

## EXHIBIT D

### GENERAL CODE

#### CHAPTER IV – GENERAL REGULATIONS

#### ARTICLE 1 - ~~HUMANE~~ ANIMAL CONTROL

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Sec. G-IV 1.1 Geographical Area Covered

The provisions of this Article shall be effective in the unincorporated areas of Nevada County.

Sec. G-IV 1.2 Short Title

This Article shall be known ~~as, and~~ and may be referred to as “The County of Nevada ~~County~~ Animal Control and Protection Regulations.”.

Sec. G-IV 1.3 Purpose

The purposes of this Article are as follows:

- A. To provide methods of controlling stray animals in the unincorporated areas of Nevada County and provide for the humane treatment of such animals.
- B. To provide methods necessary for the control of animals owned or maintained by residents and non-residents in the unincorporated areas of Nevada County.

Sec. G-IV 1.4 Definitions

For the purpose of this Article, unless it is plainly evident from the context that a different meaning is in-tended, the following terms as used in this Article are defined as follows:

- A. ADOPTABLE means an animal that has not manifested any sign of a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and has manifested no sign of disease, injury or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal’s health in the future.
- B. ANIMAL means any domesticated animal, captive wild animal, or any exotic animal.
- C. ANIMAL CONTROL means that section of the County government or a contract agency that is specifically charged with the enforcement of laws, Resolutions, and Ordinances dealing with animals in the unincorporated areas of Nevada County.
- D. ANIMAL CONTROL OFFICER means the Chief of Animal Control, or any authorized Animal Control Officer, or any employee of a contract agency authorized by the Board of Supervisors to act in the enforcement of the Animal Control Program.
- E. ANIMALS OF HUSBANDRY means domestic animals normally associated with farming.

F. ANIMAL RESCUE OR SHELTER ‘rescue group’ is an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code and does not obtain animals from breeders or brokers for compensation. Facilities or organizations meeting this definition are required to obey all animal welfare laws, are required to obtain kennel permits when applicable for dogs, cats, exotics or other classification of animal).

~~X~~ ~~ANIMAL RESCUE~~ ~~means~~

FG. ANIMAL SHELTER means the facilities provided by the County for the treatment and care of animals coming into the custody of the Animal Control Program.

GH. AT LARGE means an animal off the premises of its owner and not under the control of the owner by means of a leash, chain, tether, adequate fence, or other effective device.

I. BREEDER means “dog breeder,” or “breeder” means a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all or part of three or more litters or 20 or more dogs during the preceding 12 months that were bred and reared on the premises of the person, firm, partnership, corporation, or other association, as per Cal. Health & Safety Code § 122045 (2020).-

HJ. CHIEF OF ANIMAL CONTROL means the County employee designated by the Sheriff to be responsible for the administration and enforcement of all provisions of this Article; provided however, that such employee shall not be responsible for the enforcement of this Article in territory within the County in which animal control is provided through an agreement with any other governmental agency or agencies as such agreement presently exists or may hereinafter be modified or adopted.

IK. CONTRACT AGENCY means any entity that has entered into a contract or agreement with the County for the enforcement of laws, Resolutions, and Ordinances relating to animal control in the unincorporated areas of County of Nevada ~~County~~.

JL. CRUELTY TO ANIMALS means the malicious and/or intentional maiming, mutilating, torturing, wounding, or killing of a live animal, or the overdriving, overloading, overworking of animals, or the deprivation of necessary sustenance, drink, or shelter from the elements, or unnecessary pain and suffering caused by negligent care, as more fully defined in ~~Section G-IV 1.51 of this Code~~ and Cal. Penal Code §§ 574 – 625c Section 597, et seq. of the Penal Code.

KM. DOG means all domesticated canines.

**NL.** FERAL CAT means a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people, and who is totally unsocialized to people.

**M.**—~~HOBBY BREEDER~~ means

**NO.** HUNTING DOG means a dog that assists a person(s) in the hunting of animals and game birds for which there is an established season for the taking of such animals or game birds.

**OP.** KENNEL, COMMERCIAL means any facility maintained for the purpose of boarding dogs or cats for a fee, or any facility where more than three (3) dogs and/or cats over the age of six (6) months are kept, harbored, or maintained for the purpose of breeding, raising or training for a fee or for sale, or any facility that advertises as a kennel in any magazine, newspaper, or other public media.

**PQ.** KENNEL, PRIVATE means any facility where more than six (6) dogs and/or cats over the age of four (4) months are kept, harbored, or maintained for the use and enjoyment of the occupant for non-commercial purposes. Dogs used in herding farm ~~animals~~animals<sup>2</sup> incidental to agricultural uses are excluded.

**QR.** IMPOUNDMENT means the taking into custody, confining, and caring for an animal.

**RS.** LIVESTOCK means domestic animals customarily kept, used, maintained or raised on a farm or ranch including, but not limited to, horses, ponies, burros, mules, donkeys, cows, llamas, alpacas, steers, sheep, goats, swine, rabbits and fowl.

**ST.** NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY refers to the consolidated County departments of Planning, Building, Code Compliance, Public Works, and Environmental Health.

**TU.** OWNER/CUSTODIAN means a person who has title to, or a person who harbors and maintains, or has control, custody, or possession of an animal.

**UV.** PERSON means any person, firm, association, organization, partnership, business, trust, corporation, or company.

**VW.** PREMISES means the property or vehicle owned or controlled by a person.

**WX.** PROXIMITY means the state of being very near; close; within ten feet (10’).

**MY.** SERVICE DOG means a dog that “assistance dogs” are dogs specially trained as guide dogs, signal dogs, or service dogs and are licensed as such with animal control.

~~XZ.~~ TREATABLE ANIMAL means any animal that is not adoptable, but that could become adoptable with reasonable efforts.

~~YAA.~~ VACCINATION means an inoculation of an animal with a vaccine approved by, and in the manner pre-scribed by, the Department of Public Health of the State of California.

~~ZBB.~~ VETERINARIAN means a person licensed by the State of California to practice veterinary medicine.

~~AACC.~~ POTENTIALLY DANGEROUS DOG means:

1. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner/custodian of the dog.

A defensive action is the process of doing something or anything to provide protection or support to prevent bodily injury from aggression or attack by a dog when the person and the dog are off the property of the owner/custodian of the dog.

2. Any dog which, when unprovoked:

a. Bites a person, causing an injury less severe than a muscle tear or a disfiguring laceration, or less than requiring multiple sutures or corrective or cosmetic surgery.

b. Kills a domestic animal off the property of the owner/custodian of the dog.

3. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner/custodian of the dog.

4. Any dog that has been deemed by another governmental jurisdiction as “potentially dangerous,” or “dangerous,” or similar designation, ~~s~~shall be designated as “Potentially Dangerous” within the County of Nevada.

~~BBDD.~~ VIOIOUS DOG means:

1. Any dog which, when unprovoked, in an aggressive manner, inflicts any injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery, or who kills a human being; or

2. Any dog previously determined to be, and currently listed as, a potentially dangerous dog which, after its owner/custodian has been notified of the determination, continues the behavior de-scribed as potentially dangerous dog in Section 1.4.AA of this

~~Chapter Article~~, or who is maintained in violation of ~~Sections 1.54.C.1, 1.54.C.2, or 1.54.C.3~~ of this ~~Chapter Article~~.

~~CCCE~~. VICIOUS OR DANGEROUS ANIMAL means any animal other than a dog that shows a propensity to attack, bite, or otherwise injure or harass people or other animals without being provoked.

~~FFDD~~. WORKING ANIMAL means animals under the control of humans and used for the movement of livestock, fowl, tracking, obedience, show, or animals used by law enforcement agencies while in the performance of their official duties.

~~GGEE~~. WILD, EXOTIC OR NON-DOMESTIC ANIMALS means animals such as, but not limited to, adult deer, antelope, cougars, lions, wolves, wolf-hybrids, coyotes, opossums, anteaters, armadillos, ~~boas, pythons~~, racers, alligators, crocodiles or any species of animals which are dangerous to human beings or other animals. These animals require a Use Permit from the Planning Department.

~~FF~~. — ~~STOCK DOG means a dog that is used for the movement and control of livestock or fowl. (Ord. 2428, 2/28/17)~~

#### Sec. G-IV 1.5 Responsibility of the Chief of Animal Control

The Chief of Animal Control is responsible for the administration and enforcement of the County's Animal Control Program. ~~Their~~ ~~His~~ duties shall include, but are not limited to the following:

- A. Directing Animal Control staff.
- B. Administer any animal shelter acquired or coming under the control of the County of Nevada.
- C. Keeping such records as may be required by the Board of Supervisors, and such records necessary for submitting required reports to State agencies, and any other such records for a minimum of three (3) years.
- D. Administering the enforcement of County Ordinances and Resolutions and State laws relating to the care, treatment, and control of animals in all areas of the County not covered by a contract.
- E. To prepare and disseminate information to educate the public on Ordinances, Resolutions, and other laws relating to the care, treatment, and control of animals.
- F. Follow the directions and carry out the policies of the Board of Supervisors for the Animal Control Program.



- G. Assist in budget preparation for the Animal Control Program.
- H. Administer licensing programs if the Board of Supervisors designates the Animal Control Program as the licensing authority.
- I. Quarantine animals when required by law.
- J. Administer any contract that the County may enter into for the regulation and control of animals.
- K. Maintain records regarding all potentially dangerous and vicious dogs within the unincorporated areas of Nevada County.
- L. Deputize one or more employees of the Animal Control Program to carry out the duties described in this ~~Chapter Article~~ and by State law.
- M. ~~Insure~~Ensure that the following information is made available to any contractor or department responsible for the provision of services at the animal shelter and to make such information accessible to the public:
1. A list upon which owners of lost animals and those who find lost animals can list the animals they have lost or found.
  2. The telephone numbers and addresses of other shelters within the area.
  3. Advisee as to the means of publishing and disseminating information regarding lost animals.
  4. The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.
- N. Use all currently acceptable methods of identification, both electronic and otherwise, to determine the lawful owner/custodian of any seized or impounded animal. Reasonable efforts to notify the owner/custodian of the whereabouts of the animal shall be made. The owner/custodian shall be informed of the procedures available for the lawful recovery of the animal. Upon the owner/custodian's initiation of recovery procedures, the animal shall be retained for a reasonable period of time in order to allow for completion of the recovery process. ~~A "reasonable period of time" is to be determined by the Chief of Animal Control.~~ A record of efforts to locate or contact the owner/custodian and communications with persons claiming to be the owner/custodian shall be maintained and made available for public inspection.
- O. Take possession of stray or abandoned animals and provide for their treatment and care until they are redeemed, adopted, or euthanized.

P. Convey all injured cats and dogs without their owners/custodians in a public place directly to a veterinarian for a determination as to whether the cat or dog should be humanely destroyed or receive emergency treatment.

Q. To humanely destroy any stray or abandoned animal in the field where the animal is too severely injured to move or where a veterinarian is not ~~available~~available, and it would be more humane to dispose of the animal. ~~An authorized Animal Control Officer should obtain the approval of his or her immediate superior prior to destroying an injured animal.~~

#### Sec. G-IV 1.6 Officer's Status, Arrests, and Citations

The Chief of Animal Control and all other duly authorized Animal Control Officers are vested with the power of public officers. Such officers are authorized to enforce the provisions of this Chapter Article, the provisions of State law, or other County Ordinances and Resolutions regarding the care, treatment, and control of animals; furthermore, such officers have the power to make arrests, issue citations, issue warning notices, quarantine animals, impound animals, or initiate civil action for violations of such Ordinances, Resolutions, or State law.

#### Sec. G-IV 1.7 Entry of Premises

All duly authorized ~~A~~Animal Control Officers shall be authorized to enter any premises where an animal is kept for the purpose of seizing and impounding any animal which has been mistreated or kept in violation of the laws of the State or the provisions of County Ordinances or Resolutions. A search warrant or inspection warrant shall be obtained whenever required by law.

#### Sec. G-IV 1.8 Administrative Policies

The Chief of Animal Control, or their designee, may formulate administrative policies, as ~~he~~deemeds necessary, for the purpose of carrying out the intent of this Chapter Article.

