



NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: March 28, 2023
TO: Board of Supervisors
FROM: Katharine L. Elliott, County Counsel
SUBJECT: (Introduce/Waive further reading) Ordinance amending, adding, and repealing non-substantive sections of the Nevada County General Code

RECOMMENDATION: Introduce and waive further reading of the proposed Ordinance.

FUNDING: The revisions will have no fiscal effect.

BACKGROUND:

The Codes of the County of Nevada were last fully updated in 2006 by Ordinance No. 2192. To create uniformity in internal referencing and language usage; updated pronouns; agency and departmental organization; and to verify accuracy of citation and comport with state statutes, County Counsel's Office has been working with County agencies and departments and proposes the following revisions.

During this thorough review of all County Codes, revisions that are substantive in nature or which may require companion resolutions are not being brought forward at this time.

The proposed revisions serve the following functions:

- Updated language to reflect established practices within the department;
- Corrections to comply with current California statutes; and
- Editorial corrections to create uniformity within the County Codes.

Therefore, it is recommended that the Board adopt this proposed Ordinance to amend, repeal, and/or add the following codes:

General Code

1. CHAPTER 1: “GENERAL PROVISIONS”

a. Article 1 “Scope” Sections G-I 1.0 – 1.7

- Secs. G-I 1.0 - 1.7: Repeal. Now included in A-I “General Provisions”.

2. CHAPTER II: “FRANCHISES”

a. Article 1 “Regulations Affecting Franchises in Nevada County” Sections G-II 1.1 – 1.14

- 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” Sections G-II 2.1 – 2.7

- 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” Sections G-II.A.1 – 2.A.8
- Sec. G-II 2.A.1 “Findings for Franchises”: 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” Sections G-II 2.B.1 – 2.B.6

- 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” Sections G-II 3.1 – 3.4

- 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” Sections G-II 4.1 – 4.10
All references to “Sierra Pacific Power Company” are replaced with “Liberty Energy Power Company”.

- 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 Transmissions of Electricity, Gas, Oil and Water”
Sections G-II 5.1 – 5.2
- 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”

- a. Article 1 “Installation of Automotive Tire Chains” Sections G-III 1.1 – 1.8
- 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”
- Sec. G-III 2.1” Transportation of Christmas Trees”: Reserved. Revised 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” Section G-III 11.1
- Sec. G-III 11.1 “Insurance”: Editorial changes.
- d. Article 12 “Film Permits” Sections G-III 12.1 – 12.10
- Secs. G-III 12.1 – 12.10: Editorial changes.
- e. Article 14 “Firearms Dealers” Sections G-III 14.1 – 14.7
- Secs. G-III 14.1 – 14.7: Conformity of format for dates of prior Ordinance

revisions and citation to California statute revised.

4. CHAPTER IV: “GENERAL REGULATIONS”

a. Article 1 “Humane Animal Control” Sections G-IV 1.1 – 1.66

- 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” Section 9.1
- Sec. G-IV 9.1 “Concealed Firearm License”: Repealed. Moved to A-II 24.3 “Fees”.
- c. Article 10 “Fingerprinting Fee” Section G-IV 10.1
- Sec. G-IV 10.1 “Fingerprinting Required”: Repealed. Moved to A-II 24.4 “Fees”
- d. Article 13 “Bidding Procedure” Sections G-IV 13.1 – 13.12
- 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 County Property” Sections G-IV 13.A. 1 – 13.A.4
- Secs. G-IV 13.A. 1 – 13.A.4: Citation of California statute revised.
- f. Article 14.A “Wood Stoves and Fireplaces” Sections G-IV 14.A.1 – 14.A.9
- 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” Sections G-IV 17.1 – 17.5
- Sec. 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” Section G-IV 18.2
- Sec. G-IV 18.1: Added “Reserved”.

- Sec. G-IV 18.2: Editorial Changes.
 - Sec. G-IV 18.3 “Parking Restrictions on County Property”: Added, moved from G-IV 3.A.28.
 - Sec. G-IV 18.4” Regulation of Smoking in County Owned Facilities”: moved from G-IV 23.4.
- i. Article 19 “Skier Responsibility” Sections 19.1 – 19.9
- Secs. G-IV 19.1 – 19.9: Added snowboarding.

5. CHAPTER VII: “MISDEMEANORS” Sections G-VII 1.7 – 1.9

- a. Article 1 “In General” Section G-VIII 1.7-1.9
- 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 Dance s Which Prostitutes Frequent Unlawful”: Repealed

6. CHAPTER VIII “Industrial Development Authority”

- a. Article 1 “Nevada County Industrial Development Authority” Sections G-VIII 1.1: Repealed.

Item Initiated and Approved by: Kit Elliott

Submitted Date: March 10, 2023

Revised Date: