE OF THE PINES

Sections:

<u>Section 10.08.010</u>	<u>Boating Regulations - Lake of the Pines</u>
<u>Section 10.08.020</u>	<u>Maximum Speeds</u>
<u>Section 10.08.030</u>	<u>Speed Zones</u>
<u>Section 10.08.040</u>	<u>Area Restrictions</u>
<u>Section 10.08.050</u>	<u>Chartlet</u>
<u>Section 10.08.060</u>	<u>Exceptions</u>
<u>Section 10.08.070</u>	<u>Implementation</u>
<u>Section 10.08.080</u>	<u>Regulation of Lake</u>
<u>Section 10.08.090</u>	<u>Amendments</u>
<u>Section 10.08.100</u>	<u>Aquaplaning and Water-Skiing Restriction</u>

Section 10.08.010 Boating Regulations - Lake of the Pines

Vessels operated on those waters of Lake of the Pines situated in the County of Nevada shall be subject to the restrictions of this Section.

Section 10.08.020 Maximum Speeds

The maximum speed of any vessel on the waters of Lake of the Pines not otherwise restricted to five (5) miles per hour, as set forth in this Section, is thirty-five (35) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise during weekdays is five (5) miles per hour.

The maximum speed on weekends and holidays between official sunset and 7:00 a.m. is five (5) miles per hour.

Section 10.08.030 Speed Zones

FLAT WAKE ZONES: For the purpose of this Section, Flat Wake Zones are those portions of Lake of the Pines lying between the shore and the five (5) mph buoys. The maximum speed of any vessel within a Flat Wake Zone is five (5) miles per hour. Flat Wake Zones are identified in the Chartlet. All aquaplaning is prohibited within ten (10) feet of any buoy.

Section 10.08.040 Area Restrictions

SWIM AREAS. Swim areas are roped off at the Main Beach, Shadow Cove Park Beach, Sandy Point Park Beach, Southshore Park Beach, Green Valley Park Beach, and Sun Terrace Park Beach. Vessels, except non-powered lifeguard boats, are prohibited within these areas. Swim areas are identified in the Chartlet.

Section 10.08.050 Chartlet

A. The Chartlet included at the end of this Section indicating speed zones and restricted areas, shall constitute an integral part of this Section and shall be known as the "LAKE OF THE PINES USE RESTRICTION CHARTLET".

B. Said Chartlet shall be made available to all Lake of the Pines Association members and shall be posted at significant access points to the lake.

Section 10.08.060 Exceptions

These restrictions do not apply to marked law enforcement vessels operated by the County of Nevada or governmental entity, or to the Lake of the Pines Association marked security vessels.

Section 10.08.070 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Section 10.08.080 Regulation of Lake

It is the intent of the County of Nevada by adoption of this ordinance to fully regulate the time-of-day, speed zones, and special use areas upon all portions of the lake as authorized by Cal. Harb. & Nav. Code § 660.

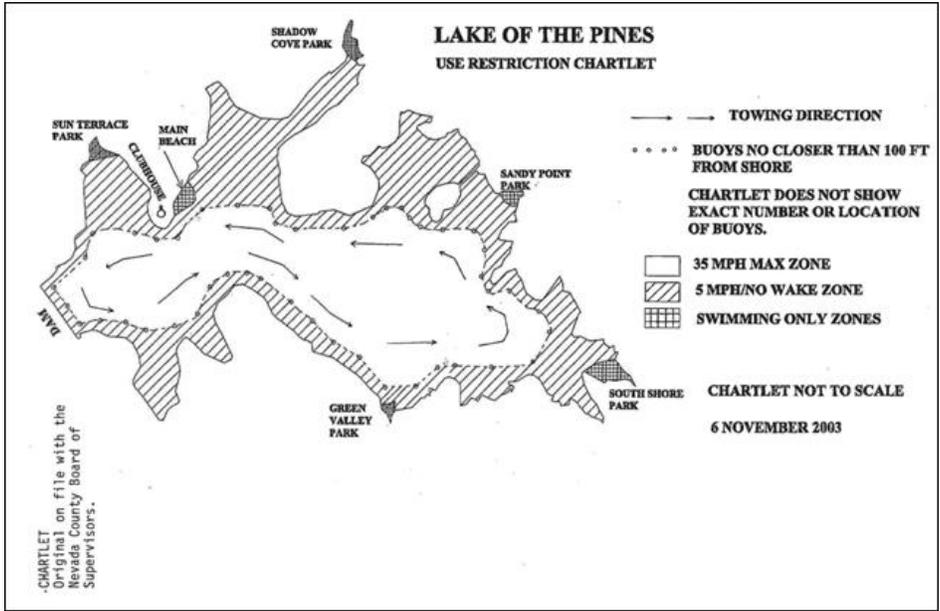
Section 10.08.090 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the “Chartlet” and “Implementation” contained in 10.08.050 and 10.08.070 within this Section.

Section 10.08.100 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning or towing shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Lake of the Pines Use Restriction Chartlet



CHAPTER 9: BOCA RESERVOIR

Sections:

- Section 10.09.010 Boating Regulations - Boca Reservoir.
- Section 10.09.020 Maximum Speeds
- Section 10.09.030 Speed Zones
- Section 10.09.040 Chartlet
- Section 10.09.050 Exceptions
- Section 10.09.060 Implementation
- Section 10.09.070 Non-Marked Areas
- Section 10.09.080 Amendments
- Section 10.09.090 Aquaplaning and Water-Skiing Restriction

Section 10.09.010 Boating Regulations - Boca Reservoir

Vessels operated on those waters of Boca Reservoir situated in the County of Nevada shall be subject to the restrictions of this Section.

Section 10.09.020 Maximum Speeds

The maximum speed of any vessel on the waters of Boca Reservoir, not otherwise indicated, is forty-five (45) miles per hour from official sunrise to official sunset. The maximum speed from official sunset to official sunrise, not otherwise indicated, is ten (10) miles per hour.

Section 10.09.030 Speed Zones

FLAT WAKE ZONES. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hour, which are identified and defined as “flat wake” zones.

- A. South Cove.
- B. Boca Campground Cove.
- C. North Cove.
- D. Dry Creek Cove.
- E. Boca Rest Campground Cove.
- F. Ski Jump Cove.
- G. East Cove.
- H. West Cove.

The maximum speed of any vessel in the speed zone areas designated above is forty- five (45) miles per hour when the vessel is operated by a member of the waterski club during a marine event conducted over the courses established, marked, and controlled by the authority of the Nevada County Sheriff’s Office. This paragraph shall not be effective until the waterski club has obtained a permit from the Nevada County Sheriff’s Office pursuant to Cal. Harb. & Nav. Code § 268. The permit shall specify on what day(s) and between such hours the event may be conducted. The fee for the permit shall be set by resolution of the Board of Supervisors. (Ord. 2413(06/28/2016); Ord. 2530. (10/24/2023))

Section 10.09.040 Chartlet

A. The Chartlet included at the end of this Section indicating speed zones and restricted areas, shall constitute an integral part of this Section and shall be known as the “BOCA RESERVOIR USE RESTRICTION CHARTLET.”

B. Said Chartlet shall be posted at all boat entries to Boca Reservoir. Additional copies will be made available at the Nevada County Sheriff’s Office.

Section 10.09.050 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada, nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Section 10.09.060 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the Cal. Code Regs. tit.14 §§ 7000 – 7009.

Section 10.09.070 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § Section 655.2 in those areas of the Boca Lake not marked pursuant to this Section.

Section 10.09.080 Amendments

Amendments to the Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the “Chartlet” and “Implementation” contained in 10.09.040 and 10.09.060 within this Section.

Section 10.09.090 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on Chartlet.

CHAPTER 10: SCOTTS FLAT LAKE

Sections:

Section 10.10.010 Boating Regulations – Scotts Flat Lake

Section 10.10.020 Maximum Speeds

Section 10.10.030 Speed Zones

Section 10.10.040 Aquaplaning and Water-Skiing Restriction

Section 10.10.050 Chartlet

Section 10.10.060 Exceptions

Section 10.10.070 Implementation

Section 10.10.080 Non-Marked Areas

Section 10.10.090 Amendments

Section 10.10.100 Personal Watercraft Prohibited

Section 10.10.110 Overnight Camping Prohibitions

Section 10.10.010 Boating Regulations – Scotts Flat Lake

Vessels operated on those waters of Scotts Flat Lake situated in the County of Nevada shall be subject to the restrictions provided in this Section.

Section 10.10.020 Maximum Speeds

The maximum speed of any vessel on the waters of Scotts Flat Lake, not otherwise indicated, is forty-five (45) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise during weekdays is ten (10) miles per hour.

Section 10.10.030 Speed Zones

FLAT WAKE ZONES. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hour, which are identified and defined as “Flat Wake” zones.

- A. Within Deer Creek inlet.
- B. Within the west side marina and launch area.
- C. Within 200 feet of Cascade Shores launch area.

Section 10.10.040 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on Chartlet.

Section 10.10.050 Chartlet

- A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the

“SCOTTS FLAT LAKE USE RESTRICTION CHARTLET”.

B. Said Chartlet shall be posted at all boat entries to Scotts Flat Lake. Copies shall be made available at the Nevada County Sheriff’s Office.

Section 10.10.060 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Section 10.10.070 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Section 10.10.080 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Code Harb. & Nav. § 655.2 in those areas of Scotts Flat Lake not marked pursuant to this Section.

Section 10.10.090 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions of governing “Chartlet” and “Implementation” contained in 10.10.050 and 10.10.070 within this Section.

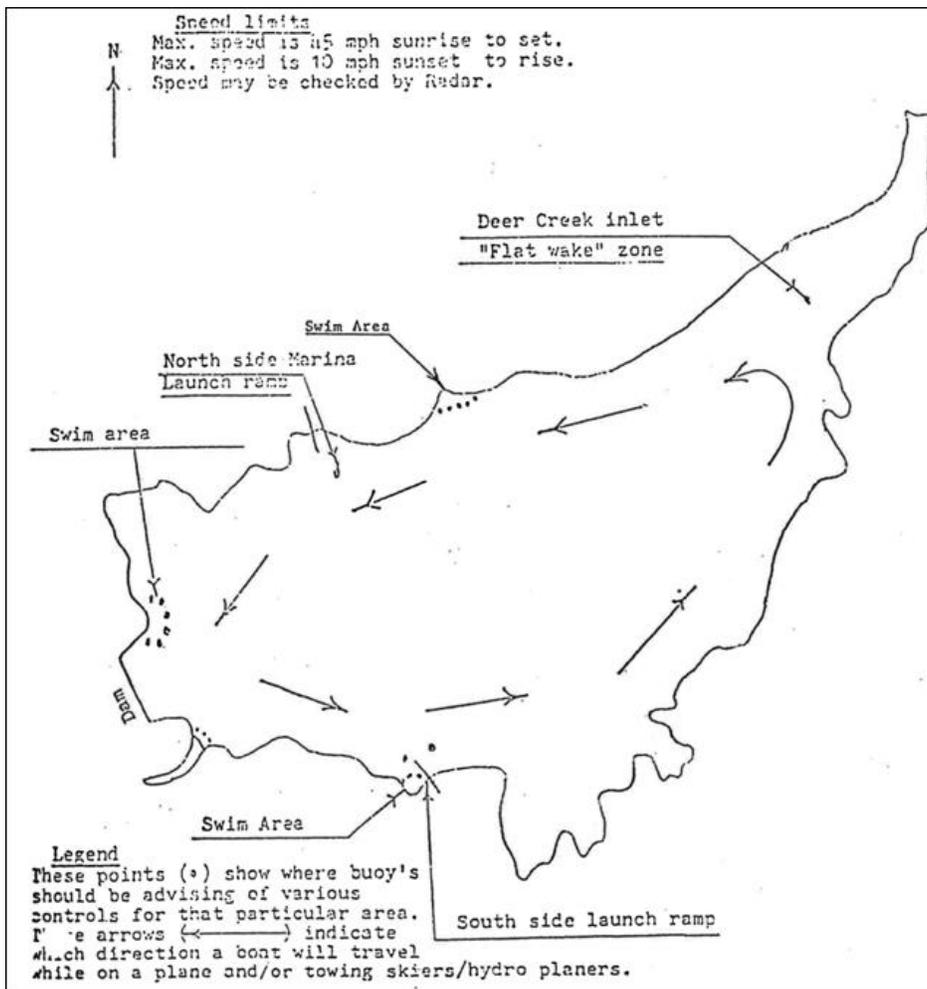
Section 10.10.100 Personal Watercraft Prohibited

Scotts Flat Lake is hereby designated a special use area for the purpose of prohibiting the use of personal watercraft on Scotts Flat Lake. Personal watercraft, as defined in Cal. Harb. & Nav. Code § 651, shall be prohibited from operating on Scotts Flat Lake. Personal watercraft shall include, but not be limited to, any vessel thirteen (13) feet in length or less, propelled by machinery, that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. Personal watercraft shall include jet skis, Wave Runners, Sea-Doos, and other recreational personal watercraft. This Section shall not apply to any type of fishing boat, sailboat, yacht, recreational, or water-ski boat, or any boat of a similar nature and purpose.

