

EXHIBIT A

GENERAL CODE

G-III BUSINESS REGULATIONS

ARTICLE 6 PROHIBITING THE DISTRIBUTION AND DISPLAY OF DRUG  
PARAPHERNALIA

Sections:

Sec. G-III 6.1 ~~Reserved Purpose~~

Sec. G-III 6.2 Definition

Sec. G-III 6.3 Display of Drug Paraphernalia

Sec. G-III 6.4 Distribution of Drug Paraphernalia

Sec. G-III 6.1 ~~Reserved Purpose~~

~~The illegal use of controlled substances within the unincorporated area of Nevada County creates serious social, medical and law enforcement problems. The illegal use of such substances by persons under 18 years of age has reached crisis dimensions. It is causing serious physical and psychological damage to the youth of this community, an impairment of educational achievement and of the efficiency of the educational system, increases in non drug related crime, and a threat to the ability of the community to ensure future generations of the health, safety and welfare of the citizens of Nevada County.~~

~~The proliferation of the display of drug paraphernalia in retail stores within the unincorporated area, and the distribution of such paraphernalia, intensifies and otherwise compounds the problem of illegal use of controlled substances within this community.~~

~~A ban only upon the display and distribution of drug paraphernalia to persons under 18 years of age would not be practical. The person who displays or distributes would have difficulty determining who could lawfully view or receive drug paraphernalia. The already thinly staffed law enforcement agencies would be subjected to intolerable added enforcement burdens by adding age of a person who views or receives paraphernalia as an element of a prohibition upon display and distribution. A significant number of high school students are 18 years of age or~~

~~older. It would be lawful to distribute paraphernalia to some students attending the same school in which the distribution to other students would be prohibited. Permitted display and distribution to adults within the community would symbolize a public tolerance of illegal drug use, making it difficult to explain the rationale of programs directed against similar abuse by youth. The problem of illegal consumption of controlled substances by adults within this community is significant and substantial, necessitating a cessation of the encouragement to drug abuse which the display and distribution of drug paraphernalia create.~~

~~This chapter is a measure which is necessary in order to discourage the illegal use of controlled substances within the unincorporated area of Nevada County.~~

### Sec. G-III 6.2 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 ~~s~~Sections 11054, 11055, 11056, 11057 and 11058 of the California Health and Safety Code, 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 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 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 in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances intended 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 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, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices intended for use in compounding controlled substances;
9. Containers and other objects intended for use in storing or concealing controlled substances; and
10. Objects intended for use in injecting, inhaling, or otherwise introducing a controlled substance in violation of the law of the State of California, marijuana, cocaine, hashish, or hashish oil into the human body such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, 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, such as marijuana cigarette 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.

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 ~~he~~ knows 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.

#### Sec. G-III 6.3 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.

B. Except as authorized by law, it shall be unlawful for any person who is the owner of a business, an employee thereof, or one who works at such business as an agent of the owner, to willfully display drug paraphernalia at such a business.

#### 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.

EXHIBIT A

GENERAL CODE

G-III BUSINESS REGULATIONS

ARTICLE 8 RAFTING REGULATIONS

Sections:

Sec. G-III 8.1 Commercial Rafting; Permits Required

Sec. G-III 8.2 Commercial Rafting on Truckee River

Sec. G-III 8.3 Definitions

Sec. G-III 8.4 Application for Commercial Rafting Operations; Hearings

Sec. G-III 8.5 Time of Application

Sec. G-III 8.6 Content of Application

Sec. G-III 8.7 Limitation on Permits and Raft Days

Sec. G-III 8.8 Permit Requirements

Sec. G-III 8.9 Granting of the Permit

Sec. G-III 8.10 Use of Raft Days: Fee

Sec. G-III 8.11 Revocation

Sec. G-III 8.12 River Clean Up

Sec. G-III 8.13 Authority to Arrest

Sec. G-III 8.14 ~~Severability~~ Reserved

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.

