

EXHIBIT A

LAND USE CHAPTER I: GENERAL PROVISIONS ARTICLE SECTION 1: SCOPE

Sections:

Sec. L-I 1.0- ~~Statutory Authority~~ Reserved

Sec. L-I 1.1- ~~How Code Designated and Cited~~ Reserved

Sec. L-I 1.2- ~~Definitions and Rules of Construction~~ Reserved

Sec. L-I 1.3- ~~Provisions Considered as Continuations of Existing Ordinances~~ Reserved

Sec. L-I 1.4- ~~Effect of Repeal of Ordinances~~ Reserved

Sec. L-I 1.5- ~~Severability of Parts of Code~~ Reserved

Sec. L-I 1.6- ~~Catchlines of Sections~~ Reserved

Sec. L-I 1.7- ~~General Penalty; Continuing Violations~~ Reserved

Sec. L-I 1.8- General Enforcement Provisions

Sec. L-I 1.9- Assessment and Collection of Enforcement Penalties, and
_____ Enforcement Fees, Costs, and Charges

Sec. L-I 1.0 ~~Statutory Authority~~ Reserved

~~As to authority of counties to enforce regulations not in conflict with the general law, see Const., Art. II, Section 11.~~

~~For state law as to county boundaries, see Government Code, Section 23129. As to designation of county seat, see Government Code, Section 23629.~~

Sec. L-I 1.1 ~~How Code Designated and Cited~~ Reserved

~~The ordinances embraced in the following chapters and sections shall constitute and be designated “The Land Use and Development Code of the County of Nevada, California, 1972”, and may be so cited. It may be cited as the “Nevada County Land Code, 1972.”~~

Sec. L-I 1.2 ~~Definitions and Rules of Construction~~ Reserved

~~BOARD OF SUPERVISORS Whenever the words “Board of Supervisors” are used, they shall be construed to mean the Board of Supervisors of Nevada County.~~

~~CODE~~ The words “the Code” or “this Code” shall mean “The Land Use and Development Code of the County of Nevada, California, 1972.”

~~COMPUTATION OF TIME~~ The time in which any act provided by law is to be done is computed by excluding the first day and including the last day unless the last day is a holiday and then it is also excluded.

~~For similar State law, see Government Code Section 6800.~~

~~COUNTY~~ The words “the county” or “this county” shall mean the County of Nevada.

~~DAY A~~ “day” is the period of time between any midnight and the midnight following.

~~For similar State law, see Government Code Section 6806.~~

~~DAYTIME, NIGHTTIME~~ “Daytime” is the period of time between sunrise and sunset. “Nighttime” is the period of time between sunset and sunrise.

~~For similar State law, see Government Code Section 6807.~~

~~GENDER~~ The masculine gender includes the feminine and neuter.

~~For similar State law, see Government Code Section 12.~~

~~IN THE COUNTY~~ The words “in the County” shall mean and include all territory over which the County now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

~~JOINT AUTHORITY~~ All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

~~See Civil Code Section 12.~~

~~MONTH~~ The word “month” shall mean a calendar month.

~~For similar State law, see Government Code Section 6804.~~

~~NUMBER~~ The singular number includes the plural, and the plural the singular.

~~For similar State law, see Government Code Section 13.~~

~~OATH~~ “Oath” includes affirmation.

~~For similar State law, see Government Code Section 15.~~

~~OFFICERS, DEPARTMENTS, ETC.~~ Officers, departments, boards, commissions and employees referred to shall mean officers, departments, boards, commissions and employees of the County of Nevada unless the context clearly indicates otherwise.

~~OFFICIAL TIME~~ Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Saving Time as may be in current use in the County.

~~OR, AND~~ “Or” may be read “and”, and “and” may be read “or”, if the sense requires it.

~~OWNER~~ The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

~~PERSON~~ “Person” includes any person, firm, association, organization, partnership, business trust, corporation or company.