Section 10.10.110 Overnight Camping Prohibitions

Use of the shoreline at Scotts Flat Lake shall be restricted to day use only, except for those areas designated for overnight camping. Day use is defined as that period of time between official sunrise and official sunset. Overnight camping, mooring of boats (except in designated areas), and all campfires shall be prohibited with the exception of those portions of the Scotts Flat Lake which are designated for overnight use.

Scotts Flat Lake Use Restriction Chartlet



CHAPTER 11: SPAULDING LAKE

Sections:

Section 10.11.010 Boating Regulations – Spaulding Lake

Section 10.11.020 Maximum Speeds

Section 10.11.030 Speed Zone

Section 10.11.040 Aquaplaning and Water-Skiing Restriction

Section 10.11.050 Chartlet

Section 10.11.060 Exceptions

Section 10.11.070 Implementation

Section 10.11.080 Non-Marked Areas

Section 10.11.090 Amendments

Section 10.11.010 Boating Regulations – Spaulding Lake

Vessels operated on those waters of Spaulding Lake situated in the County of Nevada shall be subject to the restrictions provided in this Section.

Section 10.11.020 Maximum Speeds

The maximum speed of any vessel on the waters of Spaulding Lake, not otherwise indicated, is thirty-five (35) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise during weekdays is ten (10) miles per hour.

Section 10.11.030 Speed Zone

FLAT WAKE ZONE. The maximum speed of any vessel in the speed zone area set forth below is five (5) miles per hour, which is identified and defined as a “Flat Wake Zone”.

A Within 200 feet of boat launch ramp, dams or operating facilities of Pacific Gas and Electric Company.

Section 10.11.040 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on Chartlet.

Section 10.11.050 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the “SPAULDING LAKE USE RESTRICTION CHARTLET”.

B. Said Chartlet shall be posted at all boat entries to Spaulding Lake. Copies shall be made available at the Nevada County Sheriff’s Office.

Section 10.11.060 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Section 10.11.070 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 § 7000 – 7009.

Section 10.11.080 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Spaulding Lake not marked pursuant to this Section.

Section 10.11.090 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions of sections governing “Chartlet” and “Implementation” contained in 10.11.050 and 10.11.070 within this Section.

Spaulding Lake Use Restriction Chartlet

Spaulding Lake

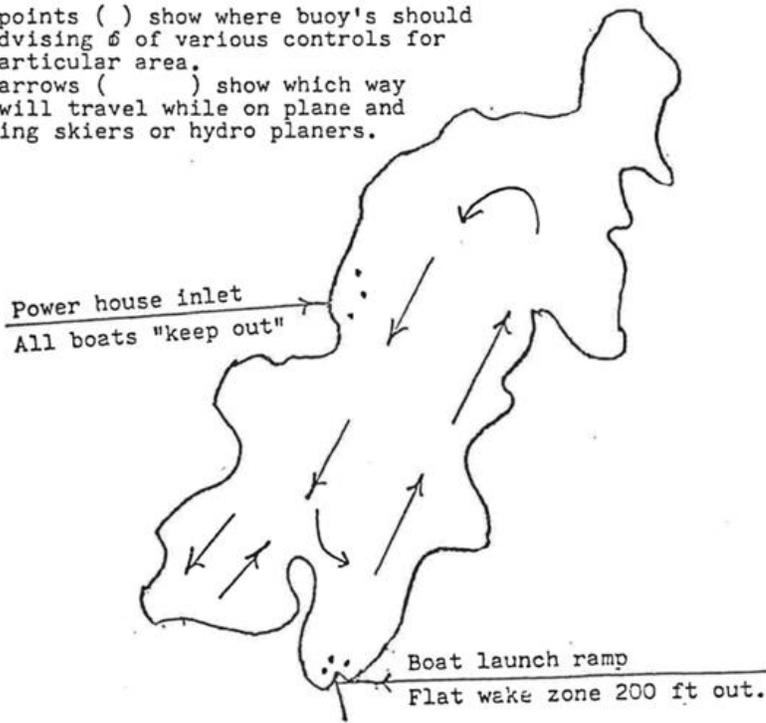
Speed limits

Max. speed 35 mph sunrise to sunset
Max. speed 10 mph sunset to sunrise

Speed may checked by radar

Legend

These points () show where buoy's should be , advising of various controls for that particular area.
These arrows () show which way boats will travel while on plane and or towing skiers or hydro planers.



CHAPTER 12: COMBIE LAKE

Sections:

- Section 10.12.010 Boating Regulations – Combie Lake
- Section 10.12.020 Maximum Speeds
- Section 10.12.030 Speed Zones
- Section 10.12.040 Aquaplaning and Water-Skiing Restriction
- Section 10.12.050 Chartlet
- Section 10.12.060 Exceptions
- Section 10.12.070 Implementation
- Section 10.12.080 Non-Marked Areas
- Section 10.12.090 Amendments

Section 10.12.010 Boating Regulations – Combie Lake

Vessels operated on those waters of Combie Lake situated in the County of Nevada shall be subject to the restrictions provided in this Section.

Section 10.12.020 Maximum Speeds

The maximum speed of any vessel on the waters of Combie Lake, not otherwise indicated, is thirty-five (35) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise during weekdays is ten (10) miles per hour.

Section 10.12.030 Speed Zones

The maximum speed of any vessel in the speed zone area set forth below is five (5) miles per hour, which is identified and defined as a “Flat Wake” zone.

Both coves on the north side of the Lake or on each side of the launch ramp on the Nevada County side.

Section 10.12.040 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on the Chartlet.

Section 10.12.050 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the “COMBIE LAKE RESTRICTION CHARTLET”.

B. Said Chartlet shall be posted at all boat entries to Combie Lake in Nevada County. Copies shall be made available at the Nevada County Sheriff’s Office.

Section 10.12.060 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Section 10.12.070 Implementation

The speed zone and area restrictions of this article shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

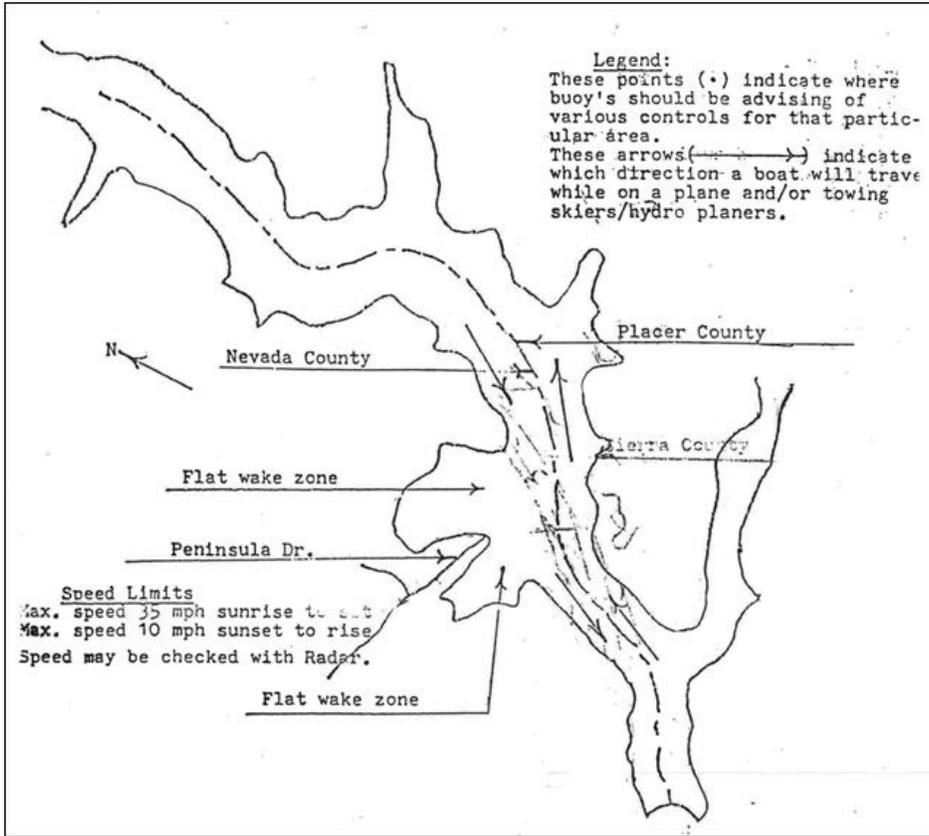
Section 10.12.080 Non-Marked Areas

The provisions of this article do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Combie Lake not marked pursuant to this Section.

Section 10.12.090 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions of sections governing “Chartlet” and “Implementation” contained in 10.12.050 and 10.12.070 within this Section.

Combie Lake Use Restriction Chartlet



CHAPTER 13: JACKSON MEADOWS RESERVOIR

Sections:

Section 10.13.010 Boating Regulations – Jackson Meadows Reservoir

Section 10.13.020 Maximum Speeds

Section 10.13.030 Speed Zones

Section 10.13.040 Aquaplaning and Water-Skiing Restriction

Section 10.13.050 Chartlet

Section 10.13.060 Exceptions

Section 10.13.070 Non-Marked Areas

Section 10.13.080 Amendments

Section 10.13.010 Boating Regulations – Jackson Meadows Reservoir

Vessels operated on those waters of Jackson Meadows Reservoir situated in the County of Nevada shall be subject to the restrictions in this Section.

Section 10.13.020 Maximum Speeds

The maximum speed of any vessel on the waters of Jackson Meadows Reservoir, not otherwise indicated, is thirty-five (35) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise is ten (10) miles per hour.

Section 10.13.030 Speed Zones

FLAT WAKE ZONE. The maximum speed of any vessel in the speed zone area set forth below is five (5) miles per hour, which is defined as a “Flat Wake” zone.

Within 200 feet or within the cove area known as Woodcamp Boat Launch.

Section 10.13.040 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Section 10.13.050 Chartlet

A. The Chartlet included at the end of this Section indicating speed zones and restricted areas shall constitute an integral part of this Section , and shall be known as the “Jackson Meadows Reservoir Restriction Chartlet”.

B. Said Chartlet shall be posted at all boat entries to Jackson Meadows Reservoir in Nevada County. Copies shall be made available at the Nevada County Sheriff’s Office.

Section 10.13.060 Exceptions

These restrictions do not apply to any marked enforcement vessels sanctioned by any governmental entity.