#### Sec. G-IV 1.9 Authority to Carry Firearms

The Chief of Animal Control and such Animal Control Officers ~~as he may~~designatedd are authorized to carry firearms when acting in the course and scope of their duties pursuant to California Penal Code § 830.9~~8~~Section.

#### Sec. G-IV 1.10 Authority to Use Tranquilizer Gun

The Chief of Animal Control, and such designated Animal Control Officers ~~as he may designate~~, are authorized to employ the use of the tranquilizer gun.

No officer shall employ use of the tranquilizer gun until such officer has received proper training on the care and use of the tranquilizer gun.

#### Sec. G-IV 1.11 Impoundment

Any animal which is, to the knowledge of an Animal Control Officer, engaged in activity or existing in a condition prohibited by County Ordinances or Resolutions or State laws, shall be taken up and impounded at the animal shelter or at such place as may be approved by the Chief of Animal Control.

After impoundment of any animal, the Chief of Animal Control shall notify the owner/custodian, if known, of such impoundment.

#### Sec. G-IV 1.12 Period of Impoundment

Periods of impoundment are as follows:

- A. Any impounded dog or cat shall be held for a period of not less than six (6) business days, not including the day of impoundment, except:
  1. If the shelter has made the dog or cat available for owner/custodian redemption on one weekday evening until at least 7:00 p.m., or one weekend day, the holding period shall be four (4) business days, not including the day of impoundment, or
  2. If the shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners/custodians to reclaim their dogs by appointment at a mutually agreeable time when the shelter would otherwise be closed, the holding period shall be four (4) business days, not including the day of impoundment.
- B. Except as provided in ~~Food and Agricultural~~ Cal. Food & Agric. Code ~~§§Sections~~ 17006 and & 31752.5, stray dogs and cats shall be held for owner/custodian redemption during the first three (3) days of the holding period, not including the day of impoundment, and shall be available for owner/custodian redemption or adoption for the remainder of the holding period.

C. Any stray dog or cat that is impounded may, prior to the killing of that animal, be made available to an animal rescue or adoption organization that has expressed an interest in said animal; provided, however, that said animal has not been determined non-adoptable for any reason by the Chief of Animal Control or the Supervising Animal Control Officer.

D. If an apparently feral cat has not been reclaimed within the first three (3) days of the required holding period, shelter personnel qualified to verify the temperament of the cat shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period. If the cat is determined to be feral, the cat may be euthanized or relinquished to a nonprofit animal adoption organization that agrees to the spaying or neutering of the cat if it has not already been spayed or neutered.

E. Any other impounded animal, including, but not limited to, a rabbit, guinea pig, hamster, pot-bellied pig, bird, lizard, snake, turtle, or tortoise legally allowed as personal property shall be held for a period of not less than six (6) days under the same terms and conditions applicable to dogs and cats as provided in this [Chapter Article](#).

F. For the purpose of this Section, any time the animal shelter is closed (regularly scheduled day of closure or holiday), such time shall not be counted against the minimum holding periods for animals.

G. This Section shall not apply to cats that are severely injured or seriously ill, or to newborn cats unable to feed themselves.

#### Sec. G-IV 1.13 Pre-seizure Hearing; Neglected or Abused Animals

When an Animal Control Officer determines that an animal may become a threat to the health or safety of itself or others, and determines that immediate seizure of the animal is not necessary, the Officer shall provide the owner/custodian of the animal with the opportunity for a pre-seizure hearing prior to the seizure or impoundment of such animal. Notice of hearing, and the conduct of such hearing, shall comply with the provisions set forth in [Cal. Penal Code Section § 597.1](#). The pre-seizure hearing shall be held prior to the commencement of any related criminal proceedings.

#### Sec. G-IV 1.14 Post-Seizure Hearing; Neglected or Abused Animals

Whenever an Animal Control Officer seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or others, the Officer shall provide the owner/custodian of the animal, if known,

with the opportunity for a post-seizure hearing to determine the validity of the seizure, impoundment, or both. Notice of hearing, and the conduct of such hearing, shall comply with the provisions set forth in Cal. Penal Code Section § 597.1. The post-seizure hearing shall be held prior to the commencement of any related criminal proceedings.

#### Sec. G-IV 1.15 Animals Not Redeemed

Any impounded animal, except any bovine animal that is not redeemed within the applicable holding period as specified in ~~Section G-IV 1.12 of this Chapter Article~~, shall become the property of the County.

Any bovine animal not redeemed within the applicable holding period shall be turned over to the Director of Agriculture pursuant to ~~Food and Agricultural~~ Cal. Food & Agric. Code Section § 17003.

#### Sec. G-IV 1.16 Redemption of Impounded Animals

The owner/custodian of any impounded animal may redeem such animal by paying all applicable fees or deposits ~~pursuant to Sections G-IV 1.21 and 1.22 of this Article~~ and any amount spent for veterinary services. The Chief of Animal Control, or the Supervising Animal Control Officer, shall have the authority to waive the impounding fee for good cause.

~~If an animal is properly seized under, all provisions of Cal. Penal Code Section § 597.1 shall apply., the owner/custodian shall be personally liable for the cost of the seizure and care of the animal. If the charges for the seizure or impoundment and any other charges are not paid within fourteen (14) days of the seizure, or if the owner/custodian, within fourteen (14) days of notice of availability of the animal to be returned, fails to pay charges and take possession of the animal, the animal shall be deemed to have been abandoned and may be disposed of by the impounding Officer.~~

~~If any animal requires veterinary care and the Animal Control Officer is not assured, within fourteen (14) days of the seizure of the animal, that the owner/custodian will provide the necessary care, the animal shall not be returned to its owner/custodian and shall be deemed to have been abandoned and may be disposed of by the impounding Officer.~~

~~No animal, properly seized or impounded, shall be returned to its owner/custodian until, in the determination of the seizing agency or the hearing officer, the animal is physically fit or the owner/custodian can demonstrate that he or she can and will provide.~~

~~Any animal repeatedly impounded may, at the discretion of a Animal eControl, be required to be spayed or neutered at the owner's expense. Ailure to do so will result in a fine of \$\*\*\*(\$100?) which may be waived upon proof of spaying or neutering of the animal. he necessary care.~~

#### Sec. G-IV 1.17 Voluntary Surrender of Animals

A. Any animal relinquished by the purported owner/custodian shall be held for ~~two~~ (2) four (4) full business days, not including the day of impoundment. The animal shall be available for owner/custodian redemption on the first ~~day, and day and~~ shall be available for owner/custodian redemption or adoption on the second day. After the ~~second~~ fourth day, the animal may be adopted by a new owner/custodian, or held longer, or euthanized, or released to an animal adoption organization.

B. Notwithstanding Subsections 1.17.A above, kittens and puppies relinquished by the purported owner/~~eustodian, or custodian or~~ brought in by any other person with authority to relinquish them, may be available immediately for adoption.

#### Sec. G-IV 1.18 Adoption or Destruction Authority

The Chief of Animal Control, Animal Control Officers, or any employee designated by the Chief of Animal Control is authorized to put an animal up for adoption or to destroy any animal that becomes the property of the County.

The Chief of Animal Control or any Animal Control Officer is authorized to kill any animal that poses an imminent threat to any person or neighborhood, when such animal cannot be safely captured by such Animal Control Officer.

#### Sec. G-IV 1.19 Adoption of Animals

Animals subject to disposition by the County may be adopted, provided such adoption is not contrary to law, to policy of the Animal Control Program, or to the public interest.

Dogs or cats may not be sold or adopted for purposes other than keeping as pets.

Dogs or cats may not be adopted without first having been spayed or neutered or a fee thereof having been deposited.

Dogs over four (4) months of age may not be adopted without first having been licensed or a fee thereof having been deposited.

Cats may not be adopted without first having been spayed or neutered or a fee thereof having been deposited.

Other animals may be adopted by payment of any applicable fees and/or deposits.

When an animal is adopted, the receipt issued by Animal Control shall be valid title to the person adopting the animal.

If within sixty (60) days of an adoption of any livestock animal, a person proves ~~he~~they ~~are~~ is the owner/custodian of such livestock animal, the Board of Supervisors may allow a claim in favor of such person, payable out of the General Fund, for the amount paid into the treasury on account of such animal, less costs incurred.

#### Sec. G-IV 1.20      Records of Impounded or Voluntarily Surrendered Animals

The Chief of Animal Control shall keep a record of all animals captured, medically treated, euthanized, or impounded. Such records shall reflect:

- A.     The date the animal was captured, medically treated, euthanized, or impounded.
- B.     An accurate description of such animal, license or rabies tag number, if any.
- C.     The circumstances under which the animal was captured, medically treated, euthanized, or impounded.
- D.     The names of the personnel who captured, medically treated, euthanized, or impounded the animal.
- E.     A description of any medical treatment provided to the animal and the name of the veterinarian of record.
- F.     The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

#### Sec. G-IV 1.21      Deposit Fees

##### A.     Deposit Fees - Adopted Animals

- 1.     Deposit fees for the spaying or neutering of dogs and cats six (6) months of age or older at the time of adoption shall be forfeited if the animal is not spayed or neutered within thirty (30) days of the date of adoption.

2. Deposit fees for the spaying or neutering of dogs or cats under six (6) months of age shall be forfeited if the animal is not spayed or neutered within six (6) months of the date of adoption.

3. Deposit fees for dog licenses shall be forfeited if a valid rabies certificate is not presented with-in ten (10) days of the date of deposit.

#### B. Refund of Deposit Fees

A refund of the deposit fees may be obtained by submitting a request for the refund along with adequate proof of spaying or neutering or a valid rabies certificate, whichever is applicable.

#### C. Deposit Fees - Permitted Uses

1. Spaying or neutering deposit fees that are not refunded shall be deposited by the Chief of Animal Control with the Treasurer for use by the County for the following purposes, as permitted by ~~Food and Agricultural~~ Cal. Food & Agric. Code ~~Section §~~ 30521:

a. A program to spay or neuter dogs or cats;

b. A public education program to reduce and prevent overpopulation of dogs and cats, and the related costs to local government;

c. A follow-up program to ensure that dogs and cats transferred by the public ~~A~~animal ~~e~~Control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group are spayed or neutered in accordance with any agreement executed ~~unde~~under ~~Food and Agricultural~~ Cal. Food & Agric. Code ~~Section §~~ 30520(d).

d. Any additional costs incurred by the public ~~A~~animal ~~C~~eontrol agency or shelter, society for the prevention of cruelty to animal shelter, humane society shelter, or rescue group in the administration of this Chapter Article.

#### D. Rescue and Adoption Organizations

In addition to any spay or neuter deposit fee, the animal shelter may assess a fee, not to exceed the standard adoption fee, for animals released to nonprofit animal rescue or adoption organizations.

#### E. Health Fees - Permitted Uses

1. Pursuant to the Nevada County Animal Control Fee Resolution, a portion of the adoption fee for dogs and cats is designated as a health fee. The health fees collected shall be deposited in a special Animal Health Fund for the treatment of dogs and cats that



are not adoptable but could become adoptable with reasonable treatment. The Animal Health Fund may be used for the purpose of such treatment including, but not limited to, the following:

- a. Veterinary services;
- b. Medication;
- c. Grooming;
- d. Purchase of equipment used for treatment.

#### Sec. G-IV 1.22 Fees for Services

The Board of Supervisors shall, by Resolution, set the amount of fees for animal control services which may include, but are not limited to, the following:

1. Impounding fees
2. Boarding fees
3. Licensing fees
4. Animal turn-in fees
5. Quarantine fees
6. Euthanasia fees
7. Adoption fees
8. Spaying and neutering deposit fees.
9. Potentially Dangerous Dog fees.

#### Sec. G-IV 1.23 Vaccination Required

Every dog over four (4) months of age shall have a medically current vaccination with a canine anti-rabies vaccine approved by the Health Department of the State of California. Such rabies vaccination shall be administered by a licensed veterinarian.

Every person who owns or comes to own an unvaccinated dog shall have ten (10) days in which to comply with the provisions of this Section.

