

EXHIBIT D

GENERAL CODE

G-VII IN GENERAL

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Sec. G-VII 1.1 Business Premises - Preventing Persons ~~f~~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.

Sec. G-VII 1.2 Curfew - Established

Every person under the age of eighteen 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 his parent, guardian or other adult person having the legal care, custody or control of such person, or spouse of such person over twenty-one years of age, is guilty of a misdemeanor.

A violation of this ~~Section~~ or any provision thereof is ~~punishable as a misdemeanor. punishable by a fine not exceed five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.~~

Sec. G-VII 1.3 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 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.

Sec. G-VII 1.4 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 ~~his~~ their manager, agent or employee, to suffer or permit any minor under the age of eighteen 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.

Sec. G-VII 1.5 Curfew - Penalty ~~F~~or Violation ~~of Two Preceding Sections~~

Any person violating the provisions ~~of the two preceding sections regarding curfew~~ shall be deemed guilty of a misdemeanor, ~~and shall be punishable by a fine not exceeding one hundred dollars or by imprisonment in the County jail not exceeding thirty days or by both such fine and imprisonment.~~

Sec. G-VII 1.6 Curfew - Arrest and Disposition of Violators

Any person violating under age eighteen (18) violating curfew ~~Sec. G-VII 1.2 of this Code~~ 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.

Sec. G-VII 1.7 Reserved

Sec. G-VII 1.8 Reserved

Sec. G-VII 1.9 Reserved

Sec. G-VII 1.10 Drunkenness

~~A. LEGISLATIVE PURPOSE: The Board of Supervisors finds that public consumption of alcoholic beverages on the public sidewalks and streets of the downtown business districts of~~

~~Truckee, North San Juan and Washington has created an unhealthy and unsafe environment for pedestrians, businesses and motorists in that:~~

~~1.—Pedestrians are confronted on public sidewalks and subjected to verbal and physical abuse by persons openly consuming alcoholic beverages;~~

~~2.—Businesses are vandalized by intoxicated persons and littered with empty bottles and cans formerly containing alcoholic beverages;~~

~~3.—Street traffic is occasionally stopped by large groups of drinking adults and juveniles roaming at will or fighting in the public roadway.~~

~~B.—~~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. C.~~ EXCEPTION - PERMITS FOR SPECIAL CIVIC EVENTS: ~~Notwithstanding subsection B, t~~The enforcement of this Section may be suspended as to any location upon application of any non-profit organization for a period not exceeding 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, ~~of twenty-five dollars (\$25.00).~~
5. A clean-up plan to be approved, in advance, by the Department of Public Works and shall require a cleaning deposit, ~~of \$250.00.~~

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 ~~S~~section after having previously been convicted three times within the preceding 12 month 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.

Sec. G-VII 1.11 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 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 his-employment, upon or about any business, mine, mill, mine property, farm, ranch, packing shed or any other place of employment.

Sec. G-VII 1.12 Employment - Hindering by Picketing, etc.

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 his-their employment or to refrain from seeking or freely entering into employment.

Sec. G-VII 1.13 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 his-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.

Sec. G-VII 1.14 Fortunetelling and Like Practices - Misdemeanor

A. Every person in the County who carries on, practices or professes to practice the business or art of astrology, phrenology, life reading, fortunetelling, cartomancy, clairvoyance, clairaudience, crystal gazing, hypnotism, mediumship, mesmerism, oriental mysteries, palmistry, spirit photography, spirit writing, spirit voices, spirit materialization, etherealizations, numerology, physiognomy, psychometry, seership, prophecy, augury, divination, magic or necromancy, or other similar art or business, and demands or receives directly or indirectly a fee or reward, or who accepts any donation for the exercise or exhibition of his their art therein, or who gives an exhibition thereof at any place where an admission fee, donation or reward is charged or received, directly or indirectly, or who teaches or gives instruction in any such art or business and demands or receives directly or indirectly a fee or reward, or who accepts any donation for such teaching or instruction is guilty of a misdemeanor.

B. Every person in the County who by means of occult or psychic powers, faculties or forces, spirits, cards, talismans, charms, potions, magnetism or magnetized articles or substances,

oriental mysteries or any craft or art described in subsection (A) this code or similar art or craft, purports to or does find or restore lost or stolen property, locate oil wells, gold or silver or other ore or metal or natural product, restore lost love or friendship or affection, unite or procure lovers, husbands, wives, lost relatives or friends or by such means gives any counseling or advice whatsoever, and who demands or receives directly or indirectly a fee or reward or who accepts any donation therefor, is guilty of a misdemeanor.