## 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 Bbridge downstream to the Sierra County Line.

## 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 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.

## 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 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.

#### 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).

#### 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 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.
6. Preliminary environmental forms.

#### Sec. G-III 8.7 Limitation on Permits and Raft Days

The hearing body shall not grant at any one ~~time, or 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).

Raft days may be transferred between commercial rafting permittees by mutual consent, provided that the transfer is entered in the permanent ~~log book~~ logbook of the permittees involved and advance written notice is provided to the monitoring agency.

#### 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:

1. One parking space for every three (3) rafters and one parking space for each employee, shuttle bus and/or transport vehicle.

2. Parking as to number for any permitted commercial uses shall be pursuant to ~~Article 28, Chapter II of the Land Use and Development Code of~~ the Nevada County Codes.

3. 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~~ 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~~ 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 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.

#### 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.

#### 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~~ ~~him~~, 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, sSubject 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.

### Sec. G-III 8.11 Revocation

Commercial rafting permits issued pursuant to the 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.

### Sec. G-III 8.12 River Clean Up

Each permittee shall be responsible for maintenance and ~~clean-up~~ clean-up of areas of the river, including ~~river banks~~ 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~~ 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 useage 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 of this article 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.

#### Sec. G-III 8.13 Authority to Arrest

The Zoning Enforcement Officer within the County of Nevada ~~County~~ Planning Department shall be the person primarily responsible for enforcing the provisions of this Article. In addition, the Nevada County Sheriff's Office shall also be responsible for enforcing the provisions of this Article. Said appropriate County agency shall have the authority and immunity of a public officer and employee as set forth in Cal. Penal Code § Section 836.5 to make arrests without warrant whenever they ~~he~~ has reasonable cause to believe that the person to be arrested has committed a violation of this Article which constitutes a misdemeanor.

#### Sec. G-III 8.14 Reserved Severability

~~If any section, subsection, sentence, clause, or phrase of this Article is, for any reason held to be invalid or unenforceable, then such portion shall be deemed to be a separate, distinct, and independent provision and such invalidity shall not affect the validity of the remaining portions thereof.~~

EXHIBIT A

GENERAL CODE

CHAPTER III BUSINESS REGULATIONS

ARTICLE 10 REGISTRATION REQUIREMENT FOR COMMERCIAL WEIGHING  
AND MEASURING INSTRUMENTS AND PROVIDING FOR A FEE FOR SUCH  
REGISTRATION

Sections:

- Sec. G-III 10.1 Purpose
- Sec. G-III 10.2 Definitions
- Sec. G-III 10.3 Registration Certificate Required
- Sec. G-III 10.4 Application for Registration Certificate
- Sec. G-III 10.5 Term of Registration
- Sec. G-III 10.6 Annual Registration Fee
- Sec. G-III 10.7 Registration Certificate Issued to Corporation
- Sec. G-III 10.8 Transfer of Certificate
- Sec. G-III 10.9 Delinquent Certificate

Sec. G-III 10.1 Purpose

The purpose of this 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. 12240, et seq. ~~Business and Professions Code Sections 12001 – 13800. 12240, et seq.~~

Sec. G-III 10.2 Definitions

For the purpose of this Article, 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 ~~Section §~~ 12210 of the ~~California Business and Professions~~ Bus. & Prof. Code.

B. COMMERCIAL PURPOSES shall have the meaning assigned to it by Cal. Bus. & Prof. Code § 12500. ~~Section 12500 of the California Business and Professions Code~~.

C. COUNTY SEALER shall mean the sealer appointed by the County of Nevada Nevada ~~County~~ Board of Supervisors and the Sealer's ~~his~~ 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.

#### Sec. 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.

#### Sec. 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 ~~him~~ 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.

#### Sec. 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.

#### Sec. 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 is hereby established, as shall be adopted by Resolution of the Board of Supervisors, as provided by Cal. Bus. & Prof. Code § 12240. Section 12240 of the California Business and Professions Code

~~1.—For the purpose of this Section, the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a business location fee and a device fee, as specified in Subdivisions 2 to 9, inclusive. The business location fee and device fee shall not exceed the following:~~

~~a.—Beginning January 1, 2006, sixty dollars (\$60) per business location, plus sixty percent (60%) of the maximum applicable device fee listed in Subdivisions 2 to 9, inclusive;~~

~~b.—Beginning January 1, 2007, eighty dollars (\$80) per business location, plus eighty percent (80%) of the maximum applicable device fee listed in Subdivisions 2 to 9, inclusive;~~

~~c.—Beginning January 1, 2008, and thereafter, one hundred dollars (\$100) per business location, plus one hundred percent (100%) of the maximum applicable device fee listed in Subdivisions 2 to 9, inclusive;~~

~~2.—For marinas, mobile home parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or complex owns and is responsible for the utility meters, the device fee shall not exceed two dollars (\$2) per device per space or apartment. Marinas, mobile home parks, recreational vehicle parks, and apartment complexes for which the above fees are assessed shall be inspected and tested as frequently as required by regulation.~~

~~3.—For weighing devices, other than livestock, with capacities of 10,000 pounds or greater, the device fee shall not exceed two hundred fifty dollars (\$250) per device; for weighing devices, other than livestock scales, with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred fifty dollars (\$150) per device.~~

~~4.—This Section does not apply to farm milk tanks.~~

~~5.—A scale or device used in a certified farmers' market, as defined by Section 113745 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California County Sealer.~~



~~6.—For livestock scales with capacities of 10,000 or greater, the device fee shall not exceed one hundred fifty dollars (\$150) per device; for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not exceed one hundred dollars (\$100) per device.~~

~~7.—For liquefied petroleum gas (LPG) meters, truck mounted or stationary, the device fee shall not exceed one hundred seventy five dollars (\$175) per device.~~

~~8.—For wholesale and vehicle meters, the device fee shall not exceed twenty five dollars (\$25) per device.~~

~~9.—For all other commercial weighing or measuring devices not listed in Subdivisions 2 to 8 inclusive, the device fee shall not exceed twenty dollars (\$20) per device. For the purposes of this Subdivision, the total annual registration fee shall not exceed the sum of one thousand dollars (\$1,000), for each business location.~~

~~10.—For the purposes of this Section, a single business location is defined as either:~~

~~a.—Each vehicle containing one or more commercial devices; or~~

~~b.—Each business location that uses different categories or types of commercial devices that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a Weights and Measures official.~~

~~B.—Exceptions:~~

~~1.—An exception is For Certified Growers' Market and devices at a non fixed location, An exception is the 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, in Subsection A.8, above, and if the device is brought into the Office of the Sealer of Weights and Measures for testing.~~

### Sec. 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. Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the California Business and Professions Code. 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.

### 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. ~~Replacement of specific instruments shall be allowed without a new certificate being required.~~

### 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 50% of the registration fee as a penalty for any such delinquency.

# EXHIBIT A

## GENERAL CODE

### CHAPTER III BUSINESS REGULATIONS

#### ARTICLE 15 SEPTAGE HAULERS

##### Sections

Sec. G-III 15.1 Liquid Waste (Septage, greywater and leachate) Hauler Registration Required

Sec. G-III 15.1.A Grease Hauler Requirements

Sec. G-III 15.2 Cash Security Deposit

Sec. G-III 15.3 Application Fee

Sec. G-III 15.4 Duration of Registration

Sec. G-III 15.5 Renewal

##### Sec. G-III 15.1 Liquid Waste (Septage) Hauler Registration Required

~~In accordance with the provisions of California Health & Safety §§ 25100–25259 Section 25000, et seq., no person, partnership, or corporation shall carry on or engage in the business of cleaning septic tanks, pump tanks, chemical toilets, cesspools or sewage seepage pits or to haul and to dispose of the cleanings therefrom at a liquid waste disposal facility without having first applied for and obtained a liquid waste hauler registration (license) from the County of Nevada. (Added by Urg. Ord. 1846., (10/12/1993.)) This should be quoted from HSC, Division 104, Part 13, Chapter 4, Article 1. Septic Tanks [117400–117450] 117045~~

It is unlawful for any person or firm to carry on or engage in the business of the cleaning of septic tanks, chemical toilets, cesspools or sewage seepage pits or to dispose of the cleanings therefrom in any city, town, county, or city and county unless they he or she or it shall hold an unrevoked registration issued by the local health officer or their his or her duly authorized representative of the city, town, county, or city and county for the carrying on of the business in accordance with Cal. Health & Safety Code § 117405.

~~(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)~~

### Sec. G-III 15.1.A Grease Hauler Requirements

A Septage/Grease Hauler is required to have valid California Department of Public Health (CDPH) registration and permit with Nevada County Department of Environmental Health (NCDEH). All provisions of state and federal law and regulations apply, including but not limited to Cal. Penal Code § 374.5.

Add grease hauler language AB 2633 Grease: Solid Waste

### Sec. G-III 15.2 Cash Security Deposit

- A. ~~A.~~—As a condition to the issuance of liquid waste (septage) registration (license), the septage hauler shall be required to state the site which will receive the septage. The septage hauler shall state the site that will receive the septage and show proof from the facility that they have been approved to unload waste.
- ~~B.~~  
B.—Any hauler who disposes of septage through facilities owned and/or operated by the Sacramento Regional County Sanitation District ~~may shall~~ be required to post a cash security deposit in the amount equal to the fees to be paid to the Sacramento Regional County Sanitation District for septage disposal at their facilities for a 90 day period or such lesser period of time that the District may agree to, with the Nevada County Environmental Health Department. The amount of the security deposit shall be subject to the approval of the Sacramento Regional County Sanitation District and shall be used solely to guarantee the hauler's timely payment of fees to this disposal facility. The Board of Supervisors shall be authorized to pay to the Sacramento Regional County Sanitation District from the security deposit, the amount due to the disposal facility upon a hauler's failure to pay such amount. ~~— This Department does not enforce the security deposit.~~ Upon approval by the Board of Supervisors, and acceptance thereof by the Sacramento Regional County Sanitation District, the septage hauler may be allowed to substitute a performance bond in lieu of a cash security deposit. We do not currently enforce this.
- C. Within 30 days of the date of the adoption of this ordinance, all septage haulers which are presently licensed by the County and who dispose of septage at the facilities owned and/or operated by the Sacramento Regional County Sanitation District shall post such security as would be required for the issuance of a new license, with the County Environmental Health Department. Failure to post the required security deposit within this time limit shall render any existing registration (license) issued by the County, null and void. Septic haulers do not just use Sacramento Regional and we do not current require a security deposit.

### Sec. G-III 15.3 Application Fee

The Environmental Health Department is hereby authorized to charge and collect a fee for the processing of an application for a septage hauler registration which amount shall be set by resolution of the Board of Supervisors.

### Sec. G-III 15.4 Duration of Registration

Registration shall be only for the unexpired portion of the ~~fiscal calendar~~ year in which the application is made, and at the end of such ~~fiscal calendar~~ year, the registration shall become void and of no effect.

### Sec. G-III 15.5 Renewal

At the expiration of the septage hauler registration, ~~if there is a~~ the cash security deposit, ~~it~~ may be returned to the hauler unless the hauler specifies in ~~their~~ ~~his~~ application for renewal that such amount be carried over to the registration for the next ~~fiscal calendar~~ year. ~~Remove? There is currently not a security deposit and there is no mechanism for holding a cash security deposit that this Department is aware.~~