



NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: October 24, 2023
TO: Board of Supervisors
FROM: Katharine L. Elliott
SUBJECT: (Waive Further Reading/Adopt) An Ordinance revising Sections of the Nevada County General Code

RECOMMENDATION: The proposed Ordinance was introduced at the October 10, 2023 Board of Supervisor meeting. It is now recommended to waive further reading and adopt the proposed Ordinance.

FUNDING: The revision will have no fiscal effect.

BACKGROUND:

The Codes of the County of Nevada were last fully updated in 2006 by Ordinance No. 2192. In an effort to create uniformity in internal referencing; language usage; updated pronouns; Agency and Departmental organization; as well as to verify accuracy of citation and comport with California State Statute, County Counsel's Office has been working with County Agencies and Departments and proposes the following revisions.

Therefore, it is recommended that the Board adopt this proposed Ordinance to:

Revise:

Chapter II "Franchises" of the Nevada County General Code is hereby revised and amended to read as shown in "Exhibit A" attached hereto and incorporated by reference.

Article:

1. "Miscellaneous", Section 2.B..3 "Severability" is repealed. These provisions are included elsewhere in the codes.
2. "'Franchises for Solid Waste", Sections 3.1-3.4 was revised to specify delineation between Eastern and Western Nevada County and to require the

Franchise Holder to comply with all state Regulations pertaining to solid waste collection, transportation, disposal, and operation of solid waste facilities.

Chapter III “Business Regulations” of the Nevada County General Code is hereby revised and amended to read as shown in “Exhibit B” attached hereto and incorporated by reference.

Articles:

1. “Regulation of Medical Transportation Services”, Sections 4.1 – 4.34 34 revised to remove specific insurance amounts, these are included in contractual negotiations; the Section on “Severability” is repealed as it is included elsewhere in the codes; Public Health “Director” is revised to Public Health “Officer”.
2. “Public Health Certificate of Operation”, Sections 5.1 – 5.47. 5.20 revised to reflect current procedure of processing applications through the Environmental Health Department not the Treasurer/Tax Collector’s Office.
3. “Drug Paraphernalia”, Sections 6.1 – 6.4: revised to reflect current California law.
4. “Adult Business”, Sections 13.1-13.21 are editorial changes only.

All sections revised to standardize citation of California statute; removal of “General” and “Article” in code; conform format for dates of prior Ordinance; gender neutrality; and replace internal references from number of code section to title of code section.

Articles Repealed in their Entirety:

5. “Alarm Devices and Systems”, Sections 7.1 – 7.15 as outdated and inapplicable in practice.
6. “Gold Country Telecare”, Section 11.1

Chapter IV “General 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.

Articles:

1. “Animal Control”, Sections 1.1-1.66 was recently updated and approved in Ordinance 2522 on May 18, 2023, however additional revisions are now being made to reflect a more complete set of definitions, corrections to terminology, and to delineate between Animal Control/Animal Control Officers and Animal Shelter Director to reflect current practices. The revisions further create uniformity in internal referencing; language usage; updated position titles; and updated procedures and practices. All references to “Chief of Animal Control” were revised to “Sheriff” or “Sheriff or their designee” or “Animal Control Officer” or “Animal Control Officer or peace officer” and “Animal Shelter Director” was added to conform to proper titles and authority in given Sections.
 - a. Section 1.2 “Short Title” renamed “Nevada County Animal Regulation Ordinance”.

- b. Section 1.3 revised to reflect the inclusion of Animal Shelter Services.
 - c. Section 1.4 “Definitions” amended to add, remove and revise definitions.
 - d. Section 1.5 “Responsibility of Chief of Animal Control” renamed “Administration: General Powers and Authority” to reflect general powers and authority of Animal Control and Animal Shelter Services.
 - e. Section 1.11 “Impoundment” revised where duplicative.
 - f. Section 1.12 “Period of Impoundment” renamed “Period of Impoundment & Notice” to include “Notice” provision in section H.
 - g. Section 1.18 “Adoption or Destruction Authority” added “Animal Shelter Director or designee” as authority to act.
 - h. Section 1.19 “Adoption of Animals” removed reference to “Animal Control Program” and include “Animal Shelter Director, or their designee.”
 - i. Section 1.21 C.1. added “County” to “Treasurer” to clarify proper agency.
2. “Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits”, Sections 3.B.1-3.B.20, references to localities within the Town of Truckee are repealed.
 3. “Signs- Written Authorization”, Sections 6.1-6.4 amended to change the title revised to standardize citation of California statute; removal of “General” and “Article” in code; conform format for dates of prior Ordinance; gender neutrality; replace internal references from number of code section to title of code section.
 4. “Parking for Disabled Persons”, Sections 17.1-17.5 is amended to reflect current California requirements.
 5. “Smoking”, Sections 23.1 – 23.20, revised to more accurately reflect state statute.

All sections revised to standardize citation of California statute; removal of “General” and “Article” in code; conform format for dates of prior Ordinance; gender neutrality; replace internal references from number of code section to title of code section.

Chapter VI “Prison Labor” of the Nevada County General Code is hereby revised and amended to read as shown in “Exhibit D” attached hereto and incorporated by reference.

1. Article 1 “In General”, Sections 1.1 – 1.19 Renamed to “Work Furlough Program And Work Release Program” to reflect current program. Majority of current code repealed. Revisions to remaining Work Furlough and Work Release programs.

All sections revised to standardize citation of California statute; removal of “General” and “Article” in code; conform format for dates of prior Ordinance; gender neutrality; replace internal references from number of code section to title of code section.

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.

1. Article 1 “In General” Sections 1.1 – 1.29
 - a. Section 1.14 “Fortunetelling and Like Practices – Misdemeanors”, Section

- 1.15 “Fortunetelling and Like Practices – Advertising”, Section 1.16 “Fortunetelling and Like Practice – Use by Churches, Ministers, Etc. and Section 1.19 “Smoking in Open Areas” are repealed as they are outdated.
- b. Section 1.30, “Penalty for Violation” is a newly added to reflect state statute.

All sections are revised to standardize citation of California statute; removal of “General” and “Article” in code; conform format for dates of prior Ordinance; gender neutrality; replace internal references from number of code section to title of code section.

Chapter IX “Waterways” of the Nevada County General Code is hereby revised and amended to read as shown in “Exhibit F” attached hereto and incorporated by reference.

1. Article 1 In General:

- a. Section 1.2, “Definitions” amended to add:

D. “Sunset” and “Sunrise” shall also mean “Official Sunset” and “Official Sunrise” as determined by the National Oceanic and Atmospheric Association (NOAH); and

E. “Wake” and “Flat Wake” shall mean “Idle Speed”, or a speed no more than 5 MPH where there is no white water”.

- b. Section 1.7, “Buoys and Markers” was previously repealed, current revisions retitled Section as “Reserved”.
- c. Section 1.8, “Penalty for Violations” is amended to read:

Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars or by imprisonment in the County Jail for less than six months, or by both such fine and imprisonment. However, at the time of citation, the enforcement officer may, considering the circumstance, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of the offense after such a reduction shall be punished by a fine of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000).

2. Article 2 “Miscellaneous Watercraft Regulations” Is Retitled “Watercraft Regulations”;
3. Article 3 “Small Lakes Regulations”;
4. Article 4 “Rollins Reservoir”;
5. Article 5 “Lake Wildwood”;
6. Article 6 “Englebright Lake”;
7. Article 7 “Donner Lake”;
8. Article 8 “Lake of the Pines”;
9. Article 9 “Boca Reservoir”;

10. Article 10 "Scotts Flat Lake";
11. Article 11 "Spaulding Lake";
12. Article 12 "Combie Lake";
13. Article 13 "Jackson Meadows Reservoir" 13.8 added. This is the same provision governing "Amendments" as is included in all other sections of this Chapter;
14. Article 14 "Aquatic Invasive Species Prevention"
 - a. Sec. G-IX 14.8 Violation was added and reads:
Every violation of this Article shall be an infraction and shall be punishable as such by a fine in the maximum amount(s) allowed under Cal. Gov't Code § 25132(b).

All of the above have been revised to clarify "Flat Wake Zone" and "Official" Sunrise and Sunset; create uniform language for headers and subparagraphs; citation of California statute revised; removal of "General" and "Article" in code reference; and conform format for dates of prior Ordinance revisions.

Item Initiated and Approved by: Katharine L. Elliott

Submitted Date: October 12, 2023

Revised Date: