

## Nevada County Code

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**Sec. G-IV 4.A.29 Restoring Highway**

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Upon the completion of the work authorized by any permit, or at such earlier time as the Department may direct, the permittee shall restore the County highway to as good condition as it was before the work began. The Department may provide such other conditions as to location and the manner in which the work is to be done as the Department finds necessary for the protection of the County highway and/or the protection or convenience of the public. Should the permittee fail to promptly restore the County highway, the Department may perform such work and charge the permittee for all costs incurred. After completion of all work, the permittee shall exercise reasonable care in inspecting and maintaining the area affected by the encroachment. Upon request by the Department, the permittee shall immediately repair or redo any work performed in the County highway that the Department finds to be defective or substandard or which may have created a nuisance or hazard in any portion of the County highway. If the permittee fails to act promptly or if the Department finds that the public convenience or safety requires that the work be done immediately, the Department may proceed to do the repair or replacement work, and the permittee shall be charged the actual costs thereof, plus fifteen percent (15%) as administrative costs.

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In the event that the Department determines that it is necessary, any encroachment maintained within the County highway shall be relocated by and at the expense of the permittee, his or her successor or the owner of the encroachment. In said event, the Department shall serve on the permittee its written demand specifying that the encroachment must be removed from the County highway and specifying a reasonable time within which the work of relocation must be commenced. The permittee shall commence such relocation or removal within the time specified in said demand and thereafter diligently execute the same to completion.

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Any person who violates any provision of this Article shall be guilty of an infraction and, upon conviction thereof, shall be subject to a mandatory fine of \$100 for a first violation, \$200 for a second violation of the same Section within a 12-month period and \$500 for a third or subsequent violation of the same Section within a 12-month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

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**Sec. G-IV 4.A.43 Cost of Enforcement**

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Any person, firm, entity or agency who violates the provisions of this Article shall be liable for payment for the cost incurred by the County in enforcing the provisions of this Article, up to a maximum cost of \$5,000 per violation. Cost shall be calculated according to the latest schedule of fees as adopted by the Board of Supervisors. The cost of enforcement shall be paid to the Department within 30 days of the date of the billing therefor and any fees not paid within 30 days shall be assessed a late penalty of 10% of the balance that is not paid, and shall thereafter accrue interest at the rate of 1% per month until paid. Any such costs which remain unpaid for more than 90 days shall be referred to the Collections Department and may be subject to such other legal action or remedies as may be allowed by law.

Any person, firm, entity or agency that is assessed for the cost of enforcement may appeal such assessment to the Board of Supervisors by filing a statement of appeal thereof with the Clerk of the Board of Supervisors within 30 days from the date of the mailing of the initial notice of the assessment thereof.

If any appeal is filed regarding the assessment of such fees, the appeal shall stay any action by the County to collect same. The appeal shall be promptly presented to the Chair or the Board of Supervisors or to such other member of the Board as the Chair may designate, which person shall render a decision thereon within 15 days of the date of the filing of the appeal. The costs as determined by the appeal shall then be due within 15 days from the date of the mailing of the decision thereon. Failure to pay the costs when due shall subject the costs to late penalties and interest as set out above.

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