



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

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

### **ORDINANCE AMENDING, ADDING, AND REPEALING NON-SUBSTANTIVE SECTIONS OF THE NEVADA COUNTY GENERAL CODE**

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

#### SECTION I:

##### **Findings and Declarations**

- A. Pursuant to Article XI, section 7 of the California Constitution, the County of Nevada (“County”) may adopt and enforce ordinances and regulations, not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.
- B. Amendments to these Codes are part of an ongoing effort to recodify and reorganize provisions of the Nevada County Codes and the changes are intended to be entirely non-substantive in effect.

#### SECTION II:

1. Chapter I: “GENERAL PROVISIONS” of the Nevada County General Code is hereby revised and amended to read as shown in “Exhibit A” attached hereto and incorporated by reference.
  - a. Article 1 ”Scope”, the following sections have been amended:
    - Sec. G-I 1.0 – 1.7 “Scope”: Repealed.
2. Chapter II: “ FRANCHISES” of the Nevada County General Code is hereby revised and amended to read as shown in “Exhibit B” attached hereto and incorporated by reference.
  - a. Article 1 “Regulations Affecting Franchises in Nevada County” the following sections have been amended:
    - Sec. G-II 1.1 “Franchise Required”: Editorial changes.
    - Sec. G-II 1.4 “Manner of Granting”: Editorial changes.
    - Sec. G-II 1.6 “Possessory Interest in Public Property”: Citation of California statute revised.
    - Sec. G-II 1.7 “Bond or Other Security”: Editorial changes.

- Sec. G-II 1.8 “Insurance”: Added full name of County of Nevada.
  - Sec. G-II 1.12 “Eminent Domain”: Editorial changes.
  - Sec. G-II 1.13 “Improvements to Roads”: Editorial changes.
  - Sec. G-II 1.14 “Conflicting Provisions and Severability”: Editorial changes.
- b. Article 2 “Cable Systems and Open Video Systems” the following sections have been amended:
- Sec. G-II 2.1 “Definitions”: Editorial changes, citation of California statute revised.
  - Sec. G-II 2.2 “Franchise Required”: Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II 2.3 “Possessory Interest of Public Property”: Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II 2.4 “Failure to Obtain a Franchise”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
  - Sec. G-II 2.5 “Existing Franchises”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
  - Sec. G-II 2.6 “Administration of Ordinance; Adoption of Regulations”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
  - Sec. G-II 2.7 “General Conditions Upon Construction, Operation and Repair “: Editorial changes. Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- c. Article 2.A “State Video Service Franchises” the following sections have been amended:
- Sec. G-II.2.A.1 “Findings”: Repealed.
  - Sec. G-II.2.A.2 “General Provisions”: Editorial changes. Citation of California statute revised.
  - Sec. G-II.2.A.3 “Definitions”: Citation of California statute revised.
  - Sec. G-II.2.A.4 “Franchise Fees”: Editorial changes. Citation of California statute revised.
  - Sec. G-II.2.A.5 “Customer Service”: Editorial changes. Citation of California statute revised. Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II.2.A.6 “Permits and Construction”: Editorial changes. Citation of California statute revised. Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II.2.A.7 “Emergency Alert System”: Editorial changes. Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II.2.A.8 “Public, Educational, and Government Access Channel Capacity, Support, Interconnection, and Signal Carriage”: Editorial changes.

Citation of California statute revised. Conformity of format for dates of prior Ordinance revisions.