#### Sec. G-VII 1.15 Fortunetelling, and Like Practices - Advertising

C. Every person in the County who advertises by sign, circular, handbill or in any newspaper, periodical or magazine or other publication or publications, or by any other means that ~~they~~ ~~he~~ will do anything which is prohibited by ~~Sec. G-VII~~ 1.14 this ~~S~~section is guilty of a misdemeanor.

#### Sec. G-VII 1.16 Fortunetelling, and Like Practices - Use by Churches, Ministers, Etc.

Sections G-VII 1.14 and G-VII 1.15 Prohibitions shall not apply to, and shall not be construed to interfere with the belief, practices or usage of an incorporated ecclesiastical governing body or the duly licensed teachers or ministers thereof acting in good faith and without personal fee.

#### Sec. G-VII 1.17 Loitering, Obstructing Sidewalks, Highways, etc.

A. PROHIBITIONS ON PRIVATE PROPERTY: ~~From time to time certain private property in our County has become a general area for loitering and incident thereto, vandalism and other crimes to property have repeatedly occurred. The following provisions are enacted in order to break the cycle of injury to property incident to such loitering:~~

1. No person shall remain upon any private or business premises after being expressly notified to keep off, keep away or remove ~~himself or herself therefrom 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. ~~in accordance with Section G-VII 1.17.A.3.~~
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 14 days of being notified to keep off, keep away or remove ~~himself or herself therefrom 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 ~~in accordance with Section G-VII 1.17.A.3~~ 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 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 ~~C~~county ordinance to the contrary, the provisions of this ~~S~~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 ~~of those persons designated in paragraph 1 above.~~ 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 ~~his or her~~ 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 Section 365 of the California Penal Code 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 regarding trespass on private or public property of subsections A.1, A.3 or B of this Section shall be an infraction ~~punishable in the manner provided by Section 25132 of the California Government Code.~~ The first and second A-violation



of ~~the provision regarding reentry subsection A.2~~ of this Section shall be an infraction punishable pursuant to ~~Cal. Gov't Code § -Government Code Section~~ 25132. However, after two convictions of ~~reentry Section G-VII 1.17.A.2~~, any further violation of that ~~S~~section shall be a misdemeanor.

~~E.—SEVERABILITY CLAUSE: If any section, part, clause or phrase of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.~~

#### Sec. G-VII 1.18 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.

#### Sec. G-VII 1.19 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;<sup>25</sup> or
2. Inside vehicles on roads;<sup>25</sup> or
3. At places of habitation;<sup>25</sup> or
4. While stopped in a cleared or barren area of at least three feet in diameter; provided, however, that in all instances burning and glowing substances are completely extinguished before being discarded.

Each violation of this ~~S~~section shall constitute a misdemeanor punishable by imprisonment in the County Jail or fine or both as provided for in California statute. ~~jail for a maximum of six (6) months or by a maximum fine of Three Hundred Dollars (\$300.00) or by both such fine and imprisonment.~~

The State Forester and all ~~his~~their agents duly authorized by the laws of the State and all U.S. Forest Officers, are hereby declared to be peace officers of ~~this~~ Nevada County for the purpose and with the right of enforcing all provisions of this ~~s~~Section.

#### Sec. G-VII 1.20 Standards of Beach and Swimming Apparel in Public Place

~~A.—PURPOSE AND INTENT. The presence of persons who are nude and exposed to public view in or upon any place or establishment or location frequented by members of the general public is offensive to the members of the general public who are unwittingly subjected to such nudity. The provisions of this section are enacted for the purpose of securing and promoting the public health, morals and general welfare of all persons in the County of Nevada.~~

~~BA.~~ DEFINITION. Whenever in this ~~s~~Section the word “nude” is used, it shall mean devoid of an opaque covering which covers the genitals, pubic hair, buttocks, ~~perineum, paneum,~~ 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 ~~s~~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.

~~BC.~~ NUDITY PROHIBITED. No person over the age of 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.

~~CD.~~ The provisions of this ~~S~~section shall not apply to live theatrical performances performed in a theater, concert hall, or other similar establishment.

