

EXHIBIT C

GENERAL CODE

CHAPTER IV – GENERAL REGULATIONS

ARTICLE 1 - 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~~Title

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

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.~~

This Article is intended to regulate, control, and protect animals existing within the unincorporated area of the county. Both Animal Shelter Services and the Animal Control Division of the Sheriff’s Office enforce animal regulations, provide humane care for sheltered animals and educate animal owners on responsible ownership.

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.~~

~~AB. ANIMAL means any domesticated animal, captive wild animal, or any exotic animal and includes any reptile, avian, fish, or mammal, other than homosapiens.~~

~~BC. ANIMAL CONTROL means the division of the Nevada County Sheriff's Office which is specifically charged with the regulation of, and the enforcement of, laws relating to animals within the jurisdiction of the County of Nevada. 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.~~

~~CD. ANIMAL CONTROL OFFICER means any person duly appointed by the Sheriff to enforce all laws and regulations related to animal control and care or rabies control.~~

~~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.~~

~~DE. ANIMALS OF HUSBANDRY means domestic animals normally associated with farming.~~

~~EF. ANIMAL RESCUE OR SHELTER 'rescue group' is can be 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).~~

~~FG. ANIMAL SHELTER means any facility operated by a local governmental agency, contracting agency, or Humane Society where animals impounded pursuant to this chapter or voluntarily surrendered by their owners are placed for humane care, keeping, and adoption to the public. means the facilities provided by the County for the treatment and care of animals coming into the custody of the Animal Control Program.~~

~~G. ANIMAL SHELTER SERVICES means the staff and employees responsible for operating the Animal Shelter and for providing regulation services that promote public safety, health, and responsible pet ownership.~~

~~H. AT LARGE is any animal, except a working animal, shall be deemed to be "at large" when off the premises of the owner and not under restraint by leash or physical control of owner. 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 devices.~~

I. BITE means any cut, laceration, tear, bruise, abrasion, puncture or injury inflicted to the epidermis of a person or animal whether or not that bite is considered a rabies risk by the County or State Health Department.

J. 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).

K. CAT means any member of the domestic feline species (Felis Catus). An adult cat is any cat older than four months of age.

~~LJ. COMMUNITY ANIMAL RESCUE PARTNER means an animal rescue organization that has been certified by the Sheriff as a Community Animal Rescue Partner. 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.~~

~~K. 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.~~

~~ML. 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 this Code and Cal. Penal Code §§ 574 – 625c .~~

~~NM. DANGEROUS ANIMAL means any animal which, because of its disposition, physical or inherent characteristics or size, behavior or propensity (without provocation) to inflict bodily harm or otherwise, demonstrate actions that would constitute a danger to any person, domestic livestock, other domestic animals or property.~~

O. DOG means all domesticated canines.

P. DOMESTIC ANIMAL means any animal other than wild or exotic animals, customarily confided or cultivated by humans for domestic or commercial purposes.

Q. ESTRAY any domestic animal to wander or roam at large

R. EXOTIC ANIMAL means and includes any wild animal which the California Fish and Game Commission has declared to be a prohibited wild animal and the importation, transportation or possession of which is unlawful except under authority of a revocable permit issued by the California Department of Fish and Game.

S. FENCE means wire, wood, metal, masonry, electric, or other material, at least four (4) feet in height, used as an enclosure for a yard, lot, field, or pasture to effectively confine any animal or animals within a specific area.

T. 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.

U. FERAL CAT COLONY means two or more feral cats living in close proximity to one another.

V. GUARD DOG means a dog trained specially for the protection of property and registered as a recognized guard dog with the local governing body.

W. GROOMING SHOP/PARLOR means a commercial establishment where animals are bathed, clipped, plucked, or otherwise conditioned.

X. HEALTH DEPARTMENT means the County Health Officer, County Public Health Agency or authorized agents of the County Health Officer or County Public Health Agency.

~~N. 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.~~

YQ. 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.

ZP. 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.

AAQ. 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 incidental to agricultural uses are excluded.

~~BBR.~~ ~~IMPOUNDMENT~~ means ~~any taking the taking into custody, taking up, or, confining of any, and caring for an~~ animal.

~~CC.~~ ~~KITTEN~~ means ~~any member of the domestic Feline species under the age of four (4) months of age.~~

~~DD.~~ ~~LARGE DOMESTIC ANIMAL~~ means ~~those animals that live in or about the habitation of people such as to contribute to the support of a family or wealth of a community, and includes, but is not limited to, any bovine, caprine, equine, ovine, or swine animal except those animals commonly kept as household pets, such as, but not limited to, dogs, cats, ducks, geese, chickens, or domesticated exotic fowl.~~

~~EE.~~ ~~LEASH~~ means ~~any rope, leather strap, chain, or other material not exceeding six (6) feet in length being held in the hand of the person capable of controlling the animal to which it is attached.~~

~~FF.~~ ~~LICENSE~~ means ~~the license issued for the specified licensing period within Nevada County with all fees being paid as evidenced by a valid receipt.~~

~~GG.~~ ~~LICENSING PERIOD~~ means ~~that period of time for which any license is valid. Licensing periods shall be set by a Resolution of the Board of Supervisors.~~

~~HHS.~~ ~~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.~~

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

~~IIU.~~ ~~OWNER~~ means ~~any person who is the keeper, harborer, possessor, or custodian, or who has control of an animal, or legal owner of any animal. Any occupant of premises upon which an animal is found shall be deemed prima facie the owner of said animal for the purposes of this Article. In addition, it shall be evidence of ownership of any animal for any person to refuse to present that animal to an Animal Control Officer for inspection or to refuse to permit such officer to impound any animal on the premises of such person when said animal is found in the violation of the provisions of this Article.~~

~~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.~~

~~JJV.~~ ~~PERSON~~ means ~~any person, firm, association, organization, partnership, business, trust, corporation, or company.~~

- KK. PET SHOP means every place where pet animals are kept for the purpose of either wholesale or retail sale, barter or hire.
- LL. PHYSICAL CONTROL means confined or restrained by a chain, rope, or leash, which is securely held or connected to a responsible adult.
- MM. PROTECTIVE CUSTODY HOLD means a hold placed on any animal for protective purposes, which the animal enforcement authority determines should extend beyond the animal holding period, pending the completion of an investigation and determination of final disposition. Such hold shall be at the discretion of the Animal Control Officer or peace officer.
- NN. PUPPY means any member of the domestic Canine species under the age of four (4) months.
- OO. QUARANTINE means the act of strict isolation and confinement of any animal to prevent the exposure to and the spread of a contagious disease or to prevent the animal from causing injury to any person or other animal.
- PP. QUARANTINE LOCATION(S) means any location designated by the Animal Shelter Director, Health Department or Animal Control Officer at which an animal may be held during quarantine.
- QQ. RESCUE ORGANIZATION means any for-profit or nonprofit, paid or volunteer organization that rescues homeless, sick or abused animals and later adopts or provides them sanctuary.
- RR. SERVICE ANIMAL means a dog that is individually trained to do work or perform tasks for people with disabilities, as further defined by 28 CFR 35.104 and California Health and Safety Code § 113903.
- SS. SEVERE INJURY means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or prolonged physical pain, or any physical injury that results in broken bones, disfiguring lacerations, multiple sutures, or cosmetic surgery.
- TT. STRAY means any animal that is at large without an identification tag, license tag, rabies tag, brand, tattoo, microchip or any apparent identification that would identify the true ownership of said animal, or an animal that may be lost or abandoned with or without such means of identification.
- UU. UNCONFINED means any animal not securely confined indoors or not confined in a securely enclosed and locked pen or structure upon the premises of its owner. To be securely enclosed such pen or structure must have secured sides and secured

top; if the pen or structure has no bottoms secured to the sides, the sides must be embedded into the ground no less than one (1) foot.

VV. UNLICENSED means the licensing fee has not been paid for the current licensing period in Nevada County.

WW. VACCINATION means an inoculation of an animal with a vaccine approved by, and in the manner prescribed by, the Department of Public Health of the State of California.

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

YY. VICIOUS OR POTENTIALLY DANGEROUS DOG means:

Potentially Dangerous Dog:

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, shall be designated as “Potentially Dangerous” within the County of Nevada.

Vicious Dog:

15. 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

26. 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 described as potentially dangerous dog, or who is maintained in violation of this Chapter.

ZZ. WILD ANIMAL means and includes any animal identified in California Fish and Game Code Section 2116.

AAA. 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.

~~W.—PREMISES means the property or vehicle owned or controlled by a person.~~

~~X.—PROXIMITY means the state of being very near; close; within ten feet (10’).~~

~~Y.—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.~~

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

~~AA.—VACCINATION means an inoculation of an animal with a vaccine approved by, and in the manner prescribed by, the Department of Public Health of the State of California.~~

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

~~CC.—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, shall be designated as “Potentially Dangerous” within the County of Nevada.~~

~~DD VICIOUS 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 described as potentially dangerous dog in Section 1.4.AA of this Chapter, or who is maintained in violation of this Chapter.~~

~~EE. 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.~~

~~FF. 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.~~

~~GG. 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, 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.~~

Sec. G-IV 1.5 **Administration: General Powers and Authority** Responsibility of the Chief of Animal Control

A. Animal Control shall be under the general direction of the Nevada County Sheriff's Office. Animal Shelter Services shall be under the general direction of the Animal Shelter Director.

B. Animal Control Officers shall have the following power and authority:

(1)To enforce the provisions of the ordinance codified in this Article and State laws pertaining to the care, treatment, impounding and destruction of animals.

(2)To exercise all enforcement powers granted by Food and Agricultural Code Section 7.

(3)To formulate rules and regulations in conformity with and for the purpose of carrying out the provisions and intent of the ordinance codified in this Article.

C. Animal Shelter Director shall have the following power and authority:

(1)To enforce the provisions of the ordinance codified in this Article and State laws pertaining to the care, treatment, impounding and destruction of animals.

(2)To formulate rules and regulations in conformity with and for the purpose of carrying out the provisions and intent of the ordinance codified in this Article.

D. Pursuant to Penal Code Section 830.9, Animal Control Officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530, and are authorized to carry firearms during the course and within the scope of their employment, if those officers successfully complete a course in the exercise of those powers pursuant to Penal Code Section 832. For the purposes of this subdivision, "firearms" includes capture guns, blowguns, carbon dioxide operated rifles and pistols, air guns, handguns, rifles, and shotguns.

~~The Chief of Animal Control is responsible for the administration and enforcement of the County's Animal Control Program. Their 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 and by State law.~~

~~M. — 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. — Advise 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 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, and it would be more humane to dispose of the 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, 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 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 ~~Sheriff~~~~Chief of Animal Control~~, or their designee, may formulate administrative policies, as deemed necessary, for the purpose of carrying out the intent of this Chapter.

Sec. G-IV 1.9 Authority to Carry Firearms

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

Sec. G-IV 1.10 Authority to Use Tranquilizer Gun

~~The Chief of Animal Control, and such designated~~ Animal Control Officers, 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 Control Officer or peace officer may impound any animal for violations of this Article, or when deemed necessary to preserve public health and safety or to prevent needless suffering of animals.

~~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 & Notice

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 Cal. Food & Agric. Code §§17006 & 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.

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.

H. Notice: Following the impoundment of any animal and prior to the adoption or euthanasia of the animal, reasonable efforts shall be made by the Animal Shelter Director or designee, to identify the animal's owner (including a microchip scan) and to contact the owner in writing with notice of impoundment and redemption availability.

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

When an Animal Control Officer or peace 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 § 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 § 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 this Chapter, 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 Cal. Food & Agric. Code §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 and any amount spent for veterinary services. The ~~Chief of Animal Control, Sheriff~~ or the Supervising Animal Control Officer, shall have the authority to waive the impounding fee for good cause.

If an animal is properly seized, all provisions of Cal. Penal Code § 597.1 shall apply.

Sec. G-IV 1.17 Voluntary Surrender of Animals

A. Any animal relinquished by the purported owner/custodian shall be held for 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 shall be available for

owner/custodian redemption or adoption on the second day. After the 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 above, kittens and puppies relinquished by the purported owner/ 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~~Animal Shelter Director or designee 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~~Sheriff 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~~the Animal Shelter Director, their designee or Animal Control Officer 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 they are 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 Animal Shelter Director ~~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 within 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 County Treasurer for use by the County for the following purposes, as permitted by Cal. Food & Agric. Code § 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 Animal 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 under Cal. Food & Agric. Code § 30520(d).
- d. Any additional costs incurred by the public Animal Control agency or shelter, society for the prevention of cruelty to animal shelter, humane society shelter, or rescue group in the administration of this Chapter.

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 Animal Shelter Director~~the authorized~~ or Animal Control Officer within five (5) days of such examination; and

C. The Sheriff or Chief of Animal Control concurs with the opinion of the veterinarian contained in such certificate and endorses on such certificate 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 this Chapter and is sufficient to immunize said dog against rabies for the current licensing term.

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 County.

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.

Sec. G-IV 1.25 Exemptions to Dog License Requirements

The requirements of this Chapter 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, 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 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 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 License Tag Required

The 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 peace officer~~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, as defined herein, without a valid kennel license from 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.

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.

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 Nevada County Community Development Agency, Animal Control Program, and all applicable provisions of State Law and this Chapter.

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 kennels, and rescue organizations:

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.

The Sheriff or their designee ~~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 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 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 service dogs or dogs being trained as service 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 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 dog that is owned, harbored, or controlled by 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 as per penalties set for misdemeanors.

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 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, 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~~ Sheriff or their designee, after receiving such complaint, shall initiate an investigation to determine if in fact a nuisance condition exists. If they find that a nuisance condition exists, 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.

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.

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.

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 ~~Sheriff, Chief of Animal Control~~, Animal Control Officers, or ~~peace officers~~ 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~~ Sheriff or their designee may declare an animal vicious or dangerous based on the number of, or circumstances of a bite, or for any other reason that they deem appropriate for the protection of public health.

The ~~Chief of Animal Control~~ Sheriff or their designee, 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. 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 designee,~~ Animal Control Officer or law enforcement officer 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. If there is no agreement to the designation, a hearing will be held to determine whether or not the dog in question should be declared potentially dangerous or vicious pursuant to the procedures set forth in- Cal. Food & Agric. Code §§ 31621 – 31626.

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 Cal. Food & Agric. Code §§ 31621 – 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 and it is not contrary to public safety, the ~~Chief of Animal Control~~ Sheriff or their designee 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 defined by this Code, or a vicious dog as defined by this Code, 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 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 Cal. Food & Agric. Code §§ 31621 – 31626. 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 shall impose conditions, including but not limited to those set forth in this Code upon the ownership of the dog that protect public health, safety, and welfare.

3. Any enclosure that is required pursuant to 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 All such fines shall be used to defray the cost of controlling and regulating vicious and potentially dangerous dogs.

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~~Sheriff or their designee. Nevada County Zoning Regulations on Animal Keeping and Raising (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 ~~Sheriff~~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.

The ~~Sheriff~~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 ~~Sheriff~~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 ~~Sheriff~~Chief may revoke such authorization when, in 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 ~~Sheriff~~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 and peace 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 Sheriff, peace officer or 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 their property; however, such person shall notify the Animal Control Program within twenty-four (24) hours of the following:

A. The fact that they have such an animal in 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 Sheriff or designee ~~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~~Sheriff or designee 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~~Sheriff or designee 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~~Sheriff or designee 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~~Sheriff or designee 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~~Sheriff or designee 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 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 Chapter.

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

Any person violating any provision of this Chapter~~e~~, 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. 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.

EXHIBIT C

GENERAL CODE

CHAPTER IV - GENERAL REGULATIONS

ARTICLE SECTION 3.B: MOTOR VEHICLES AND TRAFFIC: WEIGHT LIMITS, INTERSTATE TRUCKS, NON-LEGAL LOADS AND PERMITS

Sections:

Sec. G-IV 3.B.1 Load Limit of Roads and Bridges Established

Sec. G-IV 3.B.2 Authority of Peace Officer to Require Weighing

Sec. G-IV 3.B.3 Weight Limits for Commercial Vehicles

Sec. G-IV 3.B.4 Interstate Trucks

Sec. G-IV 3.B.5 Requirement of Permit for Non-Legal Load

Sec. G-IV 3.B.6 Application

Sec. G-IV 3.B.7 Definitions

Sec. G-IV 3.B.8 Bond Required

Sec. G-IV 3.B.9 Fees

Sec. G-IV 3.B.10 Permits Non-Transferrable

Sec. G-IV 3.B.11 Display of Permit

Sec. G-IV 3.B.12 Revisions

Sec. G-IV 3.B.13 Term of Permit

Sec. G-IV 3.B.14 Notice of Completion

Sec. G-IV 3.B.15 Movement of Vehicles

Sec. G-IV 3.B.16 Disclaimer of Liability

Sec. G-IV 3.B.17 Violations/Infractions

Sec. G-IV 3.B.18 Nuisance Abatement

Sec. G-IV 3.B.19 Non-Exclusive Remedies

Sec. G-IV 3.B.20 Enforcement Official

Sec. G-IV 3.B.1 Load Limit of Roads and Bridges Established

A.— No motor or other vehicle shall be operated on or over any County road or bridge of the County, nor shall any object be moved over or upon any County road or bridge, on wheels, rollers or otherwise in excess of a total weight, including load, of eighty thousand pounds, except when transported in or upon vehicles running exclusively on stationary rails or tracks.

~~B.— Notwithstanding the provisions of subparagraph A above, a maximum weight limit of seven (7) tons is hereby established for Schussing Way in the Tahoe Donner subdivision from Lausanne Way to Alder Creek Road. Northwoods Boulevard, Fjord Road and Alder Creek Road are hereby established as the alternate route for traffic exceeding the seven ton limit.~~

Sec. G-IV 3.B.2 Authority of Peace Officer to Require Weighing

Any peace officer making the arrest of the owner or driver of any vehicle violating the provisions of weight restrictions of this code ~~Section G-IV 3.B.1~~ may require the owner or driver to drive any such vehicle to the nearest public scales to be designated by such peace officer, for the purpose of establishing the weight and the load of any such vehicle or combination of vehicles.

Sec. G-IV 3.B.3 Weight Limits for Commercial Vehicles

All commercial vehicles exceeding a gross weight of 14,000 pounds are prohibited from using any and all streets and highways, or portions thereof, specified herein as affected by this section. An alternate route remaining unrestricted by local weight regulation as to commercial vehicles shall be designated herein for the streets and highways affected by this section. The Director of the Department of Public Works of the County is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on the County roads or highways specified in this section giving notice of the closures established herein.

This section shall not be effective with respect to:

A. Any vehicle which is subject to the provisions regarding Passenger Passenger Stage Corporations as per Cal. Pub. Util. Code §§ 1031 – 1046. of Article 2 (commencing with Section 1031 of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code of the State of California.)

B. The operation of ambulances or hearses.

C. Any vehicle owned, operated, controlled, or used by a public utility in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities.

D. Vehicles operated as an incident to any industrial, commercial or agricultural enterprise conducted within the boundaries of an unincorporated residential subdivision area affected by this section.

E. Any commercial vehicle coming from an unrestricted highway having ingress and egress by direct route to and from the restricted highway when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted highway or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted highway for which a building permit has previously been obtained.

F. Any commercial vehicle using any County highway by direct route to or from a State highway for the purpose of delivering or loading for transportation goods, wares, or merchandise.

The meaning of all terms used in this section, if defined by the Vehicle Code of the State of California, shall be governed by that definition.

Streets and highways affected include:

- ~~1. Waterloo Circle, County Road 793CB2, entire length.~~
- ~~2. Cromley Square, County Road 793CD2, entire length.~~
- ~~3. Sinclair Street, County Road 793CC2, entire length.~~
- ~~4. Huntsman Leap, County Road 793CQ2, entire length.~~
- ~~5. Briar Circle, County Road 793CW2, entire length.~~
- ~~6. Berkeley Court, County Road 793CX2, entire length.~~
- ~~7. Evensham Place, County Road 793CS2, entire length.~~
- ~~8. Worcester Circle, County Road 793CT2, entire length.~~
- ~~9. Rolands Way, County Road 793CR2, entire length.~~
- ~~10. Wyckham Way, County Road 793CH2, entire length.~~
- ~~11. Laburnham Circle, County Road 793CJ2, entire length.~~

~~2.— Crown Circle, County Road 793CN2, entire length.~~

~~13.— Tudor Lane, County Road 793CM2, entire length.~~

~~14.— Ieknield Way, County Road 793CF2, entire length.~~

~~15.— Allenby Way, County Road 793CG2, entire length.~~

~~16.— Glenshire Drive in the Glenshire/Devonshire residential area from Dorchester Drive on the east to Dorchester Drive on the west. I 80 is designated as an alternate route for the above described (Nos. 1 through 16, inclusive).~~

17. Rattlesnake Road from its southerly intersection with Brooks Road to Dog Bar Road. State Highway 174 and LaBarr Meadows Road are designated as an alternate route.

~~18.— Northwoods Boulevard in the southerly direction of travel (downgrade or western lane) in that portion extending from the intersection of Donner Pass Road for a distance of approximately 3,700 feet northerly to Station 9+100. Travel in the northerly direction (upgrade or eastern lane) is not affected. Alder Creek Road, State Highway 89 and Donner Pass Road are designated as an alternate route.~~

~~Within the Sierra Meadows Subdivision on the streets and roads listed below:~~

~~19.— Torrey Pines, County Road 687AS2.~~

~~20.— Martis Valley Road, County Road 687BE2.~~

~~21.— Jeffery Pine Road, County Road 687AR2.~~

~~22.— Red Fir Road, County Road 687BR2.~~

~~23.— White Fir Road, County Road 687BC2.~~

~~24.— Sugar Pine Road, County Road 687BD2.~~

~~25.— Star Pine Road, County Road 687BX2.~~

~~26.— Indian Pine Road, County Road 687AV2.~~

~~27.— Dog Wood Road, County Road 687AX2.~~

~~28.— Bishop Pine Road, County Road 687AW2.~~

~~29.— Stone Pine Road, County Road 687BG2.~~

~~30.— Alpine Fir Road, County Road 687AU2.~~

~~31.— Evergreen Circle, County Road 687AT2.~~

~~32.— Snowberry Road, County Road 687AY2.~~

~~33.— Old Mill Road, County Road 687BH2.~~

~~34.— Columbine Road, County Road 687BJ2.~~

~~35.— Shore Pine Road, County Road 687BM2.~~

~~36.— Frond Road, County Road 687BN2.~~

~~37.— Laurel Court, County Road 687BK2.~~

~~38.— Redbud Court, County Road 687BL2.~~

~~In the Gateway Park area on the streets and roads listed below:~~

~~39.— Pine Avenue~~

~~40.— Lake Avenue~~

~~41.— Sierra Avenue~~

~~42.— Vista Avenue~~

~~43.— Spring Lane~~

~~44.— Tahoe Drive~~

~~45.— Donner Way~~

Sec. G-IV 3.B.4 Interstate Trucks

A. Definitions: The following words and phrases shall have the meanings set forth, and if any word or phrase used in this ~~Article- Chapter~~ is not defined in this section, it shall have the meanings set forth in the California Vehicle Code; provided that if any such word or phrase is not defined in the Vehicle Code, it shall have the meaning attributed to it in ordinary usage.

1. “Terminal” means any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded or at which the vehicles are regularly maintained, stored or manufactured.

2. “Interstate truck” means a truck tractor and trailer or doubles with unlimited length as regulated by the Vehicle Code.

3. “Director of Public Works” means the Director of the Department of Public Works of the County of Nevada ~~County~~ or ~~his~~ their authorized representative.

4. “Caltrans” means the State of California Department of Transportation or its successor agency.

B. Purpose: The purpose of this ~~chapter~~ ~~article~~ is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating on a federally designated highway system and to promote the general health, safety and welfare of the public.

C. Application:

1. Any interested person requiring terminal access from the federally designated highway system shall submit an application, on a form as provided by the county, together with such information as may be required by the Director of Public Works and appropriate fees to the County of Nevada.

2. Upon receipt of the application, the Director of Public Works will cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon ~~their~~ ~~his~~ approval of that designation, ~~they~~ ~~he~~ will then determine the capability of the route requested and alternate routes, whether requested or not. Determination of route capability will include, without limitation, a review of adequate turning radius and lane widths of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of Caltrans.

3. Should the requested route pass through the County of Nevada to a terminal located in another jurisdiction, the applicant shall comply with that jurisdiction’s application process. Coordination of the approval of the route through the County will be the responsibility of the entity which controls the terminal’s land use.

D. Fees and Costs:

1. The applicant shall pay a non-refundable application fee, as established by the County by resolution, sufficient to pay the cost of the review of the terminal designation and the review of the route and alternate route.

2. Upon the approval of the terminal designation and route by the County and by Caltrans, the applicant shall deposit with the County of Nevada sufficient funds as estimated by the Director of Public Works to pay for the purchase and installation of terminal trailblazer signs. Trailblazer signs will be required at every decision point in the County en route to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed and any difference between the actual and the estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as may be required are in place.

E. Retrofitting:

1. If all feasible routes to a requested terminal are found unsatisfactory by the Director of Public Works, the applicant may request retrofitting the deficiencies. All costs of engineering, construction and inspection will be the responsibility of the applicant. Except when the retrofitting of deficiencies is within the jurisdiction of Caltrans, the actual construction will be done by the County or by a contractor acceptable to it.

2. When the work is to be done by the County, the applicant shall deposit with the County of Nevada the estimated cost of retrofitting. Adjustments between the estimated and actual cost shall be made after completion of the work and any difference between the actual and the estimated cost shall be billed or refunded to the applicant as the case may be. When the work is done by the applicant, the applicant may file with the Director of Public Works, on a form satisfactory to the Director of Public Works, a statement detailing the actual costs of retrofitting.

3. If at any time within five (5) years from the date of completion of the retrofitting by the applicant, should any applicant seek terminal approval which would use the route upon which such retrofitting was accomplished, any such applicant's fee may include that applicant's proportionate share of the retrofitting, as determined by the Director of Public Works, which fee shall be disbursed by the County of Nevada to the applicant who paid for the retrofitting as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate fee if the applicant doing the work failed to file the report with the Director of Public Works required by subsection 2 above.

F. Revocation of Route: The Director of Public Works may revoke any approved terminal or route if the terminal or route becomes a traffic hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or said vehicles causing unsafe driving conditions for other vehicular traffic or pedestrians.

G. Appeal Process:

1. If the Director of Public Works denies terminal designation, route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within ten (10) days following the date of receipt of the decision of the Director of Public Works may appeal said decision to the Board of Supervisors in writing. An appeal shall be made on a form prescribed by the Department of Public Works and shall be filed with the Clerk of the Board. The appeal shall state specifically wherein there was an error or abuse of discretion by the Director of Public Works or wherein its decision is not supported by the evidence in the record. Within five (5) days of the filing of an appeal, the Director of Public Works shall transmit to the Clerk of the Board the terminal application, the sketches of the revoked route and all other data filed therewith, the report of the Director of Public Works, the findings of the Director of Public Works and his decision on the application.

2. The Clerk of the Board shall make copies of the data provided by the Director of Public Works available to the applicant and to the appellant (if the applicant is not the appellant) for inspection and may give notice to any other interested party who requested notice of the time when the appeal will be considered by the Board of Supervisors.

3. If Caltrans and not the Director of Public Works denies or revokes terminal access from federally designated highways, no appeal may be made to the Board of ~~Supervisors, but~~ Supervisors but must be made to Caltrans as may be permitted by Caltrans.

~~H.—Invalidity and Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.~~

Sec. G-IV 3.B.5 Requirement of Permit for Non-Legal Load

No person, firm, company, corporation, association, public agency nor organization shall move over the surface of any highway, or over any bridge, viaduct, or other structure maintained by the County, any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the highway, without first obtaining a permit therefor, and complying with all conditions thereof, and all applicable provisions of this Code. Sections G-IV A 4.1, et seq.

Sec. G-IV 3.B.6 Application

Applications for a permit ~~pursuant to Section for a non-legal load G-IV 3.B.5~~ shall be made in writing upon forms furnished by the Department and approved by the Director of the Department. The form shall be filed with the Department and shall set out in detail where applicable the ~~all required same~~ information ~~required by Section G-IV A 4.3~~. Application to move non-legal vehicles shall also provide the following information:

- A. Weight, height, width, length.
- B. Route to be taken.
- C. Number of axles of the vehicle or vehicles hauling the non-legal load.

Sec. G-IV 3.B.7 Definitions

For the purpose of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this Section.

A. Applicant: Any person making written application for an encroachment permit hereunder is an applicant.

B. Highway: The term “highway” includes all or any part of the entire width of right-of-way of a County owned or maintained street, highway street, road or alley and the space over it and the ground under it, whether or not such entire area is actually used for highway purposes. If right-of-way is by prescription, a highway includes the area from the center line to the top of the cut, tow of fill, or 10 feet from the edge of traveled way, whichever is farther on both sides of the road, except that it does not include the area behind the fence having existed for more than five years.

C. Encroachment: The term “encroachment” used in this particular section specifically means travelling on the right-of-way by any vehicle or combination of vehicles or objects of dimension, weight or other characteristic prohibited by law.

Sec. G-IV 3.B.8 Bond Required

Before granting a permit under the provisions of this Ordinance, the Department may require the applicant to file with the Board security in the form of cash or a satisfactory bond payable to the County of Nevada in such an amount as the Department deems sufficient to reimburse the County for costs of restoring the right-of-way to its former condition.

The Department may require a new or additional bond or cash deposit at any time that evidence indicates the amount of the bond or cash deposit previously made is insufficient to cover the cost of restoring the right-of-way to its former condition. Any bond or cash deposit required by the Department under this Section shall be payable to the County and shall be filed with the Department on satisfactory completion of the move over the surface of any highway or over any bridge, via-duct or other structure maintained by the County of the vehicle or combination of vehicles or other objects requiring the permit. Upon the fulfillment of all of the conditions of the permit, the Board of Supervisors will release the bond or cash deposit on the expiration of 90 days. The Department of Public Works may waive the provisions of this Section relating to cash deposit or security bond for permits required under this Ordinance upon satisfactory proof by Certificate of Insurance that permittee is adequately insured to assure reimbursement to the County for repair of any damage caused to the County property.

In the event any applicant shall refuse to pay any fees, costs, or charges due under this Ordinance, the Department may, at its discretion, proceed against the surety or bond posted by the applicant pursuant to this Ordinance to collect such fees, costs or charges. The

Department may, in addition, refuse to issue any new permits to an applicant with unpaid fees, costs or charges due on any job. (Ord. 1589. [\(09/06/1989\)](#); Ord.#2238. [\(05/29/2007\)](#)).

Sec. G-IV 3.B.9 Fees

A. The schedule of fees will be those recommended by the Department and established and adopted by the Board from time to time by Resolution.

B. Before a permit is issued, the applicant shall deposit with the Department for payment to the Treasurer of the County cash or check in sufficient amount to cover the fees for the issuance of a permit, charges for field investigation, and fee for necessary inspection, all in accordance with the schedules established or adopted by the Board.

Sec. G-IV 3.B.10 Permits Non-Transferrable

Transportation and encroachment permits issued pursuant to this Ordinance are non-transferrable.

Sec. G-IV 3.B.11 Display of Permit

The permittee shall keep any permit issued under this division in a cab of the vehicle when its movement on a public highway is involved and the permit must be shown to any authorized representative of the Department or law enforcement officer on demand.

Sec. G-IV 3.B.12 Revisions

No changes shall be made in the location, dimension, character or duration of the encroachment or use granted by the permit except on written authorization by the Department.

The Department may revise any permit as it deems necessary or according to a request by the permittee for a revision acceptable to the Department by written notice. Such revision becomes effective 48 hours after deposit in the United States mail or upon personal service.

Sec. G-IV 3.B.13 Term of Permit

The permittee shall complete the use authorized by a permit within the time specified in the permit. If, at any time, the Department finds that delay in beginning, prosecuting or completing the use is due to lack of diligence by the permittee, it may cancel the permit

and restore the right-of-way to its former condition. The permittee shall reimburse the County for all expenses incurred by the Department in restoring the right-of-way, plus 15% as administrative costs. If the use is not begun within the time stated in the permit, then the permit shall become void, unless before its expiration the time for beginning has been extended in writing by the Department.

Sec. G-IV 3.B.14 Notice of Completion

Upon completion of any act for which a permit has been granted, the permittee shall notify the Department in writing on a form prescribed by the Department. No work shall be deemed completed without such notice.

Sec. G-IV 3.B.15 Movement of Vehicles

When authorized by a permit to move a vehicle or combination of vehicles or loads of dimension, height or other characteristics generally prohibited by law, the permittee, unless exempt by a special permit, shall comply with the general law regulating travel over any road or highway, including:

- A. Posted signs or notices which limits speed or direction of travel;
- B. Weight which may be placed on a structure;
- C. The width or height that may be moved; or
- D. Other restrictions or control of traffic on a road or highway.

The permittee shall at all times conform to and abide by the practice and procedure necessary to make safe and convenient the travel of the general public and to keep safe and preserve the road or highway over and on which movement is being made. Any violation of this section shall automatically cancel the permit issued to the permittee. The permittee shall comply with all applicable provisions of California law, Chapter IV, Article 4, Section A 4.1, et seq. of the Government Code including restoration of the highway, placement of mailboxes, etc.

Sec. G-IV 3.B.16 Disclaimer of Liability

This ~~Chapter Article~~ shall not be construed as imposing upon the County or any official or employee any liability or responsibility for damages to any person injured by the performance of any work for which the permit is issued hereunder, nor shall the County or any official or employee thereof be deemed to have assumed any liability or responsibility by reason of inspections authorized hereunder.

Sec. G-IV 3.B.17 Violations/Infractions

Any person who violates any provision of this Chapter 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 ordinance (section) within a 12-month period and \$500 for a third or subsequent violation of the same ordinance (section) within a 12-month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

Sec. G-IV 3.B.18 Nuisance Abatement

Any act in violation of any provision of this Chapter is hereby declared to constitute a public nuisance, the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner prescribed by law.

Sec. G-IV 3.B.19 Non-Exclusive Remedies

Remedies provided hereunder are not exclusive and are in addition to any other remedy or penalty provided by law.

Sec. G-IV 3.B.20 Enforcement Official

The Director of Public Works shall be the person primarily responsible for enforcing the provisions of this Chapter. In addition, the Nevada County Sheriff shall also be responsible for enforcing the provisions of this Chapter and, to the extent any violation is designated to be an infraction, the Code Compliance Division of the Nevada County Planning Department is also authorized to enforce the provisions of this Chapter.

EXHIBIT C

GENERAL CODE

CHAPTER IV: GENERAL REGULATIONS

ARTICLE SECTION 6: SIGNS—~~Written Authorization~~ ENCROACHMENT PERMIT WRITTEN AUTHORIZATION

Sections:

- Sec. G-IV 6.1 Signs Upon County Roadways Property — Encroachment Permit ~~Written Authorization~~ Encroachment Permit Written authorization - Required
- Sec. G-IV 6.2 Signs Upon County Property - Written Authorization or Encroachment Permit ~~Encroachment Permit~~ Written authorization - Not to bBe Issued for Strictly Private Signs
- Sec. G-IV 6.3 Signs Upon County Property - Written Authorization ~~Encroachment Permit~~ Written authorization - To bBe Issued wWith Limitations if Public Benefit Shown
- Sec. G-IV 6.4 Violations/Infractions

Sec. G-IV 6.1 Signs Upon County Roadways Property - ~~Encroachment Permit~~ Written authorization ~~Written Authorization~~ — Encroachment Permit Required

No signs shall be erected, placed or maintained upon any cCounty road ~~or e~~County ~~property~~ without first obtaining from the Director of Public Works an encroachment Permit. ~~written authorization from the Director of Public Works~~ Facilities ~~an encroachment permit~~ written authorization Facilities.

Sec. G-IV 6.2 Signs Upon County Property - Written Authorization or Encroachment Permit ~~Encroachment Permit~~ Written authorization - Not to bBe Issued for Strictly Private Signs

The Director of ~~Public Works~~ Facilities ~~not~~ the Director of Public Works Facilities shall not grant an ~~encroachment permit~~ Written A uthorization or an encroachment Permit for a sign which is strictly private in nature including political, real estate, sales, events, etc.

**Sec. G-IV 6.3 Signs Upon County Property - Written Authorization
~~Eneroachment Permit~~Written authorization- To bBe Issued wWith Limitations
if Public Benefit Shown**

Where a sign is proposed by a private individual and/or company and the Director of ~~Public Works~~Facilities determines that there will be a public benefit, ~~an eneroachment permit~~written authorization may be granted on the following conditions:

1. The cost of the sign installation shall be paid for by the proponent.
2. That the sign shall become publicly owned and maintained.
3. The standards for the type, size and placement of information or semi-public signs shall be determined in each case by the Director of ~~Public Works~~Facilities using accepted engineering practices.
4. The Director of ~~Public Works~~Facilities shall collect the costs provided herein prior to the issuance of the ~~eneroachment permit~~written authorization. No charge shall be made for signs placed and maintained for governmental entities.
5. The Director of ~~Public Works~~Facilities may limit the term of the ~~eneroachment permit~~written authorization.

Sec. G-IV 6.4 Violations/Infractions

- A. Violation of the provisions of this ~~Section~~Article shall be an infraction and upon correction thereof, there shall be a mandatory fine imposed as follows:
1. For a first violation, a fine of one hundred dollars (\$100).
 2. For a second violation of the same ordinance (section) within a twelve-month period, a fine of two hundred dollars (\$200).
 3. For a third or subsequent violation of the same ordinance (section) within a twelve-month period, a fine of five hundred dollars (\$500).

(Authority: ~~Cal Government Code Section~~Gov't Code § 25132.)

- B. The Nevada County Code Enforcement Officer(s) ~~(as established in Section L-II 37.5(b))~~ shall be responsible for the enforcement of this ~~Section~~Article.

EXHIBIT C

NEVADA COUNTY GENERAL CODE CHAPTER IV: GENERAL REGULATIONS

ARTICLE-SECTION 17 - PARKING FOR DISABLED 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/Privately 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 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 §§ 9105 or 22511.5.
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 are subject to any temporary parking prohibitions established by the County of Nevada.

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

The Facilities 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. All provisions of the California Building Code 11B-502 & 503 shall apply.

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

The County hereby declares that there are privately owned and operated parking facilities which may reserve parking stalls for exclusive use by disabled persons. .
All provisions of the California Building Code 11B-502 & 503 shall apply.

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,~~ Whenever a parking space is so designated, it shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. A sign shall be posted immediately adjacent to and visible from the space consisting of a profile view of a wheelchair with occupant in white on a blue background. Signs shall be reflectorized with a minimum area of seventy (70) square inches.

The sign required pursuant to paragraph (1) shall clearly and conspicuously state the following: "Minimum Fine \$250." This paragraph applies only to signs for parking spaces constructed on or after July 1, 2008, and signs that are replaced on or after July 1, 2008. An additional sign may be placed below the International Symbol of Accessibility, stating "Minimum Fine \$250".

If the loading and unloading area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans is to be marked by a border and hatched lines, the border shall be painted blue and the hatched lines shall be painted a suitable contrasting color to the parking space. Blue or white paint is preferred. In addition, within the border the words "No Parking" shall be painted in white letters no less than 12 inches high. ~~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 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 posted immediately adjacent to, and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

The sign shall also clearly and conspicuously state the following: “Minimum Fine \$250.” This subparagraph applies only to signs for parking spaces constructed on or after July 1, 2008, and signs that are replaced on or after July 1, 2008, or as the State Architect deems necessary when renovations, structural repair, alterations, and additions occur to existing buildings and facilities on or after July 1, 2008. An additional sign may be placed below the International Symbol of Accessibility, stating “Minimum Fine \$250”.

By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant.

The loading and unloading area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans shall be marked by a border and hatched lines. The border shall be painted blue and the hatched lines shall be painted a suitable contrasting color to the parking space. Blue or white paint is preferred. In addition, within the border the words “No Parking” shall be painted in white letters no less than 12 inches high. This subparagraph applies only to parking spaces constructed on or after July 1, 2008, and painting that is done on or after July 1, 2008, or as the State Architect deems necessary when renovations, structural repair, alterations, and additions occur to existing buildings and facilities on or after July 1, 2008.

A. By outlining a profile view of a wheelchair with occupant in white on a blue background, of the same dimensions as in paragraph (2). The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space. ~~consisting of the International Symbol of Access.~~

In 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 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 a profile view of a wheelchair with occupant in white on a blue background.

The sign shall also clearly and conspicuously state the following: “Minimum Fine \$250.” This subparagraph applies only to signs for parking spaces constructed on or after July 1, 2008, and signs that are replaced on or after July 1, 2008, or as the State Architect deems necessary when renovations, structural repair, alterations, and additions occur to existing buildings and facilities on or after July 1, 2008. An additional sign may be placed below the International Symbol of Accessibility, stating “Minimum Fine \$250”.

By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant.

The loading and unloading area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans shall be marked by a border and hatched lines. The border shall be painted blue and the hatched lines shall be painted a suitable contrasting color to the parking space. Blue or white paint is preferred. In addition, within the border the words “No Parking” shall be painted in white letters no less than 12 inches high. This subparagraph applies only to parking spaces constructed on or after July 1, 2008, and painting that is done on or after July 1, 2008, or as the State Architect deems necessary when renovations, structural repair, alterations, and additions occur to existing buildings and facilities on or after July 1, 2008.

~~B. By outlining a profile view of a wheelchair with occupant in white on a blue background, of the same dimensions as in paragraph (2). The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space, consisting of the International Symbol of Access.~~

C.D. 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 parked in designated assessable spaces and not displaying distinguishing placards or license plates issued for disabled persons with disabilities

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.E. SPECIFICATIONS. When parking spaces are made available to 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.
- All provisions of the California Building Code 11B-502 & 503, and other applicable State and Federal law shall apply.

EXHIBIT C

GENERAL CODE

CHAPTER IV - GENERAL REGULATIONS

~~ARTICLE~~SECTION 23: SMOKING POLLUTION CONTROL

Sections:

Sec. G-IV 23.1 Title

Sec. G-IV 23.2 ~~Reserved Findings and Purpose~~

Sec. G-IV 23.3 Definitions

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

Sec. G-IV 23.5 Smoking Prohibited - Elevators

Sec. G-IV 23.6 Hospitals and Health Care Facilities

Sec. G-IV 23.7 Smoking Prohibited - Public Meeting Rooms

Sec. G-IV 23.8 Smoking Prohibited - Theaters and Auditorium

Sec. G-IV 23.9 Smoking Prohibited - Public Restrooms

Sec. G-IV 23.10 Smoking Prohibited - Indoor Service Lines

Sec. G-IV 23.11 Restaurants

Sec. G-IV 23.12 Regulation of Smoking in the Office Workplace

Sec. G-IV 23.13 Smoking Prohibited in Public Areas at Various Places

Sec. G-IV 23.14 ~~Reserved Cardroom Exception~~

Sec. G-IV 23.15 Posting of Signs Required

Sec. G-IV 23.16 Compliance

Sec. G-IV 23.17 Where Smoking is Not Regulated

Sec. G-IV 23.18 Penalty

Sec. G-IV 23.19 Non-Retaliation

Sec. G-IV 23.20 ~~Reserved Severability~~

Sec. G-IV 23.1 Title

This ~~Article~~Chapter shall be known as the Smoking Ordinance of Nevada County.

Sec. G-IV 23.2 ~~Reserved~~ Findings and Purpose

The Nevada County Board of Supervisors hereby finds that:

~~A.— Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and~~

~~B.— Reliable studies have shown that breathing second hand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and~~

~~C.— Health hazards induced by breathing second hand smoke include lung cancer, heart disease, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and~~

~~D.— Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing second hand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and~~

~~E.— Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking in public places of employment.~~

~~F.— Accordingly, the Board of Supervisors finds that the health, safety, and general welfare of the residents of, persons employed in, and persons who frequent this County would be benefited by the regulation of smoking in enclosed places, including places of employment~~

Sec. G-IV 23.3 Definitions

The following words and phrases, whenever used in this ~~Article~~Chapter, shall be construed as defined in this Section:

A. BAR means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

B. BINGO FACILITY means any enclosed place in which and during such time as any bingo game, permitted under the provisions of ~~Article 15 of this Code~~chapter, is being conducted.

C. EMPLOYEE means any individual who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers ~~his or her~~their services for a non-profit entity.

D. EMPLOYER means any person that employs the services of one or more individuals.

E. ENCLOSED means closed in by roof and four walls with appropriate openings for ingress and egress, including covered parking lots, lobbies, lounges, waiting areas, elevators, stairwells, and restrooms.

F. PLACE OF EMPLOYMENT means any enclosed area under the control of an employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, classrooms, cafeterias, and hallways. Notwithstanding the preceding sentence, none of the following is a place of employment:

1. A private residence is not a place of employment unless it is used as a child-care or a health-care facility;
2. A bingo facility.

G. PUBLIC PLACE means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to: banks, educational facilities, health facilities, public transportation facilities, reception areas, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms, unless such place is subject to another definition set forth in this Section.

H. RESTAURANT means any coffee shop, cafeteria, tavern, private or public school cafeteria, and any other eating establishment, which gives or offers food for sale to the public, guests, patrons, or employees, except that the term “restaurant” shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a “bar” as defined in ~~Section G-IV-23.3.A~~this Code.

I. SERVICE LINE means any indoor line at which one or more individuals is waiting for or receiving service of any kind, whether or not such services includes the exchange of money.

J. SMOKING means the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or the lighting of or the emitting or inhaling the smoke of a pipe, cigar, or cigarette, or tobacco product of any kind.

K. SPORTS ARENA means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where

members of the public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

L. TOBACCO PRODUCT means any of the following:

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

3. Any component, part, or accessory of a tobacco product, whether or not sold separately.

4. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose (Cal. Bus. & Prof. Code §22950.5)..

5. This definition includes but is not limited to any revisions in California State Statute.

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 except in areas where the County Administrator may designate as smoking areas. The County Administrator may designate a smoking area only if the area involved:

1. Is not in an enclosed workplace and meets all of the regulations of Cal. Lab. Code §§6400-6413.5; ~~regularly open to the public~~; and

2. ~~Is not within 20 feet of main exit, entrance, and operable windows of all county buildings. Does not require major room or building modification; and~~

3. ~~Is determined not to create a fire risk.~~

3.—~~Is not regularly occupied by non-smokers.~~

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

Sec. G-IV 23.5 Smoking Prohibited - Elevators

Smoking is prohibited and is unlawful within elevators and buildings generally used by and open to the public, including elevators in office, hotel, and multi-family buildings.

Sec. G-IV 23.6 Hospitals and Health Care Facilities

A. Smoking is prohibited and is unlawful in public areas of health care facilities and hospitals, as defined in ~~Section~~Cal. Health & Safety Code § 1250 ~~of the California Health and Safety Code~~, including waiting rooms, public hallways and lobbies, except in specially designated smoking areas of long term health care facilities., ~~which may be all or part of a public area.~~

B. ~~Reserved. Every publicly or privately owned health care facility, including hospitals, shall make a reasonable effort to determine preference and to assign patients place in bed space utilized for two or more patients according to the patient's individual non-smoking or smoking preference.~~

C. ~~In bed space areas utilized for two or more patients, smoking shall be prohibited for hospital staff, visitors, and the general public. "STAFF AND VISITOR SMOKING PROHIBITED" signs shall be conspicuously posted in such bed space areas.~~

Sec. G-IV 23.7 Smoking Prohibited - Public Meeting Rooms

Smoking is prohibited and is unlawful in hearing rooms, conference rooms, chambers, places of public assembly in which public business is conducted, which requires or provides direct participation or observation by the general public.

Sec. G-IV 23.8 Smoking Prohibited - Theaters and Auditorium

Smoking is prohibited and is unlawful in every publicly or privately owned building or enclosed facility which is open to the public for the primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event, or any other performance or event in all areas except either in that area commonly known as the lobby, or in areas not open to the public. An exception is if smoking is an integral part of the story in a theatrical production.

Every theater owner and/or manager shall post signs conspicuously in the lobby stating that smoking is prohibited within the theater.

Sec. G-IV 23.9 Smoking Prohibited - Public Restrooms

Smoking is prohibited and is unlawful in public restrooms.

Sec. G-IV 23.10 Smoking Prohibited - Indoor Service Lines

Smoking is prohibited and is unlawful in indoor service lines in which more than one person is giving or receiving services of any kind.

Sec. G-IV 23.11 Restaurants

A. ~~Smoking is prohibited in a~~All restaurants, ~~shall provide a non-smoking area for eighty (80) percent of the restaurant's total seating capacity. In addition, each restaurant shall be required to post an 8 1/2" x 11" placard with a colored border one (1) inch in width to be prominently displayed at the entrance to the restaurant, which placard shall be designed as follows:~~

1. ~~For restaurants which prohibit smoking in 100% of the restaurant's total seating capacity, the 8 1/2" x 11" placard shall have a green border one (1) inch in width. The language within the boundaries of the placard's green border shall read: "This is a Nonsmoking Restaurant".~~

2. ~~For restaurants which prohibit smoking in eighty (80) percent of the restaurant's total seating capacity, the 8 1/2" x 11" placard shall have a red border one (1) inch in width. The language within the boundaries of the placard's red border shall read: "Smoking Allowed."~~

B. ~~Smoking may be permitted in any room(s) used for private functions, but only while any such room is used for such private functions.~~

Sec. G-IV 23.12 Regulation of Smoking in the Office Workplace

A. Within ninety days of the effective date of the ordinance codified in this Chapter each employer shall adapt, implement and maintain a written smoking policy which shall contain at a minimum the following:

1. Prohibition of smoking in employer conference and meeting rooms, classrooms, auditoriums, restrooms, medical facilities, hallways and elevators;

2. Provision and maintenance ~~that smoking shall not occur of an exclusive no-smoking area~~ in cafeterias, lunchrooms, and employee lounges, ~~of less than six hundred fifty square feet in area. Provision and maintenance of a contiguous no-smoking area of not less than two-thirds (2/3) of the seating capacity and floor space in employee cafeterias,~~

~~lunchrooms, and lounges of six hundred fifty or more square feet in area. Fifty percent (50%) of outdoor eating area seating shall be reserved and designated a non-smoking area; and provided that with respect to employee lounges where there is more than one such lounge in any building, an employer may comply with this section by designating not less than half the square footage of such lounges as no smoking. The employer shall define the term “lounge” in its smoking policy.~~

~~3.— Any employee in the office workplace shall be given the right to designate his or her their immediate area as a non-smoking area and to post it with appropriate signs or sign. The policy adopted by the employer shall include a definition of the term “immediate work area” which gives preferential consideration to non-smokers.~~

43. In any dispute arising under the smoking policy, the rights of the non-smoker shall be given precedence.

45. Except where other signs are required, whenever smoking is prohibited, conspicuous signs shall be posted so stating, containing all capital lettering not less than one inch in height, on a contrasting background. Signs of similar size containing the international “no smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) may be used in addition to or in lieu of any signs required hereunder.

