

## EXHIBIT A

### ARTICLE 4 – NEVADA COUNTY RIVER FIRE DISASTER RECOVERY

#### Section A-III 4.1 Definitions

- A. "Alternative Program." For purposes of this Article, the term "Alternative Program" shall mean the requirements for inspections, clean up and disposal established by the County for property owners that opt out of or are ineligible for a State Program.
- B. "Board." The term "Board" means the Nevada County Board of Supervisors.
- C. "County." The term "County" shall be defined as the County of .
- D. "County Building Official." The term "County Building Official" means Director of Building or his/her designee.
- E. "County Health Officer." The term "County Health Officer" means the Nevada County Public Health Officer or his/her designee.
- F. "Director." The term "Director" shall be defined as the Director of Environmental Health, his/her designee, or any person as designated by the Chief Executive Officer of the County.
- G. "Fire Debris." The term "Fire Debris" means ash or other debris, resulting from the River Fire that is intended to be discarded but does not include structures or portions thereof.
- H. "Hazard Trees." The term "Hazard Trees" means wildfire-damaged trees that have been so damaged by the fires that their structural integrity is compromised, and they pose an immediate threat of falling onto work crews or obstructing their access to the debris clearance site, or of falling onto a public right of way or a public improved property.
- I. "Removal of Fire Debris and Hazard Tree." The term "Removal of Fire Debris and Hazard Trees" as used in this article includes all cleanup of debris from structures and Hazard Trees resulting from the River Fire, including removal, transport and disposal of Fire Debris and Hazard Trees, but it does not include the removal of personal property from residential sites unless such removal of personal property involves cleanup and the removal of ash from the property.
- J. "Right of Entry Permit." The term "Right of Entry Permit" means the Debris and Hazard Tree Removal Right-of-Entry Permit (For Providing Fire Debris and Hazard Trees Removal on Private Property under the State Debris and Hazard Tree Removal Program) approved by the California Office of Emergency Services for use in the cleanup after the River Fire.
- K. "State Debris and Hazard Tree Removal Program" or "State Program" means the Fire Debris and Hazard Trees removal program operated by the California Office of Emergency Services ("Cal OES") for the River Fire area in conjunction with other State and Federal agencies and involving the removal and disposal of Fire Debris and Hazard Trees on eligible private property at no cost to the property owner.

#### Section A-III 4.2 Prohibition on Removal of Fire Debris from Private Property

No Removal of Fire Debris and/or Hazard Trees shall occur unless and until a hazardous materials inspection meeting applicable Department of Toxic Substances Control guidelines has been conducted. Notwithstanding the foregoing, Hazard Trees may be removed from vacant properties or properties on which no structures were damaged without a hazardous materials inspection, subject to the other requirements of this Ordinance.

#### Section A-III 4.3 Removal of Fire Debris and Hazard Trees

- A. State Program. Property owners that, pursuant to the rules established by the State Program that will be set forth in guidelines provided by the Director, are eligible for the removal of some or all of the Fire Debris and Hazard Trees on their properties through the State Program, may elect to use the State Program by submitting a Right of Entry Permit to the Director, which includes an assignment of any insurance proceeds covering the costs of the Fire Debris and Hazard Trees removal. Such Right of Entry Permit must be submitted to the Director by the deadline as provided by the Director. The Director may extend this deadline as necessary and appropriate to facilitate the cleanup, avoid undue hardship, and to protect public health and safety, and to the extent any such extensions are approved by the State Program.

B. Alternative Program.

- i. Administrative. The Director shall administer the Alternative Program. The Director shall utilize applicable state and/or federal standards for the safe removal and disposal of Fire Debris and Hazard Trees, consistent with the cleanup goals of the State Program, and incorporate additional requirements as necessary to address changes in conditions, needs, or technologies in order to effectively remove Fire Debris and Hazard Trees from the community. The Director shall prepare procedures and requirements for the Removal of Fire Debris and Hazard Trees and make such procedures and requirements available to the public. The Director shall also adopt an application that discloses the appropriate licensed contractors and appropriate plans to meet such procedures and requirements.
- ii. Participation. Property owners that are not eligible for the State Program or who elect not to participate in the State Program for the removal of some or all of the Fire Debris and Hazard Trees on their properties must comply with the requirements of the Alternative Program. Under the Alternative Program, before any Fire Debris and Hazard Trees are removed from a property, the owner shall submit the application adopted by the Director to the Director. Work shall not begin until the Director approves the application and the property owner obtains all applicable permits from the County Building Official.
- iii. Completion. The Director shall establish an end date or deadline by which properties in the Alternative Program must be cleaned up. Upon the completion of the Removal of Fire Debris and Hazard Trees under the Alternative Program, the property owner shall submit to the Director documentation that demonstrates the removal of Fire Debris and Hazard Trees was completed in compliance with applicable standards and requirements as established by the Director.
- iv. Deadline. The Director shall establish an end date or deadline by which property owners who are not participating in the State Program must submit an Alternative Program application to the Director in accordance with Section Section A-III 4.5.B.ii of this Ordinance. Such properties that have Fire Debris from structures damaged or destroyed in the River Fire or Hazard Trees damaged or destroyed in the River Fire that have not submitted an application for the Alternative Program by that date are hereby declared a public nuisance and health hazard and shall be subject to nuisance abatement pursuant to Section A-III 4.5.E of this Ordinance.
- v. Extensions. The Director may extend deadlines under the Alternative Program as necessary and appropriate to facilitate the cleanup, avoid undue hardship, and to protect public health and safety.