- Sec. G-II.2.A.9 “Notices”: Editorial changes. Conformity of format for dates of prior Ordinance revisions.
- d. Article 2.B “Miscellaneous” the following sections have been amended:
- Sec. G-II 2.B.1 “Captions”: Editorial changes. Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II 2.B.2 “Calculation of Time”: Editorial changes. Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II 2.B.3 “Severability”: Editorial changes. Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II 2.B.4 “Connections to Cable System; Use of Antennae”: Editorial changes. Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II 2.B.5 “Discrimination Prohibited”: Editorial changes. Conformity of format for dates of prior Ordinance revisions.
  - Sec. G-II 2.B.6 “Transitional Provisions”: Editorial changes. Conformity of format for dates of prior Ordinance revisions.
- e. Article 3 “Franchises for Solid Waste Services” the following sections have been amended:
- Sec. G-II 3.1 “Franchise Required”: Editorial changes.
  - Sec. G-II 3.2 “Incorporation of Article 1 of this Chapter by Reference”: Editorial changes.
  - Sec. G-II 3.3 “Authority to Use Streets, Public Easements, etc.”: Editorial changes.
  - Sec. G-II 3.4 “Duties of Franchise Holder”: Editorial changes.
- f. Article 4 “Sierra Pacific Power Company Franchise”: All references to “Sierra Pacific Power Company” are replaced with “Liberty Energy Power Company”, the following sections have been amended:
- Sec. G-II 4.1 “Definitions”: Editorial changes.
  - Sec. G-II 4.2 “Franchise Granted to Sierra Pacific Power Company”: Editorial changes.
  - Sec. G-II 4.3 “Term of Franchise - Fifty Years”: Editorial changes.
  - Sec. G-II 4.4 “Poles, Wires, Etc., to be Installed, Constructed, Maintained Under Supervision of County Road Commissioner”: Editorial changes.
  - Sec. G-II 4.5 “Relocation of Poles, Wires, Etc., to be Done by Grantee”: Editorial changes.
  - Sec. G-II 4.7 “Grantee Has Right to Install, Maintain and Use Any or All Poles, Etc., as Necessary and Proper”: Editorial changes.
  - Sec. G-II 4.8 “Grantee Shall Pay County 2% of Gross Annual Receipts”: Editorial changes.

- g. Article 5 “Franchises for Transmission of Electricity, Gas, Oil and Water” the following sections have been amended:
  - Sec. G-II 5.1 “Franchise Required”: Editorial changes. Citation of California statute revised.
  - Sec. G-II 5.2 “Incorporation of Article 1 of This Chapter By Reference”: Repealed.
3. Chapter III “BUSINESS REGULATIONS” of the Nevada County General Code is hereby revised and amended: to read as shown in “Exhibit C” attached hereto and incorporated by reference.
  - a. Article 1 “Installation Of Automotive Tire Chains” the following section is hereby amended:
    - Sec. G-III 1.3 “Permit Required – Application; Fees”: Conformity of format for dates of prior Ordinance revisions.
  - b. Article 2 “Transportation of Christmas Trees” is hereby amended:
    - Sec. G-III 2.1” Transportation of Christmas Trees”: Reserved and moved to A-II 24.5 “Fees”. Renamed “Transportation of Trees, Shrubs and Boughs”.
  - c. Article 11 “Gold Country Telecare” Renamed to “Nevada County Now Paratransit Services”, the following section is hereby revised and amended.
    - Sec. G-III 11.1“Insurance”: Renamed to “Nevada County Now Paratransit Services”. Editorial changes.
  - d. Article 12 “Film Permits” the following section is hereby revised and amended.
    - Secs.. G-III 12.1 – 12.10: Editorial changes.
  - e. Article 14 “Firearms Dealers” the following section is hereby revised and amended.
    - Secs. 14.1 – 14.7 “Firearms Dealers”: Conformity of format for dates of prior Ordinance revisions and citation to California statute revised.
4. Chapter IV “GENERAL REGULATIONS” of the Nevada County General Code is hereby revised and amended to read as shown in “Exhibit D” attached hereto and incorporated by reference.
  - a. Article 1 “Humane Animal Control the following sections are hereby revised and amended.
    - Secs. G-IV 1.1 – 1.66 Editorial changes. Citation to California statutes revised. Internal reference of County of Nevada Ordinance sections removed.
    - Sec. G-IV 1.4 “Definitions”: Add definitions of “Animal Rescue or Shelter” and “Breeder”; remove “Hobby Breeder” definition; remove “boas and pythons” from list of exotic animals; remove “Stock Dog” definition; citation to California statute revised.
    - Sec. G-IV 1.24 – Added clarification “Any dog found to be potentially dangerous or vicious in another jurisdiction must be licensed as such within 10-days of relocating into the County of Nevada. The owner must comply with all requirements as if the animal was deemed potentially dangerous or vicious in this County.”