Notwithstanding any provisions to the contrary herein, no dog need be vaccinated for rabies where:

- A. A licensed veterinarian has examined said dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and
- B. Such certificate is presented to the authorized Animal Control Officer within five (5) days of such ex-amination; and
- C. The Chief of Animal Control concurs with the opinion of the veterinarian contained in such ~~certificate, and~~ certificate and endorses on such certificate ~~his~~ their approval thereof. Such certificate must bear the date of issuance and must be renewed each year.

#### Sec. G-IV 1.24 Licensing of Dogs Required

Every person who lives in the unincorporated areas of the County owning, possessing, controlling, harboring or keeping any dog over four (4) months of age shall procure a dog license for each dog from the licensing authority, as long as ownership of the dog continues, or within thirty (30) days after acquiring or bringing into the County any dog over the age of four (4) months, and shall continue to procure such license as required herein, so long as the ownership or custodianship of the dog continues.

No license shall be issued unless a valid certificate of rabies vaccination is presented, and such vaccination meets the requirements pursuant to ~~Section G-IV 1.23~~ of this Article, and Chapter Article and is sufficient to immunize said dog against rabies for the current licensing term.

~~No License shall be issued to a dog that has been found to be a vicious or dangerous dog in another jurisdiction under the authority granted in Cal. F&A Code sec. 31683 allowing a county to adopt and enforce a program for the control of potentially dangerous or vicious dogs.~~

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 eCounty.

Failure to comply with the registration requirements of a dog found to be vicious or potentially dangerous will result in revocation of a license and impoundment.f

#### Sec. G-IV 1.25 Exemptions to Dog License Requirements

The requirements ~~of Section G-IV 1.24~~ of this ~~Chapter Article~~ shall not apply to dogs found within the County under the following conditions:

A. When a dog is owned by a nonresident who is traveling through the County or who is temporarily visiting for a period not exceeding thirty (30) days in any calendar year.

B. When a dog is brought into the County and kept therein for a period not exceeding thirty (30) days, in any calendar year, for the purpose of entering said dog in competition, exhibition, field trials, show, or hunting.

C. When a dog is in a commercial kennel and such kennel has a current kennel license.

#### Sec. G-IV 1.26 Licensing Term

The Board of Supervisors shall, by Resolution, designate the licensing authority and set the licensing term for dog licenses.

#### Sec. G-IV 1.27 Late Penalties

In addition to the regular license fee as required, a late penalty, established by Resolution by the Board of Supervisors, shall be assessed under any of the following conditions:

A. When a dog license is not renewed within thirty (30) days of its expiration date.

B. When a dog license is not obtained within thirty (30) days after a dog comes of age.

C. When a dog license is not obtained within thirty (30) days after a dog over four (4) months of age, is acquired or brought into the County.

#### Sec. G-IV 1.28 License Application

The owner/custodian shall state at the time application is made, and upon forms provided for such purpose, ~~his~~their name, address, and telephone number, and the name, breed, color, age, and sex of each dog for which application is made.

#### Sec. G-IV 1.29 Issuance of Tags and License Certificate

The licensing authority, upon payment of fees and any applicable penalty, shall furnish a ~~metallie~~ tag and a license certificate with corresponding number.

Sec. G-IV 1.30 Lost Tags

In the event a license tag issued to a dog is lost or destroyed, the owner shall, within ten (10) days thereafter, procure a replacement tag.

Sec. G-IV 1.31 Transfer of License

A valid license may be transferred from one owner/custodian to another, for the same dog, with no charge, but only upon notification to and recordation by the licensing authority of such change.

Sec. G-IV 1.32 Maintaining Records of Dog Licenses

The licensing authority shall maintain a record of all dog licenses issued, including the corresponding identifying ~~metallie~~ tag numbers, the owner/custodian to whom they are issued, and the dogs for which they are issued. Such records shall be maintained for a minimum of three (3) years after a license has expired.

Sec. G-IV 1.33 Display of ~~Metallie~~-License Tag Required

The ~~metallie~~-license tag, issued to the dog owner/custodian, shall be fixed securely to a collar, harness, or other device and shall be worn at all times by the dog for which such license tag was issued.

The requirements of this Section shall not apply in the following circumstances:

- A. When a dog is securely confined to the owner/custodian's premises.
- B. When a dog is engaged in an activity that customarily prohibits such dog from wearing a device to which a tag may be attached, such as hunting or show.

Sec. G-IV 1.34 Display of License

The holder of a dog license certificate shall preserve the license upon the premises where the dog is kept, and shall, upon request of any Animal Control Officer or Officer of the Sheriff's Department, show to such Officer the license certificate for such dog.

Sec. G-IV 1.35 Removal of License Tag

No unauthorized person shall remove from any dog any collar, harness, or other device to which a license tag is attached, except in cases of emergency.

#### Sec. G-IV 1.36 Unlawful Use of Rabies or License Tag

No person shall attach or allow to be attached to any dog a rabies or license tag that was not specifically issued for such dog.

#### Sec. G-IV 1.37 Kennel License Required

No person shall operate or maintain any kennel, either commercial, private, or operating as a breeder or rescue, or non-profit that has more than six (6) animals, as defined herein, without a valid kennel license from ~~Animal~~Animal Control.

#### Sec. G-IV 1.38 Kennel License Term

The kennel licensing term shall be for one (1) year, commencing July 1st and ending June 30th of the following year.

#### Sec. G-IV 1.39 Applications for and Processing of Kennel Licenses

Applications for a kennel license may be obtained from the Nevada County Animal Control Shelter.

~~Prior to issuance of a kennel license by Animal Control, and pursuant to Section L-II 3.4 of the Nevada County Land Use and Development Code, the applicant shall obtain a zoning confirmation letter from the Nevada County Community Development Agency (Planning, Building, and Environmental Health Departments). Any commercial kennel, may require a land use permit. A review and permit or waiver from the Community Development Agency is required prior to Nevada County Animal Control issuance of a license. — as defined in Section G-IV 1.4.N, shall require a land use permit from the Community Development Agency. The land use application submittal may require additional information such as site plans, construction plans, proposed methods for sewage disposal, water supply, or other information necessary for review of the project proposal; furthermore, such departments may charge any applicable fees required.~~

#### Sec. G-IV 1.40 Issuance or Denial of a Kennel License

After receiving zoning confirmation from the Community Development Agency and Animal Control, Animal Control shall collect applicable fees, schedule an inspection, and proceed with the processing of the application. If Animal Control approves the application, a kennel license shall be issued.

Animal Control shall not issue a kennel license if any of the aforementioned departments deny the applicant's kennel license application.

#### Sec. G-IV 1.41 Kennel License Renewal

Animal Control may renew kennel licenses (kennels that were current in the previous fiscal year) upon receipt of renewal application, payment of applicable fees, and inspection and approval by Animal Control. Additional fees may incur if more than one inspection is required in a single renewal process.

#### Sec. G-IV 1.42 Kennel Standards

Every person within the County who owns, conducts, manages, or operates a licensed kennel shall comply with all of the requirements of ~~the~~ Nevada County Community Development Agency, ~~the~~ Animal Control Program, and all applicable provisions of State Law and this Chapter Article.

##### A. Minimum standards for all kennels:

1. All animals shall be confined in a manner approved by Animal Control.
2. The facility shall be maintained in a clean and sanitary manner and all droppings removed daily.
3. The area where animals are kept shall be subject to inspection without notice by Animal Control at any reasonable hour of the day.
4. Proof of rabies vaccinations shall be available for inspection for all animals over the age of four (4) months.

5. Providing Animal Control with an Emergency Evacuation Plan is required prior to issuance of a license.

##### B. Additional minimum standards for commercial private kennels, and rescue organizations: and hobby breeders:

1. Location of the animal holding facility must be approved by Animal Control. In no event are animals to be located closer to a neighbor than to the owner/custodian of the animals.
2. All dogs shall be kept in an enclosed and approved structure between the hours of 10:00 p.m. and 6:00 a.m., or anytime when the animals are left unattended for more than four (4) consecutive hours.
3. Dog licensing shall be maintained as required.
4. ~~No boarding or grooming shall be allowed under this kennel license.~~

The Chief of Animal Control may establish additional conditions or standards deemed necessary for the purpose of carrying out the intent of this Section. Compliance with such conditions or standards shall be a prerequisite to the issuance and continued validity of any kennel license provided pursuant to this Section.

#### Sec. G-IV 1.43 Revocation of Kennel License

Animal Control may revoke any kennel license issued, upon notification that an investigation has been made and violations have been found. Notification of revocation may be by personal delivery, facsimile, or by mail.

#### Sec. G-IV 1.44 Resisting an Animal Control Officer

Any person who willfully opposes, resists, or interferes with any Animal Control Officer lawfully performing their ~~his~~ duty shall be deemed guilty of a misdemeanor.

#### Sec. G-IV 1.45 Unlawful Removal of Animals

It shall be unlawful for any person to remove any animal from the custody of any Animal Control Officer, Animal Control vehicle, or Animal Control shelter without permission or without payment of any applicable fees.

Violation of this Section is a misdemeanor.

#### Sec. G-IV 1.46 Animals Prohibited ~~From~~from Food Establishments

No person shall allow or permit any animal into, or take any animal, whether loose, on a leash or in arms, into any food establishment, such as a restaurant, grocery store, meat

market, or into any place where alcoholic beverages are sold, except ~~guide-service~~ dogs or dogs being trained as ~~service guide~~ dogs.

#### Sec. G-IV 1.47 Animals Running at Large Prohibited

No person owning or having possession, charge, custody, or control of any animal shall cause, permit, or allow the animal to be in any building or enclosure or to stray, run, or in any other manner to be at large in or upon any public street, sidewalk, park, school ground, or other public place, or upon any private place or property without the permission of the owner or person in control of such private place or property.

An animal shall be deemed at large anytime it is off the premises of its owner/custodian and not under direct control of the owner/custodian by means of leash, chain, tether, adequate fence, or other effective device.

The provisions of this Section shall not apply to:

- A. Any hunting dog during such time it is being used for the purpose of lawful hunting, or during such time it is being trained to be a hunting dog, provided such hunting or training is on land or premises to which the person hunting or training such dog has a legal right to be upon.
- B. Working animals during those periods when the animal is working.
- C. Animals in the immediate presence and under direct control of the owner/custodian. This means the animal is in the close proximity of the owner/custodian, and the owner/custodian can demonstrate effective control of the animal.

#### Sec. G-IV 1.47A Female Dog in Heat - Running at Large/Accessibility Prohibited

It shall be unlawful for any person to permit any female dog which is owned, harbored, or controlled by ~~him-them~~ to run at large at any time during the period when the dog is in heat or breeding condition, or to allow such female dog to remain indiscriminately accessible to other dogs while such female is in heat or breeding condition.

#### Sec. G-IV 1.48 Dogs Running at Large on Farm Prohibited

It shall be unlawful for any person to permit any dog which is owned, harbored, or controlled by said person to run at large on any farm on which livestock or domestic fowls are kept, without the consent of the owner of the farm.



Sec. G-IV 1.49 Dogs Pursuing Livestock, Protected Animals or Game Animals

It shall be unlawful for ~~any person to permit~~ any dog that is owned, harbored, or controlled by ~~said a~~ person to persistently pursue, wound, or kill any of the following:

- A. Livestock, on land or premises which are not owned or possessed by the owner/custodian of the dog.
- B. Fully protected, rare, or endangered animals at any time.
- C. Game animals, during the closed hunting season of such animals.

A violation of this Section shall be a misdemeanor ~~, and any person convicted shall be punished by imprisonment in the County Jail for not more than six (6) months, or by a fine as per penalties set for misdemeanors, of not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500), or both such fine and imprisonment. As a condition of probation for conviction of this Section, there shall be imposed a mandatory minimum fine of one hundred fifty dollars (\$150).~~

Sec. G-IV 1.49A Livestock Containment

Any owner, lessee, or person in custody or control of any livestock shall contain such animals by a lawful fence or other effective means.

For purpose of this Section, a “lawful fence” means any fence that is good and strong and is substantial and sufficient to prevent the ingress and egress of livestock.

No wire fence is a good and substantial fence within the meaning of this Section unless it has three (3) tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod (16.5 feet) apart, one of which wires shall be at least four feet (4’) above the surface of the ground.

Any kind of wire or other fence of height, strength, and capacity equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this Section. The term “lawful fence” includes cattle guards of such width, depth, rail spacing, and construction as will effectively turn livestock.

Sec. G-IV 1.50 Nuisances by Animals

It shall be unlawful and a nuisance for any person owning or having control of any animal to allow or to permit any animal to do any of the following:

A. To utter any frequent or continuous noise of an irritating or raucous nature which disturbs the peace and tranquility of the neighborhood for a period of twenty (20) minutes or more in an hour.

If such nuisance is continuous and no person having custody or control of the animal can be located, any Animal Control Officer or Peace Officer may attempt to abate the nuisance, as long as ~~they are he or she is~~ not required to enter into an enclosed building or residence. If the nuisance cannot be abated by any other means, the animal may be impounded. A notice of impoundment shall both be affixed to the premises from which the animal was removed and shall also be mailed to the registered owner/custodian. The notice shall inform the owner how to reclaim the animal in accordance with the provisions of this Chapter Article, including payment of all applicable fees.

B. To damage or destroy the property of another person or public property, or to repeatedly deposit its bodily waste fluid or matter upon such property.

C. To cause unsanitary, dangerous, or offensive conditions due to inadequate care of facilities, or due to the size, type, or number of animals maintained at a single location.

D. To interfere with the freedom of lawful movement of persons, or to chase vehicles, or to create a nuisance in any other way.

All complaints regarding animal nuisances shall be in writing. The Chief of Animal Control, after receiving such complaint, shall initiate an investigation to determine if in fact a nuisance condition exists. If ~~they he~~ find that a nuisance condition exists, ~~he they~~ may issue an order to conform, issue a citation, or both.

#### Sec. G-IV 1.51 Animal Cruelty

Any person violating the provisions of Cal. Penal Code § 597, Malicious Cruelty to Animals, shall be charged under the provisions of California Statute.

~~Any person violating the provisions of this Section shall be guilty of a misdemeanor, unless otherwise specified as an infraction. It shall be unlawful, within the unincorporated areas of this County, for any person to maliciously intentionally, or negligently deprive any animal of necessary shelter from the elements, to fail to ensure the safe and humane confinement, boarding, or chaining of animals, or to allow unnecessary pain and suffering resulting from the negligent care of the animal.~~

~~A. Shelter or Cover~~

~~1.—A proper shelter or cover shall be provided for the protection of the animal from the elements where sunlight and/or excessive heat are likely to cause the animal to suffer heat exhaustion or other weather related illness. Any person violating this subsection is guilty of a misdemeanor.~~

#### Sec. G-IV 1.51.1 Failure to Provide Care or Sheltering of Animals

Any person violating the provisions of Cal. Penal Code § 597.1 regarding care of animals shall be charged under the provisions of California Statute.

2.—If the animal is sheltered, the shelter shall be maintained in a humanely clean condition and be subject to a minimum of weekly cleaning to remove excrement and other waste materials to minimize health hazards to the animal. Any person violating this subsection is guilty of an infraction, including but not limited to malicious cruelty to animals.

~~B.—Prohibited Confinement. Prohibited confinement shall include confinement in a building, enclosure, automobile, or vessel of any kind, resulting in exposure to extreme heat or cold that is harmful to the animal's health. Any person violating this subsection is guilty of an infraction, unless the confinement caused the animal to suffer great bodily injury, at which time the owner/custodian is guilty of a misdemeanor.~~

~~C.—Negligent Care. Owners/custodians shall ensure the reasonable and humane care of animals in their charge. Any person failing to provide reasonable and humane care such that the animal's health becomes severely compromised, or where the animal's health is at imminent risk of becoming severely compromised as a direct result of the owner's /custodian's negligent care, shall be guilty of an infraction.~~

#### D. MALICIOUS MISCHIEF Malicious Cruelty to Animals.

Penal Code section 597 states:

~~(a) Except as provided in subdivision (c) of this section or Section 599c, every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable pursuant to subdivision (d).~~

~~(b) Except as otherwise provided in subdivision (a) or (c), every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor, is, for each offense, guilty of a crime punishable [by imprisonment or a fine not to exceed \$20,000.]pursuant to subdivision (d).~~

~~(c) Every person who maliciously and intentionally maims, mutilates, or tortures any mammal, bird, reptile, amphibian, or fish, as described in subdivision (e), is guilty of a crime punishable pursuant to subdivision (d).~~

~~(d) A violation of subdivision (a), (b), or (c) is punishable as a felony by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail for not more than one year, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment.~~

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#### Sec. G-IV 1.52 Vicious or Dangerous Animal

Every person owning, having possession, charge, or control of any vicious or dangerous animal other than a dog, as defined or declared herein, shall not allow or permit such animal to run at large; furthermore, every person having possession, charge, or control of such animal shall confine the animal on the premises in such a manner to protect persons that are on or near such premises peacefully and lawfully.

Violation of this Section shall be a misdemeanor.

#### Sec. G-IV 1.53 Authority to Declare Animals Vicious or Dangerous

The Chief of Animal Control, Animal Control Officers, or Sheriff's Officers may declare an animal, other than a dog, vicious or dangerous if such animal shows a propensity to attack, bite, scratch, or harass people or other animals without being provoked, in such

Officer's presence, or upon sufficient proof that the animal has displayed such a propensity for violence.

The Chief of Animal Control may declare an animal vicious or dangerous based on the number of, or circumstances of a bite, or for any other reason that ~~he~~they deem ~~s~~ appropriate for the protection of public health.

The Chief of Animal Control, after receiving one (1) or more complaints, in writing, accusing an animal of being vicious or dangerous, may initiate an investigation to determine if such animal is vicious or dangerous. Based on the facts of the investigation, such animal may be declared vicious or dangerous. An owner may waive the investigation by voluntarily agreeing in writing to have the animal deemed potentially dangerous.

In any case where an animal is declared vicious or dangerous, the owner shall be notified in writing of such declaration and the reasons for such declaration.

#### Sec. G-IV 1.54 Potentially Dangerous or Vicious Dog

A. ~~A.~~—Procedure for Declaring Dog Potentially Dangerous or Vicious: If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Chief of Animal Control or the head of the local law enforcement agency, or ~~their his or her~~ designee, shall file a petition with the court within the judicial district where the dog is owned or kept and the owner will be given the option of agreeing with the designation or proceed to a hearing. If there is an agreement, the agreement will be submitted to the court along with a proposed order. provide the owner/custodian an option of agreeing to the designation, otherwise, they or he/she shall petition the Court within the judicial district wherein the dog is owned or kept. If there is no agreement to the designation, for a hearing will be held for the purpose of to determine determining whether or not the dog in question should be declared potentially dangerous or vicious pursuant to the procedures set forth in ~~Food and Agricultural~~ Cal. Food & Agric. Code Sections §§ 31621 – 31626, et seq.

#### B. Seizure and Impoundment of Dog:

1. If, upon investigation, it is determined by the Animal Control Officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer or law enforcement

officer may seize and impound the dog pending the hearing pursuant to ~~Food and Agricultural Cal. Food & Agric. Code Sections §§ 31621, et seq. – 31626~~. The owner or keeper of the dog shall be liable to the County, where the dog is impounded, for the costs and expenses of keeping the dog, if the dog is later adjudicated to be potentially dangerous or vicious. An owner may waive the investigation by voluntarily agreeing in writing to have the animal deemed potentially dangerous or vicious.

2. When a dog has been impounded ~~pursuant to Subsection 1.54.B.1 above~~ and it is not contrary to public safety, the Chief of Animal Control shall permit the animal to be confined, at the owner's expense, in an Animal Control approved kennel or veterinary facility.

C. Every person owning, having possession, charge, or control of a potentially dangerous dog as de-fined by ~~this Code Section G IV 1.4.AA~~, or a vicious dog as defined by ~~this Code Section G IV 1.4.BB~~, shall comply with the following provisions which are designed to reduce injury or death to human and animal life:

1. Licensing, Micro-Chipping, and Vaccination of Potentially Dangerous or Vicious Dogs: All potentially dangerous or vicious dogs shall be properly licensed, micro-chipped, and vaccinated. The licensing authority shall include the “potentially dangerous” designation in the registration records of the dog, either after the owner/custodian of the dog has agreed to the designation, or the court or hearing entity has determined the designation applies to the dog. The County may charge a “potentially dangerous dog” fee, in addition to the regular licensing fee, to provide for the increased costs of monitoring the dog.

2. Spaying or Neutering: The owner/custodian of a dog designated as Potentially Dangerous or Vicious shall have the dog spayed or neutered by a licensed veterinarian at the owner's/custodian's expense within fifteen (15) calendar days from the date the animal was designated Potentially Dangerous or Vicious.

3. Confinement of a Potentially Dangerous or Vicious Dog: A potentially dangerous or vicious dog, while on the owner/custodian's property, shall, at all times, be kept indoors or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. The owner/custodian shall ensure that a bright orange collar is worn by the dog at all times, and the owner/custodian must display a sign of at least 10” by 10” in size, in an area conspicuous to the public, that warns in prominent letter of the presence of a “Dangerous” or “Vicious” dog on the property.

The owner/custodian shall immediately notify Animal Control if the Potentially Dangerous or Vicious dog becomes loose or bites or attacks another person or animal. In no event shall a Potentially Dangerous or Vicious dog be left unattended away from the owner's/custodian's property.

The owner/custodian of a Potentially Dangerous or Vicious dog shall ensure that the animal is maintained in a manner so that it does not cause a threat to any mail carrier, public utility personnel, or other individual(s) having the lawful right to enter the property.

A potentially Dangerous or Vicious dog may be off the owner's/custodian's premises only if it is muzzled, restrained by a substantial leash of appropriate length (not greater than six feet (6') in length), and is under the control of a responsible adult at all times.

4. Financial Responsibility: The owner/custodian of a dog designated Potentially Dangerous or Vicious shall present proof to Animal Control of a bond or liability insurance coverage in the amount of at least one hundred thousand dollars (\$100,000) to cover any future damage or injury caused by the dangerous or vicious dog during its lifetime. The bond or liability insurance coverage shall remain in effect during the life of the animal, and the coverage shall be evidenced by an endorsement by the insurer that any notice of cancellation of coverage will be provided to Animal Control at least thirty (30) days prior to the cancellation date.

5. Procedure for Sale or Transfer of a Potentially Dangerous or Vicious Dog: If the dog in question dies or is sold, transferred, relocated within the County, or permanently removed from the city or county where the owner/custodian resides, the owner/custodian of the potentially dangerous or vicious dog shall notify the Animal Control Program, in writing, of the changed condition and new location of the dog within two (2) working days.

6. Removal From List of Potentially Dangerous or Vicious Dogs: If there are no additional instances of the behavior described in ~~this Code Section G-IV 1.4.AA or G-IV 1.4BB~~ within a 36-month period from the date of designation as a "potentially dangerous or vicious dog," the dog shall be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous or vicious dogs prior to the expiration of the 36-month period if the owner/custodian of the dog demonstrates to the Animal Control Program that changes in circumstances or measures taken by the owner/custodian, such as training of the dog, have mitigated the risk to the public safety.

D. Procedure for Destruction of Vicious Dog:

1. A dog determined to be a vicious dog may be destroyed by the Animal Control Program when it is found (after proceedings conducted pursuant to ~~Food and Agricultural Cal. Food & Agric. Code Sections §§ 31621 – 31626, et seq.~~) that the release of the dog would create a significant threat to public health, safety, and welfare.

2. If it is determined that a dog found to be vicious shall not be destroyed, the ~~body adjudicating the determination judicial authority~~ shall impose conditions, including but not limited to those set forth in ~~G-IV 1.54, subsections 1 through 6, this Code~~ upon the ownership of the dog that protect public health, safety, and welfare.

3. Any enclosure that is required pursuant to ~~Subsection 1.54.C.3 above shall this Code shall~~ be a fence or structure suitable to prevent the entry of young children and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner/custodian of the dog. The enclosure shall be designed in order to prevent the animal from escaping.

#### E. Penalties for Potentially Dangerous and Vicious Dogs:

Any violation of the provision involving a potentially dangerous dog shall be punished by a fine ~~not to exceed five hundred dollars (\$500). Any violation of the provision involving a vicious dog shall be punished by a fine not to exceed one thousand dollars (\$1,000).~~ All such fines shall be used to defray the cost of controlling and regulating vicious and potentially dangerous dogs.

#### Sec. G-IV 1.55 Wild, Exotic, or Non-Domestic Animals

No person shall have, keep or maintain any wild, exotic or non-domestic animal without first applying to, and receiving special authorization from, the Chief of Animal Control. Nevada County Zoning Regulations on Animal Keeping and Raising (~~Section L-II 3.4.C of the Nevada County Land Use and Development Code~~) require a Use Permit (UP) and zoning compliance to keep any wild, exotic, or non-domestic animal in the County, and a copy of the UP will be needed before any permission is granted. The keeping of specific native wild or non-domestic animals for rehabilitation purposes is allowed with approval from the State of California Department of Fish and Game, the United States National Wildlife Federation, the Chief of Animal Control, and an Administrative Development Permit from the Planning Department. The Administrative Permit is subject to the standards set forth ~~in this code. by Section L-II 3.26 of the Nevada County Land Use and Development Code.~~

The Chief may authorize the keeping or maintenance of any wild, exotic, or non-domestic animal when, in his opinion, any such animal may be kept or maintained without endangering the safety of any person, neighborhood, or property; furthermore, the Chief may require any such animal to be properly caged, tethered or restrained, or he may set additional requirements that may be necessary and proper under the circumstances. The Chief may revoke such authorization when, in ~~his~~ their opinion, the



safety of any person, neighborhood, or property is endangered by the keeping of any such animal, or for violations of any conditions established for keeping such animal.

The Chief of Animal Control shall not issue any such authorization for any wild animal that requires a permit from the State Department of Fish and Game until such permit is issued by said Department.

Violation of this Section shall be a misdemeanor.

#### Sec. G-IV 1.55A Control of Stallions

Persons owning and/or controlling stallions shall provide confinement for said animal(s).

For the purpose of this Section, “confinement” means fencing at least six feet (6’) high with no more than eight inches (8”) of space between fence material elements, and shall be of such construction and strength as to prevent egress and ingress of stallions attracted to other animals and ingress of animals attracted to stallions.

Violation of this Section shall be a misdemeanor.

#### Sec. G-IV 1.56 Animal Abandonment Prohibited

No person shall willfully abandon any animal in Nevada County. Violation of this Section shall be misdemeanor.

The refusal or failure of the owner/custodian of any animal to pay the fees and charges, after due notification, shall be held to be an abandonment of the animal by the owner/custodian.

#### Sec. G-IV 1.56A Leaving Animals in Vehicle

A. No person shall leave any animal in an unattended vehicle without adequate ventilation or in such a manner to subject the animal to extreme temperatures that adversely affect the animal’s health and welfare.

B. No person shall leave any dog unattended in any vehicle without confining the dog in such a manner to prevent it from reaching the outside edge of the vehicle with any portion of its body.

Animal Control Officers shall be empowered to remove an animal from a vehicle under emergency circumstances when the animal is endangering the safety of the public.

Sec. G-IV 1.57      Dead Animals and Fowl

It shall be unlawful for any person owning or having under his control at the time of an animal's death to permit the carcass of any dead animal to remain unburied for a period in excess of twenty-four (24) hours.

In any case where the owner/custodian or person having control of any animal at the time of its death fails to dispose of such dead animal within the prescribed period, the County shall be entitled to dispose of such animal. In addition to any penalty imposed, such costs of removal and burial shall be a charge against the owner/custodian or person in control of the animal immediately prior to its death.

Sec. G-IV 1.58      Authority to Capture or Kill Dogs Pursuing Livestock, Game Animals or Fully Protected Rare or Endangered Animals

The Chief of Animal Control or any Animal Control Officer may capture or kill:

- A. Any dog found in the act of persistently pursuing, worrying, wounding, or killing livestock or fowl on land or premises which are not owned or possessed by the owner/custodian of the dog.
- B. Any dog found in the act of pursuing, wounding, or killing any game animal during the closed hunting season on such game animal.
- C. Any dog found in the act of pursuing, wounding, or killing any fully protected, rare, or endangered animal.

Sec. G-IV 1.59      Holding of Animals

Any person may take and hold any stray animal or animal trespassing on ~~his~~-~~their~~ property; however, such person shall notify the Animal Control Program within twenty-four (24) hours of the following:

- A. The fact that ~~he~~-~~they~~ ~~have~~ ~~has~~-such an animal in ~~his~~-~~their~~ possession.
- B. A complete description of the animal.
- C. The license tag number, rabies tag number, or any other identification tag that may be attached to such animal. If the animal has no source of identification the person shall so state.
- D. The place where such animal is confined.

If the owner/custodian of such animal is unknown or cannot be contacted within seventy-two (72) hours, or upon request from an Animal Control Officer, such animal shall be immediately surrendered to the Animal Control Program for impoundment.

Sec. G-IV 1.60 Isolation of Rabid Animals or Clinically Suspected Rabid Animals

Any rabid animal or clinically suspected rabid animal shall be isolated in strict confinement under proper care and under the observation of a licensed veterinarian, in an animal shelter, veterinary hospital, or other adequate facility, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies, with the exception that such animals may be sacrificed with permission of the Chief of Animal Control for the purpose of laboratory examination for rabies using the fluorescent rabies anti-body (FRA) test in an approved public laboratory.

Sec. G-IV 1.61 Isolation (Quarantine) of Biting Animals

The Chief of Animal Control or any Animal Control Officer shall quarantine any animal, of a species subject to rabies, that has bitten or otherwise possibly exposed a person to rabies. Such quarantine shall be in conformance with the County's policies on the quarantine of biting animals. The quarantine period shall be ten (10) days for dogs and cats and fourteen (14) days for all other animals, from the infliction of the bite.

In any case where the animal is permitted to be quarantined at home, the owner/custodian or person in custody or control of such animal, shall enter into a quarantine agreement with the Animal Control Program.

It shall be unlawful for the owner or person in custody or control of an animal, to violate any of the conditions of quarantine prescribed by the Health Officer or the Animal Control Program.

Violation of this Section shall be a misdemeanor.

Sec. G-IV 1.62 Isolation (Quarantine) of Bitten Animals

Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined in a place and manner approved by the Chief of Animal Control for a period of six (6) months or destroyed, with the exception that the following alternatives are permitted in the case of dogs and cats as follows:

A. If a dog over one (1) year of age has been vaccinated against rabies within thirty-six (36) months but not less than thirty (30) days with a rabies vaccine of a type approved by the State Department of Health Services for a maximum immunity duration of at least thirty-six (36) months, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Chief of Animal Control for a period of thirty (30) days.

B. If a dog under one (1) year of age has been vaccinated against rabies within twelve (12) months but not less than thirty (30) days with a rabies vaccine of a type approved by the State Department of Health Services, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and a manner approved by the Chief of Animal Control for a period of thirty (30) days.

C. If a cat has been vaccinated within one (1) year but not less than thirty (30) days with an annual type feline rabies vaccine, or if a cat has been vaccinated under one (1) year of age with a thirty-six month (36) type of feline rabies vaccine within twelve (12) months, but not less than thirty (30) days, the cat may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Chief of Animal Control for a period of thirty (30) days following revaccination.

D. If a cat over one (1) year of age has been vaccinated against rabies and has been vaccinated within thirty (36) months and more than thirty (30) days with a thirty-six month (36) type feline rabies vaccine, the cat may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Chief of Animal Control for a thirty-day (30) period following revaccination.

#### Sec. G-IV 1.63 Appeals

Any person aggrieved by any decision or action resulting from the application of this [Chapter Article](#) may appeal such decision or action within fifteen (15) days to the Board of Supervisors.

The Board of Supervisors may sit as a hearing board for such appeals or it may designate a hearing officer or hearing board to hear such appeals.

#### Sec. G-IV 1.64 Absence of Liability

No liability shall be incurred by the County or its agents for the disposition or non-disposition of any animal made pursuant to the provisions of this [ArticleChapter](#).

Sec. G-IV 1.65 Penalties for Violations of Provisions of this ~~Chapter Article~~

Any person violating any provision of this ~~Chapter Article~~, except as otherwise expressly set forth herein, is guilty of an infraction. Upon conviction of the infraction there shall be a fine imposed as follows:

- A. For a first violation, a fine not exceeding one hundred dollars (\$100);
- B. For a second violation of the same Ordinance section within a twelve (12) month period, a fine not exceeding two hundred dollars (\$200);
- C. For a third or subsequent violation of the same Ordinance section within a twelve (12) month period, a fine not exceeding five hundred dollars (\$500).

D. ~~For the fourth and any further violations of the same Ordinance section within a twelve (12) month period from the date of commission of the first violation, shall be deemed misdemeanors.~~

Violations of the State statutes shall carry the penalties and other consequences of their respective codes.

~~Sec. G IV 1.66 — Severability of Provisions~~

~~If any Section or provision of this Article or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other Section or application of this Article that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Article are severable.~~

EXHIBIT D

GENERAL CODE

CHAPTER IV – GENERAL REGULATIONS

ARTICLE 9 – GUN PERMIT

RESERVED

~~G-IV GENERAL REGULATIONS~~

~~ARTICLE 9.1~~

~~GUN PERMIT~~

~~Sec. G-IV 9.1 Concealed Firearm License~~

~~The Sheriff is authorized and directed to charge and collect a fee for each concealed firearm license issued by the Sheriff's Office, and a sum for each renewal of said permit, in an amount to be determined by resolution of the Board of Supervisors. (Ord. 2413, 6/28/16)~~

EXHIBIT D

GENERAL CODE

CHAPTER IV – GENERAL REGULATIONS

ARTICLE 10 ~~FINGERPRINTING FEE~~

RESERVED

~~FINGERPRINTING FEE~~

~~Sec. G IV 10.1 Fingerprinting Required~~

~~Any person desiring to be fingerprinted by the Sheriff's Office shall pay a fee in an amount set by the Board of Supervisors, which the Sheriff shall deposit in the General Fund of the County. Said fee shall be in addition to any amount required by the State of California.~~

EXHIBIT D

GENERAL CODE

CHAPTER IV – GENERAL REGULATIONS

ARTICLE 13 – BIDDING PROCEDURE

Sections:

- Sec. G-IV 13.1 Bidding Procedure
- Sec. G-IV 13.2 Public Projects
- Sec. G-IV 13.3 Bids
- Sec. G-IV 13.4 Informal Bidding Procedure
- Sec. G-IV 13.5 Formal Bidding Procedure
- Sec. G-IV 13.6 Rejection of Bids and Acceptance of Bids
- Sec. G-IV 13.7 Performance of Contract by County Personnel
- Sec. G-IV 13.8 Plans, Specifications, Etc.; When Required; Examination ~~By~~by Bidders
- Sec. G-IV 13.9 Inapplicability of ~~Chapter Article~~ to Juvenile Forestry Camps, Juvenile Homes, ~~Etc.~~
- Sec. G-IV 13.10 Bid and Performance Bonds
- Sec. G-IV 13.11 Emergencies
- Sec. G-IV 13.12 Change Orders on Road Projects

Sec. G-IV 13.1 Bidding Procedure

The provisions of this ~~Chapter article~~ shall be employed on all County ~~of Nevada~~ public projects.

Sec. G-IV 13.2 Public Projects

“Public Project” means:



- A. A project for the erection, improvement, and repair of public buildings and works.
- B. Work in or about streams, bays, waterfront, embankment, or other work for protection against over-flow, except maintenance, repair, or reconstruction work.
- C. Supplies and materials used in maintenance, repair or reconstruction work in or about streams, bays, waterfront, embankments; or other maintenance, repair, or reconstruction work for protection against overflow.

Except for the erection, improvement and repair of public buildings, the construction of dams, reservoirs, power plants and electrical transmission lines of 230,000 volts and higher, nothing in this ~~Chapter article~~ shall apply to a publicly owned water, power or waste disposal system.