~~Sec. G-VII 1.21 Standards of Beach and Swimming Apparel in Public Places—Penalty for Violation~~

~~D. Any violation of Sec. G-VII 1.20 of this code shall constitute a misdemeanor and shall be punishable by imprisonment in the County jail or fine, or both, -or fine as provided for by California statute. for a maximum of 90 days, by a maximum fine of \$250.00 or both such fine and imprisonment.~~

#### Sec. G-VII 1.22 Prohibition of Fireworks

Every person, firm or corporation is prohibited from using, discharging or possessing any fireworks as same is defined in ~~Section Cal. Health & Safety Code §12511 of the Health and Safety Code of the State of California~~ within the unincorporated territory of the County of Nevada. Notwithstanding the foregoing, this ~~S~~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.

#### Sec. G-VII 1.23 Reserved

#### Sec. G-VII 1.24 Violation

Every person, firm or corporation who violates the provisions ~~prohibiting fireworks of Sec. G-VII 1.22 or Sec. G-VII 1.23~~ shall be guilty of a misdemeanor, punishable by imprisonment in the County jail ~~or fine, or both. as provided for by California statute. for a maximum of six (6) months or by a maximum fine of \$500.00, or both such fine and imprisonment.~~ 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.

#### Sec. G-VII 1.25 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 ~~his~~ 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, ~~not to exceed \$200.00.~~ 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 \$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 ~~for a period of not more than six months~~, or a fine ~~of not more than \$500.00~~ or both such fine and imprisonment.

#### Sec. G-VII 1.26 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 50 feet of any public or private roadway, or upon or within 50 feet of any public or commercial parking facility or lot, except in an appropriate sanitary facility.

A person violating this Ssection shall be guilty of an infraction. Every person convicted of a violation of this Ssection shall be punished by a mandatory fine of not less than \$25.00 nor more than \$100.00 upon a first conviction, by a mandatory fine of not less than \$50.00 nor more than \$200.00 upon a second conviction within twelve 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 year.

Nothing in this Ssection is intended or shall be construed to effect, amend, or repeal any sanitary ordinance of the County of Nevada.

#### Sec. G-VII 1.27 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 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~~ his or her 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 or more hours without at least a two-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 hours without an equal break absent of the noise or related sound for at least two 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 article~~ 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 article~~ 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 article~~ shall constitute a misdemeanor; provided however that any violation shall be an infraction subject to the procedures of Cal. Penal Code §§ Sections 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 ~~he-they~~ is arraigned, after being informed of ~~his-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 Ssection 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. 2459.5 (-12/11/2018); Ord. 2495.5 (08/24/2021))

## Sec. G-VII 1.28 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 ~~County~~. 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 ~~County~~.

B. The possession of a trapping device referred to in Paragraph 1 of this Ss section shall be prima facie evidence of a violation of this Ssection.

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.

~~6.—SEVERABILITY. If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this law.~~

(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.)

#### Sec. G-VII 1.29 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~~ ~~County~~. 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 ~~California Education Code Sections~~ Cal. Educ. Code §§ 48200 - 48361, et seq.

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 6 and 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~~ 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. ~~Section 1.29.A This Secection 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 ~~his or her~~ 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 ~~his or her~~ 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 ~~California Education Code Section~~ Cal. Educ. Code § 48205(a), or any other applicable State or Federal law.
8. The minor is on an emergency errand on behalf of ~~his or her~~ 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 ~~his or her~~ their place of gainful employment with a valid school work permit.
12. The minor is on ~~his or her~~ their authorized lunch period.
13. The minor has permission to leave ~~his or her~~ 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 ~~California Education Code Section~~ Cal. Educ. Code § 48222, or is receiving instruction by a qualified tutor pursuant to ~~California Education Code Section~~ 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 ~~California Family Code Sections~~ Cal. Fam. Code §§ 7000 – 2002., et seq.

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 \$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 \$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 \$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 ~~his or her~~ 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 ~~California Education Code Section~~ Cal. Educ. Code § 48264, of any minor subject to compulsory full-time education or to compulsory continuation education away from ~~his or her~~ their home and who is absent from school without valid excuse within the unincorporated area of the County of Nevada ~~County~~ or any school district therein.

#### G-VII 1.30 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.