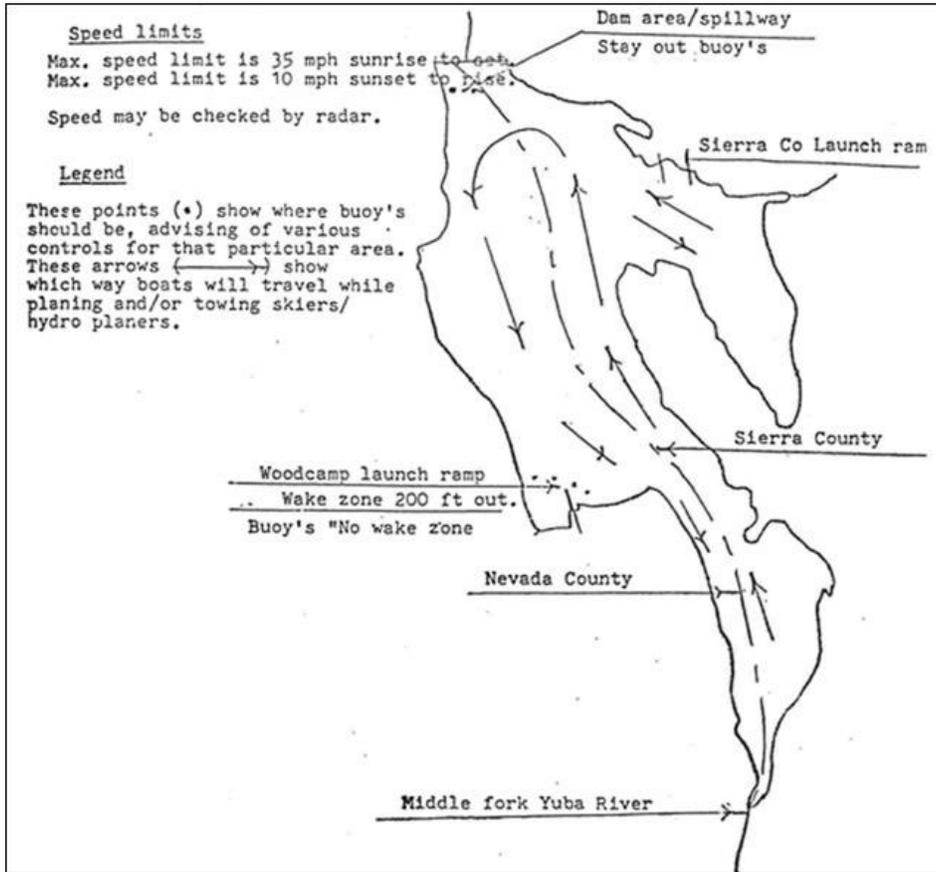
Section 10.13.070 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Jackson Meadows Reservoir not marked pursuant to this Section.

Section 10.13.080 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing “Chartlet” and “Implementation” contained in 10.13.050 within this Section.

Jackson Meadows Reservoir Use Restriction Chartlet



CHAPTER 14: AQUATIC INVASIVE SPECIES PREVENTION

Sections:

Section 10.14.010 Purpose

Section 10.14.020 Findings

Section 10.14.030 Definitions

Section 10.14.040 Prohibition

Section 10.14.050 Watercraft Inspections and Decontamination

Section 10.14.060 Fees

Section 10.14.070 Public Nuisance Declaration

Section 10.14.080 Violation of Section

Section 10.14.010 Purpose

The purpose of this Section is to protect all native and desired aquatic species, aquatic habitat, commerce and recreation in waters of the County of Nevada east of the Sierra crest by preventing the introduction and spread of Aquatic Invasive Species.

Nothing herein shall be deemed to or construed as creating an affirmative duty on the County to enforce the provisions of this Section, and no General Fund monies shall be used for administering or enforcing this program.

Section 10.14.020 Findings

- A. Water bodies within the County of Nevada may be adversely affected by the introduction of certain non-native species which have the potential to rapidly proliferate, harm and/or consume native species and food resources, and drastically alter the ecosystem of those water bodies. This can adversely impact the ecology, recreation, water supply, water quality, and economy of the region.
- B. In particular, species of Dreissenid mussels such as Quagga and Zebra mussels pose a significant and imminent threat to water bodies within the County of Nevada. Dreissenid mussels have already created serious and irreparable harm to bodies of water located in other locations in the United States and California.
- C. Presently, it does not appear that any water body in the County of Nevada has been infested with Dreissenid mussels. However, water vessels entering the County of Nevada from other areas may have recently been launched in infested waters, making those vessels at high risk to carry mussels, both adults and larvae, into County of Nevada waters.

D. A screening and inspection program is integral to the preservation of the water bodies and water distribution systems within the County of Nevada and to the drainages from the County of Nevada

Section 10.14.030 Definitions

A. “Aquatic Invasive Species” shall mean any invertebrates, plants, or fish species not already native to the waters of the County of Nevada whose introduction to those waters is likely to cause economic or environmental harm or harm to human health.

B. “County” shall mean the County of Nevada, State of California.

C. “Water body” or “Waters of the County of Nevada” shall mean the following public water bodies or waterways within the County of Nevada east of the Sierra crest, which are managed for public use and recreation: Boca Reservoir, Donner Lake, Independence Lake, Martis Creek Reservoir, and Prosser Reservoir.

“Watercraft” shall mean any vessel capable of carrying one or more people over water, and shall include, without limitation, all boats, canoes, kayaks, skiffs and rafts.

Section 10.14.040 Prohibition

A. No persons shall knowingly transport or introduce any Aquatic Invasive Species into the Waters of the County of Nevada.

B. No person shall knowingly launch any Watercraft contaminated with any Aquatic Invasive Species into the Waters of the County of Nevada

C. No person shall launch any Watercraft into the waters of the County of Nevada without first submitting to an inspection pursuant to Section 10.14.0505 below, when such an inspection is required by a duly authorized agent of the County or by County personnel.

D. No person shall launch any Watercraft into the Waters of the County of Nevada without having their Watercraft decontaminated when directed to do so by a duly authorized agent of the County or by County personnel.

E. No person shall knowingly provide false information to any person authorized to inspect, decontaminate or quarantine Watercraft pursuant to Section 10.14.050 below.

Section 10.14.050 Watercraft Inspections and Decontamination

A. The County of Nevada may appoint such agents and/or assign such County personnel as the Board of Supervisors may from time to time authorize to inspect Watercraft prior to launching into Waters of the County of Nevada to detect the presence and prevent the introduction of Aquatic Invasive Species. When inspection is required by

any such duly authorized agent or County personnel, no person may launch a Watercraft without first submitting to an inspection under this section.

B. Any Watercraft inspected pursuant to Section 10.14.050(a) that is found to have indicia of contamination by Aquatic Invasive Species may be required to undergo decontamination procedures or be quarantined prior to launch, pursuant to decontamination or quarantine procedures and requirements as shall be prescribed by the Agricultural Commissioner. Prior to launching into Waters in the County of Nevada, any Watercraft having undergone decontamination or quarantine procedures pursuant to this section shall be subject to such inspection and certification requirements as may from time to time be duly established by the Board of Supervisors.

C. Prior to launching any Watercraft into Waters of the County of Nevada and/or at the time of the inspection, the owner and/or operator of the Watercraft may be required to execute an affidavit indicating whether the Watercraft has been operated in any waters known to contain Aquatic Invasive Species and, if so, providing the date(s) of said operation, the length of time that the Watercraft has been continuously stored in a drained and dry condition subsequent to being on a water body containing Aquatic Invasive Species, and what decontamination or quarantine procedures, if any, the Watercraft has undergone. The affidavit shall be on a form approved by the County and shall contain a list of waters known to contain Aquatic Invasive Species. The affidavit shall be signed under penalty of perjury.

D. No person shall be required to submit a Watercraft to inspection under this section. If the Watercraft owner or operator refuses to consent to inspection or screening, that Watercraft shall not be allowed to launch in any Waters of the County of Nevada and shall be in violation of this Ordinance if they should nonetheless attempt to or actually launch in any Waters of the County of Nevada.

E. The owner of Waters of the County of Nevada shall be responsible for developing and implementing an Aquatic Invasive Species Prevention Program consistent with this Ordinance and for identifying those persons who shall be authorized by the County to administer inspections and/or decontamination and quarantine procedures under this Article. All such Programs shall be outlined in writing and submitted for review by the County of Nevada Agricultural Commissioner or their designee.

Section 10.14.060 Fees

All Watercraft inspected pursuant to this Section shall be subject to payment of fees to pay for the inspection and/or decontamination. Inspection and/or decontamination fees shall be in such amounts as may be established from time to time by resolution of the Board of Supervisors.

Section 10.14.070 Public Nuisance Declaration

Any violation of this Section is hereby declared to be unlawful and a public health nuisance and may be abated by such agents or County personnel as the Board of Supervisors may from time to time designate, irrespective of any other remedy provided in this Section.

Section 10.14.080 Violation

Every violation shall be an infraction and shall be punishable as such by a fine in the maximum amount(s) allowed under Cal. Gov't Code § 25132(b).

CHAPTER 15: SKIER RESPONSIBILITY

Sections:

<u>Section 10.15.010</u>	<u>Title</u>
<u>Section 10.15.020</u>	<u>Definitions</u>
<u>Section 10.15.030</u>	<u>Assumption of Risk</u>
<u>Section 10.15.040</u>	<u>Skier Duties - Misdemeanor</u>
<u>Section 10.15.050</u>	<u>Skier Duties - Infraction</u>
<u>Section 10.15.060</u>	<u>Skier Duties - General</u>
<u>Section 10.15.070</u>	<u>Notice of Skier Duties</u>
<u>Section 10.15.080</u>	<u>Skiers in Competition</u>
<u>Section 10.15.090</u>	<u>Penalties for Violation</u>

Commented [HC3]: Zach – Waterways (G-IX) has Chapters 1 -14 so this is correct as 10.15.

Section 10.15.010 Title

This Chapter shall be known as the County of Nevada Skier Responsibility Code.

Section 10.15.020 Definitions

The following words and phrases when used in this chapter shall be construed to have the following meanings:

- A. INHERENT RISKS OF SKIING is hereby defined to include, but not be limited to, those dangers or conditions which are an integral part of the sport of skiing, including, but not limited to, changing weather conditions, variations or steepness of terrain, snow or ice conditions, surface or subsurface conditions (whether man- modified or not) bare spots, creeks, gullies, forest growth or rocks, stumps, lift towers and other structures and their components, collision with other skiers and a skier's failure to ski within the skier's own ability.
- B. INJURY means any personal injury, death, or property damage or loss suffered by a skier, ski area operator, or ski area.
- C. SKIER is hereby defined to mean any person who is within the boundaries of a ski area for the purpose of engaging in the sport of skiing, including but not limited to snowboarding, alpine and Nordic skiing, or any person who is within the boundaries of the ski area for the purpose of observing any skiing activity.
- D. SKI AREA is hereby defined to mean any area designated and maintained by a ski area operator for the purpose of skiing or for the observance of any skiing activity.
- E. SKI AREA OPERATOR means any person, corporation or association, or their agent,

officer, employee or representative, who operates a ski area within the County of Nevada.

Section 10.15.030 Assumption of Risk

Any individual or group of individuals who engage in the sport of skiing of any type, including but not limited to Alpine and Nordic, or any similar activity within the boundaries of a ski area including entry for the purpose of observing any skiing or similar activity, shall assume and accept the inherent risks of such activities insofar as the risks are reasonably obvious, foreseeable or necessary to the activities. Skiers who ski in any area not designated for skiing within the ski area control boundary, or who ski outside of a posted area boundary, assume the risks thereof.

Section 10.15.040 Skier Duties - Misdemeanor

Skiers shall have the following duties, a violation of which shall constitute a misdemeanor:

- A. When involved in a skiing collision with other skiers which results in bodily injury to another person, a skier shall not depart from the scene of the accident without first leaving their name and address with the ski patrol in the ski area where such injury occurred.
- B. A skier shall not knowingly ski in an area or on a ski trail which is closed to the public and which has signs posted indicating such closures.