B. The smoking policy shall be communicated to all employees within three weeks of its adoption.

C. Notwithstanding ~~any other the~~ provisions of ~~subsection A of~~ this Ssection, every employer shall ~~have the right to~~ designate any office workplace as a non-smoking area.

D. This section is not intended to regulate smoking in the following places and under the following conditions:

1. A private home which may serve as an office workplace;

2. Any property owned or leased by other governmental agencies;

~~3.— A private enclosed office workplace occupied exclusively by smokers, even though such an office workplace may be visited by non-smokers, excepting places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.~~

Sec. G-IV 23.13 Smoking Prohibited in Public Areas at Various Places

Smoking is prohibited and unlawful in all areas of the following establishments which are available and customarily open to the general public:

- A. All enclosed areas available to and customarily used by the general public and all businesses patronized by the public including, but not limited to, retail stores, hotels and motels, pharmacies, banks, professional offices and other offices;
- B. In public areas of museums and galleries;
- C. Retail food marketing establishments, including grocery stores and supermarkets except those areas of such establishments set aside for the serving of food and drink, restrooms, offices, and areas thereof not open to the public, which may be otherwise regulated by this Chapter article;
- D. Public schools and other public facilities under the control of a public agency other than the County are available to and customarily used by the general public;
- E. Sports arenas, ~~except in any area designated as a smoking area by the owner, operator, manager, or other person who controls the facility;~~
- F. Within any bingo facility. ~~provided, however, that this prohibition does not prevent (1) the designating of a contiguous area within the bingo facility that contains no more than fifty percent of the seating capacity of the bingo facility as a smoking area or (2) the providing of separate rooms designed as smoking rooms so long as said rooms do not contain more than fifty percent of the seating capacity of the bingo facility.~~
- G. Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment described in this Section may declare the entire establishment as a non-smoking establishment.

Sec. G-IV 23.14 Reserved. ~~Cardroom Exception~~

~~Notwithstanding any other provision of this Chapter, smoking may be permitted in cardrooms licensed pursuant to this Code.~~

Sec. G-IV 23.15 Posting of Signs Required

Except where other signs are required, whenever in this Code smoking is prohibited, conspicuous signs shall be posted so stating, containing all capital lettering not less than one inch in height, on a contrasting background. Said signs shall be placed by the owner, operator, manager, or other persons having control of such ~~room, building or other~~ place where smoking is prohibited.

Sec. G-IV 23.16 Compliance

A. While the smoking prohibition set forth in state statute constitutes a uniform statewide standard for regulating smoking, tThe County Administrator or ~~his or her~~ their designated representative ~~may shall~~ be responsible for compliance with this Chapter as to facilities which are owned, operated or leased by the County.

B. The owner, operator or manager of any facility, business or agency within the purview of this Chapter shall comply with the provisions of this Chapter. For purposes of this Section, an employer or owner-operator of an owner-operated business who permits any nonemployee access to their place of employment or owner-operated business on a regular basis has not acted knowingly or intentionally in violation of this section if they have taken the following reasonable steps to prevent smoking by a nonemployee:

1. Posted clear and prominent signs, as follows:

(A) Where smoking is prohibited throughout the building or structure, a sign stating “No smoking” shall be posted at each entrance to the building or structure.

(B) Where smoking is permitted in designated areas of the building or structure, a sign stating “Smoking is prohibited except in designated areas” shall be posted at each entrance to the building or structure.

2. Has requested, when appropriate, that a nonemployee who is smoking refrain from smoking in the enclosed workplace or owner-operated business (Cal. Lab. Code 6404.5 (d). Such owner, operator or manager shall post or cause to be posted all no smoking signs required by this Chapter and shall not allow service to any person who violates this Chapter by smoking in a posted no smoking area.

C. Any place of employment conducted or operated without compliance with the provisions of ~~Section G-IV 23.12 of~~ this Chapter applicable thereto shall be and the same is declared to be a public nuisance. Whenever there is reason to believe such public nuisance exists, any affected employee or any resident of the County, in ~~his or her~~ their own name, may maintain an action in equity to abate and prevent such nuisance and to perpetually enjoin the employer from maintaining or permitting it. Upon the granting of equitable relief, in whole or in part, by a court of competent jurisdiction, an employer determined to be in violation of ~~Section G-IV 23.12 of~~ this Chapter shall be liable for the attorney’s fees, as may be determined by the court, incurred by the party bringing the action.

D. The County Administrator or ~~his or her~~ their designee may enforce ~~Section G-IV 23.12 of~~ this Chapter by either of the following actions:

1. Serving notice to any person, firm, company, corporation, or association requiring the correction of any violation of that ~~S~~section; or

2. Issuing a citation to any person, firm, company, corporation, or association in violation of that ~~S~~section.

E. Any employer who violates workplace smoking restrictions Section G-IV 23.12 of this Chapter, or state statutes, may be liable for a civil penalty, not to exceed one thousand dollars (\$1,000), which penalty shall be assessed and recovered in a civil action brought in the name of the people of the County. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any penalty assessed and recovered in an action brought pursuant to this subsection shall be paid to the County Treasurer.

F. In undertaking the enforcement of workplace smoking restrictions Section G-IV 23.12 of this Chapter, the County is assuming an undertaking only to promote the general welfare. It is not assuming any duty or obligation, nor is it imposing any duty or obligation on its officers and employees, nor is it liable in money damages or otherwise to any person who claims that (1) the County or one of its officers or employees breached any such obligation, and (2) the breach proximately caused injury.

Sec. G-IV 23.17 Where Smoking is Not Regulated

Notwithstanding any other provision of this Chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this Chapter:

- A. Private residences, except when used as a ~~child care~~childcare or health care facility.
- B. Twenty percent of hHotel and motel rooms rented to guests, ~~unless posted otherwise.~~
- C. Retail tobacco stores and private smoking lounges.
- D. ~~Reserved. A private enclosed office workplace occupied exclusively by smokers, even though such an office workplace may be visited by non-smokers.~~
- E. Any area exterior to the building in which the establishment or facility but not within 20 feet of main exit, entrance, and operable windows of all county buildings. is located.
- F. Cabs of motortrucks, if nonsmoking employees are not present. Any enclosed rooms in an establishment or facility which are being used entirely for private functions.
- G. Patient smoking areas in long-term health care facilities, as defined in Cal. Health & Safety Code § 1418.
- G. ~~Bars.~~

Sec. G-IV 23.18 Penalty

Whenever any act is prohibited by this Chapter or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation shall be deemed an infraction, and upon conviction thereof there shall be a fine imposed as follows (Cal. Govt. Code §Section 25132):

- A. For a first offense, a fine of one hundred dollars (\$100.00).
- B. For a second offense of the same ordinance or section within a twelve month period, a fine of two hundred dollars (\$200.00).
- C. For a third or subsequent violation of the same ordinance or section within a twelve month period, a fine of five hundred dollars (\$500.00).

Sec. G-IV 23.19 Non-Retaliation

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this Chapter.

Sec. G-IV 23.20 Severability Reserved

If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or applications, and to this end the provisions of this Chapter are declared to be severable.