- Sec. G-IV 1.37 “Kennel License Required”: Added. Includes commercial or private kennels and breeders or rescues as defined.
  - Sec. G-IV 1.39 “Applications for and Processing of Kennel Licenses”: Simplify application for kennel license.
  - Sec G-IV 1.41 “Kennel License Renewal”: Added. Additional fees may incur if more than one inspection.
  - Sec. G-IV 1.42 “Kennel Standards”: Added. Includes a requirement of an Emergency Evacuation Plan prior to issuance of kennel license; Added commercial kennels and rescue organizations.
  - Sec. G-IV 1.46 “Animals Prohibited from Food Establishments”: Replaces “guide” dogs with “service” dogs.
  - Sec. G-IV 1.51 “Animal Cruelty”: Citation of California statute revised. Remove “Shelter or Cover” section as duplicative.
  - Sec. G-IV 1.53 “Authority to Declare Animals Vicious or Dangerous”: Added and revised to reflect current process and owner may consent to designation.
  - Sec. G-IV 1.54 “Potentially Dangerous or Vicious Dog”: Revised to reflect current hearing process for dangerous dog/vicious dog designation. Citation of California statute revised.
  - Sec. G-IV 1.65 “Penalties for Violations of Provisions of this Article”: Added. Includes multiple violations of the same ordinance section can be a misdemeanor.
- b. Article 9 “Gun Permit” the following section is hereby revised and amended.
- Sec. G-IV 9.1 “Concealed Firearm License”: Repealed and moved to be included in A-II 24.3 “Fees”.
- c. Article 10 “Fingerprinting Fee” the following section is hereby revised and amended.
- Sec. G-IV 10.1 “Fingerprinting Fee”: Repealed and moved to be included in A-II 24.4 “Fees”.
- d. Article 13 “Bidding Procedure” the following sections are hereby revised and amended.
- Secs. G-IV 13.1 – 13.12: Editorial changes. Internal reference of County of Nevada Ordinance section removed. Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- e. Article 13.A “Alternative Procedures for Leasing of County Property” the following section is hereby revised and amended.
- Secs. G-IV 13.A.1 – 13.A.4: Citation of California statute revised.
- f. Article 14.A “Wood Stoves and Fireplaces” the following section is hereby revised and amended.
- Secs. G-IV 14.A.1 – 14.A.9: Editorial changes. Internal reference of County of Nevada Ordinance section removed. Conformity of format for dates of prior Ordinance revisions.

- g. Article 17 “Parking for Physically Handicapped Persons” the following section is hereby revised and amended.
    - Secs. G-IV 17.1 – 17.5: Renamed and revised, replacing “Physically Handicapped Persons” with “Persons with Disabilities”.
  - h. Article 18 “Use Regulations Regarding County Property” the following sections are hereby revised and amended.
    - Sec. G-IV 18.1: Added and titled “Reserved”.
    - Sec. G-IV 18.2 “Drinking Alcoholic Beverages in County Buildings and Upon County Property Prohibited”: Editorial changes.
    - Sec. G-IV 18.3 “Parking Restrictions on County Property”: New, moved from G-IV 3.A.28.
    - Sec. G-IV 18.4 “Regulation of Smoking in County Owned Facilities”: New, moved from G-IV 23.4.
  - i. Article 19 “Skier Responsibility” the following section is hereby revised and amended.
    - Secs. G-IV 19.1 – 19.9: Editorial changes and included “Snowboarding”.
5. Chapter VII “ MISDEMEANORS” of the Nevada County General Code is hereby revised and amended to read as shown in “Exhibit E” attached hereto and incorporated by reference.
- a. Article 1 “In General” the following sections have been amended:
    - Sec. G-VII 1.7 “Dance Halls – Operation when Frequented by Prostitutes Unlawful”: Repealed.
    - Sec. G-VII 1.8 “Dance Halls – Patronization by Prostitutes Unlawful”: Repealed.
    - Sec. G-VII 1.9 “Dance Halls – Leasing Buildings to be Used for Dances Which Prostitutes Frequent Unlawful”: Repealed.
6. Chapter VIII “INDUSTRIAL DEVELOPMENT AUTHORITY” of the Nevada County General Code is hereby revised and amended to read as shown in “Exhibit F” attached hereto and incorporated by reference.
- a. Article 1 “Nevada County Industrial Development Authority” the following sections have been amended:
    - Sec. G-VIII 1.1. “Declaration of Formation of Nevada County Industrial Development Authority”: Repealed.

### SECTION III:

Severability. If any provision of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections,

subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

This Ordinance shall be passed and adopted immediately after notice and a public hearing as required by statute, and shall take effect and be in force at the expiration of thirty (30) from and after its passage, and shall become operative on [the 18<sup>th</sup> day of May, 2023](#), and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.