



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

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

### **AN ORDINANCE AMENDING SECTION G-VII 1.27 OF ARTICLE 1 OF CHAPTER VII OF THE NEVADA COUNTY GENERAL CODE PERTAINING TO DISCHARGING A FIREARM**

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

#### SECTION I:

Section G-VII 1.27 of Article 1 of Chapter VII of the Nevada County General Code is hereby amended in its entirety to read as shown in Exhibit A, attached hereto and incorporated herein by this reference.

#### SECTION II:

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, involved or unenforceable.

#### SECTION III:

The Board of Supervisors hereby finds that this Ordinance is exempt from environmental review pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (Title 14, Chapter 3 of the California Code of Regulations), as this action will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility the activity in question may have a significant effect on the environment. In addition to the forgoing general exemptions, the following categorical exemptions apply: Sections 15321 (actions taken by regulatory agencies to enforce or revoke a lease, permit, certificate, or other entitlement for use issued adopted, or prescribed by the regulatory agency or enforcement of a law, general rule standard, or objective, admitted or adopted by the regulatory agency), and 15308 (actions taken by regulatory agencies as authorized by local ordinance to assure the protection of the environment).

#### SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after its adoption, and is shall be come operative on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

## EXHIBIT A

### “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 (1) the person discharging the weapon, (2) a member of his or her family, or (3) an invited guest thereof.
- 2. The discharge of a firearm for the express purpose of the lawful slaughtering of animals.

The provisions of subparagraph B shall not apply to any shooting range operated by law enforcement agencies nor to any shooting ranges existing on the date of the adoption of this ordinance or amendment, provided the owner or operator has registered the shooting range with the Sheriff's Department within 90 days of the adoption of this ordinance.

- C. It shall be unlawful for any person to discharge any firearm from 5 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:

- a. The volume or intensity of the noise;
- b. The proximity of the noise to neighboring dwelling houses, residences, or other buildings;
- c. The proximity of the noise to offices, places of business, or other areas where work is carried on;
- d. The nature and zoning of the area within which the noise emanates;

- e. 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;
  - f. 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;
  - g. 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 this Ordinance 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 this Ordinance shall not apply to any person conducting a predatory control program on behalf of or licensed by any federal, state or county agency.
- H. Any violation of this Ordinance shall constitute a misdemeanor; provided however that any violation shall be an infraction subject to the procedures of 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 is arraigned, after being informed of his 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.”