Section 10.15.050 Skier Duties - Infraction

Skiers shall have the following duties, a violation of which shall constitute an infraction:

- A. It shall be unlawful for any person to ski faster than is safe and it shall be the duty of all skiers to ski in a safe and reasonable manner, under sufficient control to be able to stop or avoid other skiers or objects.
- B. Skiers must wear retention straps or other reliable devices to prevent runaway skis.
- C. Skiers shall not embark or disembark from a ski lift except at designated areas, or by the authority of the ski lift operator.
- D. It shall be unlawful for any person who is under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug, to ski in a ski area.

Section 10.15.060 Skier Duties - General

Skiers shall have the following duties:

- A. Skiers shall familiarize themselves with the posted information supplied by the ski area operator on location and degree of difficulty of trails and slopes to the extent reasonably possible before skiing on any slope or trail.
- B. Skiers shall not cross the uphill track of any surface lift except at points clearly designated by the ski area operator.
- C. Skiers shall not overtake any other skier except in such a manner as to avoid contact with the overtaken skier and shall grant the right-of-way to the overtaken skier.
- D. Skiers shall yield to other skiers when entering a trail or starting downhill.
- E. Skiers shall not board rope tows, wire rope tows, J-bars, T-bars, ski lifts or other similar devices unless they have sufficient ability to use such devices, and skiers shall follow any written or verbal instructions that are given by the ski area operator or representative regarding the use of the devices delineated in this Section.
- F. A skier who is bodily injured, if reasonably possible, shall give notice of the injury to the ski area operator before leaving the area.
- G. A skier shall not stop skiing in such a manner as to obstruct a trail or be hidden from the view of the skiers uphill.

Section 10.15.070 Notice of Skier Duties

Ski area operators shall provide notice to skiers of their duties as delineated in this Chapter in a manner reasonably calculated to inform skiers of those duties.

Section 10.15.080 Skiers in Competition

The ski area operator shall, prior to the beginning of any skiing competition, including but not limited to, Nordic and Alpine, allow each competitor a reasonable visual inspection of the course or area within which the competition is to be held. No liability shall attach to the ski area operator for the injury or death of any competitor proximately caused by such competitor's engaging in a skiing competition.

Section 10.15.090 Penalties for Violation

The following penalties shall be imposed for violation of the Skier Responsibility Code:

- A. Any person convicted of a misdemeanor for violating the Skier Duties constituting a misdemeanor outlined above shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in the County Jail not to exceed six (6) months, or by both such fine and imprisonment.
- B. Any person convicted of an infraction for violating the provisions of Skier Duties

constituting an infraction outlined above shall be punished by a fine not exceeding \$100.00.

CHAPTER 16: SPECIAL AND OUTDOOR EVENTS

Sections:

Section 10.16.010 ——Definitions

Section 10.16.020 ——Permit Required; Prohibited Activities

Section 10.16.030 Exemptions

Section 10.16.040 Outdoor Events for Which No Permit is Required

Section 10.16.050 Application for Permit - Time Requirement

Section 10.16.060 Application for Permit - Content

Section 10.16.070 Regulations for Outdoor Events

Section 10.16.080 Processing Application; Bonds; Appeals

Section 10.16.090 Effective Date of Permit; Separate Permit Required for Each Day; Permit Non-Transferable

Section 10.16.100 Commencement of Event; Inspection Required; Re-inspection Fee

Section 10.16.110 Special Events Notification and requirements of the Office of Emergency Services

Section 10.16.120 Revocation of Permits and Denial of Future Permits; Failure to Comply with Permit Conditions; Closure of Events

Section 10.16.130 Penalties

Section 10.16.140 Appeal Process

Section 10.16.150 Other Requirements Not Waived

Section 10.16.010 Definitions

As used herein, the following definitions shall apply:

A. “Camping” means erecting a tent or shelter or arranging bedding or both, for the purpose of, or in such a way as will permit overnight use.

B. “Commercial Outdoor Event” means an Outdoor Event at which any fee or other

financial consideration is charged to vendors, sponsors, promoters or attendees for participation in and/or admission to the gathering, use or rental of the property or facility (or any portion thereof), or the sale of food, goods or services sold to attendees at or in connection with the event.

C. “Community Development Agency” or “CDA” means the Community Development Agency of the County of Nevada, California.

D. “County” means the County of Nevada, California.

E. “Emergency Services and Fire Safety Plan” means a plan submitted by the applicant setting forth its plans for providing emergency services and evacuation, including fire prevention and fire suppression on any property used for an Outdoor Event, and including emergency medical services to attendees, performers, exhibitors, or other persons at the Outdoor Event.

F. “Local Fire Official” shall mean the CALFIRE unit chief or the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, and all chief officers, engineers and trained, professional prevention staff as may be designated by them to enforce the provisions of this Chapter.

G. “Noise Mitigation Plan” means a plan submitted by the applicant setting forth its plans for addressing noise impacts on surrounding residences, campgrounds and businesses if the Outdoor Event includes amplified sound.

H. “Outdoor Event” means any outdoor gathering, including but not limited to festivals, concerts, carnivals, fairs, ceremonies, cultural celebrations, block parties, weddings or other outdoor event, activity or entertainment which is held at any place other than a permanent building which has been permitted, designed and constructed or customarily used for the purpose of housing such activities.

I. “Parking and Traffic Circulation Plan” means a plan submitted by the applicant setting forth its plans to address anticipated parking demands and traffic circulation and control, including provisions for emergency vehicle access before, during and after an Outdoor Event, for each day of the event.

J. “Property” means any parcel or group of contiguous parcels of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the California Government Code) which are held in whole or in part by the same owner or owners, as reflected on the latest equalized Assessor’s roll.

K. “Sheriff” means the Nevada County Sheriff or Undersheriff, or any Captain within the Nevada County Sheriff’s Office as may be designated by the Sheriff to review permit applications in accordance with this Chapter.

L. “Sponsors” and “Promoters” means all persons, business entities or organizations having a direct financial interest in the proceeds to be derived from the outdoor event, whether such proceeds arise from ticket sales, sales of food, goods or services, use or rental of the property or facility (or any portion thereof), sales of film, radio, television or sound recording rights, or otherwise. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.020 Permit Required; Prohibited Activities

A. It shall be unlawful for any person, business entity, or organization of any kind to advertise, maintain, operate, conduct, allow, or sell or furnish tickets or other types of authority for admission to, a Commercial Outdoor Event on Property with a gross area of more than five (5) acres with allowable zoning in the unincorporated area of the County of Nevada without first obtaining a permit to do so from the County.

B. It shall be unlawful for any person, business entity, or organization of any kind to advertise, maintain, operate, conduct, allow, or sell or furnish tickets or other types of authority for admission to, a Commercial Outdoor Event on a Property with a gross area of less than five (5) acres and/or zoned R1, R2 or R3 in the unincorporated area of the County of Nevada. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.030 Exemptions

A. No permit shall be required for any Commercial Outdoor Event if the event is held at a public or private facility which meets the following requirements:

1. The facility is permitted for large Commercial Outdoor Events in accordance with the Nevada County Code;
2. The facility is constructed for, and customarily and lawfully used for large Outdoor Events, including open air stadiums, ski resort areas, public parks, fair grounds, etc.; and,
3. The facility has permanently installed water, sanitation, access and parking facilities in accordance with County codes and which are adequate to accommodate the number of people in attendance.

B. No permit shall be required for any Outdoor Event sponsored, promoted and conducted by a tax exempt 501(c)(3) or 501(c)(4) organization or a state registered campaign committee, provided: (a) no financial consideration or other compensation is provided to the property owner for use of the property, (b) all proceeds from the event shall be for the sole benefit of the tax exempt organization or registered campaign committee, and (c) there is no history of substantiated complaints and/or calls for law enforcement services in connection with any Outdoor Event held at the event location or at any Outdoor Event sponsored, promoted or conducted by the organization or

committee.

C. No permit shall be required for a private “by-invitation-only” Outdoor Event such as a wedding, memorial service, family reunion, birthday party, or similar private event, if no fee or other financial consideration is charged to vendors, sponsors, promoters or attendees for participation in and/or admission to the gathering, use or rental of the property or facility (or any portion thereof), or the sale of food, goods or services sold to attendees at or in connection with the event.

D. No permit shall be required for agritourism activities defined Land Use definitions or winery related promotional events per the Nevada County Code. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.040 Outdoor Events for Which No Permit is Required

A. For any Outdoor Event which is not required to obtain a permit under this Chapter:

1. At least fifteen (15) days prior to the date of the Outdoor Event, the event sponsors and promoters, and/or the property owner are encouraged to provide the Community Development Agency, Sheriff and the local agency responsible for fire protection with the following information:

a. Written notice of the Outdoor Event, including the date or dates and hours during which the Outdoor Event is to be conducted, an estimate of the maximum number of people who will attend the event, and the name, age, telephone number and mailing address of the primary contact person(s) responsible for managing the event.

b. An Emergency Services and Fire Safety Plan for the Outdoor Event.

2. All Outdoor Events which are not required to obtain a permit, shall comply with the following health and safety requirements:

a. All hours and noise limitations as set forth in this code section governing Hours and Noise.

b. All temporary lighting shall be shielded, directed away from property lines and located as far away from adjacent properties as reasonably possible so as to minimize light and glare impacts to adjacent properties and the surrounding neighborhood.

c. No overnight Camping shall be allowed in residential areas.

d. Vehicles shall not be parked in any manner that would create a traffic hazard or impede the ingress or egress of emergency response vehicles, as determined by Community Development Agency, the Sheriff or the Local Fire Official. Vehicles may be parked on private property other than the event property with written permission from the property owner.

- e. Adequate toilet facilities shall be provided. Adequate toilet facilities can include the use of portable toilets with portable hand washing stations. Based upon the number of attendees, the requirement is one (1) portable toilet per fifty (50) persons and shall include a portable hand washing station that is stocked with water, paper towels and hand soap. A waste receptacle shall be located near the hand washing station for collection of waste paper towels. A minimum of one ADA compliant portable toilet is required if portable toilet facilities are used. Permanent public or common use toilets shall comply with the Federal ADA accessibility guidelines. Use of toilet facilities connected to the Nevada County Sanitation District system must be approved in writing in advance of any Outdoor Event.
- f. In addition to the above, the Outdoor Event host and property owner shall generally conduct the event in a manner that minimizes impacts on the surrounding neighborhood.
- g. Failure to comply with above requirements may result in enforcement action as provided in this Chapter, including summary closure of the event and penalties as provided in this Code. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.050 Application for Permit - Time Requirement

An application for a Commercial Outdoor Event permit shall be made in writing to the Community Development Agency and shall be accompanied by a non-refundable application fee in an amount approved by resolution of the Board of Supervisors. The application shall be signed by the owner of the property on which the Outdoor Event will occur and all Sponsors and Promoters of the Outdoor Event. The application shall be filed with the Community Development Agency at least sixty (60) days prior to the date upon which the proposed Outdoor Event is to commence. Incomplete applications and those submitted less than sixty (60) days prior to the date of the proposed Outdoor Event may, at the discretion of the Community Development Agency, be summarily denied. One application may be used to request up to eight (8) Outdoor Event permits per Property per calendar year. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.060 Application for Permit - Content

A. The application for a Commercial Outdoor Event shall include the following information:

1. Identification of Applicants and Owners. The name(s), age(s), residence(s) and mailing address(es), and twenty-four (24) hour telephone number of each person making the application and the owner(s) of any property on which the proposed

Outdoor Event (including vehicle parking) will be held. If the Outdoor Event is to be held for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and the name and address of the authorized responsible representatives of the organization.

2. Primary Contact Information. The name and cellular or other twenty-four (24) hour telephone number for the primary contact person(s) responsible for organizing the Outdoor Event and on-site management on the day(s) of the event.
3. Description of the Outdoor Event. A description of the proposed Outdoor Event, including any historical or promotional information, the date or dates of the event and the hours during which the applicant proposed to conduct the event.
4. Identification of the Premises. The exact location, legal description, and area of the premises on which the Outdoor Event and all related activities, including parking, will be held.
5. Prior Experience of Applicants. For each applicant, a brief explanation of their experience planning, managing and/or operating Outdoor Events, with particular emphasis on experience handling events which are of a similar size and nature as the proposed event for which a permit is requested. The Community Development Agency may require applicants to provide a list of references related to the applicant's prior experience with Outdoor Events.
- 4.6. Statement of Maximum Attendance. A statement regarding the maximum number of persons to be allowed in attendance at the Outdoor Event on each day. The Community Development Agency may use discretion in determining whether or not the proposed Outdoor Event is likely to attract more than the stated number of attendees and may modify permit conditions accordingly. The maximum number of people in attendance at the event shall not exceed the number approved under the permit.
7. Provisions for Public Health and Safety. An Emergency Services and Fire Safety Plan, a Noise Mitigation Plan, a Parking and Traffic Control Plan and detailed statements regarding the applicant's plans to supply emergency communications, policing and security protection, food and water, sanitation facilities, sound and lighting equipment, medical facilities and medical services, fire protection, vehicle parking, vehicle access and on-site traffic control, garbage, trash and litter cleanup, and proof that the applicant possesses or is able to obtain all licenses and permits required by the County or by state law for the Outdoor Event. Applicants may be required to hire, at the applicant's expense, security from a licensed, bonded security company and/or law enforcement, medical, fire or other emergency services personnel for the Outdoor Event. If alcohol will be served at the event, the applicant will provide a copy of the appropriate permit issued by the Department of Alcoholic Beverage Control prior to commencement of the Outdoor Event.

8. Contingency Plan. A detailed statement of the applicant's plans in the event that the number of persons in attendance exceeds the maximum attendance.

9. Event Site Plan. An event site plan or diagram showing:

- a. The location of the property on which the proposed Outdoor Event and all related activities will be held.
- b. The location of adjacent roads, lots, and residences, and the location and time that any roads are to be blocked or closed.
- c. The parking and traffic flow and control plan, including all access ways to and from the property and all interior access ways on the property.
- d. The location of all buildings and structures on the property or to be erected thereon, including but not limited to, all bandstands, stages, tents or other facilities for performers, and bleachers, tents, or seats for those attending.
- e. The location, time and type of any entertainment, whether amplification will be used and the location and orientation of loudspeakers.
- f. The location, style, wattage and orientation of all temporary lighting.
- g. The location of all toilets, medical facilities, emergency communications, generators, drinking facilities, fire pits or barbecues, and solid waste receptacles.

10. Statement of Responsibility. A statement by the applicant and the property owner agreeing to comply with all federal, state and local laws and Outdoor Event permit conditions, and to assume financial responsibility for all fines, penalties or other monetary sanctions imposed for violations of this Chapter. If the Outdoor Event is to be held for, on the behalf of, or by an organization, the authorized responsible representatives of the organization shall also sign this statement.

11. Insurance. Prior to issuance of a permit for any Outdoor Event, but not less than twenty-one (21) days before the date of the event, the applicant shall provide: (a) a commercial liability insurance policy in the minimum amount of one million dollars (\$1,000,000.00) and (b) an executed release and waiver of liability in favor of the County, in the forms and on terms acceptable to the County Risk Manager. The Risk Manager may impose additional insurance requirements depending on the size, nature and risk associated with the proposed Outdoor Event. The insurance shall name the County of Nevada, the Outdoor Event, the event sponsors and promoters, the property owners and their respective officers, agents and employees, as additionally insured parties to the event.

12. Consent to Enter. A consent for any peace officer, fire official, health officer, or other County official to enter the Outdoor Event area and the property on which the event

will be located at any time, in the course and scope of their duties.

13. Additional Information. Any additional information related to health and safety which the Community Development Agency determines is reasonably necessary to make a determination as to whether an Outdoor Event permit should be issued.

14. Notice to Neighbors. Within five (5) days after an application has been filed with the Community Development Agency, the applicant shall send or personally deliver written notices of the Outdoor Event to all property owners within five hundred (500') feet of the premises on which the event will be held. Notices shall include a brief description of the event, the dates, times, locations and types of activities that will take place during the event, and any additional information required by the Community Development Agency. The applicant shall prepare and submit with the application a copy of the written notice to be mailed to the neighbors, together with the list of properties, property owners and addresses to whom the notice will be sent. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.070 Regulations for Outdoor Events

All Commercial Outdoor Events for which a permit is required shall comply with the following minimum conditions:

A. Hours. Outdoor Events shall not open prior to 9 a.m. and shall close by 10 p.m.; provided, however, that Outdoor Events in non-residential areas shall close by 11 p.m. on Fridays and Saturdays. Permitted hours of operation may be extended if the applicant demonstrates good cause for the extension and demonstrates that the extended hours will not adversely impact owners or users of, or allowed uses on, surrounding properties.

B. Toilet Facilities. Adequate toilet facilities shall be provided. Adequate toilet facilities can include the use of portable toilets with portable hand washing stations. Based upon the number of attendees, the requirement is one (1) portable toilet per fifty (50) persons and shall include a portable hand washing station that is stocked with water, paper towels and hand soap. A waste receptacle shall be located near the hand washing station for waste paper towels. A minimum of one ADA compliant portable toilet is required if portable toilet facilities are used. Permanent public or common use toilets shall comply with the Federal ADA accessibility guidelines. Use of toilet facilities connected to the Nevada County Sanitation District system must be approved in writing in advance of any Outdoor Event.

C. Solid Waste Disposal. The applicant and property owner shall provide for the collection of solid waste and litter. Separate containers shall be provided for the collection of recyclable materials. All solid waste, litter and recyclable materials shall be removed from the site within twenty-four (24) hours following the event. For multiple day events, the grounds shall be maintained during each day of the event with no on-site accumulations which would create a nuisance or pose a health hazard. All solid waste

must be deposited at the County transfer station by a County approved garbage hauler and all recyclable materials conveyed to an approved recycling center. Event-related litter, posters and other signage and debris shall be removed from surrounding lands and roads within twenty-four (24) hours following the event.

D. Compliance with County Building Codes. All structures, including tents and other temporary structures, and electrical work shall be permitted and installed in compliance with the County Building Code and shall comply with the setback requirements in the Nevada County Code.

E. Lighting. All temporary lighting shall be shielded, directed away from property lines and located as far away from adjacent properties as reasonably possible so as to minimize light and glare impacts to adjacent properties and the surrounding neighborhood.

F. Overnight Camping Facilities. No overnight camping or campfires are allowed in association with Outdoor Events.

G. Parking and Traffic Circulation. Outdoor Events shall comply with the approved Parking and Traffic Circulation Plan. Vehicles shall not be parked in any manner that would create a traffic hazard or interfere with the ingress or egress of emergency vehicles as determined by the Community Development Agency, Sheriff or the Local Fire Official.

H. Noise. Outdoor Events shall comply with the approved Noise Mitigation Plan. Noise levels generated by Outdoor Events shall not exceed the standards set forth in Table 12.04.070 (Exterior Noise Limits) of the Nevada County Zoning Ordinance applicable to the Zoning District for the premises on which the outdoor event will be held. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023)). [Table 12.04.070]

I. Days. Outdoor Events shall have a maximum length of two (2) days, or forty-eight (48) hours, per event. The maximum length of the event may be extended if the applicant demonstrates good cause for the extension and demonstrates that the extended days will not adversely impact owners or users of, or allowed uses on, surrounding properties.

J. Frequency. No more than three (3) outdoor events shall occur per month and shall not occur on more than three (3) consecutive weekends regardless of the month in which they occur. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.080 Processing Application; Bonds; Appeals

A. Upon receipt of a complete application and application fee, the Community Development Agency shall distribute copies of the application to all other affected public

agencies and County departments, together with a request for their input and comments. If administratively possible, all responses shall be due within eighteen (18) days from the date the application is deemed complete. Thereafter, the Community Development Agency shall promptly issue a permit for an Outdoor Event if the Community Development Agency determines, based the comments received and any other relevant evidence, that the Outdoor Event can be conducted in a manner which will not jeopardize the public's health, safety and welfare.

B. The Community Development Agency shall impose conditions on the issuance of any permit consistent with the requirements in of this code, together with any such conditions as the Community Development Agency or Sheriff determines are reasonably necessary to protect the public health, safety and welfare.

C. The Community Development Agency shall notify the applicant in writing of the issuance or denial of a permit. If the Community Development Agency denies an application for a permit, the written notification shall include the basis for the decision. Whenever administratively possible, the Community Development Agency shall make the notification no later than thirty (30) days after the date the application was determined to be complete. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.090 Effective Date of Permit; Separate Permit Required for Each Day; Permit Non-Transferable

A. An Outdoor Event permit shall be valid only for the date or dates stated on the permit. A permit licensing fee in accordance with the fee adopted by Resolution by the Board of Supervisors shall be due prior to issuance of the permit. The Community Development Agency may authorize a maximum of eight (8) separate Outdoor Events per property per twelve (12)-month period.

B. The Community Development Agency may renew an Outdoor Event permit for an event that is held on an annual basis without following the procedures of this Chapter if: (a) the permit holder, the location of the Outdoor Event and the owner of the property on which the Outdoor Event will be held remain the same; (b) the Outdoor Event will be substantially the same as it was in prior years; (c) there is no history of substantiated complaints and/or calls for law enforcement services in connection with the prior Outdoor Events or the location at which the Outdoor Event is being held; and (d) the permit holder provides a Primary Contact Person, Insurance Policy, Statement of Responsibility and Consent to Enter in accordance with Nevada County Ordinances governing Sales and Use Tax, in conjunction with a request to renew the permit. A request to renew an Outdoor Event permit shall be made in writing at least thirty (30) days prior to the event and shall be accompanied by a renewal permit fee in an amount approved by resolution of the Board of Supervisors.

C. No Outdoor Event permit shall be transferable to another person or entity, or

removable to another location, date or time. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.100 Commencement of Event; Inspection Required; Re-inspection Fee

Prior to commencement of the Outdoor Event, the applicant shall call the Community Development Agency and the Local Fire Official for an inspection of the event site to assure compliance with all permitting conditions. If the Community Development Agency, Sheriff, the Local Fire Official or other County official find that any conditions of the Outdoor Event permit or this Chapter have not been met, said official shall notify the applicant indicating the correction(s) to be made. If it is determined that additional inspections are required, the applicant shall pay a re-inspection fee in accordance with the County's adopted fee schedules for each such additional inspection. The Outdoor Event may not commence until the applicant has submitted all required documentation, complied with any pre-conditions and paid all sums as required by this Chapter. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.110 Special Events Medical Transportation Services

1. Application

A. Permit applicants of high-risk and/or high-exposure events will be required to notify, in writing, the Office of Emergency Services (OES), the responsible law enforcement agency and the responsible fire protection agency thirty (30) days prior to the event and have Nevada County permitted ambulances with appropriate personnel and equipment present. Notification shall include:

1. Nature of the event;
2. Anticipated attendance;
3. Nature of the crowd;
4. Geography and physical characteristics of the event site;
5. Use of alcoholic beverages;
6. Use of fireworks or other pyrotechnics;
7. Amplified sound system; and
8. Additional information pertinent to the event.

The OES shall notify appropriate law and fire agencies upon receipt of the event notification.

B. All permit applicants for special events expecting 2,500 participants and/or

attendees shall submit appropriate medical plans, in a format established by the County, for approval by the County Public Health Director. Public health and sanitation plans shall be submitted for approval to the Nevada County Public Health Director. A copy of each of those plans shall be submitted to the responsible local law enforcement and fire protection authorities.

C. Guidelines for the public health plans will be promulgated and approved by the Public Health Director and guidelines for medical plans will be promulgated and approved by the County.

2. Ambulance Rates

A. The Board of Supervisors may adopt procedures for reviewing and regulating ambulance rates in the County. If regulated, ambulance permittees shall not charge more than the rates adopted by the Board of Supervisors. Alternatively, the Board of Supervisors may allow the marketplace to set rates subject to subsections B and D of this Section.

B. No charge shall be made for transporting uninjured or well persons who accompany a patient to an emergency care facility.

C. If regulated, the schedule of rates may be adjusted by the Board of Supervisors upon the receipt of a permittee request addressed to the Clerk of the Board of Supervisors. Upon request by the Board of Supervisors, the local EMS agency shall submit a written report and recommendation to the Board of Supervisors within thirty (30) calendar days of the request. If rates are regulated, the Board of Supervisors shall conduct a public hearing regarding the requested rate increase.

D. Any rate change, even those approved by the Board of Supervisors, as applicable, shall be effective thirty (30) days from the date of approval, if by the Board of Supervisors, and first publication, as a display public notice, in a daily newspaper of general circulation within the County at least two (2) times and not less than five (5) calendar days apart.

E. Current rate categories and charges shall be posted at each permittee's place of business.

3. Interfacility Transfers

A. Each ambulance provider participating in the transfer of patients with an ambulance will conform to all laws, rules and regulations, including but not limited to, set forth in the California Health and Safety Code and Local EMS Agency policies applicable to inter- facility transfer of patients, and pursuant to any formal transfer agreements, including mutual aid agreements, between transferring and receiving facilities involved.

B. Treatment performed by ambulance personnel for the patient in transport, shall be provided with appropriate medical care, including personnel and equipment, according to the California Health and Safety Code and applicable Local EMS Agency policies.

4. Disaster Operations

A. Each permittee shall make ambulances available, when resources allow, to the Nevada County Office of Emergency Services during times of disaster or large-scale system emergencies in accordance with the Multi-Casualty Incident Plan. Ambulances shall report to a designated staging area via radio for direction. A designated dispatch center shall coordinate all dispatch functions for said ambulances during the event. All ambulances shall remain under the control of the Incident Commander until released.

B. Permittee shall make every effort to call in off-duty personnel to staff additional ambulances as necessary to meet system demands.

C. Permittee shall have on file with the Nevada County Office of Emergency Services and local EMS Agency, its disaster response and personnel call-back plan.

D. All management and field personnel of permittee shall follow the guidelines and directions of the OES Region IV Multi-Casualty Incident Plan and the Nevada County Emergency Action Plan during the incident.

E. At least once a year, permittee shall participate in an interagency organized disaster exercise. All of permittee's costs associated with their participation in the disaster exercise shall be the sole responsibility of the permittee.

5. Prohibited Acts

A. No person or service may represent, advertise or imply that it is authorized to provide ambulance or medical transport services unless the service has a current, valid permit issued by the local EMS Agency.

B. No service or agency may use EMT-Ps and/or registered nurses unless the service or agency has a current, valid permit issued by the local EMS Agency and the service operates in accordance with all provisions of this Chapter.

C. No person, service or agency shall be out of compliance with Cal. Gov't Code § 855, in matters relating to providing a drug-free workplace.

Section 10.16.120 Revocation of Permits and Denial of Future Permits; Failure to Comply with Permit Conditions; Closure of Events

A. The Community Development Agency shall have the right to modify or revoke any permit or permits for any of the following causes:

1. The applicant fails, neglects or refuses to fulfill any of the requirements and/or conditions imposed upon the granting of an Outdoor Event permit or as otherwise required by this Chapter.

2. The applicant permits the Outdoor Event to be conducted in a disorderly manner.

3. The Outdoor Event is being held for an unlawful purpose and/or the applicant violates or attempts to violate any Federal or State law or County code.

4. If the Community Development Agency, Sheriff and/or the Local Fire Official determine that due to the scope of the Outdoor Event and the number of safety personnel required to provide protection and traffic control, it is more likely than not that normal public safety protection elsewhere in the County or the local fire protection district cannot be provided continuously and safely for the duration of the Outdoor Event.

5. Upon request of the applicant, if the applicant demonstrates that the modification will not adversely impact owners or users of, or allowed uses on, surrounding properties, and either:

a. The applicant demonstrates good cause for the modification; and/or

b. The modification is necessary due to an unforeseen emergency or act of nature which is outside the applicant's control.

B. The Community Development Agency shall have the right to modify, deny or revoke any Outdoor Event permit if it appears, based on competent evidence, that the applicant has made a false, misleading or fraudulent statement of material fact in the permit application, or in any other document required pursuant to this Chapter. Prior to such denial or revocation, the Community Development Agency shall notify the applicant of the evidence and provide applicant with two (2) business days to rebut said evidence in writing.

C. A finding that an applicant has materially violated or defaulted in the performance of any of the provisions in this code, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits for future Outdoor Events by that applicant. The finding that a parcel or property has a history of materially violating, or defaulting in the performance of, such provisions, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits for future events at that location.

D. Written notice of a permit revocation or a change in permit conditions shall be personally delivered or sent by the Community Development Agency to the applicant and the property owner at their respective addresses given in the application. Such revocation shall become effective immediately after being ordered by the Community Development Agency.

E. The Community Development Agency or Sheriff may suspend operation and close any Outdoor Event prior to the expiration of an Outdoor Event permit when, a shutdown becomes necessary to prevent injury to person or persons and/or damage to property, or the continued operation of the Outdoor Event constitutes an immediate and serious threat to the health or safety of persons or property. For purposes of this section, “an immediate and serious threat to health or safety” includes, but is not limited to, the occurrence of a riot, major disorder or serious breach of the peace; the occurrence of a public disaster, calamity, fire or other emergency; excessive calls for service related to assaults, battery, disorderly conduct and the like; overcrowding or allowing significantly more attendees at the event than approved under the Outdoor Event permit; or other gross or willful violations of federal, state or local law which create an immediate and serious risk of damage, injury or death to event participants, surrounding properties, or emergency services personnel.

F. The Community Development Agency or Sheriff may immediately terminate, suspend and close any Outdoor Event which fails to obtain or maintain a valid permit in accordance with this Chapter, or which commences in violation of Section 10.16.10G-V 2-11, above. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.130 Penalties

Violations of this Chapter shall be enforced in accordance with ~~Section L II 5.21~~ Enforcement and Penalty for Violations of: Zoning Regulations of the Nevada County Code. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.140 Appeal Process

An appeal of the determination of the Community Development Agency shall be conducted in accordance with Appeals of Zoning Regulations of the Nevada County Code. The appeal shall not be valid and shall not be processed unless accompanied by an appeal fee in an amount established by resolution of the Board of Supervisors, which may be amended from time to time. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.150 Other Requirements Not Waived

Nothing in this Chapter shall be deemed to waive any other local, state or federal requirements which may apply to the Outdoor Event. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

**TITLE 11: MISDEMEANORS, PRISON LABOR & WORK FURLOUGH
CHAPTER 1: MISDEMEANORS**

Sections:

Section 11.01.010	Business Premises - Preventing Persons from Entering
Section 11.01.020	Curfew - Established
Section 11.01.030	Curfew - Responsibility of Parents or Guardian
Section 11.01.040	Curfew - Permitting Minors to Remain on Premises After Curfew
Section 11.01.050	Curfew - Penalty for Violation of Two Preceding Sections
Section 11.01.060	Curfew - Arrest and Disposition of Violators
Section 11.01.070	Drunkenness
Section 11.01.080	Employment - Hindering by Means of Processions.
Section 11.01.090	Employment - Hindering by Picketing, etc.
Section 11.01.100	Employment - Hindering by Means of Opprobrious Remarks
Section 11.01.110	Loitering, Obstructing Sidewalks, Highways.
Section 11.01.120	Remarks Tending to Create Breach of Peace
Section 11.01.130	Smoking in Open Areas
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Section 11.01.150	Standards of Beach and Swimming Apparel in Public Places - Penalty for Violation
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Section 11.01.200	Discharging a Firearm
Section 11.01.210	Prohibition on Use of Steel Jaw Leghold Traps
Section 11.01.230	School Truancy Prohibited
Section 11.01.240	Penalty for Violation

Section 11.01.010 Business Premises - Preventing Persons from Entering

It is unlawful for any person to beset or picket the premises of another, or any approach thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to refrain from entering such premises, or to refrain from patronizing, negotiating with or transacting business with the owner or occupant of such premises.

It is unlawful for any person, in association or agreement with one or more persons, to assemble, congregate or meet together in the vicinity of the premises of another, or upon the streets, highways or approaches thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence or fear, to refrain from entering such premises, or to refrain from patronizing, negotiating with or transacting business with the owner or occupant of such premises.

Section 11.01.020 Curfew - Established

Every person under the age of eighteen (18) years who loiters in or about any public street or other public place or any place open to the public in the unincorporated territory of the county between the hours of 10:30 p.m., and the time of 6:00 a.m. of the following day, when not accompanied by their parent, guardian or other adult person having the legal care, custody or control of such person, or spouse of such person over twenty-one (21) years of age, is guilty of a misdemeanor.

A violation of this section or any provision thereof is punishable as a misdemeanor.

Section 11.01.030 Curfew Responsibility of Parents or Guardian

It shall be unlawful for any parent, guardian, or other person lawfully entitled to the care, custody and control of any minor under the age of eighteen (18) years, to knowingly suffer or permit such minor to be unlawfully upon the streets, roads or highways or other public place or in any place open to the public in the county between the hours of 10:30 p.m. and 6:00 a.m. within the meaning of the preceding section.

Section 11.01.040 Curfew - Permitting Minors to Remain on Premises After Curfew

It shall be unlawful for the owner of any place open to the public in the county, or their manager, agent or employee, to suffer or permit any minor under the age of eighteen (18) years to be in such place of business between the hours of 10:30 p.m. and 6:00 a.m. within the meaning of the two preceding sections.

Section 11.01.050 Curfew - Penalty for Violation

Any person violating the provisions regarding curfew shall be deemed guilty of a misdemeanor.

Section 11.01.060 Curfew - Arrest and Disposition of Violators

Any person under age eighteen (18) violating Section 11.01.202, Ceurfew, shall be taken in custody of the Sheriff, Probation Officer or any other peace officer of the county and turned over to the Juvenile Court of the County to be dealt with under the laws of the State.

Section 11.01.070 Drunkenness

A. PROHIBITION AGAINST OPEN CONTAINERS: Any person possessing any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed in or on any public street, sidewalk or other public right-of-way in any of the following designated areas shall be guilty of an infraction:

1. TOWN OF TRUCKEE, CALIFORNIA: A strip of land 100 feet on each side of the following described lines:

Part 1: Beginning at a point in the center of Donner Pass Road, County Road No. 664AF1 at the intersection of said Donner Pass Road and High Street, County Road No. 686BA2 as shown on the Nevada County Road System Map, 1980; thence from said point of beginning northeasterly along the center line of Donner Pass Road, County Road No. 664AF1 to the intersection of Donner Pass Road and Bridge Street, County Road No. 686AR2 and State Highway 267. Thence northwesterly along the center line of Bridge Street and East Main Street. County Road No. 686AF2 to the end of the first part of said strip of land.

Part 2: Beginning at the center of State Highway 267 at the intersection of State Highway 267 and Bridge Street, County Road No. 686AR2 and Donner Pass Road, County Road No. 664AF1. Thence along the center line of said State Highway 267 in a northeasterly direction to the section in between Section 10 and Section 15, Township 17 North, Range 16 East, M.D. & M. to the end of the second portion of said strip of land.

2. NORTH SAN JUAN, CALIFORNIA: A strip of land 100 feet on each side of the following described land:

Beginning at a point on the center of State Highway 49, 500 feet southwest of the intersection of said Highway 49 and School Street (County Road Number 713AF2) as shown on the Nevada County Road System Map dated 1980. Thence northerly along the center line of said Highway 49 to the intersection of said Highway 49 and Oak Tree Road, County Road No. 713AK2, as shown on the Nevada County Road System

Map dated 1980. To the end of said strip of land.

3. WASHINGTON, CALIFORNIA: A strip of land 100 feet each side of the following described line:

Beginning at the most Southerly corner of Lot 18 as shown on the Record of Survey of the Townsite of Washington filed in Book 2 of surveys at Page 11, Nevada County Records. Said point of beginning also being in the center of Washington Road, County Road No. 637AD1 as shown on the County Road System Map, 1980. Thence from said point of beginning northwesterly and northeasterly along the center line of said Washington Road to the most northerly corner of Lot 42 of said Townsite Map being the end of said strip of land.

B. EXCEPTION - PERMITS FOR SPECIAL CIVIC EVENTS: The enforcement of this Section may be suspended as to any location upon application of any non-profit organization for a period not exceeding twelve (12) hours when the suspension is in conjunction with any special civic event organized by the non-profit organization and which meets the following criteria:

1. Has a security plan for the control of those individuals' consuming alcohol which plan shall be submitted to and approved by the Nevada County Sheriff's Office.
2. Shall be limited to a single special event.
3. Any permit issued hereunder shall specify that alcoholic beverages shall be consumed only out of plastic or paper cups and shall prohibit the consumption of such beverages from glass bottles or metal cans.
4. Payment of a processing fee.
5. A clean-up plan to be approved, in advance, by the Department of Public Works and shall require a cleaning deposit.

A special event is defined as one which is conducted for the benefit of the local community and includes, but is not limited to, street dances, concerts, fairs, art shows.

Any person who is convicted of a violation of this section after having previously been convicted three times within the preceding twelve-month (12) period of a violation thereof shall be guilty of a misdemeanor if the defendant has admitted said convictions or they are alleged in the accusatory pleading and proved. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged and sufficient proof thereof.

Section 11.01.080 Employment - Hindering by Means of Processions, etc.

It shall be unlawful for any person to form, or to aid in forming, or to ride in, any

parade, or procession of two (2) or more motor vehicles formed or moving along any highway for the purpose of inducing any person, by means of compulsion, coercion, intimidation or fear, from entering into or carrying on their employment, upon or about any business, mine, mill, mine property, farm, ranch, packing shed or any other place of employment.

Section 11.01.090 Employment - Hindering by Picketing.

It is unlawful for any person to beset or picket the premises of another, or any approach thereto, where any person is employed or seeks employment, or any place or approach thereto where such employee or person seeking employment lodges or resides, for the purpose of inducing such employee or person seeking employment by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to quit their employment or to refrain from seeking or freely entering into employment.

Section 11.01.100 Employment - Hindering by Means of Opprobrious Remarks

It is unlawful for any person to utter to, or within the hearing of another, any derogatory, indecent opprobrious epithets or language, or to use any gesture, or to make demonstrations of any kind, for the purpose of inducing any person, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to quit their employment or to refrain from seeking or freely entering into employment, or to refrain from patronizing, negotiating with or transacting business with any other person.

Section 11.01.110 Loitering, Obstructing Sidewalks, Highways, etc.

A. PROHIBITIONS ON PRIVATE PROPERTY

1. No person shall remain upon any private or business premises after being expressly notified to keep off, keep away or remove themselves by the owner, owner's agent, or other person in lawful possession or by any peace officer who has received a request from the foregoing persons.
2. No person, without permission of the owner, owner's agent, or other person in lawful possession of the private property or business premises, shall re-enter upon such premises within fourteen (14) days of being notified to keep off, keep away or remove themselves by the owner, owner's agent, or other person in lawful possession of the private property or business premises or by a peace officer who has received a request from the foregoing persons.
3. The owner, the owner's agent, or the person in lawful possession of the property shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested. Detailed and identifying information shall be given to the peace officer describing the specific person or persons to be removed from the property.
4. A single request for a peace officer's assistance may be made to cover a limited period of time not to exceed thirty (30) days and identified by specific dates, covering that period of time in which the owner, the owner's agent, or person in

lawful possession is absent from the premises or property.

5. No person shall park or leave standing a vehicle upon privately owned and maintained off-street parking facilities unless such person has the permission of the owner, the owner's agent, lessee or other person in charge of said premises and facilities.
6. Notwithstanding any other county ordinance to the contrary, the provisions of this Section shall only apply to private property generally open to the public or to business premises if said property or premises is posted with signs which expressly forbid remaining or re-entering on such property without the expressed permission. Such posting shall be located at all clearly defined entry ways and shall not be required on any property not generally open to the public.

B. **PROHIBITIONS ON PUBLIC PROPERTY:** It is unlawful for any person to willfully stand, sit or position their body in or upon any public highway, alley, walkway, sidewalk or crosswalk so as to hinder, delay or obstruct the free passage thereon of persons or vehicles passing or attempting to pass along the same.

C. **APPLICATION - EXCEPTIONS:** None of the provisions of this Chapter shall apply when any of the following circumstances exists:

1. The provision violates a federal or state civil rights act or any other provision of law relating to the prohibited discrimination against any person on account of color, race, religion, creed, ancestry or national origin.
2. The provision results in or is coupled with an act prohibited by Cal. Penal Code § 365 or any other provision of law relating to duties of innkeepers and common carriers.
3. The provision results in an interference with or inhibition of peaceful, lawful labor picketing or other lawful labor activities.
4. The provision results in an unlawful interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech.
5. The person who is upon another's property is there under reasonable claim or color of legal right.

D. **PENALTIES:** Violation of the provisions [11.01.110 A.1](#), [11.01.110 A.3](#) or [11.01.110 B](#) regarding trespass on private or public property shall be an infraction. The first and second violation of [11.01.110 A.2](#)~~the provision regarding reentry of this Section~~ shall be an infraction punishable pursuant to Cal. Gov't Code § 25132. However, after two (2) convictions of [11.01.110 A.2](#)~~reentry, any,~~ further violation of that Section shall be a misdemeanor.

Section 11.01.120 Remarks Tending to Create Breach of Peace

It shall be unlawful for any person to utter, publish, or use any seditious language, words, remarks or epithets, or to address to another, any such language, words, remarks or epithets, which create or provoke or tend to create or provoke a breach of peace.

Section 11.01.130 Smoking in Open Areas

- A. WHERE PROHIBITED. Smoking is prohibited while traveling on foot, cycle, or domestic animal in grain, grass, stubble, brush, timber or other inflammable vegetative cover and on roads and trails or in other areas posted against smoking between the first day of June and the thirty-first day of October of each year.
- B. WHERE PERMITTED. Smoking is permitted as follows:
 - 1. In improved campgrounds; or
 - 2. Inside vehicles on roads; or
 - 3. At places of habitation; or
 - 4. While stopped in a cleared or barren area of at least three (3) feet in diameter; provided, however, that in all instances burning and glowing substances are completely extinguished before being discarded.

Each violation of this Section shall constitute a misdemeanor punishable by imprisonment in the County Jail or fine or both as provided for in California statute.

The State Forester and all their agents duly authorized by the laws of the State and all U.S. Forest Officers, are hereby declared to be peace officers of Nevada County for the purpose and with the right of enforcing all provisions of this Section.

Section 11.01.140 Standards of Beach and Swimming Apparel in Public Place

A. DEFINITION. Whenever in this Section the word “nude” is used, it shall mean devoid of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person, or any portion of the breast at or below the areola thereof of any female person. Whenever in this Section the term “public right-of-way” is used, it shall mean any place of any nature which is dedicated to use of the public for pedestrian and vehicular travel, and includes, but is not limited to a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, hall, court, way, avenue, boulevard, road, roadway, viaduct, tunnel, bridge, thoroughfare, square, and any other similar public way.

B. NUDITY PROHIBITED. No person over the age of ten (10) years shall be nude and exposed to public view in or on any public right-of-way, public park, public beach, or waters adjacent thereto, or other public lands, or in or on any private property open to the public, or open to public view from any public right-of-way,

public beach, public park, or other public land.

C. The provisions of this Section shall not apply to live theatrical performances performed in a theater, concert hall, or other similar establishment.

D. Any violation of this code shall constitute a misdemeanor and shall be punishable by imprisonment in the County jail or fine, or both, as provided for by California statute.

Section 11.01.141 Standards of Beach and Swimming Apparel in Public Places – Penalty for Violation

~~D.~~ Any violation of 11.01.140 of this code shall constitute a misdemeanor and shall be punishable by imprisonment in County jail for a maximum of 90 days, by a fine of \$250 or both such fine and imprisonment.

Section 11.01.150 Prohibition of Fireworks

Every person, firm or corporation is prohibited from using, discharging or possessing any fireworks as same is defined in Cal. Health & Safety Code §12511 within the unincorporated territory of the County of Nevada. Notwithstanding the foregoing, this Section shall not apply to any person, firm, or corporation engaged in using, discharging or possessing said fireworks under the direction, guidance and supervision of a pyrotechnic operator.

Section 11.01.160 Violation

Every person, firm or corporation who violates the provisions of 11.01.150 or 11.01.1.23prohibiting fireworks shall be guilty of a misdemeanor, punishable by imprisonment in the County jail or fine, or both, as provided for by California statute. In addition, thereto, such person, firm or corporation may be assessed any fire suppression cost that may be incurred by any public agency for the suppression of any fire caused by a violation of these sections.

Section 11.01.170 Establishing Identification Requirements During Criminal Investigation

A. Any person lawfully detained by a peace officer for investigatory questioning shall, upon request of a peace officer, produce identification sufficient to indicate their name and date of birth or place of residence. A verbal or written statement of name and birthdate or residence address shall constitute sufficient identification.

B. Any person refusing to produce sufficient identification as defined in subsection A shall be guilty of a misdemeanor and shall be punished by a fine. If a

defendant consents thereto, the District Attorney may elect to prosecute any such violation as an infraction for which the applicable fine shall not exceed twenty-five dollars (\$25.00).

C. Any person who knowingly gives false information to a peace officer acting pursuant to the provisions of this ordinance shall be guilty of a misdemeanor punishable by imprisonment in the County jail, or a fine or both such fine and imprisonment.

Section 11.01.180 In Prohibition of Urinating or Defecating in Public

It shall be unlawful for any person to urinate or defecate within 100 feet of any building or structure, or upon or within fifty (50') feet of any public or private roadway, or upon or within fifty (50') feet of any public or commercial parking facility or lot, except in an appropriate sanitary facility.

A person violating this Section shall be guilty of an infraction. Every person convicted of a violation of this Section shall be punished by a mandatory fine of not less than twenty-five dollars (\$25.00) nor more than \$100.00 upon a first conviction, by a mandatory fine of not less than fifty dollars (\$50.00) nor more than \$200.00 upon a second conviction within twelve (12) months, and by a mandatory fine of not less than \$100.00 nor more than \$250.00 upon a third or subsequent conviction within one (1) year.

Nothing in this Section is intended or shall be construed to effect, amend, or repeal any sanitary ordinance of the County of Nevada.

Section 11.01.190 Discharging a Firearm

A. It shall be unlawful for any person to discharge a firearm of any sort on or into property owned by the County of Nevada, including, but not limited to, the sanitary landfill, convenience stations, Administration Building, maintenance yards, airport property, cemeteries, and parks.

B. It shall be unlawful for any person to:

1. Discharge any firearm on any parcel zoned by the County of Nevada as R1, R2, R3, or on any parcel zoned RA and that is comprised of fewer than five (5) acres.
2. Discharge any firearm within 150 yards (450 feet) of any dwelling house, residence, or other building or any barn or any outbuilding used in connection therewith.
3. Discharge any firearm within 1,000 feet of any public or private school or

public park grounds.

4. Except when hunting, to discharge any firearm in such a manner that the bullet (projectile) does not remain on the lot or parcel from which it was fired.

Notwithstanding the foregoing, the provisions of subparagraph (B) shall not prohibit:

1. The discharge of a firearm within 150 yards (450 feet) of any such dwelling house, residence, etc. if all buildings within 150 yards (450 feet) of the point of discharge are owned by (a) the person discharging the weapon, (b) a member of their family, or (c) an invited guest thereof.
 2. The discharge of a firearm for the express purpose of the lawful slaughtering of animals.
- C. It shall be unlawful for any person to discharge any firearm from 6 p.m. to 9 a.m. other than allowed by Federal or State law.
- D. It shall be unlawful for any person to discharge any firearm continuously, for two (2) or more hours without at least a two (2) hour break.
- E. It shall be unlawful for any person to discharge any firearm that results in any noise which unreasonably disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing within the limits of the county.

The county may consider these factors in determining whether a violation of this subsection has occurred and whether to issue a citation for a violation:

1. The volume or intensity of the noise;
2. The proximity of the noise to neighboring dwelling houses, residences, or other buildings;
3. The proximity of the noise to offices, places of business, or other areas where work is carried on;
4. The nature and zoning of the area within which the noise emanates;
5. The time of day the noise occurs and the relationship of this time to the normal activities of the area in which it occurs and in relation to the other factors listed in this subsection;

6. The duration, continuousness, or repetitive nature of the noise, and whether the noise is recurrent, intermittent, or constant for more than two (2) hours without an equal break absent of the noise or related sound for at least two (2) hours; and
7. Whether the person or business responsible for the noise or related sound has been previously warned that complaints have been received about the noise or related sound and such person or business has failed to reduce such noise to a reasonable level.

F. It shall be unlawful for any person to discharge any firearm during a Red Flag Warning or a Fire Weather Watch issued by The National Weather Service in the location subject to the Red Flag Warning or Fire Weather Watch. This subsection shall not apply to persons legally engaged in hunting for non-game mammals and/or furbearers in accordance with Title 14, Sections 466 and 474, of the California Code of Regulations.

G. The provisions of subparagraphs B, C, D, E and F shall not apply to any shooting range operated by law enforcement agencies.

H. The provisions of subparagraphs B, D, and E shall not apply to any permitted commercial shooting range or grandfathered commercial shooting range that has been determined to be exempt from applicable permitting requirements.

I. The provisions of subparagraph F shall not apply to any permitted commercial shooting range or grandfathered commercial shooting range that has been determined to be exempt from applicable permitting requirements on an annual basis, provided that the range has obtained annual approval by an applicable fire authority and with supervision on site.

J. The provisions of the ordinance codified in this Section shall not apply to the discharge of a firearm in the defense of a direct threat to life or to protect property. The provisions of the ordinance codified in this Section shall not apply to any person conducting a predatory control program on behalf of or licensed by any federal, state or county agency.

K. Any violation of the ordinance codified in this Section shall constitute a misdemeanor; provided however that any violation shall be an infraction subject to the procedures of Cal. Penal Code §§ 19.6, 19.7, and 19.8, when:

1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time they is arraigned, after being informed of their rights, elects to have the case proceed as a misdemeanor; or
2. The court, with the consent of the defendant, determines that the offense is an

infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

L. The provisions of this Section shall not apply to any permitted commercial indoor shooting range or grandfathered commercial indoor shooting range that has been determined to be exempt from applicable permitting requirements. (Ord. 2459. (12/11/2018); Ord. 2495. (08/24/2021); Ord. 2526. (06/13/2023); Ord. 2530. (10/24/2023))

Section 11.01.200 Prohibition on Use of Steel Jaw Leghold Traps

1. DEFINITIONS

- A. ANIMAL means all vertebrate animal species.
- B. PERSON means any individual, partnership, association, corporation, trust, joint-venture, or any officer, employee, agent, department, or instrumentality of the County of Nevada or any political subdivision located therein.
- C. STEEL-JAW LEGHOLD TRAP means any spring powered pan or gear activated device with two opposing steel jaws whether bare, padded or with teeth which is designed to capture an animal by snapping closed upon an animal's limb or part thereof. Mouse or rat traps shall not be classified as steel jaw leghold traps for the purposes of this ordinance.

2. PROHIBITION

- A. Except as expressly permitted herein, it shall be unlawful for any person to manufacture, sell, offer for sale, possess, import, transport, set or cause to be set an animal trap of the steel-jaw leghold type within the limits of the County of Nevada. It shall be unlawful for any person to take or attempt to take any animal by means of a trap of the steel-jaw leghold type within the limits of the County of Nevada.
- B. The possession of a trapping device referred to in Paragraph 1 of this Section shall be prima facie evidence of a violation of this Section.
- C. This ordinance does not prohibit the use of traps other than the steel-jaw leghold trap for animal damage control or other purposes.

3. EXCEPTION

Upon declaration, by the Department of Health, of a rabies epidemic, authorization to use such traps for a time period commensurate with the rabies epidemic may issue.

4. EXEMPTIONS

- A. Nothing in this Ordinance shall prohibit the possession of steel-jaw leghold traps for display or exhibition purposes by a non-profit organization.
- B. Nothing in this Ordinance shall prohibit the possession of steel-jaw leghold traps by persons in the act of disposing of such traps.
- C. Nothing in this Ordinance shall prohibit the possession of steel-jaw leghold traps by collectors or hobbyists, provided that such devices be kept indoors and disengaged at all times.

5. PENALTIES

Any person who violates Section 2 (Prohibition) of this law shall be guilty of an infraction punishable by a fine \$100.00 for the first violation, \$200.00 for a second violation and a fine of \$500.00 for each additional violation within the same year. Conviction under Section 2 of this law shall result in confiscation of all equipment, animals and pelts used in or obtained by reason of a violation of Section 2 of this law and each illegal trap manufactured, sold, offered for sale, possessed, imported, transported or set shall be considered a separate violation and shall be punishable as a separate offense.

(Adopted by Initiative Ordinance "Measure H", (11/8/1988); Measure H ruled invalid and enforcement by County prohibited in Dept. of Fish & Game v. County of Nevada, Nevada County Superior Court Case No. 40445, (11/23/1994))

Section 11.01.210 School Truancy Prohibited

A. School Truancy Prohibited. It shall be unlawful for any minor under the age of eighteen (18) years, who is subject to compulsory full-time education or to compulsory continuation education, to loiter, idle, wander or to aimlessly remain without any visible purpose, reason or explanation for such conduct, to be in or upon any public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement or entertainment, or vacant lots between the hours of 9:00 a.m. and 2:00 p.m. on days when school is in session, as defined herein, within the unincorporated areas of the County of Nevada . This Section shall also apply to minors whose enrollment status is that of suspension, expulsion, or transfers in progress.

B. Definitions. For the purposes of this Section, the following words and phrases shall be construed as set forth in this Section, unless it is apparent from the context that a different meaning is intended:

1. ABSENT FROM SCHOOL shall mean being found away from a public school facility, during school attendance hours.
2. COMPULSORY EDUCATION or COMPULSORY CONTINUING EDUCATION shall have the meaning set forth in Cal. Educ. Code §§ 48200 - 48361.
3. SCHOOL ATTENDANCE REVIEW BOARD (SARB) shall mean and include any administrative panel established by a school district governing the operation of secondary schools within the County.
4. MINOR shall mean any person between the ages of six (6) and seventeen (17) years of age.
5. EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to the following: a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
6. GUARDIAN means:
 - a. A person who, under court order, is the guardian of the person of a minor; or
 - b. An authorized representative of a public or private agency with whom the minor has been placed by court order; or
 - c. A person at least eighteen (18) years of age exercising care and custody of the minor and having written authorization to do so.
7. PARENT means a person who is a natural parent, adoptive parent, or step- parent of a minor.
8. PUBLIC PLACE means any place to which the public or a substantial group of the public has access including, but not limited to, streets, highways, parks, playgrounds, and common areas of schools, hospitals, apartment houses, office buildings, transport facilities, theaters, game rooms, stores, shops, shopping malls, or any other public place of business.
9. STREET means any way or place, of whatever nature, open to the use of the public as a matter of right for the purpose of vehicular travel or in the case of a

sidewalk thereof for pedestrian travel. The term “street” includes the legal right-of-way including, but not limited to, the traffic lanes, curbs, sidewalk, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term “street” applies regardless of what the legal right-of-way is formally named or called, whether alley, avenue, court, road or otherwise.

C. Exceptions. This Section shall not apply if a minor has one of the following circumstances:

1. The minor is going directly to or returning directly from an event or activity sponsored, sanctioned, or arranged by their school in which the minor is authorized to participate, or the minor is otherwise under the supervision of school personnel.
2. The minor is absent in connection with or required by a school-approved or school-related business, trade, profession, occupation or program in which the minor is lawfully engaged, such as a work study or work experience program, subject to verification by a proper school authority.
3. The minor has written permission from the school or the school district to be absent from a school campus, and has in their possession a valid, dated, school-issued off-campus permit.
4. The minor is traveling directly to or from a medical appointment or that of the minor’s dependent child, provided the minor has possession of a written, dated, verification of the medical appointment.
5. The minor’s own illness.
6. The minor is subject to lawful quarantine order.
7. The minor is authorized to be absent pursuant to the provisions of Cal. Educ. Code § 48205(a), or any other applicable State or Federal law.
8. The minor is on an emergency errand on behalf of their parents, or on behalf of a responsible adult for a specific purpose, or on behalf of school authorities for a school-related purpose and the errand involves no detour or stops along the way.
9. The minor is on the sidewalk outside the place where the minor resides.
10. The minor is engaged in a speech or religious rights activity protected by the United States or California Constitution, such as the free exercise of religion, freedom of speech, and the right to peaceful assembly.

11. The minor is traveling directly to or from their place of gainful employment with a valid school-work permit.
12. The minor is on their authorized lunch period.
13. The minor has permission to leave their school and has in possession a valid school issued off-campus permit.
14. The minor is receiving home or private school instruction pursuant to Cal. Educ. Code § 48222 or is receiving instruction by a qualified tutor pursuant to Cal. Educ. Code § 48224 or is otherwise exempt by law from compulsory education or continuation education.
15. The minor is on a specialized school schedule.
16. The minor is married or emancipated in accordance with Cal. Fam. Code §§ 7000 – 2002.

D. Penalties. The violation by a minor of any of the provisions of this Section shall be deemed an infraction. A minor in violation of this Section shall be subject to the following penalties:

1. Upon a minor's first violation of this Section, the issuance of a citation by any peace officer advising the minor of the opportunity to clear the violation without further proceedings by paying a penalty sanction in the amount of twenty-five dollars (\$25.00) (plus court costs and assessments) or by making arrangements to perform twelve (12) hours of supervised community service during non-school hours.
2. Upon a minor's second violation of this Section, occurring within a twelve- month period, the issuance of a citation by any peace officer advising the minor of the opportunity to clear the violation without further proceedings by paying a penalty sanction in the amount of fifty dollars (\$50.00) (plus court costs and assessments) or by making arrangements to perform twenty-four (24) hours of supervised community service during non-school hours.
3. Upon any third or subsequent violation of this Section, occurring within a twelve- month period, the issuance of a citation by any peace officer advising the minor of the opportunity to clear the violation without further proceedings by paying a penalty sanction in the amount of seventy-five dollars (\$75.00) (plus court costs and assessments) or by making arrangements to perform thirty- six (36) hours of

supervised community service during non-school hours.

E. Enforcement Action. Before taking enforcement under this Section, the peace officer shall inquire of the minor as to their age and reason for being out in public. No citation shall be issued if the officer is reasonably satisfied that the minor is outside after curfew for one of the reasons or excuses as provided herein. If the officer is not reasonably satisfied that such is the case, then a citation shall be issued.

A peace officer may detain or assume temporary custody, during school hours pursuant to the provisions of Cal. Educ. Code § 48264, of any minor subject to compulsory full-time education or to compulsory continuation education away from their home and who is absent from school without valid excuse within the unincorporated area of the County of Nevada or any school district therein.

Section 11.01.220 Penalty for Violation

Any person who violates these provisions, unless otherwise specified, shall be guilty of a misdemeanor punishable by imprisonment, or a fine, or both such fine and imprisonment as provided for by California Penal Code.