~~For similar State law, see Government Code Section 17; Code of Civil Procedure Section 17.~~

~~PERSONAL PROPERTY~~ Includes every species of property, except real property, as herein defined.

~~See Civil Code Section 14 and Section 663.~~

~~PRECEDING, FOLLOWING~~ The words “preceding” and “following” mean next before and next after, respectively.

~~PROCESS~~ Includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

~~For similar State law, see Government Code Section 22.~~

~~PROPERTY~~ The word “property” shall include real and personal property.

~~See Civil Code Section 14; Code of Civil Procedure Section 17.~~

~~REAL PROPERTY~~ Shall include lands, tenements and hereditaments.

~~See Civil Code Section 14 and Section 658.~~

~~SHALL, MAY~~ “Shall” is mandatory and “may” is permissive.

~~For similar State law, see Government Code Section 14.~~

~~SIGNATURE OR SUBSCRIPTION BY MARK~~ “Signature” or “subscription” includes a mark when the signer or subscriber cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his own name near the signer’s or subscriber’s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

~~For similar State law, see Government Code Section 16.~~

~~STATE~~ The words “the State” or “this State” shall be construed to mean the State of California.

~~TENANT OR OCCUPANT~~ The words “tenant” or “occupant”, applied to a building or land, shall include any person holding a written or an oral lease of or who occupies, the whole or a part of such building or land, either alone or with others.

~~TENSES~~ The present tense includes the past and future tenses, and the future includes the present.

~~For similar State law, see Government Code Section 11.~~

~~WEEK~~ A week consists of seven consecutive days.

~~For similar State law, see Government Code Section 6805.~~

~~WRITING includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.~~

~~For similar State law, see Government Code Section 8.~~

~~YEAR The word "year" shall mean a calendar year, except where otherwise provided.~~

~~For State law definition of "year", see Government Code Section 6803.~~

Sec. L-I 1.3 ~~Provisions Considered as Continuations of Existing Ordinances~~Reserved

~~The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.~~

Sec. L-I 1.4 ~~Effect of Repeal of Ordinances~~Reserved

~~The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.~~

~~The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.~~

Sec. L-I 1.5 ~~Severability of Parts of Code~~Reserved

~~It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not effect affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.~~

Sec. L-I 1.6 ~~Catchlines of Sections~~Reserved

~~The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor is any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.~~

Sec. L-I 1.7 ~~General Penalty; Continuing Violations~~Reserved

~~In accordance with Section 25132 of the California Government Code, and Section 19.4 of the Penal Code, a violation of any provision of this Land Use and Development Code is unlawful and a public offense, and when no specific penalty is prescribed by this Code, such offense shall be a misdemeanor unless otherwise specified by ordinance as an infraction. The Code Compliance Officer shall have the authority to issue an infraction citation when, in the judgment of the Officer, factors warrant the issuance of an infraction citation rather than a misdemeanor citation. Each day that a violation exists, or continues, shall constitute a separate offense.~~

~~Pursuant to Section 19 of the Penal Code, a misdemeanor conviction shall be punishable by a fine not to exceed \$1,000 per violation, or by imprisonment in the County jail for a term not exceeding six months, or by both.~~

~~During the pendency of any legal proceeding commenced pursuant to this Code, a misdemeanor may, in the interest of justice, and in the discretion of the prosecuting attorney, be reduced to an infraction at any time during the criminal case. The penalty for an infraction shall be a fine in the amounts set forth in Subdivisions (b) and (c) of Section 25132 of the Government Code.~~

Sec. L-I 1.8 General Enforcement Provisions

General enforcement provisions for this Code are set forth in Land Use, Zoning provisions, Article 5 of Chapter II.

Sec. L-I 1.9 Assessment and Collection of Enforcement Penalties, and Enforcement Fees, Costs, and Charges

Provisions for the assessment and collection by the County of enforcement penalties, enforcement fees, costs, and charges are set forth in Land Use, Zoning provisions Article 5 of Chapter II, and these provisions apply to all cChapters of this Code.