



# ORDINANCE No. \_\_\_\_\_

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### **AN ORDINANCE AMENDING ARTICLE 5 OF CHAPTER V OF THE LAND USE AND DEVELOPMENT CODE OF THE COUNTY OF NEVADA, ADOPTING FIRE STANDARDS, AND LOCAL AMENDMENTS THERETO ASSOCIATED TO THE 2016 CALIFORNIA FIRE CODE; AND ADOPTION OF EXPRESS FINDINGS OF REASONABLE NECESSITY FOR CHANGES AND MODIFICATIONS TO THE CALIFORNIA BUILDING STANDARDS CODE BASED ON LOCAL CLIMATIC, GEOLOGICAL, OR TOPOGRAPHICAL CONDITIONS.**

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

#### SECTION I: Legislative Purpose

The State of California revises its building standards on a triennial basis. The building standards are intended to regulate and govern the conditions and maintenance of all property, buildings, and structures by providing standards for supplied utilities, facilities, and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupancy and use.

It is the purpose and the intent of this Ordinance to make substantive revisions to Article 5 (Fire Safety Standards and California Fire Code Amendments) of Chapter V (Building), of the Land Use and Development Code to ensure Nevada County's conformity to the 2016 edition of the California Building Standards, to wit, the California Fire Code.

Pursuant to Health and Safety Code Section 17958.5, *et seq.*, a county may make such changes or modifications in the requirements contained in the provisions of the California Building Standards Codes, as are reasonably necessary because of local climatic, geological, or topographical conditions. Nevada County's amendments to the 2016 California Building Standards, which have been made in response to unique climatic, geological, or topographical conditions in Nevada County, are codified in Chapter V of the Land Use and Development Code. Local amendments to the California Building Standards Code shall not become effective until the modifications and findings have been filed with the Building Standards Commission.

#### SECTION II:

Pursuant to Article 5 of Chapter V of the Land Use and Development Code of the County of Nevada is hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

#### SECTION III:

1. The Board hereby finds and declares that the amendments to the 2016 California Building Standards, as codified in Article 5 of Chapter V of the Nevada County Land Use and Development Code, are reasonably necessary because of local climatic, geological, and topographical conditions, including average snowfalls ranging from .8 inches per year in the Western County to 202 inches per year in the Eastern County; and the high risk of forest fires within the County. Said amendments are deemed more restrictive than the published 2016 California Building Standards.

2. The Board hereby finds and declares that this Ordinance is exempt from CEQA review pursuant to the CEQA guidelines, including Section 15378(b)(5) as an organizational or administrative governmental activity that will not result in direct or indirect physical changes to the environment, and Section 15060(c)(2) as it does not create a potential for direct, indirect, or reasonably foreseeable physical change in the environment.

SECTION IV:

If any provision of this Ordinance is held unconstitutional or otherwise invalid, the remainder of the Ordinance shall not be affected hereby and shall remain in full force and effect.

SECTION V:

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and it shall become operative on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in \_\_\_\_\_, a newspaper of general circulation printed and published in the County of Nevada.