Expenditures for public projects shall not include the costs of:

- A. Equipment, supplies and materials acquired by a public agency to enable the timely completion of a public project.
- B. Plans, specifications, engineering and advertising required for public projects.

#### Sec. G-IV 13.3 Bids

Informal bids may be used: public projects between \$4,000 and \$10,000.

Formal bids shall be used: public projects of \$10,000 or more. (Ord. 755. ~~(06/28/1976)~~)

#### Sec. G-IV 13.4 Informal Bidding Procedure

1. Purchasing Agent is designated, authorized and directed to carry out the provisions of this ~~Chapter article~~.
2. Purchasing Agent shall notify ~~each~~ interested contractor(s) of the County of Nevada of the opportunity to register with the County to be subsequently notified of informal bidding proceedings. The list shall be maintained currently and shall be a public record ~~upon request.~~ .
3.
  - a. Purchasing Agent shall publish notice for informal bids in a newspaper of general ~~circulation~~ printed-circulation printed and published within the County of Nevada.
  - b. Notice shall be published in accordance with Cal. Pub. Cont. Code § Section 20150.7 and ~~on Section~~ Cal. Gov't Code § 6061 of the ~~California Government Code~~ and shall be completed at least 24 hours before the time scheduled for opening of bids.

- c. Purchasing Agent may give supplemental notice by mailing notice to contractors on the list required by ~~Sec. G-IV 13.4(2)~~ this Code.
- d. Purchasing Agent may use display advertising and may invite bids in a trade publication.
- e. The notice shall describe in general terms the project to be done and state a closing date for submission of such informal bids. The notice shall reserve the right to reject all bids.
- f. The Purchasing Agent shall have the right to execute for the County all contracts for public projects not in excess of Ten Thousand Dollars (\$10,000) when properly budgeted.

#### Sec. G-IV 13.5 Formal Bidding Procedure

1. Notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly state the project to be done.
2. First publication of notice shall be at least ten (10) days before the date of opening the bids. Notice shall be published at least twice, not less than five (5) days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the County. Notice may also be published in trade publications.

#### Sec. G-IV 13.6 Rejection of Bids and Acceptance of Bids

In its discretion, the County may reject any bids presented. If, after the first invitation for bids, all bids are rejected, after re-evaluating its cost estimates of the project, the County shall abandon the project or shall re-advertise for bids in the manner prescribed by this Chapter article. If after re-advertising, the County rejects all bids presented, the County may proceed with the project by use of County personnel or may re-advertise. If two or more bids are the same and the lowest, the County may accept the one it chooses. If no bids are received, the County may have the project done without further complying with this Chapter article.

#### Sec. G-IV 13.7 Performance of Contract by County Personnel

If, after the first invitation for bids, all bids are rejected, the County may, after reevaluating its cost estimates of the project, pass a resolution by a four-fifths vote of its board of supervisors declaring that the project can be performed more economically by

County personnel, or that in its opinion a contract to perform the project can be negotiated at a lower price in the open market. Upon adoption of the resolution, it may have the project done in the manner stated without further complying with this Chapter article.

Sec. G-IV 13.8 Plans, Specifications, Etc.; When Required; Examination By Bidders

The Board of Supervisors of the County shall adopt plans, specifications, and working details for all public projects the expenditure for which exceeds \$10,000.

All bidders on public projects which exceed \$10,000 in cost, shall be afforded the opportunity to examine the plans, specifications, and working details for the project.

Sec. G-IV 13.9 Inapplicability of Chapter Article to Juvenile Forestry Camps, Juvenile Homes, ~~Etc.~~

The provisions of this Chapter article shall not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches, or camps established under Article 15 (commencing with ~~S~~ section 880) of Chapter 2, Part 1, Division 2 of the California Welfare & Institutions Code, if a major portion of the construction work is to be performed by wards of the juvenile court assigned to such camps, ranches, or homes; or to public projects employing prisoners pursuant to Section Cal. Gov't Code § 25359 of the California Government Code, and public projects involving persons engaged in Federal, State or County job or work training programs.

Sec. G-IV 13.10 Bid and Performance Bonds

A. On any public project subject to the provisions of this Chapter Article or to the provisions of the California Public Contracts Code and requiring the solicitation of formal bids where the bids are in excess of \$25,000, the County shall require the posting of 1) bid bonds and 2) performance bonds and labor and materials bonds as a prerequisite to the entering into a contract as follows:

1. For contracts less than \$5,000,000, the performance bond and labor and material bond shall each be in an amount equal to 100% of the value of the contract;
2. For contracts of \$5,000,000 to \$10,000,000 or more, the performance bond and labor and material bond shall each be in an amount equal to 50% of the value of the bid.

3. For contracts over \$10,000,000, the performance bond and labor and material bond shall each be in an amount equal to 25% of the value of the contract.

4. Where bid bonds are ~~required~~required, they shall be in an amount equal to 10% of the value of the contract.

~~See California Civil Code Section 3247, (Ord. 1993)~~

~~B. For projects involving less than \$50,000, in lieu of posting bid and/or performance and labor and material bonds, in accordance with Subdivision A, above, the County shall allow any contractor to post real property or any negotiable security in accordance with California Code of Civil Procedure Section 995.710 or with the following procedures:~~

~~1. Negotiable securities shall be endorsed over to the County and shall be held by County under a surety deposit agreement until contractor has fully complied with all applicable laws and provisions of the County's public works contract prerequisite to the release thereof. An administrative fee shall be charged by County for the execution of the surety deposit agreement in the amount of \$50.00. The Purchasing Agent shall be authorized to execute all security deposit agreements.~~

~~As used herein, negotiable securities shall mean all negotiable instruments or negotiable securities as defined in the Uniform Commercial Code.~~

~~2. Prerequisite to the acceptance of real property in lieu of bid bonds, the Purchasing Agent shall require:~~

~~a. That a current preliminary title report addressed to the County shall be submitted establishing ownership in the contractor;~~

~~b. An appraisal prepared within the preceding 12 months addressed to County by an accredited and recognized appraiser establishing the fair market value of the real property;~~

~~c. Execution of a grant deed to County; and~~

~~d. An affidavit by the contractor that there are no liens or other encumbrances upon the real property not otherwise shown in the title report.~~

~~e. Only the equity in excess of 20% of the appraised value of the real property may be used for the purpose of the Section.~~

~~Upon compliance with the above, the Purchasing Agent shall execute a surety deposit agreement and shall collect an administrative fee of \$125.00. Upon execution of the surety deposit agreement, the Purchasing Agent shall immediately tender the grant deed to the County Recorder who shall record same without necessity of further action by the~~

~~Board of Supervisors. Upon compliance with all applicable laws and provisions of the County contract prerequisite to the release of any security, the Purchasing Agent shall be empowered to and shall execute a grant deed re-conveying the property back to the Contractor and shall cause such deed to be recorded by the County Recorder without further action by the Board of Supervisors.~~

~~3. The County may allow the surety deposit agreement to be modified to include additional County property that Contractor may bid on and/or undertake, provided that at all times the total security is sufficient to cover the bonding requirements for all projects undertaken by the Contractor. An administrative fee of \$50.00 shall be charged for amending any agreement.~~

~~C. The County's acquisition of title to any real property under the provisions of this Section shall be for security purposes only and shall not give County any right to use the property in any manner except the right to sell the real property in the event of a default by contractor in the performance of any of contractor's obligations. County shall not be liable to contractor or to any third party in any manner whatsoever stemming from County's acquisition of title to the real property and contractor shall defend, indemnify and hold county harmless from any and all lawsuits resulting therefrom.~~

~~D. In the event of a default by contractor, County shall notify contractor of the specifics of the default and shall extend a reasonable time to contractor to cure same or to pay such damages as County may reasonably assess under the terms of the Public Works Contract. County shall not release the security until contractor has fully performed under the contract. If contractor fails to cure any breach or to pay such damages as may have been reasonably assessed within six months after notification of the breach and/or of the assessment of damages, County shall proceed to sell the real property following the procedures specified for foreclosures for real property in California Civil Code Sections 2920—2944.10., et seq. In addition to its other damages County may deduct its reasonable cost, including attorney's fees and staff time, in proceeding to and conducting the sale. Any excess proceeds from the sale shall be remitted to the contractor if the contractor submits a written request for same within one year from the date of the sale.~~

#### Sec. G-IV 13.11 Emergencies

A. Pursuant to ~~California Public Contracts Code Section~~ Cal. Pub. Cont. Code §20134, in cases of ~~great~~ emergency, when repair or replacement or other action is necessary to permit the continued conduct of County operations or services, or to avoid danger to life or property, the Board of Supervisors, by majority consent, may proceed at once to replace or repair any and all facilities without adopting the plans, specifications, strain sheets, or working details or giving notice for bids to let contracts.

B. The Board of Supervisors may authorize any such work to be done by day labor, by contract, or by a combination of the two. If the work is done wholly or in part by contract, the contractor shall be paid the actual cost of the use of machinery and tools and of material, and labor and of worker's compensation insurance expended by ~~them him or her~~ in doing the work, plus not more than 15 percent to cover all profits and administration. Any such contract shall include a requirement for the payment of prevailing wages in accordance with the provisions of State law. No more than the lowest current market prices shall be paid for materials whenever possible.

C. For the purpose of this Section, an "Great Emergency" shall be defined as follows:

1. Time of war, siege or attack or threat of war, siege or attack.
2. Conditions of disaster or of imminent peril to safety of persons or property caused by such conditions as severe air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, earthquake or other such conditions.
3. Time of work stoppage or labor controversy or conditions which by reason of magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County.
4. Whenever an order, notice, demand or lawsuit or threat of order, notice, demand or lawsuit is filed against the County of Nevada by a regulatory or enforcement agency, either state or federal, having jurisdiction over the County which order, notice, demand or lawsuit poses an immediate threat of fine, closure of a facility or interruption of vital or mandatory service.
5. Any other threat to a function of government which is conducted for the protection of the public health, safety and/or welfare, the interruption of which would pose a severe threat of harm to the public health, safety and/or welfare.

D. A determination that an ~~great~~ emergency exists shall be made by the Board of Supervisors prior to the making of any repairs or replacements under this Section or taking any other authorized action. When the emergency is of such a nature that immediate action is necessary, the Board of Supervisors shall hold an emergency meeting pursuant to the provisions of the Brown Act, Cal. Gov't Code § Government Code Section 54956.5. In the event that it is not possible to conduct a meeting due to the nature of the emergency or disaster, the County Executive Officer Administrator, or in their absence or incapacity, the Assistant County Executive Officer Administrator, or in both of their absences or incapacity, the Director of the Nevada County Office of Emergency Services, may authorize the necessary work or direct the repair or replacement and their actions shall be reported to the Board of Supervisors at its next

meeting. Said actions shall only be those necessary to protect people and property from injury until a meeting of the Board of Supervisors may be convened.

E. Notwithstanding the ability to let contracts under this Section without bidding and wherever it is feasible to do so, informal bids shall be obtained from contractors by telephonic solicitation prior to the award of any contract for emergency repairs or replacements.

#### Sec. G-IV 13.12 Change Orders on Road Projects

The Director of the Department of Public Works is authorized to order changes or additions in any work being performed on County Highways which work is being performed pursuant to Article 25 of the [California](#) Public Contract Code (commencing with ~~Public Contract Code Section~~ [Cal. Pub. Cont. Code § 20390](#)) whenever the Board of Supervisors has authorized a contingency fund to cover such changes or additions. When so ordered, any change or addition to the work shall not exceed ten percent (10%) of the original contract price or the amount of the contingency, whichever is less. Any change orders exceeding the above limits shall be brought to the Board of Supervisors for approval. The Board may authorize such changes where the Board makes a finding that it is in the public interest to do so, may deny the change or may require that the work be publicly bid.

EXHIBIT D

GENERAL CODE

CHAPTER IV – GENERAL REGULATIONS

ARTICLE 13.A – ALTERNATIVE PROCEDURES FOR LEASING OF COUNTY  
PROPERTY

Sections:

Sec. G-IV 13.A.1 Legislative Intent

Sec. G-IV 13.A.2 Leases for Property in Excess of \$~~107,07,500~~ Per Month

Sec. G-IV 13.A.3 Leases for Property Less Than \$~~107,50007,500~~ Per Month

Sec. G-IV 13.A.4 Lease as Taxable Interest

Sec. G-IV 13.A.1 Legislative Intent

It is the intent of the Board of Supervisors in adopting this ~~Chapter Article~~ to provide an alternative procedure for the leasing of any real property belonging to the County of Nevada, which property is found (at the time of the lease and through the term thereof) to have a fair market rental value which shall be \$~~107,07,500~~ per month or less, all as is allowed pursuant to ~~Government Code Section~~ Cal. Gov't Code § 25537.

Sec. G-IV 13.A.2 Leases for Property in Excess of \$~~107,07,500~~ Per Month

Any real property belonging to the County of Nevada which is found to have a fair market rental value in excess of \$~~107,0500 7,500~~ per month (at any time during the term of the proposed lease) shall be let to the highest responsible bidder and in accordance with all of the procedures specified in ~~Government Code Sections~~ Cal. Gov't Code §§ 25520 to 25539.10. ~~25526 to 25535~~.

Sec. G-IV 13.A.3 Leases for Property Less Than \$~~107,0500 7,500~~ Per Month



A. The Board of Supervisors may lease any real property belonging to the County of Nevada to any person, corporation or entity as it deems prudent without complying with the procedures specified ~~in Section G-IV 13.A.2~~ where the following conditions are met:

1. The term of the lease is for not more than 10 years; and
2. The Board finds that the fair market rental value of the property (at the time of the execution of the lease and through the term thereof) will not exceed \$~~107,500~~7,500 per month.

B. Notice of the lease shall be published one time in a newspaper of general circulation and shall be posted in the office of the Clerk of the Board of ~~s~~Supervisors. The notice shall describe the property proposed to be leased, the terms of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed, and any county officer authorized to execute the lease. Any lease entered into pursuant to this ~~S~~ section shall not be renewable. The lease shall specify that the lessee shall not be allowed to hold over at the end of the lease term. Any subsequent lease for the same property or any part thereof which lease is executed within one year from the date of the expiration of the lease executed pursuant to this Section shall be let in accordance with the procedures specified in ~~this Code, Section G-IV 13.A.2.~~

C. The ~~County of Nevada Director of~~ Information and General Services ~~Agency Director~~ and the Purchasing Agent, ~~or their designee, of the County of Nevada~~ are hereby delegated the authority to execute all leases authorized under this ~~Chapter Article~~, provided that such officers shall report any such action to the Board of Supervisors within 30 days following the execution of any lease by them.

#### Sec. G-IV 13.A.4 Lease as Taxable Interest

All leases of any real property belonging to the County of Nevada shall specify, in accordance with ~~Revenue and Taxation Code Section~~ Cal. Rev. & Tax. Code § 107.6 that the lessee will be subject to taxation for the possessory interest in the property.

EXHIBIT D

NEVADA COUNTY GENERAL CODE

CHAPTER IV: GENERAL REGULATIONS

ARTICLE 14.A - WOOD STOVES AND FIREPLACES

Sections:

Sec. G-IV 14.A.1 ~~Reserved Intent~~

Sec. G-IV 14.A.2 Applicability

Sec. G-IV 14.A.3 Definitions

Sec. G-IV 14.A.4 Permit and Inspection Required

Sec. G-IV 14.A.5 Standards for Solid Fuel Burning Appliances

Sec. G-IV 14.A.6 Prohibited Fuels

Sec. G-IV 14.A.7 Fees

Sec. G-IV 14.A.8 Violations/Infractions

Sec. G-IV 14.A.9 Enforcement Official

Sec. G-IV 14.A.1 ~~Reserved Intent~~

~~In adopting this Article, it is the intent of the Board of Supervisors to maintain and improve the quality of air in the County to protect and enhance the health of its citizens by controlling the emissions of particulate matter and other wood burning pollutants into the air in Nevada County.~~

Sec. G-IV 14.A.2 Applicability

The provisions of this ~~Chapter Article~~ shall apply to all unincorporated areas within the County of Nevada. (Ord. 2384, (09/9/2014))

Sec. G-IV 14.A.3 Definitions

As used in this Chapter Article, the following words, phrases and abbreviations are defined as follows:

A. “Dwelling” means a structure designed and used for long-term residential occupancy. “Dwelling Unit” means that portion of a dwelling designed or used for occupancy of one family or living group separated from and living independently of others in the same dwelling, e.g. a duplex constitutes one “dwelling” but two “dwelling units”.

B. “EPA” means the United States Environmental Protection Agency.

C. “EPA certified appliance” means any solid fuel burning appliance utilized for aesthetic, water heating or space heating purposes that has been certified by the EPA as meeting the performance and emission standards for new residential wood heaters (as set forth in Title 40 Code of Federal Regulations [C.F.R.] Part 60, Subpart AAA February 26, 1988).

D. “EPA Phase II certified appliance” means an EPA certified appliance that meets the emission requirements of no more than 4.1 grams per hour particulate matter emission for catalytic and 7.5 grams per hour for non-catalytic appliances. Pellet fueled wood heaters, gas fueled appliances or fireplace inserts, as defined herein, shall be considered as meeting Phase II requirements. Any other solid fuel burning appliances, including fireplaces not qualifying as factory-built fireplaces, shall be considered non-certified appliances that must be proven, based upon evidence including manufacturer’s documentation, to be at least an equivalent alternative before use may be authorized.

E. “Factory-built fireplace” means a prefabricated zero clearance fireplace or a fireplace heat form with doors or other accessories which cause the fireplace to function as a “wood heater” as defined in 40 C.F.R. §60.531 (1988). It does not mean open masonry fireplaces, barbecue devices, gas-fired fireplaces or cook stoves.

F. “Pellet fueled wood heater” means any heater designed to heat the interior of a building that operates only on pelleted wood fuel and has an automatic feed manufactured and included as an integral part of the unit.

G. “Permanently inoperable” means modified in such a way that the appliance can no longer function as a solid fuel heater or easily be re-modified to function as a solid fuel heater. Conversion to other fuels, such as gas, is prohibited.

H. “Gas fueled appliances” means any heater designed to heat the interior of a building that operates on either propane, natural gas or oil.

I. “Solid fuel burning appliance” means any fireplace, heater, stove or structure that burns wood, coal or any other non-gaseous or non-liquid fuels, or any similar device burning any solid fuel used for aesthetic, water heating or space heating purposes and includes pellet fueled wood heaters, fireplaces and factory-built fireplaces, airtight wood stoves and any other such appliance that is a “wood heater” or wood-fired “boiler” as defined in 40 C.F.R. §60.531 (1988). It does not mean a cook stove or a furnace as those terms are defined in 40 C.F.R. §60.531 (1988). (Ord. 2384, (09/9/2014))

#### Sec. G-IV 14.A.4 Permit and Inspection Required

No solid fuel burning appliance shall be installed without first obtaining a permit from the County Building Department. All installations shall require an inspection and approval by the County Building Inspector prior to operation. The Building Inspector shall verify that appliances comply with the required emissions standards and with this ~~Chapter Article~~ and such verification shall remain on file with the County Building Department. Effective January 1, 2003, where any project to be permitted involves installation of any solid fuel burning appliance, no building or installation permit may be issued for such project unless the plan indicates any new or replacement solid fuel burning appliance proposed complies with standards set forth in this Code. Section G-IV 14.A.5.

#### Sec. G-IV 14.A.5 Standards for Solid Fuel Burning Appliances

A. All new solid fuel burning appliances shall be EPA Phase II certified appliances or such alternate appliances meeting or exceeding EPA clean air emission standards as the Chief Building Inspector may approve. Additionally, whenever an existing solid fuel burning appliance installed prior to January 1, 2003, is voluntarily replaced, the replacement unit shall be an EPA Phase II certified appliance.

#### Sec. G-IV 14.A.6 Prohibited Fuels

A. Materials that are allowed to be burned in a solid fuel burning appliance are listed below:

1. Dried and untreated wood
2. Uncolored paper
3. Manufactured logs, pellets and similar manufactured fuels
4. Cardboard
5. Undyed organic cloth.

B. Burning of any other fuels or materials in a solid fuel burning appliance is prohibited within the unincorporated area of Nevada County. Burning of any fuels or materials other than those recommended by the manufacturer in pellet fueled wood heaters and gas fueled appliances is prohibited within the unincorporated areas of Western Nevada County.

#### Sec. G-IV 14.A.7 Fees

A fee shall be charged for the inspection and permitting services of the County pursuant to this Chapter Article, payable before a permit is issued. The fee shall be established and adopted by the Board from time to time by resolution.

#### Sec. G-IV 14.A.8 Violations/Infractions

Any person who violates any provision of this Chapter 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~~ which increases for subsequent violations of the same section within a 12 month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.

#### Sec. G-IV 14.A.9 Enforcement Official

The Northern Sierra Air Quality Management District and its duly authorized agents are hereby declared to be code enforcement officers of this County for the purpose and with the right of enforcing the provisions of this Chapter Article along with the Chief Building Official of Nevada County, or their his designee. To the extent violations are designated to be infractions, the Nevada County Code Compliance Manager (~~as established in Sec. L-II 5.21 of the Nevada County Land Use and Development Code~~) is authorized to enforce the provisions of this Chapter Article.

## EXHIBIT D

### NEVADA COUNTY GENERAL CODE

#### CHAPTER IV: GENERAL REGULATIONS

#### ARTICLE 17 - PARKING FOR ~~DISABLED PHYSICALLY HANDICAPPED~~ PERSONS

##### Sections:

Sec. G-IV 17.1 On Street Parking

Sec. G-IV 17.2 Use of Blue Curb Spaces

Sec. G-IV 17.3 Off-Street/Publicly Owned Facilities

Sec. G-IV 17.4 Off-Street/Privatey Financed Facilities

Sec. G-IV 17.5 Identification

Sec. G-IV 17.1 On Street Parking

The Department of Public Works of the County of Nevada shall designate special “blue curb” parking spaces for the purposes of providing on-street parking for disabled ~~physically handicapped~~ persons.

Sec. G-IV 17.2 Use of Blue Curb Spaces

Persons using “blue curb” parking spaces shall comply with the following:

1. No person shall park or stand any vehicle in a disabled persons parking zone (blue curb) unless said vehicle bears a special license or displays a special placard issued under the provisions of Cal. Veh. Code §§ Section 9105 or Section 22511.5. ~~of the California Vehicle Code.~~
2. Blue curb parking spaces shall be operative twenty-four (24) hours a day Sundays and holidays included.

3. Parking zones for the ~~disabled persons physically handicapped~~ are subject to any temporary parking prohibitions established by the County of Nevada.

#### Sec. G-IV 17.3 Off-Street/Publicly Owned Facilities

The Department of Buildings and Grounds shall designate parking stalls or spaces in publicly owned, leased or controlled off-street parking facilities for exclusive use by ~~disabled persons physically handicapped persons~~.

#### Sec. G-IV 17.4 Off-Street/Privately Financed Facilities

The County hereby declares that there are privately owned and operated parking facilities which may reserve parking stalls for exclusive use by ~~physically handicapped disabled~~ persons.

#### Sec. G-IV 17.5 Identification

A. ON STREET - BLUE CURB SPACES. Blue curb spaces shall be indicated by blue paint on the curb edge of the paved portion of the street. For further identification, the International Symbol of Access, may be printed on the blue curb in white followed by the word "ONLY".

In addition, a sign not less than 17" x 22" with lettering not less than one inch in height shall be posted stating:

Unauthorized vehicles not displaying distinguishing license plates or placards issued for ~~disabled physically handicapped~~ persons will be issued citations.

All signs shall be posted at a height of 80" from the ground.

B. OFF-STREET/PUBLICLY OWNED FACILITIES. Designation of "blue curb" parking stalls in publicly financed off-street parking facilities shall be made by posting immediately adjacent to, and visible from same, a sign consisting of the International Symbol of Access.