C. Restrictions on Building Permits. No building permit from the County to demolish, repair, or reconstruct a structure that has been damaged or destroyed by the River Fire shall be issued until Fire Debris and Hazard Trees cleanup is completed on the affected property in accordance with the Alternative Program or the State Program. Any permit for the demolition, repair, or reconstruction of a structure that has been damaged or destroyed by the River Fire shall be held in abeyance and not acted upon until Fire Debris and Hazard Trees cleanup is completed on the affected property and completion is confirmed to the County Building Official, either through the Alternative Program or the State Program. Notwithstanding the foregoing, a demolition or miscellaneous permit issued by the County Building Official may be required for Removal of Fire Debris and Hazard Trees for work involving the removal of buildings, structures, or portions thereof, as determined by the Director.

D. Exigent Circumstances. The Board's intent is to facilitate an orderly remediation of large-scale disasters. Nothing in the deadlines as set forth by this Ordinance shall limit the authority of the County or any County official to abate hazards more quickly where required by exigent circumstances. Nothing in this Ordinance shall limit the authority of the County or any County official to take any enforcement action or pursue any available remedies, including, without limitation, requiring preventive measures as defined in Health and Safety Code section 101040.

E. Nuisance Abatement.

- i. Civil Abatement. Any property deemed a public nuisance in accordance with this ordinance shall be subject to nuisance abatement, pursuant to Nevada County Codes and any other applicable laws.
- ii. Summary Abatement. In addition to any other nuisance abatement procedures provided by law, the Director and County Health Officer are authorized to enter onto

any property deemed a public nuisance under this Ordinance. If the Director or the County Building Official finds that the property constitutes an immediate threat to public health or safety, the County Building Official may summarily abate the nuisance upon satisfaction of the summary abatement procedures set forth below, as applicable.

- a. Pre-Abatement Notice. Unless emergency conditions preclude doing so, the Director shall issue a summary Abatement Notice and Order with property owner(s) as listed on the last equalized tax roll or the Assessor's parcel record. A summary of the Notice and Order shall be posted in a conspicuous location on the property to be abated at least ten (10) days prior to the summary abatement action.
- b. Appeal and Waiver. The property owner(s) or any person or entity having a legal interest in the property may submit a written appeal of the Director's Order to the Director or the Director's designee, by United States mail, overnight mail, or personal delivery, no later than five (5) days from the date the Director mailed or delivered the Notice and Order. The written appeal shall state the basis for the appeal. The Director or the designee shall review the appeal, if the appeal is timely, and shall issue a written decision no later than thirty (30) days after receipt. The Director's or the designee's decision on the appeal shall uphold, rescind or modify the determination of the Notice and Order. The Director's or the designee's decision on the appeal shall be final. A copy of the Director's or the designee's determination shall be delivered, promptly upon its issuance, to the appellant by United states mail or personal delivery at the address listed on the last equalized tax roll or such other address provided by the appellant. Failure to appeal with in the time prescribed shall constitute a waiver of the right to contest the summary abatement.

Post-Abatement Notice. After the summary abatement is completed, the Director shall promptly deliver to the property owner(s) a post-abatement notice indicating: (a) the action taken by the County; (b) the reasons for the actions; (c) the costs of the abatement and a request that the costs be paid by the property owner(s) to the County within thirty (30) days; and (d) that a lien will be recorded against the property if the property owner(s) fail(s) to pay the requested abatement costs within thirty (30) days. The post-abatement notice shall be delivered by Untied States mail or personal delivery.

- F. Judicial Enforcement Action. County Counsel is authorized to initiate judicial enforcement as to a violation of any provision of this Ordinance without further Board approval.
- G. Remedies Not Exclusive. The remedies identified in this ordinance are in addition to and do not supersede or limit any and all other remedies, civil or criminal, available at law or in equity.

#### **Section A-III 4.4 Environmental Determination**

Adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to California Public Resources Code section 21080(b)(3), which applies to projects undertaken, carried out by, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, Government Code sections 8550 et seq., and Government Code section 21080(b)(4) regarding specific actions necessary to prevent or mitigate an emergency. These exemptions are also reflected in State CEQA Guidelines section 15269(a) and (c). The River Fire and their aftermath constitute a sudden unexpected occurrence, involving clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services under California Public Resources Code section 21060.3 and State CEQA Guidelines section 15359.