In ~~addition addition~~, a sign of not less than 17" x 22" in size must be posted either at the entrance to the parking facility or immediately adjacent to and visible from the reserved stall(s), which states with lettering not less than one inch in height:



Unauthorized vehicles not displaying distinguishing license plates or placards issued for ~~physically handicapped~~ disabled persons will be issued citations.

All signs shall be posted at a height of 80” from the ground.

C. OFF-STREET/PRIVATELY FINANCED FACILITIES. Designation of “blue curb” parking stalls in privately financed off-street parking facilities shall be made by posting immediately adjacent to, and visible from same a sign consisting of the International Symbol of Access.

In addition, a sign not less than 17” x 22” in size with lettering not less than one inch in height which clearly states:

Unauthorized vehicles not displaying distinguishing placards or license plates issued for ~~physically handicapped~~ disabled persons will be towed away at owner’s expense. Towed vehicles may be reclaimed at, or by telephoning.

This sign shall be posted at the entrance to the parking facility or immediately adjacent to, and visible from the reserved stall(s).

NOTE: The person in lawful possession of the parking facility may then and only after first contacting the local police or sheriff’s department, cause the removal of a violator’s automobile from the stall to the nearest public garage.

A sign must be posted at the entry to all off-street parking facilities to the effect that the facility is subject to public traffic regulations and control.

All signs shall be posted at a height of 80” from the ground.

D. SPECIFICATIONS. When parking spaces are made available to ~~handicapped~~ disabled persons in off-street facilities they should comply with the following specifications:

- Open on one side or a minimum of 12 feet wide.
- Located where slope in the immediate area does not exceed 2%.
- Placed to minimize necessary travel on sloped surfaces.
- Located near level or ramped entrance.
- Located close to elevators.
- Located to minimize necessary travel behind parked vehicles.

EXHIBIT D

GENERAL CODE

CHAPTER IV – GENERAL REGULATIONS

ARTICLE 18 - USE REGULATIONS REGARDING COUNTY PROPERTY

Sections:

Sec. G-IV 18.1 Reserved

Sec. G-IV 18.2 Drinking Alcoholic Beverages in County Buildings and Upon County Property Prohibited

Sec. G-IV 18.3 Parking Restrictions on County Property

Sec. G-IV 18.4 Regulation of Smoking in County Owned Facilities

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Sec. G-IV 18.1 Reserved

Sec. G-IV 18.2 Drinking Alcoholic Beverages in County Buildings and Upon County Property Prohibited

It shall be unlawful for any person to possess and/or to drink alcoholic beverages in any County vehicle or in any building or on any real property owned and/or operated by the County of Nevada with the exception of Western Gateway Park or any other park which may be developed by the County. Any County employee found in violation of this section shall be subject to the disciplinary procedures set forth in **Section 19** of the Personnel Code of the County of Nevada.

Notwithstanding the foregoing, alcoholic beverages may be consumed on County property and/or in County buildings if, at the time thereof, use of the premises is governed by a rental agreement to an individual or organization and the rental agreement specifically provides for the consumption of alcoholic beverages. No rental agreement for use of County property shall allow for the consumption of alcoholic beverages unless the renter first secures all State and local permits and/or licenses and provides the County with evidence of insurance in an amount of not less than \$300,000 and which expressly

states it includes coverage for the on-site sale and/or consumption of alcoholic beverages, as appropriate.

In addition to the exception for rental agreements, the County Executive Officer ~~Chief Administrator~~ or ~~his/her~~ their designee may also waive the alcohol prohibition for official County events where the service of alcoholic beverages would be appropriate and would not include consumption by County employees while on County time. Any such waiver shall be by written communication to the Board of Supervisors prior to the event at which alcoholic beverages would be served.

### Sec. G-IV 18.3

#### Sec. G-IV 3.A.28 Parking Restrictions on County Property

A. No private vehicle shall be parked for more than twelve (12) hours, during a twenty-four (24) hour period, on property owned by the County of Nevada, including but not limited to the following County buildings:

1. Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City;
2. Truckee Government Center, 10879 Donner Pass Road, Truckee;
3. Truckee Government Center Annex, 10075 Levone Avenue, Truckee;
4. Truckee Library, 10031 Levone Avenue, Truckee;
5. Truckee Veterans Building, 10214 High Street, Truckee;
6. Nevada County Courthouse, 201 Church Street, Nevada City
7. HEW Building, 10433 Willow Valley Road, Nevada City;

8. Grass Valley Veterans Building, 255 South Auburn Street, Grass Valley;
9. County Corporation Yard, 12548 Loma Rica Drive, Grass Valley;
10. Nevada City Veterans Building, 415 N. Pine St., Nevada City; and
11. Nevada County Airpark, 12818 Loma Rica Drive, Grass Valley.

B. No private vehicle shall be parked for any purpose at any time in parking spaces on County property which are reserved for County employees, County vehicles, and lessees of County-owned property.

C. No vehicle shall be parked for any purpose at any time in front of the main entrance of the Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, California. The curb shall be painted red to delineate the no parking area.

D. Repealed. (Ord. 2191. ~~(12/13/2005)~~-)

E. Notwithstanding any other provision of this Code, it shall be unlawful for any vehicle to be parked on County property for more than 72 hours without the written authorization of the County ~~Administrative~~ Executive Officer or ~~his~~ their designee.

F. Provisions of the preceding paragraphs shall be effective when appropriate signs giving notice thereof have been erected at the entrance to each parking area delineated herein. The ~~Director of the Department of Information and~~ General Services Agency Director is hereby authorized and directed to erect and maintain, or cause to be erected and maintained appropriate signs on such public property giving notice of the provisions of this and the preceding paragraphs and in accordance with the requirements of the California Vehicle Code.

~~(Reference: Vehicle Code Sections 22519, 21458.)~~

Sec. G-IV 18.4

~~Sec. G IV 23.4~~ Regulation of Smoking in County Owned Facilities

A. Smoking is prohibited in all buildings, vehicles, or other enclosed areas occupied by County staff, owned or leased by the County, or otherwise operated by the County of Nevada except in areas where the County ~~Executive Officer Administrator~~ may designate as smoking areas. The County ~~Executive Officer Administrator~~ may designate a smoking area only if the area involved:

1. Is not regularly open to the public; and
2. Does not require major room or building modification; and
3. Is not regularly occupied by non-smokers.

B. In any dispute arising out of the smoking area designations made by the County ~~Executive Officer Administrator~~ under this ~~Chapter Article~~, the rights of the non-smoker shall be given precedence.

## EXHIBIT D

### NEVADA COUNTY GENERAL CODE CHAPTER IV: GENERAL REGULATIONS ARTICLE 19 – SKIER RESPONSIBILITY

#### Sections:

Sec. G-IV 19.1 Title

Sec. G-IV 19.2 Definitions

Sec. G-IV 19.3 Assumption of Risk

Sec. G-IV 19.4 Skier Duties - Misdemeanor

Sec. G-IV 19.5 Skier Duties - Infraction

Sec. G-IV 19.6 Skier Duties - General

Sec. G-IV 19.7 Notice of Skier Duties

Sec. G-IV 19.8 Skiers in Competition

Sec. G-IV 19.9 Penalties for Violation

Sec. G-IV 19.1 Title

This ~~Chapter article~~ shall be known as the County of Nevada Skier Responsibility Code. ~~of Nevada County.~~

Sec. G-IV 19.2 Definitions

The following words and phrases when used in this chapter shall be construed to have the following meanings:

A. **INHERENT RISKS OF SKIING** is hereby defined to include, but not be limited to, those dangers or conditions which are an integral part of the sport of skiing, including, but not limited to, changing weather conditions, variations or steepness of terrain, snow

or ice conditions, surface or subsurface conditions (whether man-modified or not) bare spots, creeks, gullies, forest growth or rocks, stumps, lift towers and other structures and their components, collision with other skiers and a skier's failure to ski within the skier's own ability.

B. INJURY means any personal injury, death, or property damage or loss suffered by a skier, ski area operator or ski area.

C. SKIER is hereby defined to mean any person who is within the boundaries of a ski area for the purpose of engaging in the sport of skiing, including but not limited to snow boarding, alpine and ~~nordic~~ Nordic skiing, or any person who is within the boundaries of the ski area for the purpose of observing any skiing activity.

D. SKI AREA is hereby defined to mean any area designated and maintained by a ski area operator for the purpose of skiing or for the observance of any skiing activity.

E. SKI AREA OPERATOR means any person, corporation or association, or their agent, officer, employee or representative, who operates a ski area within the County of Nevada.~~County.~~

#### Sec. G-IV 19.3 Assumption of Risk

Any individual or group of individuals who engage in the sport of skiing of any type, including but not limited to Alpine and Nordic, or any similar activity within the boundaries of a ski area including entry for the purpose of observing any skiing or similar activity, shall assume and accept the inherent risks of such activities insofar as the risks are reasonably obvious, foreseeable or necessary to the activities. Skiers who ski in any area not designated for skiing within the ski area control boundary, or who ski outside of a posted area boundary, assume the risks thereof.

#### Sec. G-IV 19.4 Skier Duties - Misdemeanor

Skiers shall have the following duties, a violation of which shall constitute a misdemeanor:

A. When involved in a skiing collision with other skiers which results in bodily injury to another person, a skier shall not depart from the scene of the accident without first leaving ~~their his or her~~ name and address with the ski patrol in the ski area where such injury occurred.

B. A skier shall not knowingly ski in an area or on a ski trail which is closed to the public and which has signs posted indicating such closures.

#### Sec. G-IV 19.5 Skier Duties - Infraction

Skiers shall have the following duties, a violation of which shall constitute an infraction:

A. It shall be unlawful for any person to ski faster than is safe and it shall be the duty of all skiers to ski in a safe and reasonable manner, under sufficient control to be able to stop or avoid other skiers or objects.

B. Skiers must wear retention straps or other reliable devices to prevent runaway skis.

C. Skiers shall not embark or disembark from a ski lift except at designated areas, or by the authority of the ski lift operator.

D. It shall be unlawful for any person who is under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug, to ski in a ski area.

#### Sec. G-IV 19.6 Skier Duties - General

Skiers shall have the following duties:



A. Skiers shall familiarize themselves with the posted information supplied by the ski area operator on location and degree of difficulty of trails and slopes to the extent reasonably possible before skiing on any slope or trail.

B. Skiers shall not cross the uphill track of any surface lift except at points clearly designated by the ski area operator.

C. Skiers shall not overtake any other skier except in such a manner as to avoid contact with the overtaken skier, and shall grant the right-of-way to the overtaken skier.

D. Skiers shall yield to other skiers when entering a trail or starting ~~down-hill~~downhill.

E. Skiers shall not board rope tows, wire rope tows, J-bars, T-bars, ski lifts or other similar devices unless they have sufficient ability to use such devices, and skiers shall follow any written or verbal instructions that are given by the ski area operator or representative regarding the use of the devices delineated in this section.

F. A skier who is bodily injured, if reasonably possible, shall give notice of the injury to the ski area operator before leaving the area.

G. A skier shall not stop skiing in such a manner as to obstruct a trail or be hidden from the view of the skiers uphill.

#### Sec. G-IV 19.7 Notice of Skier Duties

Ski area operators shall provide notice to skiers of their duties as delineated in this chapter in a manner reasonably calculated to inform skiers of those duties.

#### Sec. G-IV 19.8 Skiers in Competition

The ski area operator shall, prior to the beginning of any skiing competition, including but not limited to, Nordic and Alpine, allow each competitor a reasonable visual inspection of the course or area within which the competition is to be held. No liability

shall attach to the ski area operator for the injury or death of any competitor proximately caused by such competitor's engaging in a skiing competition.

#### Sec. G-IV 19.9 Penalties for Violation

The following penalties shall be imposed for violation of the Skier Responsibility Code:

A. Any person convicted of a misdemeanor for violating the Skier Duties constituting a misdemeanor outlined above ~~provisions of Sec. G-IV 19.4~~ shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in the County Jail not to exceed 6 months, or by both such fine and imprisonment.

B. Any person convicted of an infraction for violating the provisions of Skier Duties constituting an infraction outlined above ~~Section G-IV 19.5~~ shall be punished by a fine not exceeding \$100.00.